



Appeal Decision

Site visit made on 18 June 2024

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/U2750/D/24/3343476

Barden House, Main Street, Kirkby Malzeard, North Yorkshire HG4 3SD

- 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 & Mrs Hoskison against the decision of North Yorkshire Council.
 - The application Ref is ZC23/04508/FUL.
 - The development proposed is demolition of existing garage building and erection of one and a half storey "granny" annex.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage building and erection of one and a half storey "granny" annex at Barden House, Main Street, Kirkby Malzeard, North Yorkshire HG4 3SD in accordance with the terms of the application, Ref ZC23/04508/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the submitted 1:1250 scale site location plan and drawing no. H31-1B (EXISTING & PROPOSED SITE PLAN & PROPOSED ANNEX DETAILS).
 - 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
 - 4) The development hereby permitted shall not be occupied until the related parking facilities have been constructed in accordance with the details shown on drawing no. H31-1B. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
 - 5) The building hereby permitted shall not be used other than as part of, or for any purpose incidental to the enjoyment of, the dwelling known as Barden House, Main Street, Kirkby Malzeard NG4 3SD.

Preliminary Matters

2. On the 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became National Landscapes (NL). The site lies

within the designated Nidderdale NL. I have thus used the NL description even where the AONB description is directly cited within the policies and guidance.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including the landscape and scenic beauty of the Nidderdale NL.

Reasons

4. Policy GS6 of the Harrogate District Local Plan 2014-2035 (the Local Plan) states that the natural beauty and special qualities of the Nidderdale NL will be conserved and enhanced. This accords with Paragraph 182 of the Framework, which places great weight on the conservation and enhancement of landscape and scenic beauty in NLs. I am also mindful of my statutory duty to seek to further the purposes of conserving and enhancing the natural beauty of NLs.
5. In this area, the Nidderdale NL is characterised by the distinct pattern of thin, linear early enclosure fields that are organised around Kirkby Malzeard and Grewelthorpe. Kirkby Malzeard is an historic village, primarily set out in a linear arrangement along Main Street. Traditional building materials are gritstone and stone slate roofs. The setting of the village is sensitive to change, including from extensions to domestic curtilage and new buildings.
6. The appeal site comprises an end-terrace dwelling and its associated curtilage. The plot is narrow and elongated, with the existing garage situated to the rear with an access onto Back Lane. The proposal would replace the existing garage with a larger annex building constructed using stone with a slate roof. It would be viewed in the context of other development along this side of Back Lane, including a variety of outbuildings and garages, boundary walls, and dwellings of various size facing onto the lane. Though mostly bungalows, many dwellings have accommodation at first floor within the roof space, and south facing gables are a feature of several buildings along the lane.
7. The width of the proposed annex would be curtailed by the narrowness of the site, and thus would be comparable to that of the adjacent garage at Rose Lea. The proposal would also be set further back from the lane. Though built across 2 floors, it would be modest in height, with a ridge line lower than that of the adjacent bungalow at The Croft. It would also be visually separated from this neighbouring dwelling by the existing boundary wall and high hedge.
8. In the above context, the proposal would not appear unduly incongruous or out of keeping with the character and appearance of the area. It would not have a detrimental impact on the space about buildings, nor appear over-dominant in relation to surrounding properties, in accordance with the House Extensions & Garages Design Guide, adopted September 2005 (the SPD). Moreover, the proposal would not detract from the setting of the village or the distinct landscape within the surrounding area. I am satisfied that it would not harm the special qualities of the NL in this area and would further the purposes of conserving and enhancing its natural beauty.
9. The proposal therefore would not have a harmful effect on the character and appearance of the area, including the landscape and scenic beauty of the Nidderdale NL. I have not identified any conflict with Policies GS6, HP3 and HS8 of the Local Plan. These policies, among other provisions, seek to protect the

natural beauty and special qualities of the Nidderdale NL, ensure development incorporates high quality design that respects local distinctiveness and the spatial qualities of the area, and that extensions to dwellings do not have an adverse impact on the character or appearance of the site or surrounding area.

Other Matters

10. I have had regard to concerns raised by the Parish Council and an interested party regarding car parking and highway safety matters. The Local Highway Authority (LHA) indicates that the appeal site would require 3 off-street parking spaces. While only 2 off-street parking spaces would be provided to the rear, on-street parking is available on Main Street, and there is no substantiated evidence to indicate that an undersupply of one off-street parking space would result in significant additional parking pressure in the local area.
11. Back Lane is narrow with no designated footpath, and limited visibility or space for vehicles to pass one another. However, the nature of the road is likely to moderate speeds. It was not heavily trafficked by vehicles or pedestrians at the time of my site visit, and the LHA confirm that traffic counts and speeds are low. Moreover, there is already an access in this location.
12. An interested party has referred to a development of 37 houses nearby. However, no further details have been provided. Any highway impacts arising from that development are a matter for the associated planning application. There is no compelling evidence to indicate the proposal, taken cumulatively with other development, would have a harmful impact on highway safety.
13. In view of the above, I find that the proposal would provide adequate car parking facilities and would not have an unduly harmful effect on highway safety. The LHA did not raise any objections to the proposal, subject to a planning condition to secure the provision and retention of the proposed car parking, and on the basis that the proposal is linked to the main property, and there is no compelling reason before me to conclude otherwise.

Conditions

14. The Council has suggested 2 conditions in the event the appeal is allowed. I have also had regard to the representations before me. I have set out a list of planning conditions, having regard to the Planning Practice Guidance (PPG) and the tests for conditions set out in Paragraph 56 of the Framework.
15. In addition to the standard time limit condition and those referred to above, it is necessary to specify approved plans as this provides certainty. To safeguard the character and appearance of the area, including the landscape and scenic beauty of the Nidderdale NL, a condition is also required to clarify details of external finishing materials, as those before me are not sufficiently precise.

Conclusion

16. The proposed development would adhere to the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Ryan Cowley

INSPECTOR