



Appeal Decision

Site visit made on 24 May 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th June 2022

Appeal Ref: APP/N2739/W/21/3286575

Land to the rear of 50 Stutton Road, Tadcaster LS24 9HJ

- 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 Stuart, Janice, Jonathan and Clare Sinclair against the decision of Selby District Council.
 - The application Ref 2020/0977/FUL, dated 6 September 2020, was refused by notice dated 12 May 2021.
 - The development proposed is the erection of a 3 bedroom detached dwelling with home office.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of a) 50 Stutton Road, with particular regard to privacy, outlook and light; b) the proposed dwelling, with particular regard to privacy and noise and disturbance; and c) garden areas to the northwest, with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site is a vacant plot of land, fronting onto Sutton Road between the Jackdaw public house to the southwest and the corner plot of 50 Stutton Road to the northeast. There is a regular pattern of development in the area, with detached and semidetached dwellings sitting close together side by side. Dwellings are set back from and face the road, with long spacious rear gardens. Corner plots are angled and feature smaller rear gardens, balanced on their plots by larger front garden space. When viewed as a whole, these features contribute to a spacious feel to the street scene.
4. The appeal site is noticeably smaller than the residential plots in the area and whilst the appeal proposal has been reduced in scale, it would nevertheless cover a significant area of the site, leaving a shallow rear garden space. Whilst the front building line would line up with the corner of No 50, it would sit much closer to Stutton Road than other dwellings in the area and would be noticeably forward of the front of the adjacent Jackdaw public house.

5. The proposal would give rise to a cramped appearance and result in an incongruous and dominant form of development that would unacceptably harm the character and appearance of the area. As such it would conflict with Policy ENV1(1) and (4) of the Selby District Local Plan (2005), and Policies SP4 and SP19 of the Selby District Core Strategy Local Plan (2013) which seek, in summary, to ensure high quality design that takes account of the site and its surroundings.
6. The proposal would also be contrary to the National Planning Policy Framework (the Framework), which states in paragraph 130 that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character.

Living conditions of the occupiers of 50 Stutton Road

7. The position of the proposed dwelling relative to No 50 would result in the rear corner of the dwelling dominating the outlook from the rear garden of No 50 and would substantially reduce the amount of sunlight reaching this garden during the winter months. Furthermore, the first-floor bedroom window and long stairwell window to the proposed side elevation would overlook the rear garden of No 50. In these circumstances, this would cause unacceptable harm to the living conditions of the occupiers of No 50 and would conflict with Policy ENV1 of the Selby District Local Plan (2005), Policy SP4 of the Selby District Core Strategy Local Plan (2013) and the Framework, which seek to protect the amenity of adjoining occupiers.

Living conditions of the occupiers of the proposed dwelling

8. The first-floor rear windows of No 50 would overlook the rear garden of the proposed dwelling. Whilst other corner plots in the area also overlook neighbouring gardens, the close proximity and smaller scale of the proposed garden would mean that the entire space would be overlooked. This would significantly affect the privacy of the occupiers of the proposed dwelling.
9. The appeal proposal is located directly adjacent to the boundary with the Jackdaw public house and close to the main pub building. It is reasonable to assume that noise will emanate from the pub building, as well as from the large outdoor seating areas that are located to the front and rear of the pub, along with a large play area to the rear. The outdoor seating areas may have been extended due to COVID, however, as they were still in place at the time of my site visit it is reasonable to assume that they will remain. In addition, an extractor unit on the north-eastern elevation of the pub, adjacent to the appeal site boundary would create additional noise.
10. Access to the pub car park for cars and delivery vehicles is to the south of the main pub building and would be a sufficient distance from the proposed dwelling as to not result in disturbance. A private garden area for the pub adjoins part of the appeal site boundary and the static caravan to the rear of the pub, along with the proposed acoustic fencing and acoustic rear first floor windows would offer some noise mitigation. Nevertheless, the location of the proposed dwelling and rear garden, in such close proximity to the main pub building and outside seating areas would experience general noise and disturbance at an intensity that would be disruptive, and consequently harm their living conditions. This would conflict with the amenity protection aims of

Policy ENV1 of the Selby District Local Plan (2005), Policy SP4 of the Selby District Core Strategy Local Plan (2013) and the Framework.

Living conditions of the occupiers of garden areas to the northwest

11. The appeal site northwest boundary adjoins the long rear garden of 2 Calcaria Road. The view from the proposed first floor rear windows would be into the lower section of the garden of No 2 through mature and dense vegetation which would provide some screening if retained. Similarly, due to the arrangement of gardens beyond No 2, views would be limited to the ends of the gardens and would be some distance away. I therefore find no harm in terms of a loss of privacy to the occupiers of garden areas to the northwest and as such no conflict with the amenity protection aims of Policy ENV1 of the Selby District Local Plan (2005), Policy SP4 of the Selby District Core Strategy Local Plan (2013) and the Framework.

Other Matters

12. I appreciate that the appeal proposal may be within a sustainable location and would have the benefit of a dedicated workspace in the home, however, the adverse impacts of the proposal that I have identified above would significantly and demonstrably outweigh such benefits.

Conclusion

13. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR