



Appeal Decision

Site visit made on 9 November 2021

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2021

Appeal Ref: APP/N2739/D/21/3276231

Plot 3, Land to rear of Weeland Road, Kellingley, North Yorkshire WF11 8DN

- 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 Michael Beckitt, DB UK Builders Ltd against the decision of Selby District Council.
 - The application Ref: 2021/0167/FUL, dated 9 February 2021, was refused by notice dated 7 April 2021.
 - The development is described as a 'proposed detached garage with home office over at first floor level (resubmission of refused application 2020/0897/FUL dated 24/11/2020)'.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed detached garage with home office over at first floor level at Plot 3, Land to rear of Weeland Road, Kellingley, North Yorkshire WF11 8DN in accordance with the terms of the application, Ref: 2021/0167/FUL, dated 9 February 2021, subject to the following 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 following approved plans: 201036 1a Proposed plans, elevations and section, 201036 2 Site Plan and Location Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling at Plot 3.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. I have used the same description in my decision paragraph apart from the reference to the resubmission, as this does not form part of the act of development.
3. The revised National Planning Policy Framework (Framework) has been published since the appeal was submitted. The national planning policy it provides in relation to the protection of living conditions as is of relevance to this appeal has not changed. Accordingly, I have considered the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of The Bungalow and Linden Lea by way of outlook, visual impact and light.

Reasons

5. The appeal site is found on a recent development of 5 houses, which is largely complete. In the case of the appeal property, a garage which has the benefit of a planning permission¹ has not been built. The siting of the proposal would be in the same part of the site as this approved garage.
6. The appeal property shares a boundary with the residential properties known as The Bungalow and Linden Lea. The boundary is defined by a brick wall, which abuts the rear gardens of these neighbouring properties. Both are detached and so there is spacing between them. The rear elevation of Linden Lea entirely faces towards the shared boundary, while that of The Bungalow faces partially towards this boundary and partially towards that with a rear garden of a different property on this housing development. Both rear elevations contain a number of openings.
7. The proposal would be positioned so that for the most part it would line up with the gap in between The Bungalow and Linden Lea. There would be some overlap with the rear elevation of The Bungalow, although it would be limited. While the eaves level would be higher than the boundary wall, the roof plane would then angle back so that the scale of the proposal in proximity to the boundary would not be overtly dominant. The outlook from the rear of these properties would thus remain largely unobstructed.
8. In addition, the positioning of the proposal would not unduly enclose the shared boundary. There would still be not insignificant parts of both rear gardens that would not have the massing of the built form of the proposal sited beyond. Hence, the visual impact would not lead to an undue sense of oppression and so it would also not be overbearing.
9. Nor would the effect on the light levels that these properties receive be likely pronounced. In this case, the bulk of the proposal would not be to the extent that it would cause an undue loss of light when the sun is in the south or west. Some overshadowing is not unusual when domestic outbuildings are located close to boundaries. The effect would not render the proposal unacceptable.
10. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of The Bungalow and Linden Lea by way of outlook, visual impact and light. As such, it would comply with Saved Policy ENV1 (1) of the Selby District Local Plan (2005) which concerns the effect on the amenity of adjoining occupiers, amongst other considerations.
11. The proposal would also accord with Section 12 of the Framework where it concerns a high standard of amenity for existing and future users.

¹ Council ref: 2019/1122/FUL

Other Matters

12. The main parties have referred to the existing permission for the garage on the site, as well as a previous refusal², and sought to compare the proposal to both these schemes. There is not cause for me to undertake a similar exercise because I have found the proposal irrespective to be not unacceptable.

Conditions

13. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purposes of certainty. The Council's decision notice refers to plan reference 201036-1 although it is the revision referenced 'a' that was provided with the Council questionnaire and shows the proposal which is the subject of this appeal. The former version relates to the previously refused scheme. I have also imposed a condition by way of matching external materials to the existing dwelling. This is in order to protect the character and appearance of the area.

Conclusion

14. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR

² Council ref: 2020/0897/FUL