



Appeal Decision

Site visit made on 3 May 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2023

Appeal Ref: APP/G2713/W/22/3312437

Land to South of Walton Close, Bell Lane, Huby, York YO61 1YA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Michael Williamson of Baile Developments Ltd against the decision of Hambleton District Council.
- The application Ref 22/01353/REM, dated 26 May 2022, sought approval of details pursuant to condition No. 2 of planning permission Ref 20/02217/OUT, granted on 27 January 2021.
- The application was refused by notice dated 18 July 2022.
- The development proposed is an application for approval of reserved matters (considering appearance, landscaping, layout and scale) following outline planning approval 20/02217/OUT for the erection of 5 No. residential dwellings with access from Bell Lane.
- The details for which approval is sought are: appearance, landscaping, layout and scale.

Decision

1. The appeal is allowed and the reserved matters are approved, namely the appearance, landscaping, layout, and scale details submitted in pursuance of condition No. 2 attached to planning permission Ref 20/02217/OUT, granted on 27 January 2021, subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 2117-SI-02
Site layout 2117-S1-01
Enclosures Plan 2117-SI-03
Landscape Masterplan R/2536/1
Plot 1 Floorplans 2117-HT-P1-01
Plot 1 Elevations 2117-HT-P1-02
Plot 2 Floorplans 2117-HT-P2-01
Plot 2 Elevations 2117-HT-P2-02
Plot 3 Floorplans 2117-HT-P3-01
Plot 3 Elevations 2117-HT-P3-02
Plot 4 Floorplans 2117-HT-P4-01
Plot 4 Elevations 2117-HT-P4-02
Plot 5 Floorplans 2117-HT-P5-01
Plot 5 Elevations 2117-HT-P5-02
Garage Plans 2117-GA-01
Garage Plans 2117-GA-02

- 2) No above ground construction work shall take place until details of the materials to be used in the construction of the external surfaces of the proposed development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Preliminary Matters

2. The original application form provided 2 slightly different addresses. I have reflected the more detailed description in the banner heading above, which also aligns best with that cited on the decision notice.
3. The principle of residential development on the site and the suitability of its access are established by the outline permission, and are not matters before me. The reserved matters application, as the subject of this appeal, seeks approval for the appearance, landscaping, layout, and scale of the proposal.
4. One of the Council's reasons for refusal refers to the outline permission condition No. 22. This states that permission is granted for no more than 5 dwellings, and that their size shall reflect the local needs as expressed in the Size, Type and Tenure Supplementary Planning Document (SPD) (2015). This SPD was superseded by the Housing SPD (July 2022), as reflected in the main parties' evidence. I have therefore assessed the appeal on this basis.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide an appropriate range of house types and sizes that reflects and responds to the District's existing and future needs.

Reasons

Character and Appearance

6. The application site comprises the northern part of a large field, to the south of the main extent of the village of Huby. The site is bounded to the east by a hedgerow, to the north by timber fencing to rear gardens, and to the west by hedgerow and trees. Its southern boundary cuts across the field, with the field's boundary beyond being timber fencing and hedgerows. Access would be from the north-east corner on to Bell Lane. The reserved matters propose 5 detached 2 storey dwellings, 1 being 5-bedroom and the remainder being 4-bedroom.
7. The proposed layout would retain less open space along the road frontage than on the outline drawings. However, the character on leaving the village down Bell Lane would remain that of a gradual transition into the countryside, not fully realised until further beyond the site. Views are not of open countryside across it but end with the built form of the dwellings beyond. These are not designated heritage assets, and would only be partially blocked by the proposal. Alongside the remaining field to the site's south, there would still be some impression of a paddock, reinforced by the proposed landscaping. This

- landscaping and the range in the standard of its tree planting would assist in restricting views and softening the appearance right from its first planting.
8. On approaching the village along Bell Lane, the presence of lower height bungalows on Walton Close to some extent breaks up views of the built form and massing. However, the main impression is of 2 storey dwellings either side of Bell Lane, along with the thick hedgerow bordering the appeal site. While the forward extent of plot 1 as well as the cumulative dwellings' height would add massing into this vista, additional 2 storey dwellings would therefore not be out of context or dominate this village entrance. Their height and massing would also be somewhat broken up by the lower garages and the plot spacing.
 9. The immediate streetscene comprises significant massing from terraces and dense semi-detached spacing. These more recent schemes, as well as the bungalows and 1-and-a-half storey dwellings to the west on School Close, are also not representative of the whole village. The settlement's historic core comprises generally more spacious detached and semi-detached properties with varying shape and styles. In comparison within the context of the nearest built form and with the character of the village overall, I find therefore that the scheme's massing and lack of repetitive house types would not be overwhelming or incongruous.
 10. The Council considers that the layout is cramped, resulting in insufficient private amenity space. I find the garden sizes and layouts to be satisfactory, being of sufficient size and shape to be fit for purpose, and suitably private and secure. There is also an absence of any substantive evidence to the contrary. Furthermore, the proposal would exceed the average ratio of garden size compared to dwelling footprint in the immediate vicinity. As ratios are relative rather than absolute measurements, it is appropriate to compare this to the appeal scheme, notwithstanding that the surrounding dwellings are smaller.
 11. The Council also objects to the garage positioning for plots 1 to 4. Their impact on garden sizes is not of concern, as I have found the gardens to be acceptable. While garages of plots 1 and 4 would be the rearmost extent of the built form, views from Bell Lane would be sufficiently mitigated by their single storey nature and the landscaping. The taller garages with accommodation above for Plots 2 and 3 would create significant combined massing, but would also provide variation into the streetscene. In the overall context of the character of the site, I find these plots would not be unduly dominant or appear cramped from along the access road or Bell Lane.
 12. Although the front elevations of plots 2 and 5 incorporate non-traditional full height glazing, this would not be unduly incongruous in the context of the scheme as a whole. They also would not be prominent in direct views along Bell Lane. In relation to materials, timber cladding is only rarely used within the village's existing built form. However, its use would help signal the subsidiary garage structures, and it would not be so dominant as to overwhelm the main palette. The proposed house types and facades would provide sufficient cohesion overall.
 13. In conclusion therefore, the proposed development would not have a harmful effect on the character and appearance of the area. It would thus comply with the Hambleton Local Plan (HLP) (2022) Policies S1 and E1. Amongst other things, these seek high quality development, and to facilitate development in a way that respects the distinctive character of the form and setting of

settlements, integrates successfully with its surroundings, and helps to create a strong sense of place. The proposal would also accord with section 12 of the National Planning Policy Framework ('the Framework') (2021), which relates to achieving well-designed places.

Housing Mix

14. The Council considers that the scheme should provide 2- and 3-bedroom dwellings in order to comply with Condition 22, the HLP Policies HG2 and HG5, and the Housing SPD. These policies, amongst other things, require an appropriate mix of type and size of dwellings, to be determined by reflecting and responding to the existing and future needs of the District's households. The mix should have regard to evidence of local housing need, market conditions, and the ability of the site to accommodate a mix of housing.
15. The SPD also sets percentage targets for the dwelling size mix on all housing developments, based on bedroom numbers. The scheme would not meet this mix. However, the SPD acknowledges that it is intended for delivery across the District during the plan period. Further, it specifies that different housing mixes will be appropriate in different locations, including based on the characteristics of the existing stock in the locality, and current housing market conditions. On this basis, the SPD does not preclude the provision of larger dwellings, nor require the scheme to precisely reflect Huby's existing predominant dwelling type of 2- and 3-bedroom dwellings.
16. The appellant's Assessment¹ considers 10 years of the village's second-hand property sales and marketing activity, EPC property sizes, and details of new build developments. This evidence identifies a high proportion of 2- and 3-bedroom disposals, and also a much slower rate of sales for these smaller properties. There is significant demand for 4- and 5-bedroom dwellings. Moreover, no new-build 5-bedroom dwellings have been built within the past 5 years, and only limited 4+bedroom dwellings. I have no substantive detailed evidence to contradict the demonstration that the scheme would have a minimal impact on the village's overall housing size mix. Overall, I am satisfied that the proposal is sufficiently supported by the evidence that the size of dwellings proposed would be acceptable in this instance.
17. The Council also objects to the lack of bungalows. While the HLP identifies a general need for bungalows, this is only set as a policy requirement within Policy HG2 in relation to major developments. Likewise, the Housing SPD expects that bungalows will be dispersed throughout schemes, but states they will only be sought where there is an evidenced need. I have not been presented with any particular evidence for this need in Huby, and there are numerous bungalows already present in the village. Moreover, the SPD identifies that bungalows should normally be 2-bedroom, and so the same findings apply as above regarding the local need being more for larger dwellings.
18. In conclusion therefore, the proposed development would sufficiently provide an appropriate range of house types and sizes that reflects and responds to the District's existing and future needs. It would thus comply with the HLP Policies HG2 and HG5, and guidance in the Housing SPD. It would also comply with the requirements of the outline permission condition No. 22.

¹ Housing Mix and Local Demand Assessment Report, Preston Baker New Homes (December 2022).

Other Matters

19. Third party objections for a better protection of the boundary with School Close to preserve wildlife and visual screening, are also addressed by conditions on the outline permission. I am therefore satisfied that suitable protection or enhancement of this boundary would be achieved.

Conditions

20. I have not attached the standard time limit condition as this is already set out in condition 1 of the outline and is therefore unnecessary. The condition to specify the approved plans is to provide clarity for the terms of the permission.
21. Subject to amendments to reflect paragraph 56 of the Framework and the Planning Practice Guidance, including for simplicity, I have imposed the Council's other suggested condition relating to approval of the external materials. This is required in the interests of maintaining the character and appearance of the area. While the Council's suggested condition required samples to be made available on site for inspection, the condition as reworded does not preclude such physical samples being required if necessary.

Conclusion

22. The scheme accords with the development plan as a whole. With no other material considerations indicating otherwise, for the reasons given above, I conclude that the appeal is allowed.

L Hughes

INSPECTOR