



Appeal Decision

Site visit made on 30 April 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/E2001/W/23/3333462

Land north and west of Langdale Cottage, King Street/Low Street, Sancton YO43 4QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Philip Bramley against the decision of East Riding of Yorkshire Council.
 - The application reference is 22/03813/PLF.
 - The development proposed is the erection of two dwellings and a detached building consisting of two garages with two ancillary office/gyms above.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two dwellings and a detached building consisting of two garages with two ancillary office/gyms above at land north and west of Langdale Cottage, King Street/Low Street, Sancton, YO43 4QP in accordance with the terms of the application, Ref 22/03813/PLF, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the development proposed in the banner heading above comes from the Council's description on its decision notice. It is also the description used on the appeal form. The information on the appeal form indicates that the description of the development changed from that stated on the application form. The Council determined the application on this basis. I have therefore used that description in my decision, removing words that are not acts of development.
3. In 2021, planning permission¹ was granted at the site for two dwellings and associated works including the provision of parking area (the 2021 approved development). The appeal scheme would comprise two dwellings but with some alterations to the design compared to the 2021 approved development. In addition, in place of some of the parking spaces in the 2021 approved development, the appellant is proposing a one and a half storey detached building to serve both dwellings as a garage with space above.
4. The Council's evidence confirms that two dwellings with the designs as proposed in the appeal scheme have since been granted planning permission² as a variation to the 2021 approved development. The Council's reason for refusal for the appeal scheme refers only to the proposed garage building. This

¹ Permission reference 20/03932/PLF

² Permission reference 23/02548/VAR

is confirmed in the Council's appeal statement. Consequently, my decision focusses on this building. At my site visit, I observed that construction of the dwellings is underway.

Main Issue

5. The main issue is the effect of the proposal on the setting of the nearby listed building at The White Row.

Reasons

6. The White Row, a Grade II listed building, is a row of five cottages fronting on to Low Street. The listed cottages date from the early 19th century. Their significance is in part derived from the evidence they provide of the architectural style and building techniques of the time, with the consistency of the design and materials reflecting their development as estate cottages. The sense of spaciousness arising from the open area to the rear of the cottages provides a positive contribution to their aesthetic setting.
7. The dwelling at 1 Low Street, which is attached to the end of the cottages nearest to the site is not listed. This property, in effect, sits in between the appeal site and the listed building. The garage building would be sited so that it would be offset from the rear of the listed cottages and the property at 1 Low Street. It would be located beside the rear garden of the dwelling on plot 2. This garden would be enclosed by a low stone wall adjacent to the rear access road and a 1.5 metre close boarded timber fence that would run parallel to the side elevation of the proposed garage building. The garage building would be adjacent to the boundary of the site with the rear of Langdale Cottage. This boundary is defined by what appears as a high fence when viewed from the appeal site, due to Langdale Cottage sitting at a substantially higher level. The garage building would also be adjacent to an outbuilding associated with The Star Inn which also sits at a higher level than the appeal site. The proposed garage building would therefore appear as contained within the site.
8. The garage building would be a fairly large structure. However, given its relatively contained location within the site and its offset location from the listed cottages, the sense of spaciousness arising from the open area to their rear would remain. This would be the case when in the open area itself and from the rear of the cottages, which would maintain their open aspect. The setting's open character and appearance would not be diminished in views towards the site from vantage points in the wider area, including from the higher ground near to The Star Inn and the village car park, and in the glimpsed views that would be possible through the built form along King Street and Low Street.
9. There would be vantage points in the surrounding area where the garage building would be seen in the same view as the listed cottages. From the glimpsed views that would be possible from Low Street and King Street through gaps in the built form, or in the vicinity of The Starr Inn, the proposed building would be seen as set back and/or offset from the listed cottages. As a result, while the scale and massing of the proposed garage building may well be greater than the outbuildings that were historically to the rear, it would not draw the eye away from the listed cottages or visually compete with them.

10. A reasonable separation distance would be maintained between the garage building and the listed cottages. While it would be one and a half storeys and so would have a reasonably large scale and mass for an ancillary building, it would nevertheless have a relatively simple form and would be constructed from materials that would complement the surrounding built development. These factors, together with its proposed location, mean that the garage building would not visually dominate the listed cottages.
11. In my judgement therefore, the garage building would not visually distract from the setting of the listed building and would maintain its open character and appearance. The setting of the listed building would therefore be preserved and the ability to appreciate the architectural and historic significance of the listed building would not be diminished. In reaching this conclusion I have had special regard to the desirability of preserving the setting of the listed building.
12. As I have not found harm to the significance of the designated heritage asset, there is no need to undertake a balancing of the public benefits of the proposal as set out in chapter 16 of the 2023 National Planning Policy Framework and part C of Policy ENV3 of the 2016 adopted East Riding Local Plan Strategy Document (the ERLP SD).
13. For the reasons given, I conclude that the setting of the nearby listed building at The White Row would be preserved. Consequently, the proposal would accord with Policies ENV1 and ENV3 of the ERLP SD. Amongst other matters, these policies require development proposals to contribute to safeguarding and respecting the diverse character and appearance of the area through their design, layout, construction and use, paying particular attention to heritage assets; and to conserve the significance, views, setting, character, appearance and context of heritage assets. The proposal would also accord with the historic environment objectives of the Framework.

Other Considerations

Location

14. It is contended that, while the two dwellings would be within the defined development limit for Sancton, the location proposed for the garage building is outside it and within an area identified as an Important Landscape Area in the ERLP SD. I note that the Council has not raised this as a matter of concern and in its appeal statement states that the appeal site is located within the development limits of Sancton.
15. Policy S4 of the ERLP SD sets out when development outside development limits would be supported. The supporting text clarifies that development limits are not intended to exclude the prospect of extensions to residential dwellings where these are of an appropriate size and respectful to the character of the area. The garage building would be detached from the two dwellings but would be closely associated with them in terms of location and use. The building would be of an appropriate scale and would respect the character and appearance of the area.
16. The garage building would introduce built development onto the site whereas the approved parking spaces would retain a more open, albeit hard surfaced appearance. Nonetheless, for the reasons previously stated, the building would not harm the character of the open space. Although the garage building would

be one and a half storeys, it would not appear incongruous given that it would be viewed as being closely associated with the two dwellings, which have planning permission, and in association with the outbuilding of The Star Inn which would appear of a similar massing due to the different ground levels. I am therefore satisfied that the garage building would not adversely affect the character of the settlement or the Important Landscape Area.

Living Conditions

17. There would not be an unacceptable loss of privacy for residents of Langdale Cottage as no windows are proposed in the elevation of the garage building that would face towards this dwelling. Due to the notable difference in land levels, the Council identifies that the eaves of the garage building would be the same height as the top of the boundary fence. Its roof would slope away from the garden of this property. Consequently, the garage building would not dominate the outlook for residents of Langdale Cottage nor would it result in an unacceptable loss of light. Given the acute angle of the views that would be gained from the windows on the front elevation of the garage building and the separation distances, I am satisfied that it would not result in an unacceptable loss of privacy or be a dominating feature for residents of 1 to 6 Low Street. Although some noise may be noticeable from the use of the building, it would be of a nature not uncommon in a residential area.

Highways and Parking

18. The proposed vehicle parking would meet the Council's requirements in terms of the number of spaces for two dwellings and manoeuvring areas. There is therefore no clear evidence that the proposal would lead to an unacceptable increase in traffic congestion or pressure for on-street parking.

Services and Facilities

19. No evidence has been presented to demonstrate that local services and facilities have insufficient capacity to support the proposed development including the use of the garage building as ancillary office/gyms. The company responsible for the water and sewerage network in the area and the Council's Land Drainage team have not objected to the proposed development subject to conditions covering surface and foul water to ensure satisfactory drainage.

Precedent

20. I note the concern about an undesirable precedent being set for similar developments in the area. However, I have nothing before me to indicate there is a likelihood of this happening. I have considered this appeal on its individual planning merits and any future proposals for similar development in the area would have to be considered in a similar way. This would also be the case for any future proposal to change the use of the garage building to residential accommodation.

Conclusion

21. In terms of the main issue, the proposal would preserve the setting of the nearby listed building and would not harm the significance of this designated heritage asset. I have had regard to the other considerations raised, but they would not result in unacceptable effects.

22. Overall, the proposal would accord with the development plan as a whole, and there are no material considerations of sufficient weight to indicate that permission should be withheld. I therefore conclude that the appeal should be allowed.

Conditions

23. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework, and have amended the wording of certain conditions in the interests of precision.
24. As well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans.
25. In the interests of the character and appearance of the area, conditions are necessary to specify the materials to be used in the external surfaces of the development and to ensure the hard and soft landscaping details are implemented. To protect the living conditions of nearby residents, a condition is necessary to ensure that the boundary treatments are installed. In the interests of highway safety, a condition is necessary to secure the implementation and retention of the vehicle parking and turning areas. To ensure that the development is provided with a satisfactory means of drainage it is necessary to require the implementation of the foul and surface water drainage details. As the site lies within an area of archaeological interest, a condition is necessary to ensure that the history of the site can be recorded.

F Wilkinson

INSPECTOR

SCHEDULE OF 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: 2190/18 REV A – Location Plan; 2190/12 Rev O – Site Plan; 2190/11 REV F – Proposed Scheme Plot 1; 2190/15 REV E – Plot 2 Proposed Floor Plans, Section and Elevations; 2190/13 REV B – Plot 1 and Plot 2 Garages.
- 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those approved under 21/30229/CONDET namely:
 - Walls: Hoskins Maldon antique brick and render in the colour 'Bath';
 - Roof: Natural Red Sandtoft Old English pantile.
- 4) All soft landscaping comprised in the approved plans shall be carried out in the first planting and seeding season following the first occupation of the dwellings hereby permitted or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby permitted or in accordance with a programme to be approved in writing by the Local Planning Authority.
- 5) The screen walls and/or fences shown on the approved plans shall be erected prior to the first occupation of the dwellings hereby permitted and shall be retained and maintained thereafter.
- 6) No dwelling shall be first occupied until the vehicular access has been provided and space has been laid out for a minimum of two cars to be parked for each plot and to enable vehicles to turn so that they may enter and leave the site in forward gear in accordance with the details hereby permitted. The vehicle parking and turning facilities shall thereafter be retained.
- 7) No dwelling shall be first occupied until the approved foul and surface water drainage details have been fully implemented in accordance with the details contained within the application form.
- 8) The development hereby permitted shall be carried out in accordance with the document entitled 'Written Scheme Of Investigation For A Programme Of Archaeological Recording (Watching Brief)' dated April 2021 by Nick Pearson of On Site Archaeology.