



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: 14th June 2022

Appeal Ref: APP/N2739/W/22/3291649

Land off Turnhead Crescent, Barlby, Selby YO8 5JX

- 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 Nigel Wilson against the decision of Selby District Council.
 - The application Ref 2021/0280/FUL, dated 29 October 2020, was refused by notice dated 29 July 2021.
 - The development proposed is described as the 'construction of 2 No. three bedroom houses in a single semi-detached unit with gardens to the rear and parking areas complete with car turntable to front'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form is dated 29 October 2020; however, the appeal form states that the application was dated 21 April 2021 and the decision notice states that it was dated 29 March 2021. All other details are the same, therefore, I will consider the proposal based on the evidence before me.

Main Issues

3. The effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of the proposed dwellings, with particular regard to amenity space, outlook and light.

Reasons

Character and appearance

4. The appeal site is located at the end of a rear lane and is surrounded on three sides by rear gardens. Whilst dwelling types and amenity arrangements in the wider area are mixed, a common feature in the pattern of development is the presence of generous front and rear gardens. Gaps between dwellings and their boundaries contribute positively to a sense of spaciousness in the street scene. In comparison, the rear lane that provides access to the site feels more enclosed, with rear yards featuring large single storey extensions and garages and a high hedge along the eastern side of the road. The entrance to the appeal site is crowded with a substation, garages and high fences.

5. Whilst amendments have been made to reduce the scale, the appeal proposal would include a pair of semidetached houses that would fill almost the full width of the site. Space for a path to each side would access small garden areas to the rear. The area in front of the proposed dwellings would be used for parking, with a centrally located turntable to enable the cars to turn around within the restricted space. The proposal would appear crowded in a manner that would conflict with the prevailing pattern of development in the area.
6. As a result of the proximity of the proposal to all site boundaries, the complicated parking arrangement, and the crowded nature of the entrance to the site, it would give rise to a cramped appearance. The appeal scheme would therefore 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(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.
7. 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

8. The appeal proposal would include private amenity space to the rear, with space to the front of the properties taken up by parking. The proposed rear gardens would be much shallower than other gardens in the area and there would be limited space for occupants to sit or hang washing. The storage of bins and cycles would further restrict the space available. This would be most notable to 'house 2', which would have the most restricted rear garden space and would include cycle storage in front of the full height sliding doors of the main living space. This would further restrict useable amenity space and dominate the outlook from this room.
9. Whilst not everyone may desire a large garden, the amenity space proposed would be inadequate and less than is reasonable for a family sized dwelling. The presence of amenity spaces nearby would not compensate for the inadequate private amenity space provision proposed.
10. In addition, whilst overshadowing would be less in summer when the sun is at its highest, the rear fence on the southern boundary, would nevertheless overshadow a significant area of the restricted garden space throughout the day, for a large part of the year. I note that the rear fence may have been incorrectly measured, however, the lower panels would still overshadow the garden to an unacceptable degree.
11. Taking all these matters into account, I therefore conclude that inadequate amenity space would be provided to the proposed dwellings. In combination with the loss of sunlight to the amenity space and the effect of the cycle storage on the outlook from the sliding doors of house 2, this would unacceptably harm the living conditions of the occupiers of the proposed dwellings, contrary to the amenity protection aims of Policy ENV1 of the Selby District Local Plan (2005), Policy SP19 of the Selby District Core Strategy Local Plan (2013) and the Framework.

Other Matters

12. Whilst neighbouring occupiers and some consultees have not objected to the proposal, the absence of objection does not in itself render the scheme acceptable. I appreciate that the appeal proposal may be within a sustainable location, would contribute to the supply of housing and tidy up an overgrown site, 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