



Appeal Decision

Site visit made on 16 March 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/G2713/W/20/3264837 42 Malpas Road, Northallerton DL7 8TB

- 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 & Mrs T Watson against the decision of Hambleton District Council.
 - The application Ref 20/00786/FUL, dated 18 April 2020, was refused by notice dated 12 June 2020.
 - The development proposed is 2 Storey 2 Bedroom detached dwelling.
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Decision

1. The appeal is allowed and planning permission granted for a 2 storey 2 bedroom detached dwelling at 42 Malpas Road, Northallerton DL7 8TB in accordance with the terms of application, Ref 20/00786/FUL, dated 18 April 2020, and subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is the rear yard area associated with 42 Malpas Road and enclosed on all sides. It backs onto the courtyard of Weavers Green. This is a large planned housing estate of modern flats and houses.
4. In this courtyard area, a new dwelling would not appear out of context within an area that consists of mixed residential development and character. The local area contains a variety of architecture and housing types as early 19th Century housing is blended with the dwellings of the modern housing estates.
5. The proposed dwelling may be smaller in scale to some of the surrounding vernacular, however, the scales and heights of such are varied. It would share a close relationship with the detached dwelling of No 42 Malpas Road, and the adjacent semi-detached houses of Malpas Place. In this context, the proposal would not appear out of character.
6. Whilst some development here backs onto the courtyard space, there is no prevailing consistency to building lines or patterns of built development or spacings between. The appeal property would face onto the courtyard and have a similar arrangement to the adjacent flatted development that has a number of active frontages facing onto the courtyard space.

7. The proposed single dwelling has been designed to have regard to design accents from the adjacent buildings together with the use of matching finished materials and fenestration patterns and styles. This would ensure it respects its surroundings.
8. Overall, for the reasons set out above, I find that the proposal for a single dwelling would harmonise with the immediate area and appear as an acceptable addition to the street scene in this context. Consequently, there would be no harm to the character and appearance of the area. Therefore, to conclude, the proposal would be in accordance with the Local Development Framework Development Plan Document, Development Policies 2008 and Core Strategy 2007, Policies CP17 and DP32 in their combined aims to achieve high quality design and respect local character.

Other Matters

9. An objection from a neighbour based on outlook from the rear of their property is noted together with the effect on their garden. However, given the proposed relationship between the two sites, the outlook would not be harmed as a consequence. There would be no change in the use of rear space that already functions as outdoor space. I reason that the living conditions of the objector would not be harmed.
10. Matters pertaining to loss of parking in front of the appeal site has been raised, although there is no evidence before me to indicate that the proposal would result in a loss of parking, or that a severe parking problem would arise. Furthermore, the Council have not raised this as a concern.
11. The construction of a dwelling here or any associated boundary treatments would not lead to a sense of enclosure or harm to pedestrian safety as the courtyard area would remain open and well overlooked.
12. Effects on house prices, rights of access and land ownership are not within my remit to comment upon and any concerns regarding the long-term condition of the boundary fence has limited bearing on my overall assessment.

Conditions

13. I have considered the suggested conditions in light of the Planning Practice Guidance and Paragraph 55 of the National Planning Policy Framework (the Framework) with particular regard to the six tests. In addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty, and a condition in relation to materials is reasonable in order to protect the character and appearance of the area. Conditioning the management of surface water is relevant and necessary to prevent flooding outside the site.
14. In the interest of highway safety, the highway crossing is conditioned to accord with the Council's standard build requirements, although preventing the use of loose chippings for the surface treatment I do not consider to meet the six tests within the Framework. Nor would a condition to ensure vehicles enter and leave in a forward gear be necessary given the nature of the site located in a housing estate courtyard away from main roads.
15. A condition to ensure the parking area shall be made available to occupiers before occupation of the dwelling is necessary and slightly amended for clarity.

16. As the site is located close to other residential properties, a construction management plan is also relevant and necessary. The precise details of which shall be agreed between the parties to ensure it is appropriate to the scale of the development.

Conclusion

17. As set out in paragraph two of the Framework, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I have assessed the proposal against the relevant policies and found that it would accord with them. There are no material considerations in this case that indicate the appeal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal is allowed.

Alison Scott

INSPECTOR

Schedule of 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 approved plans: Site location plan, Proposed site block plan, Proposed floor plans & sections.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan reference Proposed floor plans & sections.
- 4) There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging onto the existing highway, together with a programme for their implementation, has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme before the area is first brought into use and thereafter retained in accordance with the approved details.
- 5) The crossing of the highway verge shall be constructed in accordance with the Council's Standard Detail number E50 Footway Crossing Detail Revision A, prior to the occupation of the dwelling.
- 6) The dwelling hereby approved shall not be occupied until the in-curtilage parking area has been constructed in full, and the in-curtilage parking area shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors, and for no other purpose.
- 7) No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

End of schedule