

Appeal Decision

Site visit made on 11 April 2024

by Peter D Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal Ref: APP/U2750/D/24/3338942

East View Cottage, Main Street, Follifoot, North Yorkshire HG3 1DZ.

- 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 Tim and Claire Rees against the decision of North Yorkshire Council.
The application Ref ZC23/04114/FUL, dated 13 November 2023, was refused by notice dated 8 January 2024.
 - The development proposed is demolition of existing rear extension and section of outbuilding. Proposed rear extension with single and two storey elements. Proposed veranda. Creation of hallway in central arch driveway. Fenestration alterations. Internal alterations. Creation of new parking area to front of property with level alterations. Proposed sliding gates.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 21st May 2024.

Decision

1. The appeal is allowed and permission is granted for demolition of existing rear extension and section of outbuilding; proposed rear extension with single and two storey elements; proposed veranda; creation of hallway in central arch driveway; fenestration alterations; internal alterations; creation of new parking area to front of property with level alterations and proposed sliding gates at East View Cottage, Main Street, Follifoot, North Yorkshire HG31DZ in accordance with the terms of the application Ref ZC23/04114/FUL, dated 13 November 2023 and subject to the conditions in the schedule below.

Procedural Matters

2. In the period since the appeal was submitted the Government has published the revised *National Planning Policy Framework* (the Framework) December 2023 which, for the purposes of determining this appeal, takes immediate effect. As the appellant has referred to the existing Framework I have taken into consideration where necessary the current Framework policies that mirror the paragraphs of the old Framework referred to.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - The effect of the development on the openness of the Green Belt and

- The effect on the character and appearance of the host building and the surroundings of the Follifoot Conservation Area.
- Whether the development would have an adverse impact on highway safety as a result of the proposed parking provision for the property.

Reasons

4. The appeal site is located on the south western side of Main Street, an attractive, stone built street in the heart of the Follifoot Conservation area. The York Green Belt washes over Follifoot and therefore the proposals are within the Green Belt.
5. The appeal property is a large, semi-detached, stone and tile, two storey dwelling, originally four separate cottages, standing well above the level of the street and set back from it. The house is separated from the street by a front garden split by the entrance driveway that passes through the central archway to an extensive rear garden and courtyard area. The front garden is separated from the street by high mature hedging and stone wall. The house benefits from an existing single storey rear extension with attached garage and a large outbuilding probably dating from the original construction of the cottages, certainly predating 1948.
6. It is proposed to demolish the existing rear extension and garage and the offshoot on the outbuilding and construct a two storey rear extension on broadly the same footprint as the existing extension and a rear single storey extension across the central section of the property and archway.

Whether the proposal would be inappropriate development in the Green Belt

7. The Framework establishes that the construction of new buildings in the green belt is inappropriate other than in a number of circumstances set out in Paragraph 154. One of these is the extension or alteration of an existing building providing the extension would not result in disproportionate additions over and above the size of the original building. Rather than reiterate the Framework, Policy GS4 of the *Harrogate District Local Plan* (HDLP) simply states that development in the Green Belt will be determined in accordance with national policy. The proportionate extension of existing buildings in the Green Belt would therefore not be inappropriate.
8. The Framework does not set a limit on the scale of extension, leaving it to the decision maker to determine whether the extension would be a disproportionate addition over and above the size of the original building. Similarly, Policy HS8 of the HDLP on extensions only talks in general terms about extensions having no adverse impact on character and appearance of the dwelling. However, in the *House Extensions and Garages Design Guide Supplementary Planning Document* (SPD), the Council stresses the importance of the form and scale of the extension being subservient to the main house with the extension being well-proportioned and smaller in width, height and depth to the main dwelling. In the Appendices to the SPD the Council advises that normally extensions in the Green Belt should not exceed a 50% increase in the ground floor area.
9. It has been put to me that the net result of the proposed extensions would result in a 44% increase in footprint. This 'counts in' that part of the outbuilding that originally accommodated the toilets to the cottages on the basis that these were an essential part of the original dwellings. Even were this floor area not

'counted in' the extensions would be only just over the advisory 50% increase in floor area in the SPD.

10. Looking at other indicators of proportionality, the proposed two storey rear extension would be designed to be subservient in height to the main dwelling, the roof pitch would be the same as the pitch of the main dwelling, indicating it would be proportionate in width and the depth would not extend as far as the existing rear extension. Similarly the single storey section of the rear extension would appear as a subservient addition to the main dwelling.
11. In the context of the Green Belt test regarding proportionality I conclude that the extension proposals would not be inappropriate development in the Green Belt and therefore by definition not harmful and in accordance with the Framework, Policy GS4 of the HDLP and with the SPD.

The Effect on Openness

12. Green Belt is established to achieve a number of aims one of which is to assist in safeguarding the countryside from encroachment and one of the essential characteristics of Green Belts is their openness.
13. The proposal would be contained within the built form and grain of Follifoot and therefore would have minimal impact on openness but, in any event, as I have concluded the development would not be inappropriate in the Green Belt there is no need to carry out a further assessment of the impact on openness.

Character and Appearance

14. Because the proposal lies within the Follifoot Conservation area I have paid special attention to the requirements of S72 of *The Planning (Listed Buildings and Conservation Areas) Act*. East View Cottage is identified as a building of local interest in the *Follifoot Conservation Area Appraisal* and as such changes to it need to be handled sensitively.
15. With respect to the appeal proposal's impact on the building's setting on Main Street there would be no material change to the building itself but concern has been expressed regarding the impact the proposed parking area would have on the street and Conservation Area.
16. The proposal would remove the banked garden area on the north side of the access drive to create the parking area replacing the parking currently provided to the rear of the house. This would result in the parking area being set within retaining walls and behind the existing stone boundary walls and mature hedging on the Main Street frontage. This being the case the parking area would be well-screened in views coming up Main Street by the raised garden ground and trees remaining on the south side of the property. Coming down Main Street, providing the hedge and stone wall would be retained, the parking area would be similarly well-screened. The parking area would only be visible passing the entrance itself where the slight opening out of the driveway and proposed gates would be apparent. The impact of this would be limited compared to other situations where drives and parking areas occur on Main Street. No detail is provided regarding the materials to be used for the construction of the parking area but, provided the materials used for the retaining walls, paving and gates are controlled by condition, there would be no reason for there to be an adverse impact on the character and appearance of the Conservation Area.
17. Proposals to the rear of East View Cottage are much more contained in the context of the Conservation Area and its setting and, generally, given the scale,

design and materials they would not be harmful. The proposed single storey addition extending over the original archway would be unfortunate in concealing an original feature of the building from the rear. However, as the archway is retained on the frontage, the harm to the character and appearance of the building would be limited and would not of itself be sufficient to warrant dismissal of the appeal.

18. As such the proposal would not conflict with Paragraphs 205 onwards in Section 16 of the Framework nor with Policy HP2 of the HDLP which seeks to protect and enhance those elements that have been identified as making a positive contribution to character and appearance in conservation areas. I am satisfied for the reasons above that the character and appearance of the Conservation Area would at least be preserved or protected as a result of the proposals.

Highway Safety

19. It has been put to me that the parking area for the extended dwelling should be three spaces to meet the *North Yorkshire County Council Parking Standards for Development* and HDLP Policy TI3 and that only two spaces have been provided. The size of property according to the standard would normally require three spaces but this is a maximum standard to be applied flexibly. It is clear from the appeal documents that three spaces were initially proposed but in order to reduce any visual impact of the parking area the design was revised to be a smaller space only accommodating two spaces.
20. Given the Conservation Area location I am satisfied that the slightly lower provision would be warranted in this case, particularly as bus services are available on Main Street offering a sustainable transport alternative to Harrogate and Wetherby on a broadly hourly basis through the week.
21. In any event Main Street at this point is of a reasonable width and a straight alignment and at the time of my visit had cars parked on the west side of the street. I am not therefore persuaded that the slightly reduced parking, even if it were to result in additional on-street parking, would have any significant impact on highway safety. There would therefore be no conflict with the objectives of HDLP Policy TI3.

Other Considerations

22. A third party has raised concerns regarding the impact of the development on the adjacent school in respect of safeguarding issues. However, the new extension would have no windows directly overlooking the school building or playground adjacent and therefore it is hard to see how the development would give rise to safeguarding issues. With respect to other impacts on living conditions, although the covered veranda area is adjacent to the neighbouring property to the south and would enable some overlooking of the neighbouring garden this would be no different to the situation that currently exists where this part of the courtyard overlooks the adjacent garden. Therefore I am not persuaded that living conditions for neighbouring occupants would be adversely affected by the proposal. As such there would be no conflict with HDLP Policy HS8A.

Conclusions and Conditions

23. I have concluded that the proposal would not be inappropriate development in the Green Belt and, in turn, would not have an adverse impact on the openness of the Green Belt. Equally, for the reasons above, there would be no adverse

impact on the character and appearance of the Conservation Area or on highway safety. Accordingly, I conclude the appeal should be allowed and planning permission granted.

24. The Council suggested only the standard householder conditions in its appeal questionnaire but the Local Highway Authority additionally had proposed two conditions regarding the access and parking arrangements. I have considered all these in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.
25. In order to safeguard the character and appearance of the dwelling and surrounding Conservation Area a condition needs to be added requiring materials to be used on the external surfaces of the development to match the existing. Additionally, as no details have been provided with regard to the materials to be used for the retaining walls and paving of the parking area or its landscaping, these must be submitted for approval prior to construction of the parking area in order that there is no adverse impact on the character and appearance of the Conservation Area.
26. The Local Highway Authority has proposed two conditions regarding the provision of access and parking in the interests of securing safe access, and parking provision so that highway safety is not prejudiced. I will impose these conditions.
27. In view of the fact that the condition regarding submission of details of materials for the parking area is one which the appellants would not have been aware of, I have consulted the parties on this. No concerns have been received in response.

P. D. Biggers

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted must be begun no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: P-001-RevA; P-002-RevA; P-003-Rev A; P-004-Rev A; P-005-Rev A; P-006-Rev A; P-007-Rev B.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Notwithstanding Condition No 2 (i.e. the condition requiring that the development is carried out in accordance with the approved plans) no development other than excavation of the parking area shall take place until full details of the materials to be used in the construction of the retaining walls and the surfacing of the parking area along with details of its landscaping shall have been submitted to the Local Planning Authority for approval in writing. Thereafter the development of the parking area will be carried out in accordance with the approved details.

- 5) No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at East View Cottage have been constructed in accordance with details submitted to and approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 6) The development must not be brought into use until the access to the site at East View Cottage has been set out and constructed in accordance with the *Specification for Housing and Industrial Estate Roads and Private Street Works* published by the Local Highway Authority and the following requirements:
- The crossing of the footway must be constructed in accordance with the approved details and/or Standard Detail number E50.
 - Any gates or barriers must be erected a minimum distance of 1 metre back from the back of footway and must not be able to swing over the footway.
 - That part of the access extending 5 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1:40.
 - Provision to prevent surface water from the site discharging onto the highway must be constructed in accordance with the approved details shown on drawing E50 and maintained thereafter to prevent such discharges.
 - The final surfacing of the private access within 5 metres of the public highway must not contain any loose material that is capable of being drawn on to the public highway.
 - Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.