



Appeal Decision

Site visit made on 1 July 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/U2750/W/24/3339356

Garage building at Sussex Street, Bedale, DL8 2AJ

- 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 Ms A Green against the decision of North Yorkshire Council.
 - The application Ref is ZB23/01665/FUL, dated 8 August 2023, was refused by notice dated 1 November 2023.
 - The development proposed is conversion of existing garage building to single dwelling with associated amenity space.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's fifth reason for refusal related to the delivery of Biodiversity Net Gain. Within its evidence, the Council has indicated that it considers that this matter could be adequately addressed through the use of a planning condition. Accordingly, as there no longer appears to be dispute between the parties in relation to this matter, there is no reason for me to consider it further.

Main Issues

3. The main issues are :
 - the effect of the proposal upon the living conditions of occupiers of nearby properties, and whether future occupiers of the proposal would be provided with adequate living conditions, both with particular regard to privacy;
 - the effect of the proposal upon the setting of the former Kings Head, a Grade II listed building;
 - its effect upon the character and appearance of the area, including its effect on the significance of Bedale Conservation Area as development within its setting, and;
 - whether the proposal would provide adequate living conditions for future occupiers with particular regard to the standard of accommodation.

Reasons

Living Conditions

4. The proposal would incorporate patio doors opening into a garden area which would be located directly to the rear of 4 Sussex Street (No 4). Other than a roof window, these doors would provide the only light to, and outlook from, the

proposed living/kitchen area. They would also directly face a conservatory located at No 6 Sussex Street (No 6). Due to the orientation of the proposal and windows at No 4, it is likely that any views between the living area of the proposal and the indicated kitchen window at No 4 would likely be oblique. As a result, it is unlikely that there would be unacceptable harm to the occupiers No 4 in this regard alone.

5. However, the patio doors would serve a garden associated with the proposal, which would be separated from the rear elevation of No 4 by only a narrow access footway. As a result, and despite the proposed low fence, there would be extensive and extremely close-range views between this garden and windows in the rear elevation of No 4. The outlook of these rear windows would be almost exclusively over an unassociated garden area with views between house and garden readily available. As a result, there would be significant harm to the living conditions of occupiers of this property, as well as the future occupiers of the proposal making use of the garden.
6. The Council state, and it is not disputed, that there would be 17.5 metres separation distance between the patio doors contained within the proposal and the conservatory at No 6. This would be a close relationship between rooms where it would reasonably be expected that occupiers would make use of them for prolonged periods. In particular, due to the configuration of the proposal, where there would be only the living/kitchen area and a single bedroom and therefore a lack of alternative rooms, it is likely that occupiers would make extensive use of this areas. Occupiers making use of this area would have direct views towards and into the conservatory at No 6 and vice versa. This would lead to both rooms having a notable sense of overlooking.
7. There would also be a roof light serving the kitchen/living area of the proposal, located in a roof slope falling towards the rear garden of 2B Sussex Street (No 2B). It is not disputed that No 2B contains upper-level windows and given the proximity of the proposal to this neighbouring property, it is likely that views from such windows down into the proposed roof window, and therefore the living/kitchen area would be possible. Even though I acknowledge that some of these views could be oblique or restricted due to the angles involved, this would nevertheless lead to the kitchen/living area having a strong sense of being overlooked.
8. The fact that there may be other close relationships between houses elsewhere in the area does not justify the harm that I have found. While the existing garage and the rears of Nos 4 and 6 currently have close relationships, the proposal would be a form of development of different character and occupation levels than currently exists and would introduce harm in this respect which does not currently exist. The introduction of fences to provide definition to the proposed garden and the access to No 4 would also not mitigate the harm that I have identified to any significant degree.
9. The proposal would lead to harm to the living conditions of occupiers of neighbouring properties and would fail to provide future occupiers with adequate living conditions, with particular regard to privacy. It would therefore be contrary to Hambleton Local Plan ('HLP') Policy E2 which states, amongst other factors, that proposals will ensure the physical relationships arising from the design and separation of buildings are not oppressive or overbearing, and in particular will not result in overlooking causing loss of privacy.

Heritage assets

10. A Grade II listed building ('the LB') known as the Former King's Head public house adjoins the appeal site, which forms part of its setting. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, that I have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
11. The significance of the LB, insofar as it relates to this appeal is derived from its age, scale and position in a prominent location within the centre of Bedale. The building extends extensively rearwards from its frontage, and it is this rear range that is adjacent to the appeal site. Architecturally, this part of the building is functional in appearance and comprises a two-storey structure in mainly stone construction with a pantile roof, with the front elevation on Market Place being of a grander and more formal appearance. The rearwards element of the LB forms a backdrop to the existing garage and the overall view from Sussex Street is one of storage and secondary elements of buildings. This context allows an appreciation of the significance of the LB as a large historic building with elements of different status.
12. The proposal would introduce a pitched roof form which although not significantly taller than the existing structure, would nevertheless be larger than that which currently exists. It would also introduce a more domestic structure. This would change the setting of the LB by elevating the building within the appeal site to a dwelling, rather than a secondary building, as well as increasing its physical size. Overall, I agree with the parties that less than significant harm to the setting of the LB would result.
13. Paragraph 208 of the National Planning Policy Framework ('the Framework') states that where a development would lead to less than substantial harm to a heritage asset, this harm should be weighed against the public benefits of the proposal.
14. By comprising an additional dwelling in an existing settlement, the proposal would represent a boost to the supply of housing. It would also provide economic and social benefits by providing employment during construction and boosting spending in local businesses and services once occupied. However, due to the modest scale of the proposal, I afford these benefits minor weight.
15. Weighed against this is the harm that I have identified to the setting of the LB. Paragraph 205 of the Framework states that great weight should be given to the conservation of heritage assets. Overall, I conclude that the benefits of the proposal would not outweigh this harm.
16. The proposal would conflict with HLP Policies S1, S7, E1 and E5 insofar as they relate to this main issue, which together and amongst other factors, state that the historic environment will be protected and enhanced, that proposals will only be supported where they ensure that the setting of a listed building is preserved, and that particular attention will be paid to the distinctive character of Bedale where it is derived from listed buildings. It would also conflict with Chapter 15 of the Framework, which states that great weight should be given to the conservation of heritage assets.

Character and appearance

17. The significance of the CA is derived from the historic street patterns and grain of the settlement. Streets within the CA generally address the road directly and are terraced. In this respect Sussex Street differs as there are gaps between buildings. However, the street is reflective of the CA in that buildings generally front the highway and in doing so, it provides a positive setting to the CA and its significance.
18. In this respect, the appeal site is somewhat of an outlier, with the existing garage building being set-back from the road frontage due to the provision of a driveway. Despite this, as the function of the building is clear, along with the driveway and it appears subservient in character and function to the dwellings around it, it does not appear as incongruous and has a neutral effect on the setting of the CA.
19. Whilst the proposal would replace a set-back garage with a set-back dwelling, and the proposal would be larger than that which currently exists and would be more domestic in nature. Although it would remain set behind a driveway, the reason for its position would not be obvious, and its status as a dwelling would be elevated over the current structure. Viewed alongside other existing dwellings, the proposal and its immediate surroundings would have a cramped appearance, which would not be reflective of the wider street or area. This being the case, it would result in less than substantial harm to the significance of the CA.
20. I acknowledge that there is an outbuilding with an attached garden situated opposite the appeal site. Whilst the proposal would be broadly reflective of that structure in terms of roof form, it addresses the road directly and retains the character of a storage building when viewed from the road. It is not, therefore, wholly comparable with the appeal proposal or its situation and as a result, does not reduce the harm that I have identified.
21. As set out above, the Framework indicates that where a development would lead to less than substantial harm to a heritage asset, this harm should be weighed against the public benefits of the proposal. I afford minor weight to the previously identified benefits of the proposal, and great weight to the less than substantial harm to the setting of the CA in accordance with Paragraph 205 of the Framework. Accordingly, the benefits of the proposal would not outweigh this harm.
22. The proposal would conflict with HLP Policies S1, S7, E1 and E5 insofar as they relate to this main issue, which together and amongst other factors, state that development should integrate with its surroundings, reinforce local distinctiveness and respond positively to its context, that the historic environment will be protected and enhanced, that proposals will only be supported where they ensure that those elements that make a positive contribution to the setting of a conservation area are preserved, and that particular attention will be paid to the distinctive character of Bedale. It would also conflict with Chapter 15 of the Framework, which states that great weight should be given to the conservation of heritage assets.

Standard of accommodation

23. The Nationally Described Space Standards ('NDSS') state that that a single storey, single bedroomed property providing a single bedspace, should be a minimum of 39 square metres (sqm) of floorspace, with 1sqm of built-in storage. This can be reduced to 37sqm where a shower is provided. It also stated that a property in similar configuration but providing two bedspaces should provide 50sqm of floorspace, with 1.5sqm of built-in storage.
24. It is not disputed that if occupied on a single occupancy basis, that the proposal would meet the NDSS requirements. However, the provided plans indicate that a double bed would be provided within the bedroom. Although the appellant has clarified that the intention is that the property would be occupied by a single occupant, NDSS is clear in referring to bedspaces rather than occupants. In these terms the proposal would fail to provide sufficient space for two bedspaces and would therefore represent a substandard quality of accommodation.
25. It is suggested that the occupancy of the property could be restricted to a single person through the use of an appropriately worded planning condition. However, no suggested wording of such a condition is before me, and it has not been demonstrated that such a condition would meet all of the tests set out in the Framework and Planning Practice Guidance.
26. The proposal would fail to provide adequate living condition for future occupiers with particular regard to the standard of accommodation. It would therefore be contrary to HLP Policies E2 and HG2 which together, and amongst other factors state that proposal will be expected to provide a high standard of amenity of all users and occupiers, that the Council will seek the use of good quality housing designs and that housing proposals will be supported where they meet NDSS.

Other Matters

27. It is stated that without a viable use and appropriate management, that the appeal property would be likely to fall into disrepair. Whilst I acknowledge that an active use of the current building would be likely to increase its longevity, the evidence before me does not demonstrate that such ongoing maintenance would be wholly contingent on the proposal before me, and would not otherwise occur. I therefore afford this fact limited weight in my considerations.

Conclusion

28. For the reasons given above, the proposal would conflict with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

C Harding

INSPECTOR