



Appeal Decision

Site visit made on 23 November 2022

by D Barlow BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2023

Appeal Ref: APP/G2713/W/22/3300957
Whiteacre End, Thirn, Ripon, HG4 4AU

- 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 and Mrs Parish against the decision of Hambleton District Council.
 - The application Ref 21/01186/FUL dated 5 May 2021, was refused by notice dated 13 April 2022.
 - The development proposed is construction of 3 bed stone built cottage on land adjacent to Whiteacre.
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Decision

1. The appeal is allowed and planning permission is granted for a 3 bed stone built cottage on land adjacent to Whiteacre at Whiteacre End, Thirn, Ripon, HG4 4AU, in accordance with the terms of the application Ref 21/01186/FUL dated 5 May 2021, subject to the following conditions:
 - 1.The development hereby permitted shall begin not later than 3 years from the date of this permission.
 2. The development hereby granted permitted shall be carried out in accordance with the following approved plans: SVY 00, PL 01- Proposed Plans in Site – Rev B, PL 02- New Dwelling- Floor Plans REV B, PL 03- New Dwelling Elevations- REV B, and PL 04- Street Elevations – REV B.
 3. No above ground construction work shall be undertaken until details and sample panels of all external surfaces have been provided on site and approved in writing by the local planning authority. The approved sample panels shall be retained on site until the work is completed and the development shall be carried out in accordance with the approved details/sample panels.
 4. The development shall not be occupied until the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works'.
 5. The development shall not be occupied until visibility splays are provided at the access with the public highway of 43 metres to the west of the access and 41 metres to the east of the access measured along the channel lines of the major road from a point measured 2.40 metres down the centre line of the access road. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

6. The development shall not be occupied until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved details. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

7. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows water to drain naturally within the curtilage of the property.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The host property is currently a bungalow, set back from the road and contained on the West by trees and a tall hedge. The village itself is relatively small and contains a mix of housing containing various architectural styles and a range of differing materials.
4. The new dwelling would be 2 storeys in height and would be sited to the side of the host property and set back from its front elevation. Although of a different design and form to Whiteacre End, there would be sufficient separation distance between the respective properties, and its position on the site would reflect the mixed character of the area.
5. The new dwelling would be larger than the one previously granted planning permission in 2020. Of note is its increased depth of 3 metres (4 metres including the porch) compared to the approved dwelling, and an increase in height of 1.2 metres as referenced by the Council.
6. The increased depth would not be readily discernible either from the highway or from the approach to the west due to the presence of the existing built form at the host property and the mature landscaping along the western boundary. Moreover, the increase in height to that which the Council has previously found acceptable on the site would be limited and the roof design proposed would break up the overall bulk and massing of the property, such that it would not be dominant or incongruous on the approach to the village.
7. I acknowledge that during the winter months the new dwelling would be more visible when leaves are not on the hedgerows and trees, however the dwelling would be far less prominent than that on the opposite side of the road, which is the first dwelling encountered on the approach to the village from this direction.
8. I therefore conclude that the proposed dwelling would successfully integrate with its surroundings and reflect the character and appearance of the area, in accordance with Policy E1 of the Hambleton Local Plan which seeks to ensure that development is of a high quality design which responds positively to its context and achieves a satisfactory relationship with adjacent development.

Conditions

9. The Local Planning Authority (LPA) has provided a list of conditions, should I be minded to allow the appeal and I have largely used those as they are necessary and reasonable, with the exception of the LPA's proposed condition on the construction management plan, which is not necessary because of the small scale of the proposal. I have altered some of the suggested wording to make conditions comply with the tests set out in the National Planning Policy Framework and the Planning Practice Guidance.
10. The first two conditions are to comply with the Town and Country Planning Act 1990 and ensure the development is built as approved.
11. Condition 3 is to ensure the materials are compatible with the setting and area as a whole.
12. Conditions 4-6 are necessary to ensure public and highway safety.
13. Condition 7 is to necessary to ensure that the proposal is satisfactorily drained.

Conclusion

14. For the reasons given above, I conclude that the appeal should succeed.

D Barlow

INSPECTOR