The Planning Inspectorate

Appeal Decision

Site visit made on 13 August 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2020

Appeal Ref: APP/G2713/W/20/3251709
Burniston and Stonehall (The Nursery), Stockton Road, Thirsk, North Yorkshire YO7 2LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is made by Mr John Swales against the decision of Hambleton District Council.
- The application Ref 18/01717/FUL, dated 10 August 2018, was refused by notice dated 15 November 2019.
- The development proposed is to demolish the day nursery, Stockton Road, and to replace with 5 detached houses.

Decision

1. I dismiss this appeal.

Application for costs

2. An application for costs was made by Mr Swales against Hambleton District Council in connection with this appeal. That application is the subject of a separate Decision.

Main Issues

3. The main issues are:

    - Whether the proposed development complies with the Council's policies concerning preferred housing type and size.
    - Whether the proposed development would harm the character and appearance of the area with particular regard to massing;
    - Whether the proposed development would harm the living conditions of neighbouring occupants with particular regard to overshadowing and overlooking; and
    - Whether the means of vehicular access to Plot 5 provides sufficient space for parking.

Housing Type and Size

4. The development proposal would be located on an oblong shaped site currently occupied by a detached dwelling and a former children's nursery adjacent to Stockton Road just outside Thirsk town centre. The proposed development comprises the demolition of the two aforementioned buildings and their

replacement by 5 detached, 5-bedroomed 3-storey dwellings. By virtue of their size the dwellings would be capable of providing for multi-generational (or '3-G' living) which would allow middle-aged people to look after their elderly parents.

5. The Council's policy is to ensure that proposals for new housing on all allocated and windfall sites, irrespective of size, provide a mix of dwellings in terms of size, type and tenure to meet the needs of all sections of the community and promote social cohesion. The site is not allocated for development and is thus a windfall site.

6. This policy objective is supported by data set out by the Council in its subsequently published Size, Type and Tenure of New Homes Supplementary Planning Document 2015 (SPD). According to Table 7 around 76% of those surveyed in 2011 and wanting to move within the following 2 years were looking for a 2 or 3-bedroom dwelling.

7. A letter submitted on behalf of the Appellant by a local agent contends, however, that there is a current need for larger, executive housing in Thirsk. Moreover, the Housing Needs Study is now almost 15 years old. The House Builders Federation has submitted comments to the emerging Hambleton Local Plan challenging the proposed policy concerning housing mix and type.

8. Notwithstanding these submissions, however, I have not been provided with any convincing evidence to suggest that the Council's policy objective of securing more, smaller dwellings is no longer relevant or applicable.

9. Consequently, for the reasons given above, the proposed development would fail to provide a mix of housing size and type on the windfall site. It would, therefore, fail to accord with Policies CP8 and DP13 of the Hambleton Core Strategy 2007 (CS) and the Hambleton Development Policies 2008 (DP) respectively which seek to ensure that proposals for new all new housing development takes account of local housing needs in terms of size and type. It would not, however, conflict with Policy CP7 of the CS which concerns the phasing of land release.

10. It would also fail to accord with the advice set out in the SPD that more, smaller homes should be provided across the district. Finally, it would not accord with Paragraph 61 of the National Planning Policy Framework (the Framework) which seeks to ensure that a range of size and type of dwellings is delivered through the planning system.

Character and Appearance

11. The proposed development would sit within an established residential area on the north side of Thirsk. The section of Stockton Road on either side of the site includes several, large detached dwellings. To the rear of the site is a new estate comprising detached and semi-detached family dwellings along Stoneybrough Lane.

12. Some of the dwellings along Stockton Road are set back from the highway and are screened by hedges or trees. The proposal is that the hawthorn hedging along the front of the site would be retained but that some ash trees and the conifers to the rear would be removed. The retained hawthorn hedging would provide an element of screening for the 5 dwellings although the Appellant's plans do not show elevations containing landscaping.

13. The proposed dwellings would be one storey higher than the neighbouring buildings. The submitted drawings do not show the proposed dwellings in comparison to their immediate neighbours but it is reasonable to conclude that the difference in height would be evident. As a result, the new dwellings would be very prominent along Stockton Road and would look incongruous when seen against the neighbouring dwellings.

14. The proposed dwellings would occupy about 20% of the site. As a result, most of the space within the site would be taken up by private gardens and driveways. This would mean that, in terms of 2-dimensional development density the proposed development would be in keeping with other residential within the area.

15. The development would result in the removal of the now redundant former children's nursery. However, this building is not conspicuous, being screened by hedges and trees. Part of the site is used as a means of access to Stoneybrough Lane. There was no obvious evidence that the site was being used for any anti-social purposes. However, irrespective of my observations, whilst the general appearance of the site is a consideration that I have regard to it is one to which I attach very limited weight.

16. Consequently, because of the height of the proposed dwellings, the development would cause harm to the character and appearance of the area. As a result, it would fail to accord with Policies CP1(x) and DP32 (I, vi and vii) of the CS and DP respectively which advise that new development should be of a scale and appearance so as to protect the character and the setting of the local area.

17. In addition, it would also be contrary to the advice set out in Paragraph 130 of the Framework that new development should be of a good quality design so as not to harm the character of the area.

Living Conditions

18. Plots 1 and 5 of the proposed development would be close, respectively, to the side elevations of 'Serendipity' and 'The Beeches', two houses which front on to Stockton Road. Neither house has a principal window facing the proposed dwellings and so there would be no harm to the living conditions of the occupants.

19. The proposed dwellings would be taller than their immediate neighbours. However, none of the dwellings are close to the rear elevations of the dwellings along Stoneybrough Lane and so would not cause any harm through overshadowing or overlooking.

20. For the reasons set out above the proposed development would not cause harm to the living conditions of any of the neighbouring occupants on Stockton Road or Stoneybrough Lane. It would, therefore, accord with Policy DP1 of the CS which seeks to ensure that new development respects the living conditions of neighbouring occupants. Furthermore, it would accord with the advice set out in Paragraph 127 of the Framework that new development should protect the living conditions of neighbours.

Vehicular Access and Parking

21. The garage and driveway for Plot 5 would be located in the rear garden with access from Stoneybrough Lane via an existing dropped kerb. The submitted drawing titled 'SITE PLAN 2 – Showing PLOT 5 site extension to Stoneybrough Lane' shows the location of the proposed garage but not the alignment of the driveway.

22. The plan would appear to show capacity for 2 cars; one in the garage and one on the area to the front. The issue of car parking for Plot 5 is not properly addressed in the Appellant's Statement of Evidence or in any of the Design and Access statements. However, the Council has not directed me to any parking standards.

23. The proposed development aims to cater for multi-generational living. This is likely to be associated with multiple car ownership. Plots 1-4 appear to have a greater car parking capacity than Plot 5.

24. Some occupants in Stoneybrough Lane have contended that the proposal would lead to overflow on-street parking which could create difficulties for service and emergency vehicle access. However, I consider that Plot 5 would provide satisfactory car parking capacity and therefore do not see that it would lead to on-street parking along Stoneybrough Lane.

25. Thus, the development proposal would not cause any harm to highway safety due to car parking capacity issues. It would, therefore, accord with Policy DP3 of the CS which seeks to ensure that new development provides satisfactory site accessibility and parking provision. Further, it would accord with Paragraph 107 of the Framework which advises that development should incorporate a safe and suitable access.

Other Matters

26. The development proposal would make use of previously developed land in a sustainable location and would be capable of being brought forward quickly. It would adhere to high standards of energy efficiency.

27. The comments about the relationship between the Appellant and the Council are noted. However, I have only had regard to the proposal before me, the development plan and other relevant considerations. If the Appellant considers that he has been subject to prejudicial treatment by the Council, then he should pursue that matter through the appropriate channels.

Planning Balance and Conclusion

28. The development proposal would not harm the living conditions of neighbouring occupants nor would it cause any danger to other users of the highway. Moreover, the proposal would accord with Council and Government policy by making effective use of previously developed land in a sustainable location. However, whilst these findings help support the proposal, they do not outweigh the important conflicts with the Development Plan that I have identified under the first two main issues.

29. For these reasons, the appeal proposal should be dismissed.

William Walton

INSPECTOR