



Appeal Decision

Site visit made on 22 April 2024

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/U2370/D/24/3338472

Ash Dene, Brick House Lane, Hambleton, Lancashire, FY6 9BG

- 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 Anthony Sedgwick against the decision of Wyre Borough Council.
 - The application Ref. 23/00909/FUL dated 18 September 2023, was refused by notice dated 21 November 2023.
 - The development proposed is the erection of a detached domestic garage with storage above.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached domestic garage with storage above at Ash Dene, Brick House Lane, Hambleton, Lancashire, FY6 9BG in accordance with the terms of the application, Ref 23/00909/FUL, dated 18 September 2023 and the plans submitted with it, 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: Drainage Plan, Existing Site Plan, Proposed Site Plan, Site Location Plan, Proposed Floor Plan and Proposed garage elevations.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing garage/annex unless otherwise agreed in writing by the Local Planning Authority.
 - 4) The development hereby permitted shall be used for purposes incidental or ancillary to the residential use of the dwelling known as Ash Dene and for no other purpose.
 - 5) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) including the mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented prior to first use of the development, or within any other period as may subsequently be approved in writing by the Local Planning Authority.

- 6) The building hereby approved shall not be used until an electric vehicle recharging point has been installed. Such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.
- 7) Prior to first use of the building, details of soft landscaping shall be submitted and approved in writing by the Local Planning Authority. The landscaping details shall be carried out in accordance with the approved details, prior to first use of the development and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or seriously diseased within 7 years of planting or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Procedural Matter

2. In December 2023 the Government published its revised National Planning Policy Framework (the Framework). In this instance the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework and that no party would be disadvantaged by such a cause of action.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the host dwelling and the area.

Reasons

4. The appeal property, Ash Dene (Ash Dene) is an extended detached dwelling situate in a row of development on Brick House Lane, a residential road north of the settlement of Hambleton leading to open countryside. There are a variety of properties along this part of Brick House Lane, including a cattery, and holiday lets together with detached dwellings set back from the highway with mature landscaping. Ash Dene has a generous sized plot with a long rear garden leading to an open aspect at the rear with fields beyond. It is set back and at a higher level from Brick House Lane and is well screened from its neighbouring properties, Northways and Newlands.
5. Planning permission was granted in 2023 for the change of use of an existing garage to provide ancillary accommodation¹. The proposal would see the erection of a new garage between the former garage/annex and a stable/storage shed located towards the north end of the appeal site. Due to its height and width, it would be larger than these two outbuildings and its footprint would be similar to the original footprint of Ash Dene. However, the appeal site easily has sufficient size to accommodate a garage of this size and due to its siting set well back within the long rear garden, it would not be visible from Brick House Lane. Given its distance from the adjacent dwellings it would not be discernibly visible from these properties either. Nor would the

¹ 23/00653/FUL

garage unduly dominate in views from Staynall Lane where my observations were that despite the open countryside setting, the presence of built development along Staywell Lane and commercial stables means that views of the appeal site are not easily noticeable. Further, boundary landscaping which could be secured by condition would provide an element of screening to the appeal site. As such the proposal would not cause unacceptable harm to the character and appearance of the area.

6. I appreciate the concern of the Council that the height and appearance of the proposed garage would not be subservient to the dwelling itself and larger in relation to the other outbuildings found on the appeal site. However, the visual impact would be relatively localised with the full extent of the outbuildings and their relationship with the dwelling only being seen within the appeal site itself. In the context of the generous plot size, it would not appear duly incongruous. Further whilst it would add to the extent of built development in this location, I noted on my site visit that Northways itself is a dwelling substantially larger than other dwellings on Brick House Lane whilst Newlands has a number of outbuildings and garages associated with its use as a cattery. I cannot therefore agree that the proposal would significantly compromise and cause harm to the open and rural character found in this area.
7. I note that the Council has raised no concerns with regard to the amenity of the occupiers of neighbouring properties and having regard to the distances involved I would concur with this assessment. Further I note that the Council are satisfied that no unacceptable impact on flooding and drainage would arise.
8. The Wyre Local Plan (2011-2031) (incorporating partial update 2022) (Local Plan) includes Policy SP4 which seeks to protect the open and rural character of the area. From all I have seen and read I am satisfied that the proposal would not adversely impact on the open and rural character of the area and would therefore not run contrary to the objectives of this policy. I am also satisfied that the proposal would comply with Policy CDMP3 of the Local Plan which requires development to be of a high standard of design.

Conditions

9. The Council has suggested a number of conditions. A condition as to timescales and for the development to be carried out in accordance with listed approved plans and the flood risk assessment submitted with the application are necessary for the avoidance of doubt and in the interest of flood risk mitigation. As no details are given in respect of phasing, I have amended the latter condition to acknowledge this. Conditions in respect of materials to ensure visual amenity and that the garage is ancillary to the main dwelling to prevent the creation of a separate unit are also necessary. The Council also seeks a condition in respect of EV charging which is necessary in the interests of air quality. Whilst I note within the delegated report that the Council refer to the imposition of a condition for obscure glazing to the south facing elevation of the garage, this is not suggested in the list of conditions provided by the Council. Be that as it may, such a condition is not in my view necessary given the distances involved and that the window serves only a staircase. A landscaping condition is also required in the interest of visual amenity and to ensure a successful planting scheme.

Conclusion

10. For the reasons given and having taken all other matters into account I allow the appeal as set out in the formal decision notice above.

K Winnard

INSPECTOR