



Appeal Decision

Site visit made on 3 January 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/N2739/W/23/3331216

The Firs, 189 Leeds Road, Selby, North Yorkshire YO8 4JH

- 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 Noel Haverly against the decision of North Yorkshire Council.
 - The application Ref ZG2023/0621/FUL, dated 16 June 2023, was refused by notice dated 15 August 2023.
 - The development proposed is resubmission for the erection of a three bedroom detached house with car parking and the addition of a front dormer to 189 Leeds Road, Selby.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a three bedroom detached house with car parking. The appeal is allowed insofar as it relates to the addition of a front dormer and planning permission is granted for the addition of a front dormer at The Firs, 189 Leeds Road, Selby, North Yorkshire YO8 4JH in accordance with the terms of the application, Ref ZG2023/0621/FUL, dated 16 June 2023, so far as relevant to that part of the development hereby permitted and 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: ADP22/P94/01 Location Plan; ADP22/P94/02 Proposed Site Layout; ADP22/P94/07 Proposed Floor Plans; and ADP22/P94/08 Proposed Elevations.
 - 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.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issue

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

Reasons

4. The appeal site consists of a large dwelling in a generous plot next to the junction between Leeds Road and Sandhill Lane. The proposed dwelling would be located within the side garden between the dwelling and Sandhill Lane.
5. The appeal site is within a pleasant suburban area containing a mix of detached and semi-detached houses and bungalows. However, even within this varied context, the proposed dwelling would appear as an incongruous feature. Although it is of a typical suburban design, the building would be of an uncharacteristically small scale for this streetscape and would appear as a contrived feature placed to the side of the existing dwelling. It would be in a prominent location next to the junction, and the projection beyond the clear building line of Sandhill Lane would add to its jarring appearance.
6. The appellant refers to screening provided by a protected tree and proposed landscaping. The proposed materials would also not be out of character for the area. However, these considerations would not be sufficient to mitigate for the incongruous scale and placement of the dwelling.
7. Similarly, the degree of separation from the boundary with Sandhill Lane or the extent of space around the dwelling would not be sufficient to overcome the harm arising from the contrived and uncharacteristically small scale of the building.
8. I have had regard to the examples of dwellings recently approved in the vicinity of the appeal site as referred to by the appellant. However, they do not represent a direct parallel to the appeal site with regards to building lines, prominence and scale. In any event, I have determined this appeal on its own merits.
9. Both parties have referred to the roof form of the proposed dwelling. The pitched gable roof would respect the general alignment of roofs along Leeds Road and would not be out of character for the wider area. Nevertheless, this does not negate my conclusions on matters including the scale and placement of the proposed dwelling.
10. In respect of the proposed dormer, the Council considers that it would not have a significant impact on the character of the area, and I see no reason to disagree.
11. Notwithstanding my conclusions in respect of the proposed dormer, I conclude that the proposed detached house would lead to significant harm to the character and appearance of the area due to its scale and placement. The proposed house would therefore be contrary to the character and design requirements of Policy ENV1 of the Selby District Local Plan 2005 as well as Policies SP4 and SP19 of the Selby District Core Strategy 2013. The proposal would also be contrary to the Framework in respect of achieving well-designed and beautiful places.

Conclusion

12. I have concluded that the proposed dwelling would lead to significant harm to the character and appearance of the area. I am mindful of the benefits of the proposal, including the contribution to the supply of family housing. However,

the benefits from a single dwelling would be very limited and would not outweigh the significant harm I have identified.

13. Nevertheless, I have also concluded that the proposed dormer would not lead to material harm.
14. The two elements of the proposal are clearly severable, and I shall therefore issue a split decision to dismiss the appeal in respect of the proposed dwelling, but allow it in respect of the front dormer.
15. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. In addition to the standard 3 year time limitation for commencement, a condition requiring the development to be carried out in accordance with the submitted plans is necessary to provide certainty. I have only referred to those plans relevant to the front dormer. A condition in respect of materials is appropriate in the interests of character and appearance. Conditions in respect of access, contamination, drainage and landscaping are not required as these are relevant only to the proposed house, which I have dismissed.
16. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

David Cross

INSPECTOR