
Appeal Decision

Site visit made on 13 September 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021

Appeal Ref: APP/C2708/W/20/3265538

Land at Ling Haw Hill, Cononley Road, Glusburn, North Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure to determine an application for consent, agreement or approval of details required by conditions of a planning permission.
- The appeal is made by Mr and Mrs B H Green against Craven District Council.
- The application Ref 2020/22027/REM dated 11 September 2020 sought approval of details pursuant to condition Nos 1 and 3 of planning permission Ref 2019/21188 VAR dated 11 June 2020.
- The development proposed is described as appearance and landscaping.
- The conditions in dispute are as follows:
 1. Details of the appearance of the buildings and the landscaping (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 21st December 2020.
 3. The details submitted in accordance with Condition 1 shall include all building materials and finishes; surface materials for the highways, footpaths, private drives and all other hard surfaces, screen walls, fences and other means of enclosure, existing and proposed ground levels, proposed finished floor levels and building heights.
- The reasons given for the conditions are as follows:
 1. To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.
 3. The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

Decision

1. The appeal is dismissed, and the submitted appearance and landscaping details required by condition Nos 1 and 3 of outline planning permission Ref 2019/21188/VAR are refused.

Applications for costs

2. Applications for costs have been made by Mr and Mrs B H Green against Craven District Council and also by Craven District Council against Mr and Mrs B H Green. These applications are the subject of separate Decisions.

Preliminary Matters

3. This appeal relates to the non-determination of an application for reserved matters relating to appearance and landscaping by the local planning authority. The Council has confirmed that they would have been minded to refuse the reserved matters application had they made a formal determination.
4. The appellant has lodged a separate appeal¹ in respect to the scope of planning condition No 3 of the parent outline planning permission², which amongst other things requires the existing and proposed ground levels, proposed finished floor levels and building heights to be included within the reserved matters to be approved. Notwithstanding that dispute, as those details have been submitted as part of the appeal scheme before me and have relevance to appearance and landscaping matters, they have formed part of my determination of this appeal.

Main Issues

5. The main issues are:

- whether or not the appearance of the proposed dwellings would be appropriate, with particular regard to the character and appearance of the area and the living conditions of occupants of neighbouring properties; and
- whether or not the proposed landscaping scheme would enable the appeal scheme to assimilate with its context.

Reasons

Appearance

6. The appeal site is paddock land which occupies a prominent hillside position on the edge of the built-up form of Glusburn, overlooking the Aire Valley. The existing dwellings which surround the site on 3 sides are a mix of individually designed bungalows and houses set within generous mature plots. The prevailing materials in the locality tend to be natural stone, render and natural slate. The site's perimeter stone walling is a characteristic which extends into the settlement and contributes to the rural character and appearance of the site within its surrounding extensive countryside context.
7. In part, the appeal site presents as a plateau in the foreground to Glusburn which softens the presence of built development along the existing settlement edge. However, the elevated, sloping ground levels add to the exposed disposition of this site. The site's peripheral position means that the proposed development will create a new exposed settlement edge and gateway into Glusburn. From longer distance vantage points the landscape is capable of absorbing the impacts of the development of the site. Nonetheless, the appeal site is very apparent from short distance vantage points when travelling along Cononley Road, particularly during the uphill approach to Glusburn. The appeal site is also immediately apparent to users of the adjacent public right of way which extends down its length. This is exacerbated by the differential in levels between the two.
8. The proposed appearance of the appeal scheme will provide a variety of house types which will add interest to the visual appearance of the proposed scheme,

¹ APP/C2708/W/20/3264796

² Application Ref: 2019/21188/VAR

whilst maintaining some consistency through the use of materials and design features. The proposed elevational treatment, including fenestration, respects the vertical proportions and solid to void ratios which are characteristic of the area. The materials of construction and boundary treatments proposed across the site are sympathetic to the character and appearance of the area.

9. In principle, the proposed 2 storey appearance of dwellings on this site is not discordant with the dwelling form in the locality. Nonetheless, the introduction of 20 dwellings within this exposed site will mean that the proposed development will be very apparent and constitute significant visual change. The presence of plot Nos 4,5 and 6 will be the most visually commanding, particularly when travelling along Cononley Road towards Glusburn and also along the public right of way. This is because of their positioning on the exposed edge of the appeal site and their more elevated position up slope relative to the remainder of the site.
10. The proposed layout means that there is limited spacing between the buildings and in particular those which would occupy plot Nos 4,5 and 6. Moreover the approved built footprint for these plots is large. The resulting visual impact of these specific plots will be compounded considerably by their proposed appearance as dwellings with a third floor in the roof space.
11. I note that in granting the initial outline permission, the Inspector gave consideration to the principle of a 2 storey development. However, it is clear that in imposing condition No 3, the decision maker appreciated the sensitivities of the site within its context in view of its exposed location and more challenging ground levels. There are various ways in which a 2 storey development could be satisfactorily achieved on this site through the careful treatment of ground levels and design to reduce its visual impact. However, the scheme before me includes dwellings which seek to take advantage of the potential for a third floor in the roof space. The appearance of this house type only serves to overly emphasise the presence of the development within its context.
12. Consequently, on-comers along both Cononley Road and the adjacent public right of way will be faced with a large, domineering mass of built development of monolithic effect along this exposed settlement edge. The proposed appearance of the appeal scheme does not provide an appropriate visual transition between the built-up form of the settlement and its surrounding countryside context and that would be hugely jarring with the character and appearance of the area. Furthermore, the proposed materials, elevational treatment, roof form, boundary treatment and landscaping will not adequately mitigate the considerable negative visual impact that will arise from the proposed appearance of those particular plots.
13. The Council has not raised any concerns about the effect of the proposed appearance of the development on the living conditions of the occupiers of neighbouring dwellings or its prospective residents. The appellant's evidence demonstrates that overall the appearance of the proposed dwellings in terms of the positioning of windows will not cause any material harm in terms of direct overlooking. Therefore, I have no cause to dispute the Council's assessment of appearance in that regard. Nonetheless, given the significant changes in levels relative to the degree of separation between the appeal site and some of the surrounding land, I find that the overall appearance of the house type proposed

for plot No 7 would have a poor relationship with a principal elevation of the neighbouring farmhouse. It would result in a dominating physical appearance which in turn would result in an overbearing effect for occupants of the farmhouse.

14. Consequently, I find that the proposed appearance of the scheme, insofar as it relates to plot Nos 4, 5 and 6, would cause considerable harm to the character and appearance of the area. Furthermore, plot No 7 would be harmful to the living conditions of the occupants of the neighbouring farmhouse due to the physically dominant and overbearing appearance of that proposed unit.
15. Policy ENV3 of the Craven Local Plan ('the Local Plan') seeks to secure good design that results in positive change and states that developments should respond to their context and be based on a proper understanding of matters including landscape, topography and form of surrounding buildings, including height and massing. In view of the identified harm the appearance of the appeal scheme conflicts with this policy.

Landscaping

16. The key purpose of landscaping is to enhance or protect the amenities of the site and the area within which it is situated. The submitted landscaping scheme principally relates to measures within the residential curtilages only. This does not assist in enabling the proposed housing development, as a whole, to assimilate with its surrounding context, particularly when viewed from Cononley Road and the adjacent public right of way. Crucially, when assessed alongside the appearance of the appeal proposal, it is clear that the landscaping scheme before me does not mitigate the harm to the character and appearance of the area that I have found.
17. Consequently, I find that the proposed landscaping scheme would not adequately assist the appeal scheme to successfully assimilate with its context. This conflicts with Policy ENV3 of the Local Plan which seeks to ensure that development responds to its context and creates good townscapes.

Conclusion

18. I have found harm to the character and appearance of the area and also to the living conditions of neighbouring residents, contrary to Policy ENV3 of the Local Plan. The proposals conflict with the development plan as a whole and I have found no other material considerations within the evidence to outweigh that harm.
19. For the reasons given, the appeal should be dismissed, and the submitted appearance and landscaping details required by condition Nos 1 and 3 of outline planning permission Ref 2019/21188/VAR are refused.

C Dillon

INSPECTOR