



Appeal Decision

Site Visit made on 26 October 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/W9500/D/21/3280335

Stone Stoup, Ingleby Greenhow, North Yorkshire TS9 6LW

- 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 Timothy Hawman against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2021/0206/FL, dated 18 March 2021, was refused by notice dated 18 May 2021.
 - The application sought planning permission for the construction of single storey and first floor extensions without complying with a condition attached to planning permission Ref NYM/2020/0121/FL, dated 14 April 2020.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall not be carried out other than in strict accordance with the following documents: Document Description - Proposed Elevations; Document No. - 1472/4D; Date Received - 3 April 2020 or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
 - The reason given for the condition is: For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
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Decision

1. The appeal is dismissed insofar as it relates to the handrail to the first floor glazed balustrade on the north and east elevations of the proposed extension.
2. The appeal is allowed insofar as it relates to the construction and cladding of the first floor extension, and planning permission is granted for the construction of single storey and first floor extensions without complying with a condition attached to planning permission Ref NYM/2020/0121/FL at Stone Stoup, Ingleby Greenhow, North Yorkshire TS9 6LW in accordance with the terms of the application, Ref NYM/2021/0206/FL, dated 18 March 2021, and the plan submitted with it, so far as relevant to that part of the development hereby permitted and subject to the conditions set out in the attached Schedule.

Preliminary Matters

3. I have taken account of the new Framework¹ in my decision.

¹ The National Planning Policy Framework, 2021

Main Issue

4. The main issue is the effect that varying the condition would have on the character and appearance of the host building.

Reasons

5. The condition in dispute relates to a planning permission granted for a single storey glazed aluminium extension of the east elevation and a first floor extension on the north elevation at Stone Stoup, a two storey detached dwelling located just outside the main built up area of Ingleby Greenhow.
6. The approved plan requires the first floor extension to be constructed from stone to match that of the existing dwelling. The first floor glazed balustrade is described as having no handrail along the top. The appellant now wishes to use timber cladding for the first floor extension and to introduce a handrail to the glazed balustrade.
7. Stone is the material used in many of the traditional buildings in the area. The appeal property is constructed from limestone. Other stone built properties in the vicinity are mainly sandstone. Although many of the properties in the village of Ingleby Greenhow are stone built, other materials are present including render and brick. There are examples of timber cladding on existing buildings in the village. Although the use of timber cladding on these other properties is of a smaller scale than what is proposed, it does illustrate the range of materials used in the vicinity of the appeal property.
8. The proposed alteration of the material for the first floor extension from stone to timber cladding would change the character of the front elevation of the dwelling. It would have a less traditional appearance than the approved stone construction and would not be of such a pleasing appearance. It would nevertheless be moderately used in terms of the dwelling overall and so would not sit uncomfortably with the stone-built dwelling.
9. Whilst the first floor extension would be visible when approaching from the west, these views would be transient and would be through the row of roadside trees. Furthermore, whilst noting the National Park Authority's concern that the use of timber cladding would create a confused and cluttered appearance alongside the modern aluminium framed sunroom and the stone dwelling by adding yet another material in the mix, there would only be limited locations in the nearby area from where the first floor extension would be viewed in conjunction with the glazed aluminium single storey extension.
10. The use of timber cladding for the first floor extension in this context would not be unduly discordant with the palette of materials used on the dwelling. It would not therefore unacceptably detract from the host dwelling. Furthermore, in this particular case, given the context of the appeal property, it would not be an unacceptably harmful departure from established local vernacular.
11. Accordingly, this element of the proposal would accord with Strategic Policy C of the Local Plan², which requires proposals to incorporate good quality construction materials and design details that reflect and complement the architectural character and form of the original building and/or that of the local vernacular. It would also accord with Policy CO17 of the Local Plan which

² North York Moors National Park Authority Local Plan, adopted 2020

requires the design and detailing of development within the domestic curtilage of dwellings to complement the architectural form and character of the original dwelling amongst other matters.

12. The light frame of the balustrade for the first floor balcony as approved is not intrusive and sits very comfortably on top of the existing single storey element. Introducing a heavier frame for the balustrade around the first floor balcony would alter its appearance, accentuating its presence much more than a lighter frame with no handrail. The balustrade would no longer be of such a simple design and therefore subservient to the host dwelling and as such would not complement it. Accordingly, this element would conflict with the requirements of Strategic Policy C and Policy CO17 of the Local Plan, the requirements of which have been summarised above.

Conditions

13. The Planning Practice Guidance makes clear that decision notices for the grant of permission under Section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. Accordingly, those conditions that I consider remain relevant will be imposed, with amendments as necessary having regard to the tests for conditions set out in the Framework.
14. As well as a time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans.
15. In the interest of the character and appearance of the area and in line with Strategic Policies A and C of the Local Plan, it is necessary to control the colour of the timber cladding. For the same reasons, conditions are necessary to ensure that the roofing tiles match those on the existing building and to control the colour of the rainwater goods.
16. Given the amendments to the materials for the first floor extension, it is no longer necessary to include a condition requiring all new stonework to match the existing building.

Conclusion

17. I have found that the proposed timber cladding to the first floor extension would not have a harmful effect on the character and appearance of the host building but the proposal to include a hand rail on the first floor glazed balustrade on the north and east elevations would.
18. The first floor extension is clearly severable from the balcony balustrade and therefore, while the appeal fails in relation to the proposed changes to the balustrade, it succeeds in relation to the proposed changes to the first floor extension.

F Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 14 April 2023.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 1472/4E, except in respect of the first floor glazed balustrade on the north and east elevations which shall be carried out in accordance with plan 1472/4D.
- 3) The external timber cladding of the building hereby approved shall be stained dark brown or left to weather naturally and shall be maintained in that condition in perpetuity.
- 4) All new roofing tiles used in the development hereby permitted shall match those of the existing building.
- 5) The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity.