



Appeal Decision

Site visit made on 18 April 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/N2739/D/23/3316959

South Newlands Cottage, Selby Road, Riccall, Selby, North Yorkshire YO19 6FQ

- 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 Ms Wendy Harrington against the decision of Selby District Council.
 - The application Ref 2022/1173/HPA, dated 10 October 2022, was refused by notice dated 1 December 2022.
 - The development proposed is a rear extension with balcony.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension with balcony at South Newlands Cottage, Selby Road, Riccall, Selby, North Yorkshire YO19 6FQ in accordance with the terms of the application, Ref 2022/1173/HPA, dated 10 October 2022, subject to the following 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: Proposed Rear extension with balcony, Drawing Number – YO19-2357 Rev D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. On 1 April 2023 Selby District Council merged with a number of other Councils to form a new Unitary Authority of North Yorkshire Council. This appeal decision however refers to the name of the Council shown on the decision notice which is the subject of the appeal, that being Selby District Council. Development plans for the merged Councils remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area, including having regard to its setting in the open countryside.

Reasons

4. The appeal property is a detached two-storey dwellinghouse. It is located in the open countryside. The property has been previously extended to the side and rear and includes a number of outbuildings. The proposed development would replace an existing single storey side extension of a similar size and siting.
5. Policy H14 of the Selby District Local Plan (2005) specifies that extensions to dwellings in the open countryside will be permitted provided that 1) the proposal would be appropriate to its setting and not visually intrusive in the landscape; 2) the proposal would not result in a disproportionate addition over and above the size of the original dwelling and would not dominate it visually and; 3) the design and materials of the proposed extension would be in keeping with the character and appearance of the dwelling.
6. Although the appeal property is a pleasant, detached property in a landscaped setting, I am not aware of it being recognised for its historical or architectural significance either locally or nationally. I am also not aware of it being located in a conservation area.
7. Aside from criterion 2) of the above policy, the proposed development is of a size, scale and siting that would not dominate the property and would appear subordinate to the main body of the dwelling. It would not be prominently located, and the fenestration and brick detail would match that used in the host dwelling. I acknowledge that the balcony feature would depart from the traditional brick and tile appearance of the property, however I do not consider that its size, materials, or siting to the side of the property, would cause unacceptable harm to the character and appearance of the host property or the surrounding area.
8. Having regard to criterion 2) of policy H14, the Council set out the previous extensions that have been carried out at the property. The Council's figures set out that the existing extensions have resulted in a volume increase of 112% over and above the original dwelling. This figure excludes, amongst other things, the existing conservatory that would be demolished.
9. Despite the fact that the existing conservatory which is proposed to be demolished constitutes an existing extension to the property, the Council have not included it in their figure for the existing extensions at the property. Either way, based on the submitted figures, it is clear that these existing extensions have already led to disproportionate additions that are over and above the size of the original dwelling.
10. Having regard to the existing conservatory that would be replaced, the proposed extension is only marginally bigger in scale and volume. The proposed extension, which projects 3.5 metres, replaces the existing conservatory which projects 2.8 metres. Therefore, whilst it would increase the volume of extensions at the property, this would be by only a very small amount, particularly as an overall percentage.
11. The appellant has also commented that the existing conservatory is in a poor condition and that the proposed extension would better relate to the architecture of the dwelling and provide improved thermal efficiency. From my observations on my site visit and based on the submitted plans, I would concur with the appellant.

12. I acknowledge that the development would increase the overall size of the property. Whilst I have found that the existing property has existing extensions over and above the size of the original dwelling, and that this would remain the case following the development, there is nevertheless minor conflict with the aims of the policy which seeks to restrict disproportionate extensions. It follows however that in light of the existing conservatory, which is to be removed, and the minor increase in size when taken against the dwelling and its extensions as a whole, there would not be unacceptable harm.
13. I therefore find that the proposed development would not cause harm to the character and appearance of the host property and the surrounding area, including having regard to its setting in the open countryside. Notwithstanding the conflict in terms of the minor increase in size, it would comply with the remaining requirements of Policy H14 of the Selby District Local Plan (2005) as outlined above. It would also comply with Policy ENV1 of the Selby District Local Plan (2005) which seeks to ensure, amongst other things, that proposals for development are of good quality, having regard to their effect on the character of the area and their design and materials having regard to the site and its surroundings.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is for the avoidance of doubt and in the interests of certainty. In the interests of character and appearance, it is necessary to impose a condition requiring the use of materials to match those used in the main body of the dwelling.

Conclusion

15. For the reasons outlined above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR