
Appeal Decision

Site visit made on 22 March 2022

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/W9500/W/22/3290389

**Newton House , Roseberry Lane, Newton Under Roseberry,
Middlesbrough TS9 6QR**

- 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 and Mrs Wheeler against the decision of North York Moors National Park Authority.
 - The application Ref NYM/2021/0749/FL, dated 15 September 2021, was refused by notice dated 3 November 2021.
 - The development proposed is described as erection of a single storey side extension.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single storey side extension at Newton House, Roseberry Lane, Newton Under Roseberry, Middlesbrough TS9 6QR, in accordance with the terms of the application, Ref NYM/2021/0749/FL, dated 15 September 2021, and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall begin no later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the approved plan dated 15 September 2021 showing the existing and proposed site location plans, floor plans and elevations.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. There is a discrepancy between the address stated on both the planning application form and decision notice and that specified on the appeal form. I am satisfied that the discrepancy is because Whitecroft has been demolished and replaced by Newton House. The above heading reflects this change as that is the property to which the appeal proposal relates. During my site visit I observed that the property was reaching the latter stage of construction but was not substantially completed. Subsequent evidence from the main parties has confirmed that remained to be the case at the point of my assessment.
3. The appeal proposal is described as a single storey side extension to Newton House. The planning application was made on the Authority's householder development form and the decision notice reflects the description of development originally sought by the appellant. From the submitted evidence,

it is clear that the Authority validated the planning application as a householder development and did not challenge its validity. Neither did it seek to change the description of development prior to making its decision. Nonetheless, the reason for refusal refers to a policy context which is relevant to a replacement dwelling. Consequently, the development plan policies which are relevant to this appeal are disputed by the main parties and I deal with this matter later.

4. The appeal procedure for this case was modified by agreement of the main parties in order that further questions could be posed to them given the above extraordinary circumstances of this case. Crucially, there are no provisions available to me through the appeals procedure to change the description of the development which was sought. The appeal therefore proceeds on that basis.
5. From the submitted evidence, I am satisfied that the particular appeal proposal would not trigger the recent nutrient neutrality requirements relevant to this area.

Main Issue

6. The main issue is the effect of the appeal proposal on the character and appearance of the host dwelling, the surrounding street scene and wider North York Moors National Park, with particular regard to its size and scale.

Reason

7. The appeal site occupies a prominent roadside position on the edge of Newton under Roseberry, situated within the North York Moors National Park area. Dwellings in this part of this small settlement are individually designed, mostly 2 storey properties, set within mature gardens bound by the village green or countryside. Although more recent development is evident along Roseberry Lane, traditionally designed, mature properties provide an immediate built context to the appeal site. Collectively, these features convey a strong rustic village character and appearance.
8. The appeal site comprises a detached 2 storey property, set back from the main road and footpath within generous, well defined grounds. The existing site boundaries benefit from existing mature vegetation which has been recently supplemented. The front and rear of the host property incorporate a clear break in both its ridgeline and elevations. In visual terms this reduces the overall bulk of the property. The front and side elevations reflect the traditional design features and proportions evident elsewhere in the area. The contrasting contemporary approach employed to the rear elevation of Newton House is reflected elsewhere in the area and integrates into its wider context.
9. The appeal proposal will increase the ground floor footprint of its host. Visually, this will elongate the width of its front and rear elevations. Despite the intervening garden area and boundary planting, the appeal proposal will, like its host, be visible from Roseberry Lane when entering the settlement, and also from the adjacent public right of way and surrounding countryside.
10. However, the appeal proposal is of a subservient scale which respects the proportions of its host. This is because its depth will not exceed the existing gable end and its width respects the existing horizontal breaks in the building. It incorporates a clear set back from the existing front and rear elevations. Its ridge height is set substantially below the property's existing main ridge and will not extend above the first floor eaves level. In addition, the proposed

design treatment, materials and positioning are sympathetic to the host property and wider area.

11. The appellant's street montage demonstrates that the proposed proportions and massing of Newton House do not jar with the neighbouring buildings known as Redgate Cottages and Penn Fields. Due to the positioning of the appeal proposal, the spacing between existing buildings would not be reduced. Moreover, by virtue of its overall size and the existing vegetation, the appeal proposal would not significantly reduce views through to the open countryside or adversely impact on the open character and appearance of the adjacent public right of way.
12. Overall, the host building's design, materials and scale in terms of width and height are reflective of the positive features contributing to the character and appearance of the area and wider National Park. The host property's presence within the existing street scene would continue to make a successful visual transition between the neighbouring dwellings, public right of way, wider surrounding countryside and the National Park.
13. For these reasons, the appeal proposal would not harm the character and appearance of the host building, the surrounding street scene and wider National Park, with particular regard to its size and scale.
14. Paragraph 135 of National Planning Policy Framework ("the Framework") states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme. Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. The scale and extent of development in National Parks should be limited, while development in their setting should be sensitively located and designed to avoid or minimise adverse impacts on them. In view of my findings, there is no conflict with the Framework in either of these regards.
15. Spatial Policy C of the North York Moors Local Plan ("the NYMLP") sets out development criteria to maintain and enhance the distinctive character of the National Park. Proposals must be of a high quality design that make a positive contribution to the local environment and incorporate good quality construction materials and design details that reflect and compliment the architectural character and form of the original building. The siting must complement the existing buildings, the form of the settlement and the spaces between buildings which contribute to the character and quality of the locality. The scale, height, massing and form of the proposal should be compatible with surrounding buildings. In the absence of harm in these regards, there is no conflict with this policy.
16. Policy CO14 of the NYMLP specifically relates to the replacement of an existing dwelling beyond the main built up area. Amongst other things, this policy requires the replacement dwelling to be of an appropriate design and have a similar floor area, volume and scale to the existing dwelling. If I accept, as the Authority's case suggests, Policy CO14 is relevant because Newton House is not substantially complete, then conflict with that particular policy in terms of its size constraints can be found.

17. Furthermore, Policy CO17 of the NYMLP is relevant to householder development proposals. As the appeal proposal specifically relates to the extension of Whitecroft's replacement, then it follows that any relevance of this policy can only rest in connection with Newton House. This policy requires that proposals take full account of the character of the local area and the special qualities of the National Park. The proposal's scale, height, form, position and design must not detract from the character and form of the original dwelling or its setting in the landscape and the design and detailing should complement its architectural form and character. This policy also requires that any extension is clearly subservient to the main part of the building and a floorspace limit of 30% is set. When assessed against the host property, Newton House, this policy's size threshold would not be breached. Furthermore, I have found no harm arising to the character and appearance of the host building, the surrounding street scene and wider National Park. Consequently, there is no conflict with this policy.
18. The appeal proposal is not an extension of Whitecroft, as that property has been demolished and is being replaced. The appellant sought permission for a single storey side extension, not a replacement dwelling. The Authority has argued that the proposal will result in a scale of development previously considered unacceptable by Officers. However, it has not been demonstrated that scheme was the subject of a refusal notice and therefore I attribute very limited weight to that argument. In this particular instance the circumstances are such that Policy CO17 is not irrelevant, and in the absence of any harm I have found no conflict with that policy. There is no evidence before me to demonstrate that the proposed extension must be built before Newton House is substantially completed. Crucially the completion of the host building is not dependent upon the appeal proposal and planning permission normally endures for 3 years. These are all significant considerations weighing in favour of the appeal proposal.
19. In this particular instance, these considerations clearly outweigh the conflict with the development plan when taken as a whole.

Conditions

20. In addition to the standard time limit, a condition requiring the development to be carried out in accordance with the approved plans specified is necessary as it provides certainty. I have imposed a condition specifying materials as this is necessary to safeguard the character and appearance of the host building and its surrounding area.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed subject to the conditions specified.

C Dillon

INSPECTOR