



Appeal Decision

Site visit made on 22 February 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2022

Appeal Ref: APP/Y2736/D/21/3285324

6 Westbourne Grove, Pickering YO18 8AW

- 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 Pete Wood against the decision of Ryedale District Council.
 - The application Ref 21/00584/HOUSE, dated 24 March 2021, was refused by notice dated 4 August 2021.
 - The development proposed is the erection of storage container (retrospective).
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a storage container at 6 Westbourne Grove, Pickering YO18 8AW in accordance with the terms of the application, Ref 21/00584/HOUSE, dated 31 March 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: Location Plan 2060-LP; Proposed Layout 2060-401 Rev A; Proposed Elevations 2060-402.
 - 3) Within 3 months of being moved into its position as indicated on the hereby approved drawings, the storage container shall be lowered and clad with horizontal timber cladding and a 1.8m high boundary fence shall be erected as shown on the approved plan 2060-401 Rev A. The development shall be maintained as such thereafter.

Preliminary Matters

2. At the time of my site visit, I saw that a container was on site although not in the position indicated in the proposed plans (2060-401 Rev A). Retrospective as referred to in the application form and the decision notice does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is being sought for the erection of storage container, which is reflected in my description of development, and in accordance with the drawings submitted.

Main Issue

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

Reasons

4. The appeal site is located on Westbourne Grove, a small cul-de-sac of houses and bungalows off Middleton Road. The properties on the Grove are modestly sized dwellings on small plots located on the eastern side of the road and around a turning head. A number of them have gardens on the opposite side of the Grove. The garden belonging to the appeal property is one such and is currently put down to hardstanding. There is a sectional double garage adjacent to the storage container situated toward the rear of the plot, the remainder of the garden area is used for the parking of vehicles.
5. Other gardens in the row also contain various sheds, greenhouses, garages, and areas of hardstanding. They are separated by fences and hedges. The area has a pleasant, domestic character.
6. The storage container would be moved from its current position away from the southern boundary to allow a 1.8-metre-high boundary fence to be erected. It would be brought forward in line with the front elevation of the garage and lowered by approximately 350mm from its current height. It is also proposed to clad the container in timber.
7. Once clad, the storage container would resemble the type of structure routinely found in domestic gardens and its size and height would be typical of a garden shed or workshop associated with domestic use. Whilst it would be visible from the Grove and the properties on it, it would not appear as an industrial structure nor out of keeping with its surroundings.
8. Its position towards the rear of the garden and in line with the existing garage is in keeping with other structures in the gardens associated with properties on the Grove. The overall height and length of the container would be no longer or higher than that of the adjacent garage. As a result, the container would not be unduly prominent, nor would it compromise the otherwise domestic character of the area. Overall, it would not be unsympathetic to the character and appearance of the area in respect of its design, scale or siting.
9. For these reasons, I find therefore that the proposal would not be harmful to the character and appearance of the surrounding area. Accordingly, I find no conflict with policies SP16 and SP20 of the Ryedale Plan (2013) which seeks to ensure that new development is of a high quality and appropriate to its location or with the design objectives of the National Planning Policy Framework (the 'Framework').

Other Matters

10. The Council is concerned about the quantum of development within the appeal site and the potential for commercial activity to take place. However, I have no evidence before me which suggests that the container or any other part of the appeal site are being used for purposes other than in connection with domestic use or the appellants hobbies.
11. I acknowledge that several objections to the proposal were made at the application stage. I have taken these comments into consideration in coming to my decision, but none of the matters raised outweigh the lack of harm that I have found.

Conditions

12. I have considered the Council's suggested conditions in the light of the Framework and Planning Practice Guidance. I agree that a plans condition is necessary and reasonable in the interests of certainty.
13. I consider that the 4 weeks suggested by the Council to complete the modifications to the container once it is in the approved position is unreasonable. I have therefore modified the wording of the suggested condition to read 3 months, which gives the Council the assurances that they have sought but gives the appellant a reasonable timescale to implement the approved plans, in the interests of the character and appearance of the area. I have also amended the wording of this condition from that suggested by the Council, which does not alter the requirements of the condition but improves its preciseness. Neither party has been prejudiced by the alterations I have made.
14. I have no evidence before me which would lead me to conclude that there is any intention of using the container for any use other than for a reason ancillary to the enjoyment of the dwellinghouse and therefore I do not consider a condition preventing its use for commercial purposes is necessary in this instance.

Conclusion

15. For the reasons given above and having considered the development plan as a whole and all the relevant material considerations, I conclude that the appeal should be allowed.

Katherine Robbie

INSPECTOR