

Appeal Decision

Site visit made on 17 September 2024

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/U2750/W/24/3348607

Land (East of Cherry Garth), 1 Back Lane South, Middleton YO18 8NU

- 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 Declan O'Keeffe against the decision of North Yorkshire Council.
 - The application Ref is ZE24/00443/FUL.
 - The development proposed is described as "pair of semi detached two storey dwellings with garden shed and bike store, associated parking and landscaping."
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal preserves or enhances the character or appearance of the Conservation Area.

Reasons

3. The appeal site lies within the Middleton Conservation Area (MCA). In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 205 of the National Planning Policy Framework 2023 (the Framework) states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. The character of the MCA, particularly in the locality of the appeal site, is predominantly residential. Whilst there is a mix of different styles and size of properties within the MCA, the properties on Back Lane South are primarily large detached dwellings providing a uniformed character and appearance in this location of the conservation area. It is this consistency of large detached dwellings which positively contributes to the character of the MCA in the location of the appeal site.
5. The proposal has been amended so the front elevation appears as one larger single dwelling, as well as alterations to the internal layout to make them three bedroom properties. The site would still function as two individual properties though. The front of the site would have large areas of parking and

driveway space required to accommodate two properties. I note the appellants comments with regards to each property only having two vehicles each, however, there would be no restriction on this, and it doesn't account for visitors to each property as well as other traffic movements such as deliveries. The general activities that would take place to the front of the building, would make it apparent that there are two properties at this site. The division of the rear areas into two gardens, along with two separate garden sheds would make it visually apparent to residents of neighbouring properties to the north that there are two properties on the site.

6. Whilst the front elevation of the building may look like one building, it would be apparent from the layout of the front and rear areas, as well as the general activities of comings and goings, that there would be two properties situated on this site. It is noted there are terraced and semi-detached properties in the wider area, however, the character of the proposal would be at odds with the prevailing pattern of development on Back Lane South.
7. The proposal is set back within the site and the proposed materials of the properties including boundary treatment and landscaping would match other properties in the area. The roof pitch and height, as well as the gable elevations would be in keeping with surrounding buildings. The site is not within close proximity to any listed buildings nor can it be seen from the Main Road (the A170). I am also aware that bin storage can be located to the rear of the site. Nevertheless, the proposal would have the character of two residential properties crammed onto a site that would appear as overdevelopment when viewed in the context of the surrounding built form.
8. Accordingly, given the nature of the proposed development, it would not preserve or enhance the character and appearance of the MCA. The proposal would not be in accordance with Policies SP12, SP16 and SP20 of the Ryedale Local Plan Strategy and the Framework which seeks distinctive elements of Ryedale's historic environment to be conserved, and development proposals to reinforce local distinctiveness and respect the character and context of the immediate locality.

Other Matters

9. The proposal would meet a local housing need and provide affordable homes in a rural area for people that work locally and would contribute to the local community. The appellant identifies the Governments housing aims and brings my attention to the New Homes in Rural Areas Guidance (2024) that describes the need for more people of working age to reside in rural areas to counteract the increasing trend of higher proportion of older people, as well as the National Housing Federation that identifies the shortage of affordable housing impacting people including key workers who are essential for rural communities. The proposal would be built in high efficiency thermally insulated panels encased in natural stone and will incorporate electric charging points and this would contribute to the buildings sustainable credentials. The proposed development would have social and economic benefits and given the scale of the development I attribute minimal weight to these benefits. These benefits, however, would not outweigh the significant harm the scheme would have on the character and appearance of the MCA.

10. I have had regard to the appellants statement of cases which includes matters relating to the amended plans, description of development and frustrations with formal reviews from Council Officers on the proposed development. These matters however do not alter my findings with regards to the main issue.

Conclusion

11. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweighs this finding.

12. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR