
Appeal Decision

Site visit made on 1 February 2021

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 15th February 2021

Appeal Ref: APP/G2713/W/20/3262695
5 South End, Bedale DL8 2BJ

- 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 Eccles Heddon LLP against the decision of Hambleton District Council.
 - The application Ref 20/01960/FUL, dated 4 September 2020, was refused by notice dated 30 October 2020.
 - The development proposed is construction of a pair of semi-detached houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effects of the proposed development on the character and appearance of the site, its surroundings and Bedale Conservation Area; and
 - The effects of the proposed development on living conditions of the occupiers of neighbouring properties with particular reference to privacy, outlook and sense of enclosure.

Reasons

Character and Appearance of the site, its surroundings and the Conservation Area

3. The appeal site is located towards the centre of the market town of Bedale, to the rear of a terrace of commercial properties fronting South End. It currently comprises a long and narrow garden which slopes downwards to a public car park ('Auction Mart') beyond a brick boundary wall. The car park then leads down onto a public footpath alongside Bedale Beck. The garden is largely laid to lawn with a number of trees and shrubs. Together with neighbouring gardens it has an attractive green and open character and appearance.
4. The appeal site lies wholly within Bedale Conservation Area (CA), to which I pay special attention to the desirability of preserving or enhancing its character or appearance¹. In doing so, I have had regard to the Bedale Conservation Area Appraisal 2010 (CAA). This gives some useful context to the history and character of the area including the sub-area of South End.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. The significance of the CA in respect of the appeal site are the narrow gardens to the rear of properties on South End, many of which stretch down to Bedale Beck. They are characteristic of the area's Medieval heritage, being laid out on the line of the original burgage plots. These open spaces add to the character of the area, despite being generally well enclosed. At the time of my site visit (in the winter) I found that the upper floors of the buildings on South End were readily visible from both the car park and at some locations alongside the Beck. This is as a result of the increasing elevation of the site as it rises to South End. The variation of roof lines and presence of chimney stacks gives a clear indication of the historic urban grain beyond the gardens.
6. It is not unusual to see 'backland' type development in central Bedale, and I have had regard to the examples put forward by the appellant. Nonetheless, such development is primarily concentrated around Market Place, North End and Emgate. South End distinctly differs from these areas in terms of its greener, less developed character to its rear plots. The presence of the Auction Mart car park has already eroded some of the greenery, nonetheless this area retains its open character and association with the Beck.
7. The simple design of the dwellings is not objectionable subject to use of traditional materials. They would have no effect on the street scene of South End due to the presence of a continuous terrace of existing buildings. Notwithstanding this, the height and siting of the proposed pair of two storey semi-detached houses would represent a bulky and discordant structure when viewed in such close proximity to existing buildings. Whilst the development would be smaller in height than no 3 South End, no's 5 and 7 are modest cottage scale two storey buildings. The outbuilding to the rear of the 'White Bear' public house is also in very close proximity to the proposed site of the dwellings and would emphasise its cramped appearance. Unfortunately this structure is not shown on the elevations/cross section drawing and it is therefore difficult to assess its relationship in terms of height and bulk. Whilst I note the contrast of the much greater scale of the neighbouring 3 to 4 storey apartment block on Bridge Street, I find that the predominate views from the public car park and the Beck are in the context of the smaller scale older buildings around South End.
8. The proposed development would result in the loss of a range of vegetation, notably a large evergreen tree located towards the centre of the appeal site. The garden narrows where it adjoins the car park, and the removal of an existing boundary wall and vegetation would enable public views of a proposed parking area and refuse/bike storage area. There is a lack of information about how this area would be treated in terms of hard and soft landscaping and boundary treatment. Whilst I acknowledge that such details could be conditioned, it is difficult to envisage how the parking area could be effectively used with boundary treatment in place. The opening out of views here would further exacerbate the visibility of the proposed development from various viewpoints. This erosion of vegetation would serve to further increase the harm to the character and appearance of the Conservation Area. The fact that the garden currently serves commercial properties does not diminish its value.
9. Overall, by virtue of its height, scale and siting close to existing buildings and boundary features the proposed development would appear cramped, contrived and discordant with the aforementioned intrinsic character of the site and its surroundings. The effect on the significance of the CA would be harmful, albeit

less than substantial, primarily due to the loss of green open space characteristic of this particular part of Bedale. Paragraph 196 of the National Planning Policy Framework (the Framework) advises that this harm should be weighed against the public benefits of the proposal. The appellant suggests that the garden is a burden to the commercial occupiers who finance its maintenance by gardeners. This financial aspect is, however, a private benefit to which I give little weight. Public benefits include the provision of two dwellings in a central and accessible location within the market town of Bedale. This small addition to housing supply would not outweigh the harm arising from the proposal.

10. A previously proposed residential development on the appeal site for 3 dormer bungalows was dismissed on appeal in July 2020². I have no reason to dispute that the appellant has made efforts to improve the design and layout of the residential development in an attempt to overcome the previous reasons for refusal. However the previous Inspector found the principal effect of the proposed development to be a spatial one in terms of the erosion of the open area formed of historic burgage plots that remain in use as gardens in this particular part of the CA. The current proposals fail to persuade me to conclude differently.
11. In conclusion on this main issue, the proposed development would result in unacceptable harm to the character and appearance of the site and its surroundings. It would neither preserve nor enhance the character or appearance of Bedale CA. I find the harm to be less than substantial, but there are no public benefits which persuade me to conclude otherwise. It fails to comply with Policies CP16 and CP17 of the Hambleton Local Development Framework (LDF): Core Strategy 2007 (CS) and Policies DP28 and DP32 of the Hambleton LDF: Development Policies 2008 (DP). Amongst other criteria, these Policies expect development to achieve a high quality of design which will respect and enhance the local context, and protect and enhance the CA. These policies are generally consistent with paragraph 127 c) of the Framework which seeks to ensure developments are sympathetic to local character and history.

Living Conditions

12. I have already found that the proposed development would appear cramped and discordant within its surroundings. This has consequent effects for the neighbouring existing properties, both residential and commercial. There are numerous buildings within close proximity to the appeal site, with windows directly facing the rear and side of the proposed dwellings and gardens.
13. In terms of overlooking, the first floor plans of the proposed dwellings are not provided nor are distances between windows. Therefore I am unable to fully assess potential overlooking effects both to existing properties and to future occupants of the proposed dwellings. Nonetheless, conditions requiring a suitable boundary treatment and use of opaque glazing would be likely to reduce such effects to a degree.
14. The effects on the smaller scale buildings at 5-7 South End particularly cause me concern. Their rear windows are already enclosed by projections to the rear of the adjacent taller buildings and, less so, from the outbuilding to the White Bear (which is not shown on the submitted elevations/cross section

² APP/G2713/W/20/3245637

plan). The height and bulk of a pair of two-storey houses a short distance away would result in unacceptable enclosure and overbearing effects. The commercial use of the buildings reduces the weight I give to such effects on living conditions, however it adds to my overall concerns that the proposals represent an unacceptably cramped form of development.

15. The residential occupiers of the adjacent 3 storey apartments are already surrounded by the rear projection of the apartment block and the outbuilding to the rear of the White Bear. The presence of a two storey gable end here would add to the sense of enclosure to a number of lower floor windows and the shared garden to an unacceptable degree. I acknowledge that my findings on living conditions differ to that of the Inspector who assessed the previous scheme. Whilst fewer of the adjacent apartments would be directly affected, I find that the effects of enclosure would be greater due to the height of the dwellings currently proposed.
16. In conclusion on this main issue, the proposed development would result in unacceptable effects on the living conditions of the occupiers of neighbouring properties, particularly in terms of outlook and sense of enclosure. It fails to accord with DP Policy DP1 which seeks for development proposals to adequately protect amenity. In turn there would also be conflict with paragraph 127 f) of the Framework which seeks to create places with a high standard of amenity for existing and future users.

Other Matters

17. The proposed development includes a dedicated parking area for 4 cars, accessed from the Auction Mart car park. Whilst the area of land is constrained, the Council and Local Highway Authority do not raise concerns with the highway safety aspect of the development and I have no reason to disagree. Full details of the parking and bin storage area, including arrangements for manoeuvring to/from the car park and boundary treatment could be adequately controlled by suitably worded conditions.
18. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to have special regard the desirability of preserving the setting of Listed buildings. The nearest Listed buildings are no's 11 and 13 South End. Whilst they are in the same terrace as the host properties, they are physically and visually separated by the intervening larger building at 9 South End and its associated curtilage. Whilst no information on the significance of these Listed buildings has been submitted, I am satisfied that the effect on their setting would be neutral.
19. The previously approved extension to the existing building has no bearing on my decision. It is of some age, being determined in 2007, and there is no evidence to suggest a lawful start was made, therefore it has no realistic prospect of being delivered.

Conclusion

20. The appeal is dismissed.

Susan Hunt

INSPECTOR