



Appeal Decision

Site visit made on 29 August 2023

by C Livingstone MA(SocSci) (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2023

Appeal Ref: APP/C2708/W/23/3317854

Land Adjacent to 1 Manor Close, Ingleton LA6 3BF

- 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 Dr Ansari of AA Homes and Housing Ltd against the decision of Craven District Council.
 - The application Ref 2021/23571/FUL, dated 19 October 2021, was refused by notice dated 6 September 2022.
 - The development proposed is the erection of a new two storey, split-level, 3 bedroom house with private garden and off-street parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new two storey, split-level, 3 bedroom house with private garden and off-street parking at land adjacent to 1 Manor Close, Ingleton, LA6 3BF in accordance with the terms of the application, Ref 2021/23571/FUL, dated 19 October 2021 and subject to the conditions set out in the following schedule.

Main Issue

2. The main issue is the effect of the proposal on the street scene within Low Demesne.

Reasons

3. Low Demesne, on the edge of Ingleton, runs from the B6255 and terminates in close proximity to Manor Close. The southern side of this road is mostly undeveloped, bounded by agricultural fields and then a landscaped buffer between the highway and the rear of the dwellings on Whernside Way. This landscaped buffer includes several mature trees and shrubs and its boundary with the footway is marked by a low stone wall. The wider area comprises of residential developments, with open areas and mature trees and planting. This gives the surroundings a spacious verdant quality, befitting of the edge of settlement location. Most dwellings are set back from the road, with the notable exception of 5 and 6 Ellerington Close, to the north of the application site on the opposite side of Low Demesne.
4. The application site is a grassed area, with some small trees and shrubs, to the south of Low Demesne. The site is bounded to the south by 1 Manor Close and slopes upward towards its gable elevation. The remainder of the site is bounded by the entrance roads to residential cul-de-sacs Manor Close to the east and Whernside Way to the west. A retaining wall accommodates the sloping ground level of the site to the west.

5. Being bounded by roads on three sides, the application site reads as being distinctly separate from the landscaped buffer to the west, rather than a continuation of it. While the application site adds to the areas of open space generally, the retention of an undeveloped buffer along the southern side of Low Demesne is not essential in this particular location to preserve the character and appearance of the area. As such, the proposed dwelling could be accommodated without harming local distinctiveness or having a negative impact on the street scene. The proposal includes the planting of two trees and the erection of a low stone wall on the boundary with Low Demesne. The proposed hard and soft landscaping would reflect the surrounding area and tie in with the landscaped buffer on the other side of Whernside Way.
6. The proposed dwellinghouse would front on to Low Demesne, in close proximity to the footway, and this reflects the siting of 5 and 6 Ellerington Close across the road. The eastern elevation would be in alignment with the front elevation of 1 Manor Close, set back from the highway, and therefore maintaining a spacious quality at the entrance to the cul-de-sac. The proposed dwelling has been designed to accommodate the slope of the site and would be single storey to the rear and two storey to the front; this would minimise the massing of the building when viewed from Low Demesne. Both side elevations would be visible from Low Demesne, and the windows and doors on these elevations would add visual interest and relate well to the street. The development would be sympathetic to other dwellings in the immediate area in terms of design and would utilise a similar palette of external materials.
7. My attention has been drawn to two previous appeals relating to development on the site, for the erection of 2 dwellings¹ and for the erection of a single dwelling, fronting on to Manor Close². While these appeals were determined prior to the adoption of the Craven Local Plan and the National Planning Policy Framework (NPPF), Policy ENV3 of the Craven Local Plan 2019 (LP) is broadly consistent with Policy H3 of the previous local plan in relation to the preservation of character and appearance.
8. The developments previously decided at appeal were for a higher density development and a dwelling that was orientated to front on to Manor Close. As such a direct comparison cannot be drawn with the earlier schemes. Also, the appeals were determined in 2010 and 2011 prior to the completion of housing developments at Reid Close and Whernside Way. These housing developments have significantly altered the local context which was previously defined by lower density housing and open rolling fields and grassed areas. The introduction of these housing developments has significantly altered the character and appearance of the area; with the increased housing and giving the area a more suburban feel. As detailed above, the grassed buffer to the west of the site has been landscaped and now a highway separates the application site and this buffer, resulting in an isolated nub of land.
9. For the reasons detailed above I conclude that the proposed development would not harm the street scene within Low Demesne. It would therefore comply with Policy ENV3 of the LP. This policy is consistent with the National

¹ APP/C2708/A/10/2130680

² APP/C2708/A/11/2152361

Planning Policy Framework (the Framework) in seeking high quality design that enhances local distinctiveness.

Other Matters

10. The siting and design of the proposed dwelling is such that the windows would not result in overlooking to neighbouring properties. The proposed ground levels and boundary treatments would mitigate potential overlooking issues to private garden areas.
11. Concerns have also been raised that the application site is public amenity land and should not be developed. The submitted information indicates that the land is in private ownership and I have no substantive evidence to the contrary. But in any event, a grant of planning permission would not override private property rights.

Conditions

12. I have considered the suggested conditions against the tests set out in the Planning Practice Guidance and paragraph 56 of the Framework. Where appropriate, I have adjusted the wording to improve precision and enforceability.
13. I have attached a condition specifying the approved plans in the interests of certainty. In the interests of highway safety conditions are required for the formation and maintenance of the proposed access, parking areas and visibility splays.
14. The application site was historically used as part of the railway; a condition is therefore necessary to ensure suitable mitigation measures are put in place in the event that any unexpected contamination is found on the site. To ensure that the proposal is not at risk of flooding and does not increase flood risk off site, a condition is required to secure details of the management and maintenance of surface water drainage within the site. In the interests of the character and appearance of the area, a condition is needed to ensure that the approved landscaping scheme is implemented and maintained.
15. I have omitted the suggested conditions that effectively duplicate the condition requiring development to be in accordance with the approved plans. As the plans condition satisfies this requirement further conditions to this effect are unnecessary.

Conclusion

16. The proposal complies with the development plan taken as a whole and there are no material considerations to indicate a decision otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be allowed.

C Livingstone

INSPECTOR

SCHEDULE OF CONDITONS

- 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: 269 GA 001 Rev A, 269 GA 120 Rev C, 269 GA 121 Rev C, 269 GA 122 Rev C, 269 GA 140 Rev C, 269 GA 141 Rev C, 269 GA 142 Rev C and 269 GA 143 Rev C.
- 3) There must be no access or egress by any vehicles between the highway and the application site at Land adjacent to 1, Manor Close, Ingleton, Carnforth LA6 3BF until visibility splays providing clear visibility of 2.0 metres x 2.0metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 4) The dwelling hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. 269 GA 120 Rev C for 2 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 6) The dwelling hereby permitted shall not be occupied until a means of access for vehicles has been constructed in accordance with the approved plans. The access shall be retained thereafter.

- 7) Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on drawing no. 269 GA 120 Rev C, including the provision of 2 no. fruit trees, shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or hedges of similar size and species to those originally required to be planted.

- 8) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

*** END OF CONDITIONS ***