



Appeal Decision

Site visit made on 2 October 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2023

Appeal Ref: APP/U2750/D/23/3326159

6 Kirkby Lane, Great Broughton, North Yorkshire TS9 7HG

- 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 & Mrs Munro against the decision of North Yorkshire Council.
 - The application Ref 22/02068/FUL, dated 6 September 2022, was refused by notice dated 4 May 2023.
 - The development proposed is two storey side extensions, two storey rear extension and external works.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extensions, two storey rear extension and external works at 6 Kirkby Lane, Great Broughton, North Yorkshire, TS9 7HG in accordance with the terms of the application, Ref 22/02068/FUL, dated 6 September 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 Sub-Ground Floor and Ground Floor Plan – Drawing Number 06; Proposed First Floor and Roof Plan – Drawing Number 07; Proposed Roof Plan – Drawing Number 08; Proposed Elevations – Drawing Number 09; Proposed Side Elevations – Drawing Number 10; Proposed Section – Drawing Number 11 (all plans dated 03/03/22).
 - 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.
 - 4) No trees shall be removed until details of their replacements, which shall include their location and species, have been submitted to and approved in writing by the local planning authority. Replacement planting shall occur within the first planting season following the removal of any trees and they shall be retained as such at all times thereafter. Any replacement tree that is removed, damaged or dies within five years of planting shall be replaced.

Preliminary Matters

2. On 1 April 2023 Hambleton 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 North Yorkshire

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.

Reasons

4. The appeal property is a detached two-storey dwelling. It occupies an elevated position and is surrounded by a number of mature trees in a spacious landscaped plot. It is set back from the roadside. The surrounding area contains a wide range of residential properties of different designs, scales, and positions.
5. The property has an existing flat-roofed garage that sits at a lower level to the main part of the dwelling. This would be demolished as part of the proposed development with the proposed extension providing garage space.
6. The proposed extension would represent a significant addition to the property in terms of its overall size. It would comprise two main elements, namely a two-storey extension to the rear and a stepped two-storey extension to the side.
7. The extension to the rear would broadly follow the form of the host dwelling and would utilise matching materials. Although it would incorporate large elements of glazing that would be somewhat uncharacteristic of the property's front elevation, they would be sited to the rear of the property where there would be limited views from the street. For these reasons, this element of the proposed development would not cause harm.
8. The stepped two-storey side extension would be more prominent in terms of its appearance from the street. Its roof proportions, fenestration and architectural detail would take their cues from the main part of the existing dwelling. The Council consider that the stepped approach would be uncharacteristic and harmful to the overall character and appearance of the property. The appellant has set out how such an approach has been incorporated at nearby properties. Whilst this extension would fundamentally alter the appearance of the property, for these collective reasons, I do not consider that this element of the extension would cause harm.
9. The Council consider that the proposed extension would excessively extend the dwelling and would not respect its size or scale. I have acknowledged how the proposed development would represent a significant enlargement of the property; however, it is situated within a spacious plot which would be retained as part of the proposal. It is also within an area where there are a range of property styles and sizes, and I do not find harm would be caused merely from the fact that it would represent a significant addition when considering I find it acceptable in all other regards.
10. I therefore conclude that the proposed development would not harm the character and appearance of the host property or the surrounding area. It would comply with Policy E1 of the Hambleton Local Plan (2022) which requires, amongst other things, that development respects and contributes

positively to local character, identity and distinctiveness in terms of form, scale, height, visual appearance and visual relationships. For residential extensions, the Policy also requires that proposals do not cause unacceptable harm to the character or appearance of the surrounding area.

11. The proposed development would also comply with the guidance contained in the Domestic Extensions Supplementary Planning Document (2022) which outlines that the character of the building that is to be extended and that of the immediate and wider area should influence the design, having regard to, amongst other things, factors such as height, size and scale. It also outlines how in most cases, all elements of the design of an extension should be in keeping with the locality.

Other Matters

12. I note comment has been received in relation to possible tree removal at the site. Although this is not confirmed in the evidence, the application form states that no trees need to be removed, the proximity of the development to existing trees may result in an impact.
13. The Council did not refuse planning permission on this basis, and I am not aware of the trees being afforded any statutory protection. The trees that would be affected, although relatively mature do not make the same contribution to the street scene as those on the periphery of the site. I have therefore come to the same view as the Council and do not consider that they would be a reason to withhold granting planning permission.
14. As has been suggested, it would nevertheless be necessary and appropriate that replacement trees are planted within the site to compensate for any loss. I note that the appellant is agreeable to such a condition being imposed.

Conditions

15. 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 for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area and the host property, it is necessary to impose planning conditions requiring the use of matching materials and replacement tree planting.

Conclusion

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

A M Nilsson

INSPECTOR