



Appeal Decision

Site visit made on 22 November 2022

by C Megginson BA (hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/Y2736/W/22/3301726

1 East View, Railway Street, Slingsby, Malton, North Yorkshire YO62 4AJ

- 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 Alfonsa Caruso against the decision of Ryedale District Council.
 - The application Ref 22/00238/HOUSE, dated 21 February 2022, was refused by notice dated 13 May 2022.
 - The development proposed is described as a Two storey side extension and single storey rear extension. Also creation of off street parking to the front garden.
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Decision

1. The appeal is dismissed insofar as it related to the creation of off-street parking to the front garden. The appeal is allowed insofar as it related to a two storey side extension and single storey rear extension and planning permission is granted for a two storey side extension and single storey rear extension at 1 East View, Railway Street, Malton, North Yorkshire YO62 4AJ in accordance with the terms of the application, Ref 22/00238/HOUSE, dated 21 February 2022, so far as relevant to that part of the development hereby permitted and subject to the conditions set out in the attached schedule:

Procedural Matter

2. Ryedale District Council issued a split decision. Section 79(1)(b) of the Town and Country Planning Act 1990, allows that, on appeal under section 78, the Secretary of State "may deal with the application as if it had been made to him in the first instance". Nevertheless, I agree with the Council on the acceptability of the two-storey side extension and single storey rear extension. These elements would not translate to harm to the Slingsby Conservation Area (CA) and therefore the character and appearance of the CA would be preserved. I shall, therefore, grant planning permission for them.

Main Issue

3. Whether the proposed development would preserve or enhance the character or appearance of the Slingsby Conservation Area (CA).

Reasons

4. The appeal site is located in a prominent position within Railway Street, in a central position within the CA. The appeal property sits on a side of the road which features relatively modern dwellings and I recognise that the appeal property and its boundary wall make a limited contribution, on their own to the character or appearance of the CA. Despite this, the set back of the dwelling

from the road, with open garden to the front and the low front boundary wall, contained by a continuous sloped grass verge along the street, give the appeal site and its surroundings a simple, straightforward and verdant character.

5. Slingsby Village Design Statement (VDS) aims to preserve the local environment by the sensitive use of boundaries and seeks to retain and maintain the green and wide grass verges seen throughout Slingsby, which it regards as significant features. Whilst some grass verges have been broken up into shorter sections, long unbroken sections, like that to the front of the appeal site make an important contribution to the character, appearance and significance of the CA.
6. The appeal proposal would create off-street parking spaces to the front of the dwelling. It would include a green plastic grid system that would allow the grass to grow through and a living wall and small grass bank as a boundary. Whilst these features would soften the appearance of the proposal somewhat, they would still result in the removal of a wide section of the sloping verge, which forms a strong visual feature for some distance along the street scene. Furthermore, the proposal would create a stepped boundary which, with the addition of cars into the street scene, would be visually intrusive, and would be at odds with the simple, straightforward and verdant character.
7. The harm that would arise would be localised and therefore the impact on the CA as a whole would be less than substantial within the meaning of Paragraph 196 of the National Planning Policy Framework (the Framework). In weighing it against the public benefits of the proposal, the appellant has highlighted the need to provide off street parking. Whilst this would remove vehicles from parking on street, the scale of the proposal would mean that the public benefits would be limited and they would not be sufficient to outweigh the harm that I have found, and to which I am required to attach great weight.
8. Thus, my overall conclusion is that the proposal would have an adverse effect on the character and appearance of the host dwelling, the street scene and the CA, and in doing so would fail to preserve or enhance the character or appearance of the CA. The proposal would cause less than substantial harm to the significance of the CA and in the absence of any public benefits to outweigh this harm, would conflict with Policy SP12 of the Ryedale Plan Local Plan Strategy (2013) and the Framework, which in summary, seek to protect, preserve and where possible enhance, the character and appearance of heritage assets.

Other Matters

9. Whilst the highways authority has not objected to the proposal and the Parish Council have withdrawn their objection, the absence of objection does not in itself render the scheme acceptable.
10. The appellant states that they have attempted to mirror the off-street parking at the adjacent dwelling and have highlighted a number of examples where the verge has been broken along Railway Street. I note that the parking area for the adjacent property is set to the side, rather than across the front of its host dwelling. Other examples largely appear to be in line with the gaps between dwellings and provide access through to car parking or to dwellings located behind the street.

11. I am not therefore convinced that the above examples are directly comparable to the appeal proposal. Furthermore, the examples cited do not all appear to necessarily constitute an example of sympathetic development and do not therefore justify the appeal proposal. I have considered this appeal proposal on its own merits.

Conditions

12. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity. I have imposed standard conditions relating to the commencement of development and the approved plans. I have also attached a condition requiring the submission and agreement of external materials in the interests of the character and appearance of the area.
13. In the interests of highway safety, as well as to protect the living conditions of occupiers of neighbouring properties, it is necessary to require the submission of a Construction Method Statement.
14. The Council have suggested the inclusion of a condition preventing the creation of windows or any other openings in the southern (side) elevation of the two-storey extension at first floor level, in the interests of the amenity of the occupiers of the neighbouring property. Because of its proximity to the boundary of neighbouring gardens and potential for overlooking thereof that may result from insensitively placed openings, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), it is necessary and justified to prevent future windows or openings.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the two-storey side extension and single storey rear extension and dismissed insofar as it relates to the creation of off-street parking to the front garden.

C Megginson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Side and Rear Extensions, drawing number 1150AC 01D, scanned to file 12.05.2022 (insofar as it relates to the erection of the two-storey side extension and single storey rear extension only).
- 3) No development shall take place until details/samples of all external facing materials have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details/samples.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking or re-enacting that Order) no further doors, windows or any other openings shall be created at first floor level within the southern (side) elevation of the two-storey side extension hereby approved.
- 5) No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 - i) The parking of contractors' site operatives and visitor's vehicles;
 - ii) Areas for storage of plant and materials used in constructing the development clear of the highway;
 - iii) Details of site working hours;
 - iv) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.