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# Appeal Decision

Site visit made on 1 November 2022

**by F Wilkinson BSc (Hons), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 November 2022**

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**Appeal Ref: APP/G2713/W/22/3300844**

**Aldorian, Main Street, Sessay YO7 3BE**

- 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 Anderson against the decision of Hambleton District Council.
  - The application Ref 21/01181/FUL, dated 4 May 2021, was refused by notice dated 19 January 2022.
  - The development proposed is new dwelling and double garage; formation of new domestic access and removal of existing access; change of use of paddock to domestic use; alterations to existing bungalow (Aldorian) to remove existing bay windows from side elevation and form replacement bay windows on front and rear elevations, formation of new domestic access, drive and revised parking area.
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## Decision

1. The appeal is allowed and planning permission is granted for the construction of dwelling, double garage, new access and change of use of paddock to domestic use and alterations to the elevations of the existing property at Aldorian, Main Street, Sessay, YO7 3BE in accordance with the terms of the application, Ref 21/01181/FUL, dated 4 May 2021, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The Council's decision refers to the Core Strategy and Development Policies Local Development Framework Development Plan Documents. These have been superseded by the Hambleton Local Plan, adopted 2022 (the Local Plan). The Council's officer report referred to the Local Plan as emerging at the time. The Council referred to the Local Plan in its statement, which the appellant has seen. I have referred to the Local Plan in my findings.
3. The description of the development proposed in the banner heading is from the application form. The description was altered by the Council to 'construction of dwelling, double garage, new access and change of use of paddock to domestic use and alterations to the elevations of the existing property as amended by plans received 29.09.2021'. The appellant does not appear to have disputed this change and it is also the description used on the appeal form. It is therefore the description that I have used in my decision.

## **Main Issues**

4. The main issues are the effects of the proposed development on:
- the character and appearance of the area; and
  - the living conditions of residents of Aldorian with regard to outdoor amenity space.

## **Reasons**

### *Character and Appearance*

5. The appeal site is part of the garden of Aldorian, a residential bungalow, together with a paddock area. The proposed dwelling would occupy the gap between Aldorian and the dormer bungalow at Wayside. It's position fronting on to the street would maintain the linear character of the village.
6. The built form fronting onto the main street through the village is diverse, with properties including bungalows, a number of dormer bungalows, larger two storey detached properties and terraced dwellings. There is also variety in plot size and spacing between the properties.
7. The proposed dwelling would be in relatively close proximity to the adjacent property at Wayside. The gap between the two properties would not be out of keeping with the one between Wayside and Hollybush House, the dormer bungalow on the other side of Wayside. The closest part of Wayside to Hollybush House is a single storey garage rather than a dwelling of the height proposed. However, it has a relatively high-pitched roof which lessens the visual sense of space between the properties, especially when viewed from vantage points along the street to the north. There would be a larger gap between the proposed dwelling and Aldorian.
8. While some dwellings are on quite large plots, and therefore have a spacious character and appearance, I observed several properties fronting on to the street that sit close to their boundaries with smaller gaps between them and the adjacent property. Given this variety in the grain of built development, the gap between the proposed dwelling and the adjacent properties would not result in an overly cramped appearance nor would it appear inharmonious in the street scape.
9. The front elevation of the proposed dwelling would reflect that of the adjoining dormer bungalow at Wayside and its neighbour at Hollybush House in terms of a number of design features including the scale and positioning of the chimney and the double fronted windows to the ground floor. Although the style of the front dormer windows may not be common in the locality, they are not dissimilar in scale to the dormers of Wayside and Hollybush House. Despite having more design features than some other nearby properties, the front elevation would not appear unduly cluttered.
10. The eaves height of the proposed dwelling would be similar to that of Wayside although its ridge height would be lower. The ridge would be higher than that of Aldorian but not to the extent that it would dominate this property.
11. While the front elevation of the proposed dwelling would be relatively modest in scale, it would have quite large and asymmetrical gable elevations in order to accommodate the proposed accommodation. However, the massing of these

gable elevations would be reduced to an extent through the use of dormer windows. Furthermore, they would be relatively well screened in views from the street and nearby properties by the existing built form of Wayside and to a lesser extent Aldorian. As a result, while relatively deep, the gable elevations would not be a prominent feature in the street scape.

12. The proposed dwelling would have a number of design features that may in part be attributed to the nature of the plot, such as the quite deep gable elevations and an arrangement of single and two storey additions to the rear. However, in the context of the varied built form within the street scape, these features would not appear overly contrived and would not result in an incongruous development.
13. Any strong visual presence in the street scape that Aldorian may have had has been eroded to a large extent by the two dwellings at Wayside and Hollybush House, which the submitted evidence indicates were built within part of its garden. Furthermore, these two properties screen views of Aldorian when approaching until in relatively close proximity. This is also the case when approaching from the other direction, with screening provided by the property at Jessamine House.
14. The proposal includes blocking up the two bay windows on the side elevation of Aldorian. Replacement bay windows would be added to the elevation facing the street and the one to the rear to serve the relevant rooms. This would change the appearance of the property to some extent, including that the side elevation would be less obvious as the main entrance. However, it is not particularly prominent in the street scape until in relatively close proximity and would become less so with the added screening of the proposed dwelling.
15. The character and appearance of Aldorian would be altered but not to the extent that would be unacceptably harmful. In addition, there is no clear evidence to indicate that the visual character of Aldorian made an important contribution to the heritage of the village.
16. Overall, the design, scale and mass of the proposed dwelling and its location within the site would sit comfortably with the form and grain of the varied street scape. I therefore conclude that the proposed development would not unacceptably harm the character and appearance of the area.
17. Accordingly, it would accord with Policy E1 of the Local Plan. Amongst other matters, this policy requires development to respond positively to context, to respect and contribute positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, and to achieve a satisfactory relationship with adjacent development.

### *Living Conditions*

18. The proposed development would greatly reduce the amount of garden space available to Aldorian. The garden to the front would remain although part would be taken up by the new drive proposed to serve the property. This would replace the existing drive that would form part of the site for the proposed dwelling.
19. An area to the rear of Aldorian would remain for the use of residents of this property. This area would not be large. It would nevertheless be a private

south west facing space of sufficient size to accommodate typical garden activities such as garden furniture, play equipment and drying clothes. The outdoor area would be bounded by a proposed 1.8 metre high fence that would run along the boundary between Aldorian and the proposed dwelling. It would therefore be more enclosed than is currently the case. However, the property has views across open countryside to the rear, so the living space would not feel oppressive.

20. I therefore conclude that the proposed development would not harm the living conditions of residents of Aldorian with regard to outdoor amenity space. Consequently, it would accord with the residential amenity requirements of Policies E1 and E2 of the Local Plan.

### **Conditions**

21. I have considered the conditions suggested by the Council, having regard to the six tests set out in the National Planning Policy Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
22. As well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans.
23. Details of the construction phase are necessary in the interests of public safety and the living conditions of nearby residents. A scheme of landscaping and biodiversity net gain are necessary in the interests of the character and appearance and ecology of the area. These are required prior to commencement of development to ensure that the relevant details are acceptable at an appropriate stage.
24. Details of external materials and site levels are necessary in the interests of the character and appearance of the area. Conditions are necessary to ensure the construction of the site accesses and parking areas and the closure of the existing site access, in the interests of highway safety and the living conditions of residents. In the interests of public health and safety and the environment, a condition is necessary to address contamination risks. In the interests of living conditions of neighbouring residents, it is necessary to remove rights for works permitted to take place without the need for express planning permission on a selective basis, referring to classes of the GPDO<sup>1</sup> concerned with the enlargement, improvement or other alteration and buildings etc incidental to the enjoyment of a dwellinghouse; and to secure the implementation of the works to Aldorian.

### **Conclusion**

25. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should succeed.

*F Wilkinson*

INSPECTOR

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<sup>1</sup> Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 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; proposed block plan - A28-4-PLG4 rev ab 28-09-2021; proposed new dwelling - A28-4-PLG1 rev ab 28-09-2021; proposed garage - A28-4-PLG5 rev ab 28-09-2021; existing dwelling Aldorian alterations - A28-4-PLG2 rev ab 28-09-2021.
- 3) Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Construction of the development hereby permitted shall be undertaken in accordance with the approved Plan. The Plan shall include arrangements for the following in respect of each phase of the works: -
  - i. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  - ii. the parking of contractors' vehicles;
  - iii. areas for storage of plant and materials used in constructing the development clear of the highway;
  - iv. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- 4) Prior to the commencement of development, a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide:
  - a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features; and
  - b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version).

The scheme shall include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.
- 5) Prior to the commencement of development, other than initial site clearance and the formation of the access to serve the dwelling hereby permitted, full site levels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include existing and proposed site levels along with proposed floor, eaves and ridge levels.
- 6) No above ground construction work shall be undertaken until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details.
- 7) The dwelling hereby permitted shall not be occupied until the accesses to the site have been set out and constructed in accordance with the following requirements:

- i. The crossings of the highway verge must be constructed in accordance with the approved plan A28-4-PLG4 rev ab 28-09-2021 and 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.

All works must accord with the approved details.

- 8) The dwelling hereby permitted shall not be occupied until the existing access at the south eastern end of the site has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
- 9) The dwelling hereby permitted shall not be occupied until the related parking facilities have been constructed in accordance with the approved plans. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 10) The dwelling hereby permitted shall not be occupied until the works to the adjacent property, Aldorian, have been completed in accordance with plan A28-4-PLG2 rev ab 28-09-2021.
- 11) If any contamination be suspected or encountered during development all works shall cease and the Local Planning Authority shall be notified in writing. No further works (other than approved contaminated land remediation measures) shall be undertaken or the development occupied until a Remediation Strategy Report has been submitted to and approved in writing by the Local Planning Authority and the approved remediation measures have been implemented in accordance with the timescales in the approved Strategy. No further works shall be undertaken, or the development occupied, until a Validation Report has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy and Validation Report shall be prepared in accordance with the Land Contamination Risk Management guidance (Environment Agency) and the Council's guidance note "Contaminated Land - A Guide to Developers."
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration shall be carried out to the dwelling hereby permitted nor shall any structure be erected within or on the boundary of its curtilage, other than those expressly authorised by this permission.