



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: 16 May 2023

Appeal Ref: APP/N2739/D/23/3317805

Sunnyside, York Road, Barlby, Selby, North Yorkshire YO8 5JP

- 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 David Leng against the decision of Selby District Council.
 - The application Ref 2022/0178/HPA, dated 13 February 2022, was refused by notice dated 22 December 2022.
 - The development proposed is the demolition of old prefabricated garage and erection of new prefabricated portal framed garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been undertaken. I am therefore considering the appeal retrospectively.
3. 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

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

Reasons

5. The appeal property is a detached two-storey dwelling. The detached garage subject to the appeal is located to the rear of the dwelling in the rear garden and is accessed via a driveway to the side of the property. The main body of the dwelling is sited close to the highway in front of the property. This is in clear contrast to the adjacent dwelling, Oakfield, which is set well back from the highway behind a large, open, front garden. The garage building is a large, detached metal clad building. It is located close to the rear boundary and the side boundary with Oakfield.
6. Although it is sited to the rear of the property, the open frontage and position of the Oakfield dwellinghouse are such that it is highly visible from York Road.

The visibility from York Road is not limited to specific viewpoints, with the garage being highly visible from a wide area when travelling in a southward direction.

7. The majority of the surrounding built environment is made up of brick buildings with tiled roofs. The appeal property with its rendered elevations being one of the exceptions. In this context, the metal clad garage appears alien and incongruous. Due to its overall siting, scale and massing, cumulatively these factors, in combination with the material, create a highly prominent and dominant structure which causes significant harm to the character and appearance of the area.
8. I observed that there are a number of outbuildings to properties in the surrounding area. Some of these buildings were of a comparable height but none displayed the same characteristics as the development before me in terms of siting, scale, massing and material.
9. The appellant has suggested that painting the garage in a colour to match the dwelling would reduce its visual impact. I agree that it would reduce its visual impact by a small amount, however the overall siting, scale and massing would be unchanged, and I do not consider that this on its own would adequately remove the harm I have identified.
10. The appellant has referred to a planning consent¹ that was granted for the construction of a dormer bungalow on land in front of the adjacent property, Oakfield. I have been provided with a copy of the approved block plan. Although I agree with the appellant that the dwelling would serve to screen a significant amount of the garage, the fact that the dwelling has not been constructed significantly limits the weight that can be given to this consent. Also, given the timescales and the fact it does not appear to have commenced on site, it is possible that this consent has expired, and this further reduces the weight that can be given.
11. The appellant has referred to the Council's observations in terms of permitted development rights. Whilst there are potential permitted development rights that could be exercised to construct an outbuilding at the property, it would not be as substantial as the development before me. I therefore give limited weight to this fallback.
12. In conclusion, the development causes significant harm to the character and appearance of the area. It is therefore contrary to Policy ENV1 of the Selby Local Plan (2005) and Policy SP19 of the Selby Core Strategy (2013). These policies seek to ensure, amongst other things, that development is of high quality and takes account of the design, scale, and materials in relation to the site and its surroundings.
13. The development is also contrary to the requirement of the National Planning Policy Framework (2021) in ensuring that developments add to the overall quality of an area, are visually attractive, and sympathetic to local character including the surrounding built environment and landscape setting.

¹ Planning Application 2016/0131/FUL

Other Matters

14. The appellant has referred to there being no communication between them and the case officer despite attempts to establish dialogue. I acknowledge that this may have caused frustration for the appellant, however it is not a reason to allow the appeal.
15. The fact that Barlby Parish Council did not object to the development is a neutral factor in the planning balance. Similarly is the fact that the case officer did not find harm to the living conditions of occupants of nearby residential properties.

Conclusion

16. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR