



Appeal Decision

Site visit made on 13 July 2021

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2021

Appeal Ref: APP/C2708/D/21/3269137

1 West Croft Cottage, West Road, Carleton in Craven, Skipton, North Yorkshire, BD23 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Bird against the decision of Craven District Council.
 - The application Ref 2020/21829/MMA, dated 27 July 2020, was refused by notice dated 4 January 2021.
 - The application sought planning permission for rear extension and alterations without complying with a condition attached to planning permission 2020/21447/HH, dated 19 May 2020.
 - The condition in dispute is No 2 which states that: This permission relates to the following plans, documents and information:
 - Drawing No. 20/02/01A "SURVEY DRAWING" received 6th February 2020;
 - Drawing No. 20/02/12 "proposed part ground floor plan" received 1st May 2020;
 - Drawing No. 20/02/13 "proposed part first floor plan" received 1st May 2020;
 - Drawing No. 20/02/14 "proposed rear elevation" received 1st May 2020;
 - Drawing No. 20/02/15 "proposed side elevation" and "proposed part side elevation" received 1st May 2020;
 - Document "Arboricultural Impact Assessment & Tree Protection Method Statement" by treeplan dated 6th March 2020, received 9th March 2020;
 - Confirmation of proposed materials received via email 4th May 2020.Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings except where conditions indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
 - The reason given for the condition is: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained in the Craven Local Plan 2012 to 2032 and the National Planning Policy Framework.
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Decision

1. The appeal is allowed and planning permission is granted for rear extension and alterations at 1 West Croft Cottage, West Road, Carleton in Craven, Skipton, North Yorkshire, BD23 3EJ in accordance with the terms of the application, Ref 2020/21829/MMA dated 27 July 2020 without compliance with condition number 2 previously imposed on planning permission Ref 2020/21447/HH dated 19 May 2020, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:
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- 1) This permission relates to the following plans, documents and information:
 - Drawing No. 20/02/01A "SURVEY DRAWING" received 6th February 2020;
 - Drawing No. 20/02/02A "REAR EXTENSION" received 20th July 2020;
 - Document "Arboricultural Impact Assessment & Tree Protection Method Statement" by treeplan dated 6th March 2020, received 9th March 2020;
 - Confirmation of proposed materials received via email 4th May 2020.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings except where conditions indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Procedural Matters and Background

2. The application subject of the appeal was made under Section 73 of the Planning Act for a minor material amendment. It seeks a revised design for a rear extension and alterations approved in May 2020 specifically to include a roof terrace over part of the approved single storey rear extension. This type of application is possible as a condition was imposed on the original permission specifying the approved plans. The appeal seeks the variation of that condition to allow the development to proceed in accordance with an amended plan.
3. There is no dispute between the parties that the proposal can be considered as a minor material amendment under Section 73 of the Act. The National Planning Practice Guidance (the Guidance) indicates that there is no statutory definition of a minor material amendment, but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. The Guidance also advises that Section 73 cannot be used change the description of development. With this in mind, and since I do not consider the proposal before me to amount to a fundamental alteration to the proposal put forward in the original application (which was described as 'rear extension and alterations' on the decision notice), I see no reason to come to a different view to the main parties on this matter.
4. This background, along with the reason given on the decision notice for the imposition of the condition and the reason for refusal for the application for its variation, has led to my identification of the main issues below.
5. The revised National Planning Policy Framework (the Framework) was issued on 20 July 2021. Having reviewed the document and due to the particular circumstances in this case, I am content that the changes to the Framework arising from this revision have no bearing on the appeal scheme which concerns a householder development. However, for clarity and accuracy, any references to the Framework in this decision are to the July 2021 version.

Main Issues

6. The main issues are:

- the effect of the amendments on the character and appearance of the host property and the surrounding area, including the setting of the adjacent Carleton Conservation Area; and
- the effect of the amendments on the living conditions of nearby occupiers with particular reference to privacy.

Reasons

7. The appeal property is a semi-detached two storey house that was converted from a barn in 1987. Planning permission was granted in 2020 for a single storey rear extension. This was in two parts to provide a sunroom and dining room both with a lean-to roof with different roof lines.
8. The amendment would increase the height of the rear wall of the western part of the permitted extension with a parapet wall of around 1.1 metres in height. It would allow a roof terrace measuring some 6.6 metres by 4.3 metres to be created above the proposed sunroom part of the permitted extension. An external staircase would be provided immediately to the west of the extension to allow access to the terrace and a French door would replace an existing window at first floor level.

Character and appearance

9. The appeal property is of some obvious age and traditional construction and for the most part retains its simple former agricultural form. However, it appears very much as a residential dwelling with a number of domestic style openings, a garage and a garden area. Furthermore, it is surrounded by development on the edge of the built up area of the village and relates closely to the other existing domestic properties and associated outbuildings/garages which surround it.
10. As a result, and given its longstanding residential use, it retains only a limited sense of its previous role as a historic farm building. The Council accepts that it has lost some of its agricultural character by virtue of being severed from agricultural land and the erection of a domestic garage. I am also mindful that the extension as permitted would alter the simple proportions of the building and include a good deal of fenestration not necessarily characteristic of a traditional farm building.
11. The proposed amendments would be constructed of traditional materials to match the existing dwelling. Due to the change of levels within the site, the extension would be set below the level of the garden which is elevated in relation to the house. As a result, the proposed parapet wall would only be slightly taller than the existing western garden wall. Although the parapet wall would project above the adjacent eastern element of the approved extension, it would not exceed the height of the permitted sunroom element of the approved scheme. This already has a different ridge and eaves level to the adjacent eastern extension (albeit with a lean-to roof).

12. Accordingly, the two elements of the scheme as approved already appear somewhat disjointed. Whilst I accept that the parapet wall would contrast with the lean-to roof of the adjacent part of the permitted extension and the pitched roof of the main building, I am not persuaded that the proposed amendments would unduly exacerbate this permitted situation.
13. The French doors proposed at first floor level to allow access to the roof terrace would generally accord with the existing use of French doors on the building and in the approved extension at ground floor level. They would also be for the most part obscured from view by the parapet wall. The proposed external steps to the western side of the extension would replace an existing gate and would be modest in extent and well contained within the site next to the garden wall. Both additions would be generally sympathetic to the host building and would not be prominently located.
14. In this context, whilst they are domestic in nature, I do not regard the proposed amendments to be discordant with the obviously residential appearance of the host property or alien in character. Bearing in mind the permitted extensions, I consider the proposed amendments would respond appropriately to the form of the existing building and would not appear unduly obtrusive or out of place there. Whilst I note the Council's reference to Historic England's best practice guidance in relation to extending traditional farm buildings, I am mindful that the property is not a listed building and has been in residential use for some time. In this case, I am content that the proposed amendments would respect what remains of the appeal property's character as a former traditional barn. This being so, I am not persuaded that they would materially diminish the quality of the previously approved development.
15. The appeal property is adjacent to the Carleton in Craven Conservation Area (CA) which adjoins its rear boundary to the south and runs to the east of adjoining No 2 West Croft Cottage. The CA covers much of the village and is dominated by the historic Carleton Mill with its imposing chimney. The mill dates to 1861 and is a former textile mill now converted into housing. The surrounding mill workers' terraced housing and the settlement's strong historic core are also characteristic features of the village. Additionally the Draft Carleton Conservation Area Appraisal is referred to by the Council and finds that the area contains several 17th century surviving former farms and barns (majority converted to residential) especially along Beck Side. Thus I find that the significance of the CA, in so far as it relates to this appeal is derived from its historic interest as an early industrial rural village centred around the mill.
16. Whilst there is no statutory protection for the setting of a CA in the Act, paragraph 200 of the Framework establishes the need to consider the negative impact of development within the setting of all designated heritage assets which includes CAs. The significance of a CA is also derived from its setting which comprises the surroundings in which it is experienced. In this case, I find that the setting of the CA, in so far as it relates to this appeal, to be primarily associated with the historic importance and form and function of the surrounding traditional buildings within the village. As a former agricultural building of traditional materials and design, the appeal building makes a positive contribution to this setting.

17. The Council refers to the site being located within the highly significant dynamic view from West Road looking into the Conservation Area (HD4). This encompasses views of Carleton Mill chimney with strong views of the historic roofscape and the terraces around The Wend by Catlow Gill/Carleton Brook.
18. However, due to their modest extent and discreet location to the rear of the property, along with the screening afforded by the existing nearby built form, garden walls and vegetation, the proposed amendments would not be prominent. In practical terms there is little inter-visibility between the appeal property and the CA. The Council accepts that the proposed amendments would be only partially visible from The Wend. Even from there, I saw at my visit that due to their location set well off the boundary beyond No 2 they would not seen be at close quarters from The Wend or be an obvious feature there. Nor would they be significantly more discernible in their surroundings than the permitted scheme.
19. Furthermore, I am not persuaded that they would disrupt any views from West Road into the Conservation Area or affect any views of the chimney or the terraces around The Wend. The Council accepts that the appeal property is not explicitly identified as a contributor to the quality of dynamic view HD4.
20. In this context, and since I have found that the proposed amendments would cause no harm to the appearance of the host property, I am not convinced that they would have any detrimental impact on the contribution that the former barn building makes to the setting of the Conservation Area, over and above that of the permitted scheme. Thus the proposed amendments would not undermine the property's contribution to district's distinctive character and sense of place and would have no adverse impact on the setting of the CA or the significance of that heritage asset.
21. I therefore conclude on this main issue that the amendments would cause no harm to the character and appearance of the host property or the surrounding area, including the setting of the adjacent CA.
22. There would be no conflict with Policy ENV3 of the Craven Local Plan 2012 to 2032 (Local Plan) which seeks good design and requires development to (amongst other things) respond to the context (a), and respect the form of existing and surrounding buildings (b). Nor would the proposed amendments be at odds with Local Plan Policy ENV2 which seeks to conserve, and where appropriate enhance Craven's historic environment and ensure proposals affecting a designated heritage assets conserve those elements which contribute to its significance.
23. The proposed amendments would not be at odds with paragraph 126 of the Framework which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Nor would the amendments fail to conform with paragraph 134 of the Framework which states that development that is not well designed should be refused, or with paragraph 135 which indicates that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme. Additionally, I find that the proposed amendments would align with the advice in the Framework concerning heritage assets.

Living conditions

24. Neighbouring No 2 West Croft Cottage adjoins the appeal property to the east and is set some 0.6 metres below it. It has ground floor French doors and first floor window on its southern rear facing elevation, and a glazed door and first floor window to its two storey off shoot which face westwards towards the appeal property. The Council accepts that there would be no undue loss of privacy to any of these windows/doors arising from the proposed roof terrace, but is concerned about overlooking of No 2's rear garden.
25. The roof terrace would be at first floor level and therefore elevated. The Council estimates it would be some 4.7 metres above No 2's garden level. That said, it would be confined to the western part of the permitted extension and set well back off the shared boundary with No 2 by some 4.9 metres. Additionally, a tall boundary wall with well-established planting and a summer house separates the two properties to the rear. As such, any views of No 2's rear garden from the terrace would be limited and taken from some distance.
26. Given the relatively tightly developed nature of the area, and the close relationship between the buildings there, I appreciate that No 2's rear garden is already overlooked from the taller properties adjacent to it in The Wend. I also accept that the use of the terrace would be likely to occur more during pleasant weather, which would coincide with when the occupiers of No 2 would be likely to want to use their garden. Even taking these matters into account, I am not convinced that there would be any harmful overlooking or loss of privacy to the occupiers of No 2 as a result of the proposed amendments.
27. The Council is also concerned about the effect of the amendments on the occupiers of Nos 8, 9 and 10 Sunnybank to the rear of the appeal property. These are on the other side of a rear access track which separates them from the appeal site. The Council estimates that the rear walls of Nos 8 and 9 are some 14 metres from the proposed roof terrace, and that the rear wall of No 10 is some 16 metres away. Additionally there is a tall and substantial well-established hedge on the appeal property's rear boundary which screens the property from the houses in Sunnybank. This being so, and given the separation distances involved, I am satisfied that no undue overlooking of the properties in Sunnybank would occur from the proposed roof terrace.
28. Nos 2, 3, 4 and 5 The Wend are to the east of the appeal property on the other side of The Wend and directly front the street. The Council estimates that the proposed roof terrace would be between 17 and 23 metres from the front of those properties. The eastern boundary of the appeal site has a tall wall and planting as considered above in relation to No 2. In this context, I am content that no undue overlooking of the properties in The Wend would result.
29. Whilst I note the Council's concern that the boundary vegetation which currently screens the appeal site could be removed or die back, I have seen nothing to indicate that this would be likely, or to explain under what circumstances it would be expected to happen. I am also mindful that such a situation is unlikely to be advantageous to the appellant and that boundary planting could be replaced or re-established as necessary if this were to occur. As such, I do not regard this to be a reason to resist the proposed amendments.

30. I therefore conclude on this main issue that the amendments would cause no harm to the living conditions of nearby occupiers with particular regard to privacy.
31. There would be no conflict with Local Plan Policy ENV3 which seeks good design and requires (amongst other things) that development should protect the amenity of existing residents (e). Nor would the amendments be at odds with paragraph 130 of the Framework which states that planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (f).

Other Matters

32. I appreciate that the amendments sought were part of the original submission for planning permission, but removed from the scheme on the basis of officer advice. However, I confirm that I have considered the proposed amendments on their own planning merits and made my own assessment as to their impacts.

Conclusion and Conditions

33. For these reasons, I conclude that the planning permission should be varied as set out in the formal decision.
34. For the avoidance of doubt, and in the interests of proper planning it is necessary to apply a condition requiring development to be in accordance with the revised plans.

Elaine Worthington

INSPECTOR