



Appeal Decision

Site visit made on 24 January 2023

by D Barlow BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/C2708/D/22/3309311
34, Raikeswood Road, Skipton BD23 1NB

- 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 S Buckton against the decision of Craven District Council.
- The application Ref 2022/23654/HH dated 12 January 2022, was refused by notice dated 5 October 2022.
- The development proposed is parking spaces in side garden with new retaining walls and proposed single storey extension to the rear to create kitchen extension and link to existing garage and internal alterations.

Decision

1. The appeal is allowed and planning permission is granted for parking spaces in side garden with new retaining walls and proposed single storey extension to the rear to create kitchen extension and link to existing garage and internal alterations at 34 Raikeswood Road, Skipton BD23 1NB, in accordance with the terms of the application Ref 2022/23654/HH dated 12 January 2022, subject to the conditions:

Main Issues

2. The main issues are the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to outlook, and the effect on biodiversity.

Reasons

Living Conditions

3. The host property is a traditional dormer bungalow which sits on a steeply sloping plot with views over the surrounding hills. A more recently built terrace of three properties, known as Spindle Mill, lies below and to the East. The area is residential in character with Victorian stone terraced properties with slate roofs at the bottom of the road giving way to more spacious and lower density houses as the street rises.
4. The proposed extension would link the existing garage which sits below the host property and provide additional living accommodation. The property immediately to the North (No. 40 Raikeswood Road) is set at a higher level and screened by a stone wall and tall hedge. Due to the topography and site levels,

there would be no issues with overlooking into the neighbouring property and indeed the removal of an existing dormer window would improve the existing situation in that regard. Whilst there would be some reduction in outlook from the neighbouring property's conservatory, in view of the level differences involved and as the principal orientation of the property being West to East, this would not be to an unacceptable degree. The proposed extension would also not run the whole length of the neighbouring conservatory and the neighbouring occupiers would still have uninterrupted views to the Southeast.

5. Given the above, I therefore conclude that the proposal would not be overbearing and harm the living conditions of neighbouring occupiers with particular regard to outlook. It would comply with Policy ENV3 of the Craven Local Plan (Adopted November 12, 2019) which seeks good design that respects the form of existing and surrounding buildings. This is also consistent with Paragraph 130 of the National Planning Policy Framework.

Impact on biodiversity

6. With regards to the effect on biodiversity, there would be some small loss although the area to be built on is existing hardstanding. In addition, some trees and shrubs have already been removed and I observed at the time of my site visit that there appeared to be no significant trees or shrubs remaining. As the site is not in a conservation area I am therefore satisfied that although no details were submitted by the appellant at the time of the planning application, that replacement trees and landscaping could be adequately dealt with by a suitably worded condition.
7. The appellant has also provided a bat survey report in support of the proposal, which identified the presence of bats in a section of the existing roof of the host property. The report sets out appropriate mitigation and includes measures to protect bats during construction works. Moreover, from the evidence before me, the Council are satisfied with the report and mitigation measures, and a suitably worded condition would ensure these are adhered to.
8. Given the above, I conclude that the proposed development would not cause harm to biodiversity. It would comply with Policy ENV4 of the Craven Local Plan which seeks to achieve a net gain in biodiversity wherever possible.

Other Matters

9. Several third parties have raised other objections relating to access/parking, flood risk and design/heritage. With regard to vehicle access and parking, it is notable that there was no objection from the Highways Department and the addition of two off street parking spaces would comply with Policy INF4 of the Local Plan. Furthermore, the proposal would improve the current on street parking provision with off street parking within the site.
10. There were also concerns raised about the impact of the excavation works on drainage to the driveway to Spinney Mews, however this matter can be satisfactorily dealt with by a suitably worded planning condition.
11. On design/heritage, the appeal site lies adjacent to the Skipton Conservation Area (CA). The proposed extension would not be readily visible from the CA, due to its design and siting. Although the addition of the parking area and removal of the section of wall would alter the appearance to the entrance to the property, the adjacent historic wall along Raikeswood Road would remain.

As such, the proposed development would have a neutral impact on the CA, and it would not harm the setting or significance of the CA.

Conditions

12. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the Planning practice Guidance (PPG). For clarity, precision and to ensure compliance with the PPG, I have undertaken some minor editing and alterations.
13. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have imposed a condition specifying materials to be agreed, to safeguard the character and appearance of the area. Condition 4 and 5, are to mitigate impacts on biodiversity and protected species. Condition 6 to ensure the site is suitably drained. Condition 7 is to protect the living conditions of neighbouring occupiers.
14. I have not imposed the suggested conditions on removal of permitted development rights and retention of parking spaces, as these would not meet the test of reasonableness, and in line with the PPG. Moreover, the development would be carried out in accordance with the plans.

Conclusion

15. For the reasons given above, and having regard to all other matters, the proposal accords with the development plan taken as a whole and there are no other material considerations, which indicate the proposed development should be determined other than in accordance with the development plan. I conclude the appeal should be allowed, subject to conditions.

D Barlow

INSPECTOR

Schedule of Conditions :

1. The development hereby permitted shall be begun 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: 9515/01D; 9515/02C; 9515/04H; 9515/05F; 9515/06E; 9515/010.
3. The materials to be used in the external construction of the proposed development, shall be those which are specified on the approved plans in condition 2, and shall match those used on the existing building and existing boundary walls.
4. Notwithstanding any details shown on the approved plans, within three months of development taking place, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting trees, hedges, and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.
5. The development shall be undertaken in accordance with mitigation measures contained in the submitted bat survey by BL- Ecology (Dated 7/9/22).
6. Prior to the first use of the proposed development, surface water drainage shall be disposed of by an attenuated discharge and installed in accordance with the requirements of the Craven Local Plan Policy ENV6 and Appendix C to Policy ENV6; Flood Risk- Environment Agency Technical Note. This shall be maintained and retained for the lifetime of the development.
7. The extension hereby permitted shall not be occupied until the ground floor bathroom window shown on the western elevation; the ground floor wc window shown on the eastern elevation and the first floor bathroom window of the development have been fitted with obscure glazing to a minimum of level 3 on the Pilkington scale specification (where 1 is the lowest and 5 is the greatest level of obscurity), and shall be retained with obscured glazing thereafter.

