



Appeal Decision

Site visit made on 11 May 2022

by C Megginson BA(hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2022

Appeal Ref: APP/G2713/W/21/3284582

Land off Hag Lane, Raskelf, North Yorkshire

- 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 Alcuin Homes Ltd against the decision of Hambleton District Council.
 - The application Ref 20/02910/FUL, dated 23 December 2020, was refused by notice dated 27 August 2021.
 - The development proposed is described as "Full Planning Application for erection of 2no. Detached Bungalows."
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 2no. detached bungalows at land off Hag Lane, Raskelf, North Yorkshire in accordance with the terms of the application, Ref 20/02910/FUL, dated 23 December 2020, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have taken the site address from the planning application form. The appeal form and Council's decision notice identify the site as 'Land rear of Nova, The Green, Raskelf.' Whilst this differs from the application form address, the location of the appeal site is sufficiently obvious to me from the evidence that has been provided. I have proceeded on this basis.
3. The Council's decision notice refers to the Local Development Framework Core Strategy (2007) and Development Plan Document (2008) policies. Subsequent to the submission of this appeal, the Hambleton Local Plan was adopted in February 2022 (Local Plan) and now replaces the aforementioned documents as the development plan. The Council has provided copies of the most relevant policies and the appellant has had opportunity to comment thereon.

Main Issues

4. The effect of the proposed development on:
 - The character and appearance of the area;
 - The living conditions of the occupiers of the neighbouring properties, with particular regard to noise and disturbance;
 - Highway Safety; and
 - The use of a public right of way.

Reasons

Character and Appearance

5. The appeal site is located in a part of Raskelf village that is characterised by semidetached and detached dwellings, facing the road. The pattern of development in the village is mixed, with a variety of plot sizes. Whilst the appeal proposal could be described as backland development, this type of development is common within the village.
6. The appeal site is bound by residential curtilages to three sides and is well screened on these boundaries by fences, hedges and trees. The western boundary adjoins agricultural land with an open post and rail fence and a public right of way runs along the northern side of the site. The site takes its access from Hag Lane between two detached bungalows. The substantially enclosed nature of the site means that it does not make a significant contribution to the character and appearance of the settlement or the countryside.
7. The appeal proposal would include two bungalows that would sit centrally within the site, with plot 1 set back slightly, to allow for a detached garage and parking. Whilst the bungalows would sit closely together, they would not appear cramped within the site and would sit appropriately with the dense, built up nature of this part of the village.
8. I appreciate that there has been a large amount of new development within the village. However, the appeal site, when taken in the context of a similar development in evidence directly adjacent to the south and a recently approved scheme to the north-east, would create a strong boundary to the northwest side of Hag Lane, with a clearly defined built up limit. This would reflect the contained character and appearance of the village without harming the open character of the surrounding countryside.
9. Whilst the proposal would result in the removal of six trees, these would include three Ash trees, identified as likely to suffer Ash die back in the future, and therefore not worthy of retention. The proposals include the planting of ten replacement trees and additional hedge to the southern boundary. This would exceed the existing tree cover and would retain and enhance the verdant character of the site and the wider area.
10. The proposal would not therefore harm the character and appearance of the area. It would therefore comply with Policy E1 of the Local Plan and the National Planning Policy Framework (the Framework) which in summary, require new development to demonstrate high quality design and reinforce local distinctiveness.

Living Conditions

11. The appeal site would be accessed from an existing field entrance, between the bungalows of Nova and Claytonville, which would run adjacent to the dwellings and part of the gardens. I appreciate that the occupiers of the adjacent dwellings may be aware of increased vehicular activity. However, the presence of fence and hedgerow boundary screening and the level of activity likely to be associated with two dwellings would not be such that it would affect the living conditions of the neighbours to an unacceptable degree. This would comply with the amenity protection aims of Policy E2 of the Local Plan and the Framework.

Highway Safety

12. The Council consider the access and turning arrangements to be contrived and that this would impact upon highway safety as a result of insufficient space for vehicles turning. From my site visit and from the evidence before me I consider the proposed access and parking arrangements to be straightforward. There would be sufficient space to allow parking of vehicles at both properties and for vehicles to safely turn to enable them to leave the access road in a forward position. I also note that the local highway authority has not raised any objections to the appeal scheme.
13. The proposal would not therefore harm highway safety and as such would accord with Policies S1, IC2 and E1 of the Local Plan and the Framework which, in summary, seek to secure safe and accessible developments.

Public Right of Way

14. The proposal would include reducing the width of the public right of way through the site. I appreciate that the path is well used by people in the village, and I note the concerns relating to passing parked vehicles adjacent to the access. Local Plan Policy IC3 and the Framework, in summary, aim to ensure that opportunities for enhancement to the network are sought when considering proposals for development.
15. I recognise that the proposal does not include enhancements and therefore there would be some conflict with Policy IC3 and the Framework. I appreciate that users of the right of way will need to be aware of cars using the access. However, whilst users' enjoyment of the path would be altered, this would be for a short section only and the resulting loss of amenity to the public would not be substantial. I do not therefore find any harm in regard to this main issue.

Other Matters

16. Policy E3 requires all proposals to demonstrate a net gain for biodiversity and Policy E7 supports proposals which seek to conserve and enhance any existing tree or hedge of value. The proposal would include the removal of six trees and planting of ten, along with additional hedgerow planting and retention. The Preliminary Ecological Appraisal also outlines mitigation, compensation and enhancement measures and these can be secured by condition. To my mind this is a proportionate response to the aims of the policy and the scale of the proposed development.
17. With regards to concerns around flooding, I note that the appeal site is within Flood Zone 1 and Yorkshire Water have raised no objections to the proposal. Details of surface water drainage from the development are the subject of suggested conditions.
18. Similarly, I note the concern relating to the difference in levels between the site access and Claytonville and the lack of information relating to how the difference in levels would be managed. I have included a condition requiring a full site survey of site levels, including the relationship to adjacent development to be submitted and agreed prior to development.

19. Comparisons have been made to other developments within Raskelf in the appeal statements. The circumstances in each proposal are likely to be different, therefore, I have considered this appeal proposal on its own merits.

Conditions

20. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity. I have imposed standard conditions relating to the commencement of development and the approved plans. I have also attached a condition requiring the submission and agreement of external materials in the interests of the character and appearance of the area.

Conditions specifying the construction of the access, parking, manoeuvring, and turning areas are necessary in the interests of highway safety. For the same reason, as well as to protect the living conditions of occupiers of neighbouring properties, it is necessary to require the submission of a Construction Method Statement. Conditions relating to landscaping and tree protection; site levels and finished floor levels; and drainage, are necessary in the interests of the character and appearance of the area, the proper functioning of the proposed development and the living conditions of neighbouring occupiers and development should be carried out in accordance with the preliminary ecological appraisal in the interests of ecology and biodiversity.

Conclusion

21. The appeal scheme complies with the development plan, the appeal should therefore be allowed.

C Megginson

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: Location Plan WG791 01C; Plot 1 Floor Plans and Elevations WG791 02G; Plot 2 Floor Plans and Elevations WG791 03H; and Site Plan WG791 05J.
- 3) No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority: a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings; full details of the proposed finished floor levels of all buildings and hard landscaped surfaces. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details/samples of all external facing materials including hard surfacing have been submitted to and approved by

the local planning authority in writing. Development shall be carried out in accordance with the approved details/samples.

- 5) No development shall take place until an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree and Hedge Protection Plan has been submitted to and approved in writing by the Local Planning Authority for trees and hedging within and adjacent to the application site. This must be in close accordance with: (a) BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations; and (b) NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) - Operatives Handbook 19th November 2007. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.
- 6) The development hereby permitted shall not be first occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees, hedges and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees, hedges or shrubs which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
- 7) No existing tree shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
- 8) The site shall be developed with separate systems of drainage for foul and surface water on and off site and the proposed system shall also include provision to manage ground water and any other piped or open watercourse or water feature within the site or directly affected by the development hereby permitted. The separate systems should extend to the points of discharge to be agreed and include details of maintenance arrangements for the life of the development.
- 9) No development shall take place until details, including the point of connection into the public sewer, of the proposed means of disposal of surface water drainage, have been submitted to and approved in writing by the local planning authority. Evidence shall be submitted to show that other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted. The rate of discharge into the public sewer shall not exceed a maximum of 2.5 (two point five) litres per second or the greenfield run-off rate, whichever provides the lowest rate of discharge. Furthermore, no discharge of surface water from any part

of the site shall commence until the approved details have been implemented to the satisfaction of the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 10) All new hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
- 11) The development hereby permitted shall not be first occupied until the access to the site has been set out and constructed in accordance with the following requirements:
 - i) The existing crossing of the highway verge and footway must be improved by construction in accordance with Standard Detail number E50.
 - ii) Any gates or barriers must not be able to swing over the existing highway
 - iii) The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.
- 12) The development hereby permitted shall not be first occupied until the access, parking, manoeuvring, and turning areas for all users have been constructed in accordance with the approved drawing reference WG791 05J. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 13) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:
 - i) details of any temporary construction access to the site including measures for removal following completion of construction works;
 - ii) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - iii) the parking of contractors' vehicles;
 - iv) areas for storage of plant and materials used in constructing the development clear of the highway;
 - v) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- 14) Development shall be carried out in accordance with the recommendations contained within Section 5 of the Preliminary Ecological Appraisal prepared by Naturally Wild dated December 2020.