



Appeal Decision

Site visit made on 13 September 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal Ref: APP/N2739/W/22/3301207

Land adjacent to Station Road, Riccall

Easting: 462422 Northing: 437637

- 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 Mrs M Bray (c/o W A Hare & Sons Ltd) against the decision of Selby District Council.
 - The application Ref 2021/1335/FUL, dated 28 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is described as 'new one person starter home'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupants of 5-7 Mount Park; and
 - Whether acceptable living conditions would be provided for the occupants of the proposed dwelling

Reasons

Character and appearance

3. The site is located adjacent to Station Road and Station Close and beside gardens serving properties on Mount Park. The area is residential in character. Buildings in the area are predominantly constructed of brick with tiles or slates to their roofs. The presence of gardens, hedgerows, trees and a grass verge lining this part of Station Road creates a verdant character. Properties in the area are generally set within spacious plots. Existing properties closest to the site and on either side of Station Road are set back from the highway. This is particularly the case for those on Mount Park, the large gardens of which lie between the dwellings and Station Road.
4. In contrast, the proposed dwelling would be sited within a small plot. The proposed dwelling would front onto Station Road. It would be sited much closer to the road than the properties which address Station Road on the opposite side. The dwelling would not be aligned with neighbouring properties on Mount

Park being situated to their rear and next to their gardens. Resultantly, the proposed dwelling would relate poorly to the layout of existing dwellings on both sides of Station Road.

5. The presence of the dwelling and hardstand to its front would detract from the leafy character currently exhibited on this part of Station Road. Though gardens which contribute to this verdant character may be private land and some trees and planting may be self-sown, this does not diminish the positive effects that this landscaping has.
6. Though two storey properties are located on Station Road and Mount Park those properties closest to the site are bungalows. In this site specific circumstance the proposed two storey dwelling would be at odds with these. Though the materiality and roof design of properties within the locality does vary, there is a prevailing character of brickwork to elevations with a widespread incorporation of render. Roofs of many properties comprise a symmetrical pitched roof, hipped roofs are also common in the area. The elevations of the proposed dwelling would, conversely, be finished in timber and it would incorporate a distinctive asymmetrical roof design quite unlike others in the area.
7. In some other instances a proposed development being of a different character or appearance to that established in the area may be appropriate. However, in this particular case, I do not find the dissimilarity that would be exhibited by the development to be either positive or neutral. In combination, the manner and extent to which the proposed dwelling would depart from the established pattern of development, scale of those that neighbour and their design detail and materiality, would be harmful.
8. Consequently, for the reasons given, the development would be contrary to Policies ENV1 of the Selby District Local Plan, 2005 (LP) and Policies SP4 and SP19 of the Selby District Core Strategy Local Plan, 2013 (CS). In summary, and amongst other things, those policies seek to ensure that development is of good quality, preserves and enhances the character of the local area and positively contribute to an area's identity. The development would also be contrary to content within the National Planning Policy Framework (the Framework) which, at paragraph 130, states that development should add to the overall quality of an area and be sympathetic to local character including the surrounding built environment and landscape setting.

The living conditions of the occupants of 5-7 Mount Park

9. Properties in the area are generally served by spacious front and rear gardens and, consequently, properties are spaced well apart from one another, and this is the case at Nos 5 and 7. The occupants of those properties will also benefit from the hedgerow and trees located to their rear whilst the presence of Station Road and Station Close assists in separating them from neighbouring properties. Properties to the rear of, and closest to, Nos 5 and 7 on Station Road and Station Close, are bungalows.
10. The proposed dwelling would be located immediately beside the rear gardens of Nos 5 and 7 and be sited close to the rear elevations of both properties. Presently, levels of outlook from the gardens of and any windows serving Nos 5 and 7 orientated in the direction of the site, are likely to be high owing to the

absence of significant built features very close-by. Outlook will generally be a pleasant one given the verdant character of the immediate area.

11. There may be no specific distance requirements contained within relevant development plan policies or within any local guidance applicable to the development. Nevertheless, at such close proximity to the gardens and windows of Nos 5 and 7, the proposed two storey dwelling would create an imposing feature. I accept that the proposed dwelling would be set at angles from the rear of Nos 5 and 7 and this would lessen the effects than in a scenario whereby the dwelling was more directly opposite windows. However, due to the aforementioned proximity, and scale the dwelling would nevertheless create a harmful dominating effect that would unacceptably reduce the levels of outlook presently available to the occupiers of Nos 5 and 7. Furthermore, the acuteness of the angles involved to the windows within Nos 5 and 7 would not mitigate the effects of the development when viewed within the gardens of those properties.
12. Consequently, for the reasons given, the development would be contrary to Policies ENV1 of the LP and Policy SP19 of the CS. In summary, and amongst other things, those policies seek to ensure that development is of high quality, including in respect of the living conditions of adjoining occupiers whilst contributing to enhancing community cohesion. The development would also be contrary to content within the Framework which, at paragraph 130, states that development should promote well-being and create high standards of amenity.

The living conditions of the occupants of the development

13. In contrast with the spacious plots which predominate in the area, in the proposed development, the majority of the plot would be taken up by the dwelling itself. The plans show the remainder of the plot would be utilised for the purposes of parking, bin storage and perimeter access path. The proposed dwelling would not be served by a garden or similar external space.
14. The development would not provide for its occupants an external space of a size large enough for relaxation or recreation to any meaningful extent. I also note the content of Policy ENV1 of the LP and Policy SP19 of the CS which, in requiring development to be of high quality, state that the context of the character of the area should be taken into account. I find that the development would represent poor quality design which would fail to provide the occupiers of the development with a garden or useable external space and, in turn, living conditions befitting to its context.
15. It may be the internal spaces of the dwelling are of sufficient size, but internal and external spaces serve different purposes and make different contributions to the quality of living conditions. Therefore, and in this case, I do not find that the design of the house internally justifies the absence of a useable external space.
16. Though the ground floor living room could have its outlook impeded by the proximity of a car parked upon the drive, the window proposed to the room is large as is the window proposed to serve the bedroom above. As a result, I find that the outlook from these rooms would be acceptable. Whether or not a fence would be erected adjacent to it, the window proposed to serve the kitchen would be set at a high level and obscure glazed and therefore would not provide for outlook. However, on the basis of the plans before me the kitchen

would not provide a dining space nor, in comparison to the living or bedrooms, be likely to be a space occupied for lengthy periods. The absence of larger, clear glazed windows providing greater outlook would therefore be acceptable. The obscure glazed windows, which would not allow for outlook, serving the remaining en-suite and WC, I find would be acceptable given the purposes of the rooms. For these reasons, the level of outlook that would be available for the occupiers of the proposed dwelling would be acceptable.

17. However, the absence of a garden or similar useable external space, would for the above reasons, be unacceptable and contrary to Policy ENV1 of the LP and Policy SP19 of the CS. In summary, and amongst other things, those policies require development to be of a high quality, having regard to the local character. The development would also be contrary to content at paragraph 130 of the Framework which states that development should promote well-being and create high standards of amenity including for future users.

Other Matters

18. The principle of the development may be acceptable, the site may have been previously developed, and a range of services and facilities readily available within Riccall to serve the development. However, these factors do not outweigh the level of harm which I have identified within the main issues.
19. I note that the development would minimise energy consumption, likely surpassing that required under building regulations and in so doing accord with the relevant content of Policies SP15, SP18 and SP19 of the CS and ENV1 of the LP. However, I do not find that the energy reduction which the development would achieve would be of sufficient weight to outweigh the identified harm.
20. Station Road may not be heavily trafficked, nor the development be likely to cause parking problems whilst the nearby public footpath may also be unaffected by the development. However, as matters on which no harm would be found, they would accordingly be neutral against the harm that I have found.
21. It may be the site has suffered from waste deposition and appeared unsightly, however, the proposal before me has not been shown to be the only option to tidy the site so I give this matter limited weight.
22. The development is described as a starter home. It is unclear from the evidence before me whether the dwelling proposed is intended to be a starter home meeting the definition contained within the glossary of the Framework or not. I also note the submitted heads of terms which sets out that the dwelling could be available for rent below local market rental prices.
23. However, I do not have a completed agreement under section 106 of the Town and Country Planning Act 1990 before me. In its absence, I cannot attribute weight to a starter home or other form of affordable housing meeting the definitions contained within the Framework being delivered. I have attributed weight, to the contribution to housing supply that the single dwelling would make more generally but this benefit does not outweigh the harm that I have identified in the main issues.
24. Finally, I have noted the representations received in support of the scheme and I have addressed specific points raised. That the scheme has attracted some

support in general terms does not overcome the concerns I have raised with the development.

Conclusion

25. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Jones

INSPECTOR