



Appeal Decision

Site visit made on 16 December 2024

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/U2750/W/24/3348056

1 Hambleton Gate, Stokesley, Middlesbrough, North Yorkshire TS9 5AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Robert Bezemer against the decision of North Yorkshire Council.
 - The application Ref is ZB24/00873/MRC.
 - The application sought planning permission for construction of 2no. dwellinghouses with associated garages and vehicle parking without complying with a condition attached to planning permission Ref 19/02197/FUL, dated 4 June 2020.
 - The condition in dispute is No 2 which states that: "The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 19012-002B, 010A, 008A, 007A, 005A, 004A received by Hambleton District Council on 14 February and 17 March 2020 unless otherwise approved in writing by the Local Planning Authority".
 - The reason given for the condition is: "In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with Development Plan Policy(ies) CP17 and DP32."
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Decision

1. The appeal is allowed and planning permission is granted for 2no. dwellinghouses with associated garages and vehicle parking at 1 Hambleton Gate, Stokesley, Middlesbrough, North Yorkshire TS9 5AS in accordance with the application Ref ZB24/00873/MRC, without compliance with condition number 2 previously imposed on planning permission Ref 19/02197/FUL dated 4 June 2020 and subject to the following conditions:
 1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 19012-002B, 010A, 008A, 007A, 005B, 004A.
 2. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and programme.
 3. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until a visibility splay to the south is provided giving clear visibility of 43m measured along the channel line of Station Road from a point measured 2.4m down the centre line of Hambleton Gate. The eye height will be 1.06m and the

object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

4. The area marked on the drawing Proposed Site Plan Job No. 19012 - 002 B showing the area of garden to be kept clear for vehicle sight lines shall be maintained clear of any obstruction over 1m in height and retained for its intended purpose at all times.
5. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the local planning authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the local planning authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the local planning authority agrees in writing to their withdrawal.

Preliminary Matter

2. The revised National Planning Policy Framework ('the Framework') was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought from the parties. I have, however, determined the appeal having regard to the revised Framework, and where I have referenced paragraph numbers, they relate to the revised version.

Background and Main Issue

3. The original planning permission was granted at the appeal site in June 2020 for the construction of 2no dwellinghouses with associated garages and vehicle parking. I understand that this permission was implemented, and I saw that the two dwellings occupy the site. Condition 2 of the original permission stipulated the approved plans.
4. Following this, a further planning application¹ was made for a second-floor extension and roof dormers to the dwelling that is now know as 1 Hambleton Gate, and to insert dormer windows. This application was refused and an appeal² subsequently dismissed.
5. The evidence indicates that dormer windows were subsequently inserted into the front roof slope of 1 Hambleton Gate, although the roof pitch has not been altered. It is indicated that the appeal property was considered "complete" for the purposes of building control in February 2024, and I was able to see the dormer windows within the roof slope at the time of my visit.

¹ 20/02264/FUL

² APP/G2713/W/21/3267250

6. In April 2024, an application³ to vary Condition 2 of the original permission to include plans incorporating the 2 dormer windows was made. This application was refused and is the subject of this appeal.
7. The main issue is the effect of varying the condition upon the character and appearance of the area.

Reasons

8. The character of the road on its western side is residential, with dwellings of a variety of ages, design and materials. Some currently host dormer windows, either above garages or within the main roofslopes, and as identified by the previous Inspector, integral dormer windows are a characteristic of Hambleton Gate. Furthermore, a number of properties exhibit gable frontage projections. Together these factors mean that interventions in roofscapes both at eaves level and above, are not unusual.
9. Within this context, the provision of two modestly sized dormer windows at the appeal property, set down from the ridgeline, incorporating pitched roofs, and aligning with fenestration below, does not appear as harmfully discordant. While the appeal property has a prominent position fronting the road, the addition of the dormer windows does not differentiate the property from others around it to an unreasonable degree, given the variety that is already evident within the street.
10. I acknowledge that some other examples of dwellings with dormer windows in the street would not be viewed alongside the appeal property, and that in some cases they are set back from the roadside. However, although less prominent, these other examples nevertheless provide some context to the appeal site insofar as they form part of the overall variation that is evident within the street.
11. I have had regard to the decision of the previous Inspector who dismissed an appeal for a scheme involving a roof extension and dormer windows at the host property on the basis that it would form a discordant and visually intrusive form of development. However, although I have not been provided with full details of that particular appeal scheme, it is clear that it related to both an enlargement of the overall roofspace as well as dormer windows, and that the Inspector considered the proposal in the round.
12. The scheme now before me does not seek to change the height of the appeal property, and solely relates to the insertion of dormer windows. It is not therefore wholly comparable with the scheme subject to the previous appeal. Moreover, the previous appeal was considered in the context of policy prior to the adoption of the current Hambleton Local Plan in 2022. It would not, therefore, be inconsistent of me to reach a conclusion different to that of the previous Inspector.
13. Representations have been received which raise concerns that the scale of the dwelling and its orientation are unsympathetic to the streetscene. I am mindful that the amendments before me do not seek to increase the height of the property, or change its orientation from the scheme which was previously granted planning permission and subsequently implemented. It would not be reasonable, therefore, for me to revisit these matters as part of my consideration of this appeal.

³ ZB24/00873/MRC

14. Having regard to the above, I conclude that the varying of the condition would not harm the character and appearance of the area. The proposal accords with Policy E1 of the Hambleton Local Plan (2022) which, amongst other factors, states that development should integrate successfully with its surroundings, be of a high quality of design and respect the scale, massing and materials of the original dwelling.

Conditions

15. In allowing this appeal, a new planning permission is created. Planning Practice Guidance advises that, for clarity, decision notices for the grant of planning permission under Section 73 of the Town and Country Planning Act 1990 (as amended) should restate the conditions imposed on earlier permissions that continue to have effect, unless they have already been discharged.
16. I have not been provided with any information in relation to the status of any of the other conditions imposed on the original planning permission. I shall, therefore, impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
17. The condition relating to the time period to commence development is not required as the development has taken place. I have also not re-attached Condition 3, which required the agreement of materials, or Condition 9 relating to establishing site levels prior to development commencing, as it is has not been shown that the submission of such details are now necessary, having regard to the fact that the dwelling has been constructed.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed and a new planning permission is granted with the original condition No 2 replaced by a new condition that incorporates the amended plans, retaining and where necessary, amending the non-disputed conditions from the previous permission that appear still to be relevant.

C Harding

INSPECTOR