



Appeal Decision

Site visit made on 11 March 2024

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/U2750/D/24/3338473

The Three Arches, Cliffe Common to Lund Lane, Cliffe, North Yorkshire YO8 6PA.

- 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 Antony Harker against the decision of North Yorkshire Council.
 - The application Ref ZG2023/0994/HPA dated 20 September 2023, was refused by notice dated 17 November 2023.
 - The development proposed is erection of single storey glazed link to existing house.
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Decision

1. The appeal is allowed and permission is granted for erection of single storey glazed link to existing house at The Three Arches, Cliffe Common to Lund Lane, Cliffe, North Yorkshire YO8 6PA in accordance with the terms of the application Ref ZG2023/0994/HPA dated 20 September 2023 and subject to the following conditions:
 - 1) The development hereby permitted must be begun no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: 912/PO1; 912/PO2; 912/P20A; 912/P21; 912/P25A.
 - 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.

Procedural Matter

2. In the period since the appeal was submitted the Government has published a revised version of the *National Planning Policy Framework* (the Framework). None of the changes directly affect this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and surrounding countryside.

Reasons

4. The Three Arches is a recently constructed, large, detached house standing in

extensive grounds set well back off Moor Lane and well outside the settlement of Cliffe. The site is intensively screened from the surrounding countryside by mature hedged and treed boundaries. The house, with its single storey orangery side extension, has a large free standing garage block, currently under construction, sitting at right angles to it which creates a courtyard form to the development. The proposal is to link the garage and orangery across the right angle with a single storey glazed link.

5. Given its rural location, development of residential extensions, although acceptable in principle, need to be considered under Policy H14 of the *Selby District Local Plan* (SDLP) controlling extensions in the open countryside. The policy allows for extensions in these locations provided three tests are met.
6. It is not a matter of dispute between the parties that the design of the actual link and the proposed materials would be acceptable in the context of the contemporary design of the host dwelling and the single storey orangery to which the link would be attached. Therefore, the third test in Policy H14 requiring design and materials to be in keeping with the character of the dwelling would be met.
7. I acknowledge that, looking at the planning history, the new dwelling has already been the subject of considerable extension not least with the extensions to the garage block and an extant permission for a swimming pool which could still be built. The second test in Policy H14 requires that the proposal would not result in a disproportionate addition over and above the size of the original dwelling and would not dominate it visually. Given the low, single storey, fully glazed form proposed for the link and the fact that it would be set back from the frontage of both the orangery and the garage block and set in from their rear elevations viewed from the garden, I am satisfied that the link would not dominate the house visually. Nor of itself would the extension be disproportionate.
8. However, it has been put to me that, cumulatively, the scale of the additions to the property are now at the stage where they would be disproportionate to the original dwelling. Neither Policy H14 nor its supporting text defines what is meant by disproportionate although I have been invited to conclude that some appeal decisions have taken the view that this would be the case where the extensions would cumulatively exceed 50% of the size of the original dwelling. The Council has calculated that this would be the case here. The documents submitted for this appeal however suggest that the cumulative increase would be only slightly over 50% (54%) and given the modest scale and contained nature of the link in the context of the adjacent built form I am not persuaded that the cumulative impact would be so detrimental as to warrant dismissal in this case.
9. The other test of the policy and, according to the supporting text of the policy – the main purpose of it, – is to safeguard the countryside against visually dominant development and ensure extensions are not visually intrusive in the landscape. As stated above the property is well-screened from the surrounding countryside by boundary planting and the low, glazed link would sit contained between the extended garage under construction and the main house. It has been put to me that the joining of the separate detached garage to the main house would simply erode the clear distinction between house and garage building and would result in one large sprawling building. However, allowing the orangery extension to the main house and the large extensions to the garage has already reinforced the courtyard form to the property where the freestanding elements are no longer separate entities to the same degree which they were before. They have been

brought much closer together and the introduction of the fully glazed link into this courtyard form would have minimal additional impact in this regard.

10. For the avoidance of doubt this conclusion does not mean that the property can be endlessly extended. It is specifically the modestly-scaled, low, glazed, set back and contained form of the link that means it would not conflict with the terms of SDLP Policies ENV1 and H14 and *Selby District Core Strategy* Policy SP19 on this occasion.

Conclusion and conditions

11. For the reasons above the proposal would not have an adverse impact on the character and appearance of the host dwelling or its countryside setting and the appeal is allowed and permission is granted subject to conditions.
12. I have considered the proposed conditions in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.
13. In addition, to ensure the extension is in keeping with the external appearance of the house and garage a condition requiring materials to match the exterior of the host building is necessary.

P. D. Biggers

INSPECTOR