

Appeal Decision

Site visit made on 12 July 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th September 2024

Appeal Ref: APP/W9500/D/23/3336172

Quarry Cottage, Raw, Whitby, North Yorkshire YO22 4PP

- 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 Metters against the decision of North York Moors National Park Authority.
- The application Ref is NYM/2023/0569.
- The development proposed is the construction of a two-storey extension (partially underground) along with the alteration of openings to the north west elevation and removal of uPVC framed conservatory and replacement with timber framed sun room to the south east elevation of existing dwellinghouse.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a two-storey extension (partially underground) along with the alteration of openings to the north west elevation and removal of uPVC framed conservatory and replacement with timber framed sun room to the south east elevation of existing dwellinghouse at Quarry Cottage, Raw, Whitby, North Yorkshire YO22 4PP in accordance with the terms of the application, Ref NYM/2023/0569, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Floor Plans – Drawing Number PL_001; Proposed Elevations & Sections: Sheet 1 – Drawing Number PL_002; Proposed Elevations & Sections: Sheet 2 – Drawing Number PL_003.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Class A (or any order revoking and re-enacting that Order), no further extensions to the property known as Quarry Cottage shall take place without a further grant of planning permission being obtained from the local planning authority.
 - 4) No work shall commence on the construction of the walls hereby approved until a sample of the materials to be used in the construction of all

external surfaces (including the stonework, timber cladding and zinc standing seam cladding) has been prepared on site for inspection and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved samples, which shall not be removed from the site until completion of the development.

Main Issues

2. The main issues are the effect of the proposed development on 1) the range of dwellings within the National Park, and 2) the character and appearance of the host property and the surrounding area.

Reasons

Range of dwellings

3. The appeal property is located within the North York Moors National Park (NYMNP). Policy CO17 of the North York Moors National Park Authority Local Plan (2020) (the Local Plan) outlines, amongst other things, that in the case of extensions to the existing dwelling, extensions should not increase the total habitable floorspace by more than 30% unless there are compelling planning considerations in favour of a larger extension.
4. The wording of the threshold in the policy does not state that this increase is in relation to the size of the 'original' dwelling with the proceeding text to this section of the policy referring to the 'existing' dwelling. The supporting text to the policy does however set out that proposals which incrementally extend small dwellings beyond their 'original' size can have a detrimental impact on the mix of dwelling types needed to sustain balanced communities, and that limiting the size of new extensions can avoid the loss of smaller more affordable dwellings in the National Park.
5. The evidence shows that the property has previously been extended. The Authority set out how the percentage increase of the previous extension amounted to a 79.3% increase in the floor area of the property. The Authority then argues that this has significantly exceeded the threshold set out in Policy CO17. The previous extension, however, predates the Local Plan and is not before me in this appeal. Even so, it would have significantly exceeded the threshold which the Authority are now seeking to impose. When considered against the habitable floorspace of the existing dwelling, the percentage increase is closer to the 30% threshold, but would still be exceeded. It is not disputed that the proposed extension, together with the previous extension are also greater than 30% of the original dwellinghouse.
6. The intentions of the policy relating to the effect on character and appearance are considered below. Amongst other things, the policy seeks to avoid the loss of smaller more affordable dwellings, and this is referred to in the Authority's reason for refusal. The submitted plans show that the dwelling would remain a three-bedroom property in its extended form, with the former third bedroom replaced with a home office. There is limited substantive evidence on how the extension would lead to a harmful impact on the mix of dwelling types needed to sustain a balanced community. I am not aware of a shortfall of three-bedroom properties, and it would be reasonable to suggest that a larger three-bedroom property, or even a four-bedroom property can contribute to

sustain a balanced community for those seeking larger family accommodation with improved accessibility, as in the case of the appeal proposal.

7. In limiting the size of new extensions, the supporting text outlines how this can avoid the loss of smaller more affordable dwellings in the National Park. There is limited substantive evidence on affordability within the National Park, and the appellant's undisputed evidence suggests that the current property value may not be affordable in any event, hence the proposed development would not result in the loss of an affordable property. The extension is relatively modest in size. Even taking into account the existing extensions, which the Council acknowledge would have significantly exceeded the existing threshold, the resultant property would not be excessive for a family dwelling.
8. I have been referred to the findings of an Inspector in an appeal decision¹ when considering this matter on a different site. Although there are some similarities, it is for a different site, and I do not have the full details. This somewhat limits the weight to be given to it. It is nevertheless a material consideration in this appeal.
9. I also acknowledge that there are likely to be extensions and alterations that may be undertaken at the property using permitted development rights that would also increase its floorspace. The amount referred to is 26.53sqm. Although the Authority's advice note when calculating existing habitable floorspace excludes what could be built under permitted development rights, it nevertheless is a fallback, which is a material consideration in the overall planning balance.
10. I therefore conclude that there would be some conflict with Policy CO17 of the Local Plan, in that it would exceed 30% of the habitable floorspace of the existing dwelling. It would however comply with the overall aim of the policy in that it would not have a harmful impact on the mix of dwelling types needed to sustain balanced communities, nor would it result in the loss of a smaller more affordable dwelling in the National Park. Taking into account the factors outlined above, there are therefore compelling planning considerations in favour of a larger extension.

Character and appearance

11. The appeal property is a detached stone dwelling. It is located within the village of Raw and occupies a commanding position. The property has a rather unsympathetic uPVC conservatory which is proposed to be replaced with a more aesthetically pleasing timber construction of a similar size. The Authority do not raise an objection to this element of the development, and I have no reason to form a different view.
12. The front elevation of the property is the more visible, with the rear elevation having very limited views from public vantage points. It is to the rear elevation where the contentious extension is proposed. Due to the topography, the extension would be semi submerged and would result in the benefit of allowing the provision of a level access to the property. The rear elevation of the property has the appearance of a single storey building when

¹ APP/W9500/D/21/3283169

viewed from the parking spaces and the proposed extension would continue this subterfuge.

13. The extension would be stone to the lower section and timber clad to the upper section with zinc standing seam cladding for the section linking to the rest of the dwelling. Apart from the stone, the materials would be unashamedly different in appearance of the rest of the dwelling, with the lower-level link resulting in it appearing somewhat separate to the rest of the dwelling. This however allows for a different design approach, using high-quality materials, to be adopted without causing harm. The overall form, scale and size would however be consistent with the rest of the dwelling to maintain some visual connection.
14. There is a slight difference in eaves height, however it is very minor and would not cause harm given the separation that would exist. I also acknowledge that the extension would depart from the linear form of the property, however it would not be prominent from the street-scene and to some degree this has already occurred from previous extensions. I am not aware of a particular heritage or other reason that would warrant refusal of planning permission for this reason, and I find that even though it would depart from the linear form, it would not cause harm.
15. I therefore find that the proposed development would not harm the character and appearance of the host property or the surrounding area. It would comply with the aim of Policies CO17 and Strategic Policy C of the Local Plan in terms of ensuring high quality design, having regard to the character and appearance of the local area, the host property, and the special qualities of the National Park.

Other Matters

16. I note the consultation response from the local highway authority. There is no substantive evidence that there would be a resultant increase in highway use that would warrant the imposition of the conditions as recommended.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
18. In the interests of the character and appearance of the property I have imposed a condition to remove the permitted development rights for any further extensions to the property. Also in the interests of character and appearance, I have imposed a condition requiring the submission of samples of external materials.

Conclusion

19. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR