



Appeal Decision

Site visit made on 8 May 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

Appeal Ref: APP/W9500/D/23/3332760

Oswalds House, 11 Westfields, Osmotherley, North Yorkshire DL6 3PR

- 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 Joanne Barber against the decision of North York Moors National Park Authority.
 - The application Ref is NYM/2023/0408.
 - The development is removal of shed and construction of outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for removal of shed and construction of outbuilding at Oswalds House, 11 Westfields, Osmotherley, North Yorkshire DL6 3PR in accordance with the terms of the application, Ref NYM/2023/0408, subject to the conditions set out below.
 - 1) The external elevations of the outbuilding hereby approved shall, within three months of first being brought into use, be clad in vertical timber boarding and dark stained or left to weather naturally and retained as such thereafter.
 - 2) The building hereby permitted shall be used for domestic storage purposes incidental to the occupation of Oswalds House, 11 Westfields and for no other purpose including permanent residential accommodation.

Preliminary Matters

2. The appeal is partially retrospective in that the footings for part of the structure have already been installed. I have nevertheless determined the appeal on the basis of the submitted plans. I have taken the description of development from the National Park Authority's decision notice, removing words that are not acts of development, as it more accurately describes the appeal scheme.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on the living conditions of the occupiers of neighbouring residential properties.

Reasons

Character and Appearance

4. The appeal property is a recently built end of terraced dwelling within a small cul-de-sac development on the edge of Osmotherley. Properties here are terraced with some arranged so that their modest-sized rear gardens back onto the road forming the turning head with gated access to their parking areas. Dwellings are faced with a mix of coursed stone, brick and timber boarding with pantile roofs. Within the rear gardens a variety of outbuildings are visible from the parking areas. The arrangement of the dwellings and their materials contribute to an attractive, well-designed development that is reflective of the local vernacular.
5. The appeal property is a stone-faced end of terrace property with a pantiled roof. Due to its position on the edge of the development, it has a larger rear garden than is typical here, including an area to the side. The garden boundaries with the adjoining neighbour, 10 Westfields, and the neighbour to the north, 6 Westfields, are formed by tall timber fences. The boundary with the neighbouring bungalow to the east is formed by a tall timber fence and hedge.
6. The brick footings that exist have an L shape. The proposed building would be rectangular and reduced in scale. It would be primarily limited to the area of garden forward of the space to the side of the dwelling, occupying much of the length of the garden. However, a substantial portion of the rear garden would remain, particularly once the existing timber shed is removed. The building would be low in height and relatively narrow in terms of its width. Its external walls would be faced with boarded timber which would be reflective of the existing boarded timber located within neighbouring dwellings. Given the extent of the existing garden area and the proposed location to the side, I am satisfied that the proposed building would be a subservient addition to the existing property.
7. The building may be visible through the wrought iron gate from the parking spaces and turning area. However, given the extent of intervening garden space, and its external facing of boarded timber which would weather naturally, I am satisfied that it would appear as a domestic outbuilding, reflective of the prevailing character and would not be incongruous or dominant in these views.
8. I acknowledge that the housing development has been carefully designed and that permitted development rights have been removed to ensure that future development is controlled and reflective of its character. However, for the reasons set out above I am satisfied that the development would be reflective of the existing character, subservient to the existing dwelling and proportionate in scale to the garden area.
9. In order to ensure that the building remains in residential use, a condition requiring the building to be used solely for residential purposes could be imposed on any grant of approval to prevent use for business or any other purposes.
10. I therefore conclude that the proposed development would not be harmful to the character and appearance of the area. It would therefore comply with Strategic Policy C of the North York Moors National Park Authority Local Plan

(2020) (the LP) which seeks to ensure development maintains and enhances the distinctive character of the National Park through appropriate siting, orientation, layout and density, together with carefully considered scale, height, massing and form, utilising good quality construction materials and design reflective of the architectural character and form of the original building and that of the local vernacular. There would also be compliance with Policy CO17 of the LP and the guidance within the North York Moors Design Guide Part 2: Alterations and Extensions to Dwellings, which together and amongst other things, set out that domestic outbuildings should be clearly ancillary to the main dwelling and should not have a negative impact on the character of the wider setting.

Living Conditions

11. The proposed roof of the building would be low and would slope away from the boundary with the adjacent bungalow. Taking into account the robust extensive boundary treatment, I am satisfied that the proposed shed would not be harmful to the living conditions of the occupiers of this dwelling.
12. The narrowest elevation of the building would be set back from the side boundary of the garden of No 6. Taking into account the height of the roof of the building and its slightly sloping nature, I am satisfied that it would not appear overbearing or significantly reduce levels of outlook in views from No 6 or its garden. As such, the development would not be harmful to the living conditions of the occupiers of this property. Given the distance from the adjoining neighbour, No 10, the building would not result in any loss of outlook from the garden or windows of that dwelling.
13. The National Park Authority does not identify the precise property or effect on the neighbouring amenities in its decision notice or report. Nevertheless, for the above reasons I am satisfied that the development would not be harmful to the living conditions of any of the occupiers of neighbouring properties. I would also note that sufficient space, comparable in area to that of its neighbours, would remain at the appeal property for use as a garden.
14. The development would therefore preserve the living conditions of the occupiers of the neighbouring properties. In that regard the development would comply with Strategic Policy C and Policy C17 of the LP and the guidance within the SPD which together and amongst other things seek to ensure new development preserves living conditions.

Conditions

15. I have had regard to the conditions suggested by the National Park Authority and considered them against the tests in the National Planning Policy Framework and the advice in the Planning Practice Guidance, making such amendments as necessary to comply with those documents.
16. A condition is necessary to ensure that the external treatment of the building is applied within a reasonable timeframe owing to the retrospective nature of the development. A condition restricting permitted development rights for future outbuildings is not necessary as any future outbuilding would require planning permission as permitted development rights have been removed from the development as a whole. As set out in my above reasoning, I agree with the National Park Authority that a condition restricting the use of the building for

domestic storage in association with the dwelling is necessary in the interests of preserving the living conditions of neighbours, in order to avoid use for business purposes or as a separate unit of residential accommodation.

Conclusion

17. The proposed development would not conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given and subject to conditions, I conclude that the appeal should be allowed.

Paul Martinson

INSPECTOR