



Appeal Decision

Site visit made on 6 February 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th March 2024

Appeal Ref: APP/U2750/W/23/3331129

1 Manor Court, Barlby, Selby, North Yorkshire YO8 5DN

- 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 N Hare (W A Hare and Son Ltd) against the decision of North Yorkshire Council.
 - The application Ref ZG2023/0575/FUL, dated 2 June 2023, was refused by notice dated 4 August 2023.
 - The development proposed is Erection of 1 Detached bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have amended the description on the banner heading above from the application form to omit wording that is not a description of development, whilst noting that the application that is the subject of the appeal is a re-submitted scheme. A garage does not appear to form part of the scheme.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of the area. The second is the effect of the proposal on the living conditions of future occupiers with particular regard to private outdoor amenity space and any overlooking.

Reasons

Character and Appearance

4. Manor Court is recent residential development formed largely in a linear formation with most of its residential properties set on the western side of the road. The road itself is set close to the eastern boundary of the site where some established boundary planting was in evidence at the time of my visit.
5. Although many of the properties are detached, they are set fairly closely together. Any sense of space within the public part of the development is restrained given this arrangement and given that the set-backs of the properties from the road are only modest.
6. The plot of the proposed dwelling is prominent and the eye is drawn towards this part of the site when travelling south along Manor Court towards the bend. Within that context, the site if landscaped would provide some relief within the

street scene which would contribute positively to the character and appearance of Manor Court.

7. The filling of a large amount of this space with a further dwelling would therefore harm the character and appearance of the area. The proposal would subsequently conflict with Policy ENV1 of the Selby District Local Plan (2005) (LP). This requires a good quality of development to be achieved amongst other things by taking account of the effect upon the character of the area and the standard of layout and design in relation to the site and its surroundings and associated landscaping.
8. There would also be conflict with Policy SP19 of the Selby Core Strategy (2013) (CS) which amongst other things requires that development positively contributes to an areas identity in terms of scale and layout. I have not found any direct conflict with Policy SP18 of the CS.

Living Conditions

9. The existing properties to the west side of Manor Court are not set back a substantial distance from the road and contain a range of windows. The proposed dwelling would have only a very small set back from the road.
10. As a result, the separation distance between the existing dwellings to the west and the proposed dwelling would be limited. It is likely that the road facing windows which would serve a kitchen and a study would feel rather overlooked, despite their size, especially from the upper floors of the two storey houses opposite. It is therefore likely that future occupiers would need to utilise some form of blinds in an attempt to gain some privacy. This would be set against the background of a dwelling with only four rooms other than a bathroom and a very limited outlook towards a substantial fence at close quarters from the bedroom on the eastern side of the property.
11. Although the garden area would be unconventionally shaped and not excessive in size, it is likely that area could provide some space for sitting out and drying washing and would not be of a size out of proportion with what would in any event be a small dwelling.
12. However, the proposal would result in significant harm to the living conditions of future occupiers with regard to overlooking. There would therefore be conflict with Policy ENV1 of the LP which requires a good quality of development to be achieved amongst other things by taking account of the effect upon the amenity of adjoining occupiers. There would be conflict with the Framework¹ which states amongst other things that planning decisions should ensure that developments create places which promote health and well-being, with a high standard of amenity for future users.

Other Matters

13. There appears to be disagreement between the parties as to the extent that previous permissions required the appeal site to be provided as landscaping. The Council's evidence on this matter is clearer and more detailed. However, regardless of this I have identified reasons that the proposal would harm the character and appearance of the area and living conditions of future occupiers. There would be nothing unusual in a developer on a site providing a landscaped

¹ National Planning Policy Framework 2023.

area as well as contributions towards off site open space. I noted the planting along the eastern boundary of the site on my visit.

14. There is no compelling evidence to indicate that the appeal site would become a meeting space for potential troublemakers or that it would inevitably become poorly maintained. I afford these matters limited weight.
15. The dwelling would contribute to housing supply and there would be the usual social and economic benefits including local construction spend associated with such a scheme.
16. However, no evidence is supplied which references any specific demand or substantial need for this type of housing and I therefore afford this particular matter limited weight.
17. I was able to walk around The Laurels, to the west, on my site visit. I appreciated that is a fairly intensively developed site, as is Manor Court, but there were no particular aspects or direct comparisons that would draw support for the appeal scheme before me.
18. I note the suggestion to include a condition to alter the position of the study window, however this would not be reasonable as it would only relate to one of the rooms on the western elevation and may well raise issues of other living conditions related matters such as those of outlook.

Planning Balance and Conclusion

19. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan. The appeal is therefore dismissed.

T Burnham

INSPECTOR