



Appeal Decision

Site visit made on 19 March 2024

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2024

Appeal Ref: APP/E2001/D/23/3332779

The Old Stables, Long Street, Rudston, YO25 4UH

- 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 Waldie against the decision of East Riding of Yorkshire Council.
 - The application Ref 23/02576/PLF, dated 27 July 2023, was refused by notice dated 3 November 2023.
 - The development proposed is described as 'erection of detached garage/self-contained annexe building.'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garage/self-contained annexe building at The Old Stables, Long Street, Rudston, YO25 4UH in accordance with the terms of the application, Ref 23/02576/PLF, dated 27 July 2023, subject to the conditions in the attached schedule at the end of this decision.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the character of the surrounding area. The appeal site comprises a large, detached house built a few years ago which is one of several modern dwellings on Long Street. It has a large rear garden and a paddock beyond that. The dwelling has two driveways, one to the front of the host dwelling and another to the side that would provide access to the proposed building which would be sited in a corner of the rear garden. It would provide a garage/store and a living/kitchen area at ground floor level which would face across the garden to a rear patio window in the host dwelling. At first floor level there would be a bedroom and office facing to the rear across the paddock and a shower room.
3. The part of the appeal site in which the proposed building would be sited lies within a defined Countryside location and a defined Important Landscape Area (ILA) in the East Riding Local Plan 2012-2029 (LP) (adopted 2016) which forms part of the development plan. Together LP policies ENV1, ENV2 and S4 seek to ensure that proposals achieve a high quality of design, are sympathetic to the landscape character of the ILA and are of an appropriate scale to their location. The more recent National Planning Policy Framework has similar objectives.
4. The host dwelling lies within a row of four large, detached dwellings in the central part of Long Street within the village of Rudston. Whilst the pattern of development along the street is generally linear, I saw at my visit that several

dwelling on both sides of the road have outbuildings or garages set back from the street in their rear gardens. Those include Rose Cottages and Broadacres on the opposite side of the road and the two dwellings immediately to the south of the appeal site. There is also a cul-de-sac of smaller dwellings at Donna Fields.

5. The siting of the proposed building would be broadly in line with the rear gardens of dwellings at the rear of Donna Fields and with the garages in the neighbouring gardens to the south. It would, therefore, lie within an area of domestic character and would not intrude on the more open countryside to the rear of the site.
6. Its size and footprint would be similar to that of a double garage and although it would be slightly higher than some garages, it would be subservient in scale to this large, two storey extended dwelling. There would be a small dormer in the front elevation and two small dormers in the rear elevation which would reflect the gabled roofs of the extended part of the dwelling.
7. The building would be set back significantly from Long Street and from there would be seen at a distance in the context of the side elevations of the host dwelling and a dwelling at Donna Fields. From the dwelling at Donna Fields and from the footpath adjacent to the Gypsy Race stream which bounds the site to the north and is an important feature of the ILA, it would be seen but would be partially screened by the dense planting along the stream. Any views from there would be within the context of the garages of the dwellings to the south and a timber stables block in an adjoining paddock to the south of the appellant's paddock. Although it would have a domestic appearance, in the context of the surrounding domestic elevations and garages, it would not be uncharacteristic.
8. I have noted that it may be possible to erect a storage building of significantly greater footprint and modern materials as permitted development and create additional living accommodation within the existing host dwelling if this appeal were dismissed and it seems a likely and realistic possibility that the appellant may choose to do that. That could result in some harm to the character of the landscape and this matter therefore adds a small amount of weight in favour of the proposal.
9. The Council considers that it would amount to a separate unit of accommodation. Whilst it would provide facilities that would allow for independent living, there are other factors that point to it as an annexe that is physically, functionally and visually linked and incidental to the main dwelling. Those are that it would be subservient in scale, would not have a separate garden area, would have a high degree of intervisibility with the host dwelling and would remain in the same ownership. I am satisfied, therefore, that it would not amount to a separate dwelling and have determined the proposal on the basis as submitted, for a residential annexe.
10. For these reasons, I conclude that the proposal would not cause significant harm to the character of the surrounding area and would accord with LP policies ENV1, ENV2 and S4.

Conditions

11. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition requiring matching external materials is necessary in the interests of character and appearance. A condition which seeks to restrict the use of the proposed building to a residential annexe is reasonable, necessary and enforceable, to prevent the proposed building being used or occupied as a separate and independent dwelling. I have also attached conditions for the disposal of surface water and foul drainage as the Council's Land Drainage Team had requested similar conditions. Those are necessary to ensure that a satisfactory drainage system is proposed for the site that will not increase pollution or flood risk to the site or adjacent land given the proximity of the site to the Gypsy Race chalk stream.

Conclusion

12. For the reasons given above, the proposed development would accord with the development plan and there are no material considerations that would outweigh that. The appeal should be allowed.

Sarah Colebourne

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 2080-TOS-010 Rev B, 2080-TOS-019 Rev B, 2080-TOS-200.
- 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.
- 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at the Old Stables, Long Street, Rudston.
- 5) The building hereby permitted shall not be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 6) The building hereby permitted shall not be occupied until surface water drainage works shall 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 No Entry sustainable drainage scheme is to be provided, the submitted details shall: 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; include a timetable for its implementation; and, 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.

End of conditions.