The Planning Inspectorate

Appeal Decision

Site visit made on 30 June 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2020

Appeal Ref: APP/G2713/D/20/3250461
Dovedale, Bagby Village Street, Bagby YO7 2PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mathew Knowles against the decision of Hambleton District Council.
- The application Ref 19/02648/FUL, dated 15 December 2019, was refused by notice dated 10 February 2020.
- The development proposed is a two-storey rear extension and new double garage.

Decision

1. The appeal is dismissed in so far as it relates to the double garage. The appeal is allowed in so far as it relates to the two-storey rear extension and planning permission is granted for a two-storey rear extension at Dovedale, Bagby Village Street, Bagby YO7 2PF in accordance with the terms of the application Ref: 19/02648/FUL, dated 15 December 2019, and drawing numbers KNO/02 and KNO/03, so far as relevant to the part of the development hereby permitted and subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, KNO/02 and KNO/03.

    3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the rear extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the area and the setting of East Farm House, a Grade II Listed Building.

Reasons

Character and appearance and the setting of East Farm House

3. The appeal property is located in the village of Bagby a small settlement located to the south west of Thirsk. The village is linear in form with clusters of older traditional cottages and farmhouses interspersed with more modern development which includes a range of house types and styles.

4. On the northern side of the road the building line is very consistent, buildings are set back behind front gardens and there is a footpath running alongside the main road. On the southern side, there is some variation in the building line, there are several short terraces and a former Methodist church located close to the roadside however, the majority of buildings are set back from the road behind a grass verge. Tall hedging is prevalent, particularly at the eastern end of the village and overall, there is a spacious verdant character.

5. The appeal property is a modern detached house in a row of three similar properties on the southern side of Bagby Road. It is on an elevated site that is accessed via sloping driveway. As such, it is relatively prominent in the street scene.

6. The proposal would see the construction of a two-storey extension to the rear of the appeal property. The extension would be set away from the shared boundaries on either side and would be in keeping with the host property in terms of design, materials and scale. The Council has raised no objection to the rear extension, and I have no reason to disagree with this view. Accordingly, I am satisfied that this element of the proposal complies with the design and character and appearance requirements of Policies CP1 and CP17 of the Hambleton Core Strategy 2007 (CS),DP32 and DP10 of the Hambleton Local Development Framework, Development Policies 2008 (LDFDP) and the Domestic Extensions Supplementary Planning Document 2009 (SPD).

7. The proposed garage would be set forward of the principal elevation of the appeal property and that of the houses on either side. It would lie on the property boundary alongside the highway verge and within approximately 2 metres of the road. Contrary to the other properties within the village that are located close to the road, the proposed garage would offer a blank, featureless elevation, approximately 8 metres long to the main road.

8. I accept that the garage would be partially screened by the existing hedge however, there is nothing to prevent the removal of the hedge in the future which would lead to open, unrestricted views of the garage from the street. Furthermore, whilst I note that the appellant's submission suggests that the garage would be set at the same level as the road I saw during my site visit that there is currently a change in ground level between the road and the proposed garage site of around 1 metre. I have not been provided with any technical information in the form of a sectional drawing or otherwise which would persuade me that the garage could be set lower that the current ground level. Nonetheless, even if the garage was at the level of the adjacent road, the roof and west elevation of the garage would still be prominent in the street scene.

9. Consequently, I consider that given its size, bulk and positioning so close to the road the proposed garage would introduce an incongruous and unattractive element to the street scene that would fail to harmonise with the surrounding street scene thus detrimentally impacting on the prevailing character and appearance of the area. In this regard it would be contrary to Policies CP1 and CP17 of the CS, DP32 and DP10 of the LDFDP and the SPD which collectively

require that new development is of quality design that respects and enhances the character and appearance of an area.

10. On the opposite side of the main road from the appeal property lies East Farm House, a Grade II listed building dating from the C18 and C19. It is formed by two houses of two storeys, constructed in stone with pan tiled roofs, decorative brickwork and sash windows. Its significance is likely derived from its historical role within the social fabric of the rural village as well as its architectural quality. Part of the building is obscured by a tall hedge, although it is still possible to appreciate the significance of the building and its setting in the context of the wider village.

11. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be given to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Paragraph 193 of the Framework also requires that great weight should be given to the conservation of heritage assets. Policies CP16, DP28 and DP30 of the LDFDP seek to, amongst other things, preserve or enhance all aspects that contribute to the character and appearance of a heritage asset or its setting.

12. The National Planning Policy Framework (the Framework) defines setting as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. In the context of this appeal, the setting of East Farm House includes the streetscape of the main road through Bagby Village and its physical and visual relationship with its immediate surroundings insofar as it applies to the proposal to construct a detached double garage close to the highway.

13. When viewed from the main road and in the context of the listed building, I consider that the proposed garage and in particular, the apex of the roof, would appear visually prominent in the street scene and as a result it would have a detrimental effect on the setting of the listed building, resulting in less than substantial harm. In the context of paragraph 196 of the Framework this harm should be weighed against the public benefits of the proposal.

14. The appellant submits that the garage is needed to provide secure accommodation for the increased car ownership of the household. However, this is a private benefit that would not outweigh the less than substantial harm to which I must attach great weight.

15. I have considered the numerous examples of other garage developments that the appellant has put forward as examples of similar proposals. Based upon the very limited information I was provided with I can see that the examples are not directly comparable. One appears to be located out with a settlement limit in an open rural location, another is within a settlement but set back some distance from the road and the property boundary although I do accept that it is forward of the building line. Nonetheless, I have determined this appeal on its own individual merits and the presence of similar developments in the locality does not justify the harm that I have identified.

Conditions

16. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to materials is also necessary to ensure that the appearance of the new extension is satisfactory.

Conclusion

17. The appeal proposal includes two separate elements. The two storey rear extension is acceptable, and complies with relevant planning policies. This development is clearly severable from the remainder of the scheme, as it is physically and functionally independent. Therefore, I shall issue a split decision in this case, and allow the rear extension.

18. In respect of the double garage, I have concluded that this would have a detrimental impact on the character and appearance of the area and would cause less than substantial harm to the setting of the nearby listed building. This harm would not be outweighed by any public benefits. Therefore, I dismiss the appeal in respect of the double garage.

J Hunter

INSPECTOR