



Appeal Decision

Site visit made on 9 April 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2024

Appeal Ref: APP/C9499/D/23/3332015

17 Heather Court, West Witton, North Yorkshire DL8 4AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mrs Samantha Trainor against the decision of Yorkshire Dales National Park Authority.
 - The application Ref is R/91/181.
 - The development proposed is erection of timber garden shed (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for erection of timber garden shed (retrospective) at 17 Heather Court, West Witton, North Yorkshire DL8 4AU in accordance with the terms of the application, Ref R/91/181, and Location Plan (1:1250); Site Plan (1:200); North/East end (photograph); Rear/North side of shed (photograph); Castle timber building, design and erection (west elevation and south elevation) including in respect of the finishing materials.

Procedural Matters

2. The description of development has been taken from the Council's decision notice as this is a concise and accurate description of the development.
3. The development has already been completed. The appeal scheme has therefore been assessed on a retrospective basis.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the surrounding area; and
 - The effect of the proposed development on the living conditions of existing occupiers of No 6 School Close (No 6) with particular regard to outlook and daylight/sunlight.

Reasons

Character and appearance

5. The appeal site relates to a garden shed located within a largely residential setting to the rear of an existing end of terrace property.
6. The property fronts the A684 with a walled garden to the rear. The properties located along School Close are located to the east and northeast with their

boundaries abutting the appeal site particularly No 6 which has a side elevation that fronts onto the appeal site. The appeal site sits at a higher level to School Close given the topography of the land and is separated by a drystone boundary wall.

7. Whilst the garden shed is within the rear garden area, it is visible when viewed from Heather Court and from a number of the properties located along School Close due to the open nature of the rear gardens which are separated from their neighbours by relatively low-level boundary walling. The garden shed in question is single storey, of a low height and is of timber construction which is commonly used for such buildings and thus not out of keeping within such a residential setting. This, together with the limited overall depth and width appears subordinate to the main property.
8. Additionally, and although the garden shed is not shielded from views given the relationship with Heather Court, it is located to the rear of the property where outbuildings of a similar form/alignment would not be an uncommon feature and I observed onsite many other garden sheds located within the rear garden areas albeit smaller in scale. I note the Councils' reference to the single pitched roof form. However, given the location to the rear of the property and the function/appearance as a garden shed, such a roof form does not look out of place.
9. Due to the overall design and position to the rear of the host property, the outbuilding does not appear as a highly prominent addition even taking into account the land level differences as the overall scale and massing is still relatively modest. Accordingly, the development accords with Policies SP1, SP2 and SP4 of the Yorkshire Dales National Park Local Plan, 2015-2030, 2016 (LP) which together, amongst other matters, requires the design to respond positively to the site, its surrounding context and landscape setting, so that the scale, height, proportions, massing, form, materials and appearance of buildings and structures are sympathetic and complementary. For the same reasons, the development accords with the Yorkshire Dales National Park Design Guide (DG), the National Planning Policy Framework (the Framework) and the first purpose of the National Park as set out in the Environment Act 1995.

Living conditions

10. The garden shed sits on the boundary with the nearby property of No 6 which is located to the northeast of the site. This property has windows in its western elevation within close proximity to the garden shed including its ground floor bay window which serves a lounge. There is also a small pathway and amenity space to the side that sits alongside the site. However, the low height of the shed, together with the limited overall depth and width, ensures that the garden shed is not visually overbearing for the occupiers of No 6.
11. Whilst the appeal site sits at a higher level than the property of No 6, the difference does not result in a significant adverse effect in this regard as the shed is still of a limited size and scale and does not therefore dominate the outlook from the ground floor window. This is also the case even taking into account the tallest part of the mono pitch roof form which fronts the neighbouring property. I accept that the shed is visible from No 6. However, the orientation of No 6 and the positioning of the windows within the western elevation also means that outlook from inside the property is mostly at an

angle with the outlook also being over its own pathway, boundary wall and over the plot that has the appearance of a small wildflower meadow which is located to the front of the bay window at ground floor level to the west.

12. Given the overall limited size and scale of the shed and its positioning at an angle to the windows of No 6, I am also satisfied that it does not unacceptably harm levels of daylight/sunlight and does not result in poor living conditions for existing occupiers.
13. I conclude that the shed does not have an unacceptable impact on the living conditions of the occupiers of No 6 in relation to outlook and daylight/sunlight. The development therefore complies with Policies SP1, SP2 and SP4, of LP which together, amongst other matters, requires development to respect the amenity of neighbours. For the same reasons, the development also accords with the DG and the Framework.

Conditions

14. have considered the conditions suggested by the Council taking into account the retrospective nature of the appeal. I have included the approved drawings, which include the finishing materials, in the terms of my decision in the interests of certainty.

Conclusion

15. For the reasons given above and having had regard to the development plan as a whole, the appeal should be allowed.

N Teasdale

INSPECTOR