



Appeal Decision

Site visit made on 30 November 2021

by M L Milliken BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2021

Appeal Ref: APP/N2739/D/21/3282787

1 Cross Keys Cottages, Main Street, South Duffield, Selby

- 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 Mark Walker against the decision of Selby District Council.
 - The application Ref 2021/0079/HPA, dated 22 January 2021, was refused by notice dated 13 July 2021.
 - The development proposed is replacement of existing garage and shed with new dormer garage to measure 10x8m.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located along an existing row of detached and semi-detached properties, that are largely constructed of traditional materials. Existing dwellings in the area appear to benefit from generous plot sizes and spacious gardens. Physical gaps of varying sizes are present between a number of the existing buildings.

4. Saved Policy ENV1 of the Selby District Local Plan (SDLP) (adopted 2005) seeks to ensure good quality development, including assessment of the effect of proposals on local character and the amenity of adjoining occupiers. Policy SP19 of the Selby District Core Strategy (SDCS) (adopted 2013) seeks to ensure that proposals for new development have regard to local character, identity and context, including settlement pattern, do not compromise local distinctiveness, character and form, and that they positively contribute to an area's identity and heritage in terms of scale, density and layout.

5. Paragraph 130 of the National Planning Policy Framework (the Framework) states that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment. At paragraph 134, the Framework advises that development that is not well designed should be refused.

6. I note that the proposed garage would be set back from the highway. However, by virtue of its height and scale, I consider that the building would appear as a large, dominant feature when viewed in the context of the host property and

surrounding dwellings. Whilst I accept that it would be constructed of materials to match the host property, it would read as a significant built form set within the garden of an existing dwelling, eroding the gap between the host building and the neighbouring property. It would therefore be disproportionate in its immediate context.

7. Together with its scale, I also consider that the use of dormer windows would exacerbate the dominance of the building and would not render it to be subservient to the host property. Whilst I acknowledge that the host property has been extended with regards to its original size and form and that the proposed garage would be orientated so as to minimise its impact, the building would, nevertheless, still visually compete with the host property, particularly when viewed from the adjacent highway.

8. The appellant has drawn my attention to a number of planning permissions granted elsewhere in the district. Although they relate to buildings set within the grounds of existing properties, I have little reason to conclude that they are directly comparable to the appeal site, in terms of its location and immediate context. I therefore attribute minimal weight to these decisions in the consideration of this appeal.

9. For the reasons stated, I consider that the proposed development would have an unacceptable effect on the character and appearance of the area and would therefore conflict with saved Policy ENV1 of the SDLP (2005) and Policy SP19 of the SDCS (2013), details of which I have outlined above. It would also conflict with relevant paragraphs of the Framework as stated. I note procedural concerns raised by the appellant with regards to inconsistencies in the Council's approach to decision making, however I am focussing on the planning merits of the appeal before me and upon the evidence provided.

Conclusion

10. For the reasons set out, I conclude the proposed development to be in conflict with the development plan as a whole, and that finding is not outweighed by other material considerations. Accordingly, the appeal should be dismissed.

M L Milliken

INSPECTOR