



Appeal Decision

Site visit made on 27 September 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 6 October 2022

Appeal Ref: APP/N2739/D/22/3303765

Hall Farm, Hall Lane, Church Fenton, Tadcaster LS24 9RN

- 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 & Mrs Marshall against the decision of Selby District Council.
 - The application Ref 2022/0557/HPA, dated 11 May 2022, was refused by notice dated 14 July 2022.
 - The development proposed is the extension and alteration of existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Revised drawing numbers P09 B (Proposed Elevations), P08 (Proposed Plans) and P10 A (Proposed Site Plan) were submitted with the appeal. These drawings omit the proposed single storey, flat roof garage extension to the east elevation. During the determination of the application the appellant suggested this revised proposal to the Council with an accompanying indicative floor plan. The Council considered that this revision would not address its concerns and revised drawings were not formally submitted. Under the 'Wheatcroft Principles' established under *Bernard Wheatcroft Ltd v SSE* 1982, the revised drawings submitted with the appeal reflect the discussions which took place between the appellant and the Council, and they would not fundamentally change the development. As the Council has already considered this option and there were no third-party representations, I am content that no parties would be unfairly disadvantaged by my acceptance of these drawings.
3. The appellant has drawn my attention to the release of the Local Plan Publication 2022 (LPP). The evidence indicates that this development plan has not yet reached adoption stage and I do not know the extent to which there may be unresolved objections to relevant policies and the degree of consistency with the National Planning Policy Framework 2021 (the Framework). Therefore, the policies within this emerging plan, as material considerations, cannot at this stage be afforded full weight in decision making. Also, there is no evidence before me to indicate that the defined development limits affecting this appeal site would be amended as part of this plan.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the existing dwelling and the surrounding area.

Reasons

5. Hall Farm lies to the south of Hall Lane, south east of Church Fenton, and is located outside the defined limits of the settlement. It is a former farmhouse and alongside, to its west, is a range of linear farm buildings recently converted to dwellings and a small residential development on the site of other farm buildings. Whilst this grouping of buildings has recently witnessed significant changes and is mixed in terms of building ages, the siting, design and shared palette of materials, has retained its character as a traditional farmstead. Although near to the defined limits of the settlement, this cluster of buildings projects southerly out into the open countryside and has a clearly discernible, separate identity to the buildings within the settlement. It is physically and visually rural in character and assimilates with the surrounding rural area. This is particularly noticeable when viewed from the fields to the south but is also apparent in views along Hall Lane. Hall Lane marks this change of character, and although the appeal site is not remote from the village it is not considered to be part of its built-up urban form.
6. Hall Farm is a detached dwelling of predominantly two storeys, finished in white render with a concrete tiled roof, with its rear elevation facing the road and its southern frontage overlooking its garden and fields beyond. A group of mature trees to the east flanks the site access. The dwelling has predominantly vertical proportions with a hipped roof. The principal elevation is a largely symmetrical composition with a central doorway and bay windows to either side on the ground floor. The building has an existing single storey addition to its western elevation and a lean-to element across the east gable, forming a garage and store.
7. The appeal scheme proposes the replacement of the lean-to on the eastern gable with a two-storey side extension with a hipped roof. Whilst the proposed extension would be in line with the existing footprint of the dwelling, on the ground floor, the extension would project out slightly to the south accommodating glass sliding doors and a balcony above. It would provide a kitchen diner to the ground floor and master bedroom with en-suite and games room on the first floor.
8. Policy SP19 of the Selby District Core Strategy Local Plan (2013) (SDCS) and Policy ENV1 of the Selby District Local Plan (2005) (SDLP) require, amongst other things, high quality design showing regard to local character and taking account of the context of the site and its surroundings. Policy H14 of the SDLP specifically relates to extensions to dwellings in the countryside where extensions are considered to have a more conspicuous visual effect. It is therefore relevant to this appeal. This policy considers that an extension must be appropriate to its setting, should not be visually intrusive in the landscape, not be a disproportionate addition over the size of the original dwelling, not dominate visually, and the design and materials should be in keeping with the character and appearance of the building and other buildings in the area.
9. Whilst Policy H14 pre-dates the Framework and the reference to disproportionate additions is not mentioned in the Framework or in other development plan policies, I consider that the overriding thrust of Policy H14 is still in general conformity with the other relevant development plan policies and the high-quality design expectations of the Framework outlined in section 12. Policy H14 is part of the adopted development plan and Annex 1 of the

Framework advises that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

10. Although I attribute little weight to LPP Policy HG12 (householder applications), there are still significant similarities with Policy H14, particularly the requirement to not visibly or physically dominate the original dwelling as well as requiring a design, layout and architectural detail that would be appropriate to its setting.
11. There is no definition in Policy H14 of a 'disproportionate addition' but to my mind rather than dictating a specific percentage increase, this means that an extension should be subordinate to the host building. Also, this is only one part of the policy which seeks to ensure that extensions are appropriate in scale and design to the host building. In my view, the proposal would significantly increase the size, scale and proportions of the original dwelling and would make it a competing, dominant element rather than a subservient addition, sitting comfortably alongside it. Despite the sitting down of the ridge, setting back slightly of the elevations, replication of the hipped roof and the proposed use of predominantly matching walling and roofing materials, the proposal is simply too large. Furthermore, the significant extension of its length would disrupt the verticality of the main dwelling making it more linear in form which is more characteristic of the converted farm buildings which would blur their separate identities.
12. The design elements on the southern elevation which include the projecting out of the ground floor with a first-floor balcony and the large areas of glazing would introduce visually dominant features which would contrast with the smaller scale traditional elements on the host building. This design mismatch would not be a sympathetic addition and would be clearly viewed.
13. I recognise that the appellant has already significantly reduced the scale of the proposal since the submission of the original planning application and that it would also replace an existing single storey garage and store. However, the appeal proposal remains excessively large and dominant in relation to the host dwelling and incorporates contrasting design features.
14. The appeal decision referred to in the appellant's addendum relates to a proposed extension relating to Policy H14. However, based on the limited details, the circumstances appear very different to the proposal before me. Whilst this represented a significant increase in volume, the building was semi-detached, it infilled an area, had limited views and was not prominent in the landscape, and was considered to be a coherent addition. It is also of note that the proposed percentage increase was not raised, and the Inspector did not question the status of Policy H14.
15. In this open, rural location on the edge of the village the appeal proposal would have a harmful effect on the character and appearance of the existing dwelling and the surrounding area. It would therefore be contrary to SDCS Policy SP19 and SDLP Policies ENV1 and H14, LPP Policy HG12, and the Framework.

Other Matters

16. The extension would form an annex to accommodate additional family members and be a long-term home for the extended family. This would allow help with childcare, reduce car journeys and support family members with ongoing health issues. Whilst I have given these personal circumstances careful consideration, I am mindful that the advice contained in the Planning Practice Guidance states that in general planning is in the public interest. There also may be other ways of providing suitable accommodation on this site.
17. The appellant suggests that a much larger, single storey extension could be built under Permitted Development Rights, which would also be closer to unprotected mature trees to the east. However, no scheme is before me and there is no information to suggest that it would achieve the accommodation sought by the appellant.
18. Although the property is not a Listed Building, or a designated heritage asset, does not lie within a Conservation Area and no mature trees would be removed or affected, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.

Conclusion

19. For the reasons given above and having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal is dismissed.

G Bayliss

INSPECTOR