



Appeal Decision

Site visit made on 16 July 2024 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2024

Appeal Ref: APP/U2750/D/24/3345076

Rear yard of 65 Northallerton Road, Brompton

- 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 Gary Vasey against the decision of North Yorkshire Council.
 - The application Ref is ZB23/02518/FUL.
 - The development proposed is for the erection of a shed.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a shed at the rear yard of 65 Northallerton Road, Brompton in accordance with the terms of the application, Ref ZB23/02518/FUL subject to the following condition:
 - 1) The development hereby permitted is as shown on drawing nos ELG-002, ELG-004 and the location plan dated 7 December 2023.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description above is taken from the application form. The decision notice refers to the retrospective construction of a shed. The appellant has confirmed the retrospective nature of the appeal. Given this matter is therefore not in dispute, I have considered the appeal accordingly.

Main Issues

4. The main issues are the effect of the proposal on a) the living conditions of the occupiers of the neighbouring properties with specific regard to outlook and b) the character and appearance of the area.

Reasons for the Recommendation

Living Conditions

5. The appeal property benefits from a generously sized garden, as do the two neighbours either side, Nos 63 and 67. The plots back onto open fields. Both neighbouring properties have outbuildings in the rear garden and the plots are separated by fencing and hedging.

6. The shed is located to the far end of the garden and thus well away from any sitting out space to the immediate rear of the neighbouring buildings. This, the low rise nature of the building and its narrowest elevation facing each garden, ensures that it would not be overbearing. Further, each dwelling has a substantial area of garden space afforded which is otherwise open and unencumbered. The building does not therefore adversely affect the living conditions of neighbouring occupiers in accordance with E2 of the Hambleton Local Plan 2022 (LP) which seeks to ensure, amongst other things that there are high standards of amenity provided by new development.

Character and Appearance

7. The shed is large and noticeably so than others in neighbouring gardens. Outbuildings of varying sizes are nonetheless a feature of otherwise open and sizable rear gardens. Being set to the far end of the garden, the building's floor plan, whilst competing with that of the host dwelling, does not have a dominating effect thereon. It is also much lower. It can be viewed from the street but for these reasons it retains a recessive and subservient presence.
8. The appeal building may be leaning towards something akin to an agrarian structure, but the use of vertical timber boarding and side hung doors does also hint at domestic. It also backs directly onto open fields so some rurality to the scheme is not necessarily unacceptable in this particular case. Neighbouring outbuildings equally vary in their external treatment and design detail and the siting of the appeal building is such that the remaining garden, much like it's associated ones in the immediate area, retains a sense of openness and generosity.
9. The building is therefore acceptable in character and appearance terms. As such it complies with Policy E1 of the LP which is concerned with development responding positively to its context amongst other things.

Other Matter

10. I have set out above the reasons that the appeal scheme is acceptable in terms of its effect on the living conditions of neighbours. In terms of light, no doubt some sunlight is affected into neighbouring gardens but due to their respective openness this is limited to fixed times of the day and for short periods. The main feel is also to the far end of the respective neighbouring gardens which is either where other outbuildings are also featured or the expectation of unincumbered space significantly lesser. Given the scale and location of the building and the size of neighbouring gardens, I am unconvinced that natural light is adversely affected.
11. With regard to the precedent value of allowing this appeal, each scheme should be considered on its own merits and thus what might be appropriate in one location might not be in another for the same or different reasons.

Conditions

12. I have set out the approved plans condition for clarity and enforcement purposes given that the building is already in situ.

Conclusion and Recommendation

13. For the reasons given above, the appeal scheme complies with the development plan. I therefore recommend the appeal be allowed, subject to the condition mentioned.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the condition stated.

John Morrison

INSPECTOR