
Appeal Decision

Site visit made on 24 May 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2022

Appeal Ref: APP/G2713/W/21/3289744
2 Turker Lane, Northallerton DL16 1PX

- 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 P Brown against the decision of Hambleton District Council.
 - The application Ref 21/01757/FUL, dated 12 July 2021, was refused by notice dated 17 September 2021.
 - The development proposed is an attached dormer bungalow, including the provision of off street car parking for the proposed Dwelling. Provision of off street car parking for the existing Dwelling and the provision of a pitched roof to the existing dormer window.
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Decision

1. The appeal is allowed. Planning permission is granted for an attached dormer bungalow, including the provision of off street car parking for the proposed Dwelling and provision of off street car parking for the existing dwelling and the provision of a pitched roof to the existing dormer window at 2 Turker Lane, Northallerton DL16 1PX in accordance with the terms of the application Ref 21/01757/FUL dated 12 July 2021 subject to the conditions in the attached schedule.

Procedural Matters

2. The description of the development differs slightly from the application form to the decision notice. The description above reflects that on the application form, albeit I have omitted some minor wording that is not a description of development.
3. The Hambleton Local Plan (HLP) was adopted during February 2022. My attention has been drawn to Policy E1 of the HLP in relation to this appeal. I am advised that this Policy supersedes Policy CP17 of the Hambleton District Council Core Strategy (2007) and Policy DP32 of the Hambleton District Development Policies (2008). I am required to make my decision based on the policy in place at the time of the decision.

Main Issue

4. The main issue is the effect of the attached dormer bungalow on the character and appearance of the area.

Reasons

5. The area is residential in nature and hosts dwellings of mixed age, design, and scale. Plot coverage also varies, with some dwellings being developed close to the edges of the plots with others being set within more spacious grounds.
6. The plot upon which the existing dwelling is set is well sized in comparison to some plots in the area, incorporating garden areas to all sides of the dwelling. The proposed dwelling could therefore be comfortably accommodated within the plot and would allow for front garden and parking areas and a side passage to the rear garden which would be of a modest but useable size.
7. The dwelling would be designed to be of similar appearance and scale to the existing property to which it would be attached and its appearance and grounds would be acceptably balanced. Semi-detached dwellings already form part of the local street-scene.
8. I therefore conclude that the proposal would cause no harm to the character and appearance of the area. It would subsequently accord with Policy E1 of the HLP which amongst other things require proposals to respond positively to their context and respect and contribute positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance and visual relationships.

Other Matters

9. I note concerns from interested parties with regard to highways matters. The area has the potential to become busy at certain times of day. However, the additional access that is proposed to serve the existing dwelling would be onto Winston Court. While this may slightly reduce the availability of on street parking, there is nothing to indicate this would have an adverse impact on highways safety.
10. The Council have not raised concern in relation to highways matters and I have no reason to disagree.

Conditions

11. Conditions have been suggested by the Council and these are broadly included subject to some drafting changes and simplification. In addition to the standard three-year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans.
12. Details of final materials are required in the interests of the appearance of the area and drainage details are necessary to ensure sustainable drainage of the site. Conditions 5 – 7 are necessary to ensure the proposal is acceptable in relation to parking and highways issues.
13. Condition 6 as suggested is not necessary as the matters can be addressed via other conditions. A condition requiring a construction management plan is not necessary given the small scale of the development.

Conclusion

14. I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined

otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan & 120:20/11 Rev. C.
- 3) No development of the new dwelling above ground works (slab level) shall commence until details / samples of the materials to be used in the construction of the external surfaces of the dwelling, hard surfacing materials and details of gates and barriers have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
- 5) The approved dwelling shall not be occupied until the parking facilities serving both the existing and approved dwelling have been constructed and made available for use in accordance with the details contained on Drawing 120:20/11 Rev C. The parking areas must remain available for their intended use for the lifetime of the development.
- 6) The approved dwelling shall not be occupied until the existing access onto Turker Lane has been permanently closed off in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.
- 7) The approved dwelling shall not be occupied until visibility splays are provided giving clear visibility of 43 metres measured along both channel lines of Turker Lane from a point measured 2.4 metres down the centre line of the access. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. The visibility splays must be maintained clear of any obstruction and retained for the lifetime of the development.