



Appeal Decision

Site visit made on 5 January 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2022

Appeal Ref: APP/C2741/D/21/3282448

**The Lodge, Westerly Fishing Lake and Caravan Park, Main Street,
Wheldrake YO19 6AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs Thornham against the decision of City of York Council.
 - The application Ref 21/01339/PAAA, dated 26 May 2021, was refused by notice dated 3 August 2021.
 - The development proposed is the enlargement of dwellinghouse by construction of 1no. additional storey with new roof height no greater than 3.5 metres above the highest part of the existing roof.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the enlargement of dwellinghouse by construction of 1no. additional storey with new roof height no greater than 3.5 metres above the highest part of the existing roof at The Lodge, Westerly Fishing Lake and Caravan Park, Main Street, Wheldrake YO19 6AH in accordance with the application 21/01339/PAAA dated 26 May 2021 and the plans submitted with it including: site location plan; 2021-01-100 Rev B; 2021-01-101 Rev B; 2021-01-103.

Preliminary Matters

2. No description of the proposal was provided on the application form. The description of the development proposed in the banner heading is the one used by the Council on its decision notice and on the appeal form but omitting 'under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1, Class AA' as this does not describe the development.
3. The appeal proposal is submitted as a prior approval under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Paragraph AA.2(3)(a) of the GPDO requires that before beginning the development, the developer must apply to the local planning authority for prior approval as to the matters which are listed within AA.2(3)(a) (i) to (iv) inclusive.
4. The only matter which the Council refused prior approval on is covered by AA.2(3)(a)(ii) which is the external appearance of the dwellinghouse, including the design and architectural features of (aa) the principal elevation of the

dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway.

Main Issue

5. The main issue is the effect of the proposed development on the external appearance of the dwellinghouse.

Reasons

6. The appellant argues that the assessment under matter (ii) of AA.2(3)(a) is not to consider the development in its wider context but to focus on the external appearance of the dwellinghouse itself, in particular the design and architectural features of the front and side elevations. The decision maker should not consider other factors, including landscape effects.
7. However, the wording of AA.2(3)(a)(ii) suggests that it is not necessarily a closed list of matters to be considered. It will not always be sensible or appropriate to consider the external appearance of a dwellinghouse in isolation, as the wider context may be an aspect of its external appearance. Whether the effect in terms of a dwellinghouse's relationship with the wider area is a consideration will be a matter of planning judgement depending on the circumstances of the case.
8. Given the location of the dwelling, I consider that it is reasonable, in this case, in the assessment under matter (ii), to take account of the effect of the proposed external appearance of the dwelling on the wider character and appearance of the area.
9. The appeal property is a single storey timber clad dwelling sited within the grounds of the Westerly Fishing Lake and Caravan Park. It is located on the north western edge of Wheldrake approximately 160m north of the main road through the village and around 100m from the nearest properties to the east on Valley View, being separated from these houses by a field.
10. The main concern of the Council appears to be that the additional floor would make the dwelling more visible in the landscape which would harm the landscape setting of the village and would create an isolated dwelling that would not relate well to it.
11. Wheldrake is set within a pleasant agricultural landscape. When viewed from the west and south west the village is seen in the context of flat agricultural fields separated by hedgerows with a number of large trees on its western and northern boundaries.
12. The dwelling is already in place and the addition of an extra floor would not alter its location or relationship with the village in spatial terms. However, the proposal would make it more visible in the landscape.
13. The dwelling would be more visible from the south west on Wheldrake Lane, as the increase in height would extend it above the hedgerow that runs along the western boundary of the access track which serves the dwelling and wider site. However, this hedgerow provides a clear severance between the site and the open agricultural fields beyond. When combined with the large coniferous trees to the north of the dwelling and around the perimeter of the fishing lake, the wider site appears markedly different from the adjacent open agricultural land.

In addition, from many views to the west and south west on Wheldrake Lane, the enlarged dwelling would be seen in conjunction with the existing built development on the western edge of the village. The site therefore appears to relate more to the village than the surrounding countryside beyond the well-defined western hedgerow.

14. There are a large number of relatively tall trees in the vicinity of the dwelling including a number of coniferous ones. These would provide some screening of the enlarged dwelling and would soften its appearance. The proposed materials would also help to minimise its effect on the surrounding landscape.
15. Given this context, whilst the additional floor and windows would make the dwelling more visible in the landscape, it would not be harmful to the landscape setting of the village as its characteristics would be maintained, nor would it create an isolated dwelling poorly related to it. Accordingly, the effect of the proposed development on the external appearance of the dwellinghouse would be acceptable.
16. Whilst AA.3(12) of the GPDO requires the Council to have regard to the National Planning Policy Framework (the Framework), in so far as it is relevant to the subject matter of the prior approval, the Council has not directly referenced it in the reason for refusal on its decision notice. However, from the evidence before me I find the proposal would accord with the overarching design aims of section 12 of the Framework and in particular paragraph 130 which requires development to be sympathetic to local character, including the surrounding built environment and landscape setting amongst other matters.

Conditions

17. The permission granted for the development under Article 3(1) and Schedule 2, Part 1, Class AA is subject to conditions set out in AA.2(3)(c); AA.2(2)(a); AA.2(3)(b); and AA.2(3)(d) and (e). These specify that: the development must be completed within three years starting with the date prior approval is granted; the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated; and the developer must notify the local planning authority of the completion of the development, in writing, as soon as reasonably practicable after completion, including the name of the developer, the address of the dwellinghouse and the date of completion.

Conclusion

18. For the above reasons, having had regard to all matters raised, I conclude that the appeal should be allowed, and prior approval should be granted.

F Wilkinson

INSPECTOR