
Appeal Decision

Site visit made on 27 March 2023

By T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2023

Appeal Ref: APP/G2713/W/22/3312119

37 Easby Lane, Great Ayton, North Yorkshire TS9 6JX

- 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 Kate Williams against the decision of Hambleton District Council.
 - The application Ref 22/01660/FUL, dated 15 July 2022, was refused by notice dated 24 August 2022.
 - The development proposed is change of use of open space to domestic garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of nearby residents with regard to access to open space.

Reasons

Character and appearance

3. The open space is reasonably well sized, predominantly laid to grass and sitting to the rear of No. 37 Easby Lane (No.37) and No. 35 Easby Lane, adjacent to and with open access from Wainstones Drive.
4. The open space, along with the wide verges and grassed areas in close proximity on Wainstones Drive/Byemoor Avenue provide visual relief and a sense of openness within an otherwise well-developed urban area, contributing positively to the character and appearance of the area.
5. The evidence indicates that there has been some recent clearance of overgrowth at the site. However, this appeared to be located back from the road and the site is likely to have performed the same function, offering the same benefits prior to clearance.
6. The proposal would see the land portioned off to provide an enlarged wrap around garden to No.37. Although the boundary treatment would be set back slightly from the footway, it is proposed in the form of a 1m close boarded timber fence, aided by a 1.8m hedgerow close to the boundary of the land with Wainstones Drive. This would see the land separated from the public realm both visually and functionally.
7. This fencing and the hedgerow would bring a sense of enclosure to this part of the street which would detract significantly from its positive open characteristics. The

proposal would therefore be harmful to the character and appearance of the area. It would subsequently conflict with Policy E1 of the Hambleton Local Plan (2022) (HLP) which amongst other things requires proposals to respect and contribute positively to local character.

Living conditions

8. I appreciate that the site is small in comparison to other larger areas of open space which are noted as being available elsewhere within Great Ayton.
9. However, despite being open to Wainstones Drive on one side, I have no reason to consider that the site does not provide some opportunity for local residents, perhaps as an informal and local space that could be used occasionally by younger members of the community, possibly for informal play.
10. Given that access would be denied to the public as a result of the proposal as a result of its change of use to domestic garden, that option would be taken away. Subsequently, the proposal would be harmful to the living conditions of the local community. The proposal would therefore conflict with Policy E1 of the HLP which amongst other things indicates that proposals will be supported where they do not have an unacceptable impact on the amenities of neighbouring land and buildings or the wider area.
11. I have not found direct conflict with Policy E2 of the HLP given that the harm identified is not referenced by the details of the Policy. I have not been provided with the full details relating to Policy IC3 of the HLP, but even were I to consider that Policy relevant nothing within the evidence convinces me that the proposal would meet the parts of the Policy (d.-g.) that have been put before me.

Other Matters

12. My attention has been drawn to previous permissions at 3 Byemoor Avenue and 39 Easby Lane. However, these appear to relate to the enclosure of already private garden areas and to smaller areas of land than that under the appeal proposal. They are therefore limited in comparability and afforded limited weight.
13. I note the previously approved change of use of open space to form domestic garden at Angrove Close. However, this appears to relate to a smaller parcel of land that was tucked towards the head of the cul-de-sac. Its comparability with the highly prominent appeal site is therefore limited and I afford this matter limited weight.

Conclusion

14. The appellant indicates that they could provide some biodiversity improvement at the site, but details are limited, and these benefits would be restricted by the scale of any likely scheme. This matter would not outweigh the harm identified.
15. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR