



Appeal Decision

Site visit made on 21 November 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/N2739/W/23/3322714

Berties, 2 Whitefield Lane, Whitley, Selby, North Yorkshire DN14 0HX

- 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 G Poskitt against the decision of North Yorkshire Council.
 - The application Ref 2023/0051/FUL, dated 13 January 2023, was refused by notice dated 26 April 2023.
 - The development proposed is detached bungalow to the north of no.2 Whitefield Lane, Whitley, DN14 0HX.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2023, Selby District Council merged with several councils to form North Yorkshire Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises part of the rear garden of an end of terrace two storey dwelling. The dwelling is located in a linear arrangement with a pair of similarly designed and proportioned semi-detached dwellings and another short terrace. These dwellings have relatively small rear gardens immediately to the rear but have additional larger areas on the other side of the lane that provides access to the rear of the properties. It is within this larger garden area of the host dwelling that the proposed bungalow would be located. The existing garage and associated hardstanding would be removed.
5. The location of the dwellings in this row are at the western edge of the village and face towards open countryside. To the rear of the additional garden areas are allotments. A sizeable field separates the allotments from the primary school and children's nursery at the northern end of the village. The immediate vicinity therefore has a spacious, rural character and appearance.
6. The proposal would introduce a multi-tiered pattern of development in backland form which would be in marked contrast with the established pattern of development in the immediate area. Furthermore, the proposal would reduce

the size of the garden of the host dwelling and would itself have a smaller garden than the other dwellings within the linear group. As such, the proposal would reduce the spacious quality of the area. In addition, the multi-tiered pattern would exude a distinctly more urban quality, at odds with the rural nature of this part of the village. Although the proposed dwelling would front on to the rear access lane, it would nevertheless still appear as a tandem form of development and so this would not result in the proposal appearing compatible within its setting.

7. There are outbuildings such as single storey garages, sheds, and greenhouses in most of the additional garden areas of the two storey dwellings which are by definition behind the frontage buildings. However, these are ancillary to their host dwellings which, in terms of how they form the character of the area, are fundamentally different to a new dwelling which would have its own access, curtilage and parking.
8. To the east is a cul-de-sac of small bungalows set on much more modest plots. The cul-de-sac does add some depth to the built form here. However, this appears to be a comprehensive, albeit small, housing development, and so does not constitute backland or tandem development in the way that the proposal would. Furthermore, in between the site and the cul-de-sac is a fairly substantial hedge which provides a visual and physical separation between the two. The built form on the cul-de-sac is read as being distinctly separate from the line of two storey dwellings that comprise the immediate context for the site.
9. Accordingly, while the design and scale of the proposed dwelling may be similar to the bungalows on the cul-de-sac, for the above reasons, I conclude that the proposal would cause harm to the character and appearance of the area, such that it would conflict with Policies SP4 and SP19 of the 2013 adopted Selby District Core Strategy (the CS) and Policy ENV1 of the 2005 adopted Selby District Local Plan. Along with chapter 12 of the National Planning Policy Framework 2023 (the Framework), these policies seek to ensure, amongst other things, that new development is of a high quality, preserves or is sympathetic to the character of the local area.
10. The Council has referred to a conflict with Policy SP1 of the CS in its reason for refusal. This policy reflects the Framework's presumption in favour of sustainable development and so I do not consider it to be directly relevant to the main issue. The Council has also cited a conflict with chapter 15 of the Framework, which relates to conserving and enhancing the natural environment. I am not persuaded that the proposal would conflict with the objectives of this chapter and the Council has not clearly set out why it considers that the proposal would be contrary to it. However, this does not alter my conclusion on the proposed development.

Other Matters

11. The appellant highlights that the site is within the Development Limit of Whitley which, along with Eggborough, is defined as a Designated Service Village. Such villages are identified as having some scope for additional residential and small-scale employment growth to support rural sustainability. However, as noted above, Policy SP4 of the CS still expects proposals to preserve and enhance the character of the local area.

12. The appellant also contends that the separation distances means that the living conditions of nearby residents would be maintained, and that the site is not in a flood risk zone, is not within or adjacent to a conservation area and is outside of the Green Belt. While this may be the case, a lack of harm is effectively neutral in the planning balance.
13. None of these other matters alters or outweighs my finding on the harm that would be caused by the proposed development.

Conclusion

14. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR