



Appeal Decision

Site visit made on 27 September 2022

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2022

Appeal Ref: APP/G2713/D/22/3304858

**3 Potto Hall, East View House, Parson Back Lane, Potto, North Yorkshire
DL6 3EU**

- 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 A Newton against the decision of Hambleton District Council.
 - The application Ref 22/01225/FUL, dated 17 May 2022, was refused by notice dated 12 July 2022.
 - The development proposed is the construction of a summerhouse.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a summerhouse at 3 Potto Hall, East View House, Parson Back Lane, Potto, North Yorkshire DL6 3EU in accordance with the terms of the application, Ref 22/01225/FUL, dated 17 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following submitted plans: location plan; and drawing no. 01 - plans and elevations.
 - 2) Within 3 months of the date of the decision, the details of the external surfaces of the summerhouse shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the details agreed.

Procedural Matter

2. From my site inspection, I noted that construction had already commenced on the proposed summerhouse, but the works were not fully completed, the appeal has been determined on this basis.

Main Issue

3. The main issue is the effect of the proposed summerhouse upon the character and appearance of Potto Hall and the area, with particular regard to its location, and form.

Reasons

4. Potto Hall is a substantial detached building constructed in light coloured brick under hipped roofs covered by slates. The property is currently arranged as 6 no. dwellings. The Council has referred to Potto Hall as a non-designated heritage asset due to its age and scale, it regards its setting to be a key part of its significance. Closest to the Hall are individual gardens and parking areas,

beyond these are grassed areas, including individual parcels of land, some containing outbuildings separated by fences or hedges.

5. The building is set within a pleasant and landscaped setting with substantial planting, both around Potto Hall and along its boundary with Parson Back Lane. There are six detached garage buildings close to the sides of Potto Hall, all with a similar roof form and matching materials to Potto Hall. However, there are also outbuildings on these other surrounding parcels of land, which are not in this same architectural style.
6. The new summerhouse sits in one of those separate parcels of land, used as garden for No.3. It is within the landscape setting of Potto Hall. The building is a modest size and separated from Potto Hall by some of the individual gardens and a large car parking area. Whilst its gabled form does not conform to the hipped roof design of Potto Hall and its associated garages, the building is clearly of a different scale and use and it does not appear incongruous in this context.
7. The elevation of Potto Hall nearest to the proposed summerhouse, still at some distance away, includes an inner courtyard. The form and appearance of this elevation and courtyard arrangement indicates that it is of a lesser significance, than the other grander elevations of Potto Hall. The proposed summerhouse is not readily discernible from those other more significant elevations of Potto Hall. The building is visible from within the shared grounds of Potto Hall; however, such views are of a relatively modest outbuilding and the development is read as being distinctly separate from Potto Hall. There are some glimpsed public views from Parson Back Lane, but these mainly do not include both the summerhouse and Potto Hall together. In addition, its glazed openings would be restricted to one elevation, which faces away from Potto Hall. Views of these openings, and of the new summerhouse and Potto Hall together, are largely restricted to within the appellant's private land, significantly limiting their effect upon the wider area.
8. I therefore find that the location and form of the proposed summerhouse would be sympathetic to the character and appearance of Potto Hall and its significance as a non-designated heritage asset and to the area, in accordance with Policy E1 of the Hambleton Local Plan, adopted February 2022, which requires amongst other things, that new development should provide a high quality design reflecting the historic form of an area's locally distinctive character and appearance. Moreover, the proposal accords with paragraph 203 of the National Planning Policy Framework which seeks to protect the significance of non-designated heritage assets.

Other Matters

9. Whilst it has been suggested that the appeal site is agricultural land, the Council has referred to the site as garden for No. 3 Potto Hall and accepted this proposal as a householder application. I have no reason to find differently to the Council in this regard.
10. Owing to the separation between the proposed summerhouse and the nearest dwellings, No. 1 and No. 6 Potto Hall, together with the intervening car parking areas, its form and use would be unlikely to have unacceptable effects upon living conditions of nearby occupiers. It is noteworthy that the Council found similarly in this regard.

Conditions

11. As works have commenced on site, there is no need for the standard implementation condition. However, a condition listing the plans is needed to provide certainty over what has been approved. A condition is necessary to control the external finishes to the summerhouse in order to protect the character and appearance of the area. This condition has been shared in advance with both parties; the Council has confirmed the condition is acceptable.

Conclusion

12. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

A Hunter

INSPECTOR