
Appeal Decision

Site visit made on 11 January 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24TH January 2022

Appeal Ref: APP/N2739/D/21/3286864

1 Millstone Lane, Eggborough, Selby DN14 0YG

- 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 Joshua Pease against the decision of Selby District Council.
 - The application Ref: 2021/0934/COU, dated 21 July 2021, was refused by notice dated 23 September 2021.
 - The development was originally described as 'a proposed extension of brick garden wall to create a covered storage area and create additional tarmac parking area.'
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a grassed area to an additional tarmac parking area at 1 Millstone Lane, Eggborough, Selby DN14 0YG in accordance with the terms of the application, Ref: 2021/0934/COU, dated 21 July 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: Drawing No 03 Proposed New Parking Area, Drawing No 04 Existing Plan & Location Plan.
 - 3) The external surface of the development hereby permitted shall be constructed in the material shown on plan no. Drawing No 03 Proposed New Parking Area.
 - 4) The development hereby permitted shall not be used other than for purposes ancillary to the residential use of the dwelling known as 1 Millstone Lane, Eggborough, Selby DN14 0YG.

Procedural Matter

2. The description of development in the banner heading above is taken from the planning application form. The main parties have confirmed that after the application was submitted, the development was split so that a separate application was made for the covered storage area and which the Council subsequently approved.
3. The proposal that is for my consideration therefore concerns solely the additional tarmac parking area. The description that is in my decision paragraph reflects that which is set out on the Council's decision notice. My

decision has also considered the plans that were submitted by the Council with its appeal questionnaire and were before it at the time of its decision.

Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the area, and (ii) highway safety with regard to junction visibility.

Reasons

Character and Appearance

5. The appeal site comprises a small area of open land that is separated from the house at 1 Millstone Lane (No 1) by a shared driveway. The area is grassed and towards its perimeter there are 3 modest sized trees. The site lies at the corner of Millstone Lane and Selby Road. The boundaries with the adjoining footways are enclosed by decorative metal railing. To the front of the shared driveway on the neighbouring property is a small area of vegetation. On the opposite side of Millstone Lane, there is also a grassed area which is in front of further residential development.
6. The appeal property is found at the entrance to a modern housing development and so the open areas around the Millstone Lane junction do evidently form part of the planned layout. The extent to which the appeal site can be considered landscaped and positively contribute to the street scene, as well as the overall quality of the area, is however of a limited nature, even though it is in a relatively prominent location. The trees do not appear to have taken particularly successfully and vegetation forward of the neighbouring property restricts broader open qualities. The grassed area within the appeal site itself has modest visual qualities. The area on the opposite side of the Millstone Lane junction has been more successful in this regard, but it is larger in size and more open.
7. Within this context, the siting of the proposal forward of the housing development towards Selby Road would not appreciably erode the local character. The provision of the tarmac parking spaces would amount to a change in the surface material akin to the shared driveway and would not overly lessen the limited open qualities. When the proposal is in use for parking, it would have a greater impact due to the presence of vehicles. However, because it is located close to the junction of Millstone Lane, there are already vehicles regularly forward of these properties. The site is also separated from the more appreciable open area on the opposite side of Millstone Lane by the road junction itself.
8. The size of the proposal is also modest given the area of land involved and so this would also not cause particular harm. The size of this area also limits the potential for landscaping, notwithstanding that it has not been particularly effective up to the current time. Making provision for landscaping is not decisive. Some of the grassed area would in any event be retained.
9. When these considerations are taken together, the appearance of the housing development at the entrance from Selby Road would not be unduly impacted. It would also be largely screened to the north on this road by the existing vegetation in front of the neighbouring property. It would be more visible from the south, but viewing parked vehicles across roadways and footways would

not render it unacceptable. It would also only be viewed for a short distance along Millstone Lane itself because of the alignment of this road and the screening effect of the house at No 1.

10. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area. As such, it would comply with both saved Policy ENV1 of the Council's Selby District Local Plan (2005) (Local Plan) and Policy SP19 of the Selby District Core Strategy Local Plan (2013) where they are concerned with the effect upon the character of the area, and development proposals achieving high quality design and having regard to the local character, identity and context of its surroundings.
11. The proposal would also accord with paragraph 130 of the Framework where it sets out that planning decisions should ensure developments, amongst other considerations, add to the overall quality of the area, are visually attractive and are sympathetic to local character.

Highway Safety

12. Selby Road is a fairly well trafficked route within a built up area and the junction with Millstone Lane serves a not insignificant number of new dwellings. There are also traffic calming measures along both these roads and these have a bearing on traffic speeds. The priority junction is not untypical and affords reasonable visibility. Nearest the junction, the proposal would still allow for some of the grassed area to be retained and this would assist with visibility northwards along Selby Road from the junction. The footway on Selby Road would also aid visibility because it provides a further unobstructed area forward of the appeal site.
13. The Council is concerned that 4.5 metre (m) by 70 m sight lines have not been demonstrated. However, based on the layout of the junction and its immediate surroundings, the proposal would still afford reasonable visibility of traffic from the north approaching the junction. In the southerly direction, there would be no change to the current visibility. Within this context, the proposal would be unlikely to unduly hinder the visibility of vehicles exiting the junction.
14. I conclude that the proposal would not have an unacceptable effect on highway safety with regard to junction visibility. Hence, it would comply with saved Policies T1 and T2 of the Local Plan where they are concerned with existing roads safely serving the development and no detriment to highway safety. Whilst Policy T2 also applies an acceptability standard relating to the highway authority, this applies to the creation of an access which does not reasonably apply in this case.
15. The proposal would also accord with paragraph 111 of the Framework as there would not be an unacceptable impact on highway safety.

Other Matters

16. In relation to the potential for disruption to natural habitats, there is no substantive evidence before me that the land in question has a particular value in this regard, other than that it has not been the subject of built development. This does not alter my view on the acceptability of the proposal.

Conditions

17. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purposes of certainty. I have also imposed a condition by way of the external material of the parking area as is shown on the relevant plan. Whilst the Council has requested block paving to match the existing parking area, the use of tarmac is not unacceptable as that is the material of the intervening shared driveway.
18. I have also imposed a condition so that the proposal is used only for ancillary purposes. This is in order to protect the living conditions of the occupiers of the nearest residential properties. The Council requested a landscaping condition, but for the reasons that I have already set out, this would not be reasonable and necessary. A drainage condition is also not reasonable and necessary, in the absence of substantive justification.

Conclusion

19. 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