



Appeal Decision

Site visit made on 14 May 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2024

Appeal Ref: APP/U2750/W/24/3339866

Vine Cottage, York Road, Barlby, Selby YO8 5JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Harrison against the decision of North Yorkshire Council.
 - The application Ref is ZG2023/1013/OUT.
 - The development proposed is outline application for a 1 bedroom bungalow on same footprint as existing outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is made in outline with all matters reserved. The description of development is incompatible with this, as is the submitted block plan which shows the existing access as being retained. The appellant's case also refers to the reuse of the existing walls. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) defines outline planning permission as '... for the erection of a building...'. The reuse of the existing walls would therefore not be possible. As the application form and appellant's case are clear that it is an outline proposal, I have considered the appeal on the basis that all matters are reserved.
3. The submitted plans indicate a new access from York Road to provide off-street parking for Vine Cottage. However this land lies within the blue line and has not been referred to as part of the description of development so I have therefore not considered the provision of this access as forming part of the proposal before me.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area, and the living conditions of future occupiers with respect to private amenity space.

Reasons

Character and Appearance

5. The appeal site comprises part of the rear garden of Vine Cottage and lies adjacent to the junction of Landing Lane and Landing Close. The area is characterised by good sized dwellings set in quite generous plots with both front and rear garden spaces. There is a substantial outbuilding which extends

for much of the width of the site and includes a garage door. It is clearly ancillary to Vine Cottage, and as such, forms part of the established character of larger gardens containing ancillary structures.

6. The proposed plot would be very small in comparison to those of the surrounding dwellings. While the siting and layout of the proposed dwelling would fall to be assessed at the reserved matters stage, even a dwelling commensurate with the size of the plot would appear incongruous as it would likely be significantly smaller than those in the surrounding area. The proposal would result in there being a much reduced plot to the host dwelling, with little amenity space being retained to the rear of Vine Cottage. This would also be incongruous and uncharacteristic of the area.
7. The position of the proposed plot at the junction of Landing Lane and Landing Close, and that of the host dwelling at the junction of York Road and Landing Lane give added prominence to them. This prominence would further exacerbate the adverse effects on the character and appearance of the area given their visible position.
8. The proposed development would therefore have an adverse effect on the character and appearance of the area. It would be contrary to Selby District Local Plan (2005) (LP) Policy ENV1 which requires development to be of a good quality taking account of the effect upon the character of the area and Selby District Core Strategy (2013) (CS) Policies SP4 (c & d), and SP19 which taken together and insofar as they relate to this appeal, require development to positively contribute to an area's identity, make efficient use of land without compromising local distinctiveness, character and form, and to preserve and enhance the character of the local area. It would also be contrary to the advice contained within Section 12 of the National Planning Policy Framework (the Framework) which requires development to add to the overall quality of the area.

Living Conditions

9. Access, layout and scale fall to be considered at the reserved matters stage. However, it is likely that the proposed dwelling would be sited towards the rear of the site to allow for off-street parking to be provided. Given the size of the proposed plot, private amenity space would likely be limited in size. It would also be in proximity to the highway. To provide any privacy, substantial boundary treatments would be required. These would be likely to dominate a small area and restrict outlook in an unsatisfactory manner. I therefore cannot be satisfied that acceptable living conditions could be provided for future occupiers with respect to the provision of private amenity space.
10. The proposed development would therefore be contrary to LP Policy ENV1 which requires development to take account of the effect upon the amenity of adjoining occupiers and CS Policy SP19 which taken together and insofar as they relate to this main issue, require development to have regard to the context of its surroundings and have private spaces that are clearly distinguished and complement the built form. It would also be contrary to the advice within Section 12 of the Framework which requires development to have a high standard of amenity for future occupiers.

Other Matters

11. There would be a benefit from the delivery of an additional dwelling and the associated economic benefits during both the construction and occupation stages. However, these would be limited given the proposal is for one dwelling.

Conclusion

12. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight, to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR