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## 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<sup>th</sup> January 2025

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**Appeal Ref: APP/W9500/D/24/3347496**

**Hazel Grove, Whorl Hill, Faceby TS9 7BZ**

- 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 and Mrs Paul Hutchinson against the decision of North York Moors National Park Authority.
  - The application Ref is NYM/2024/0184.
  - The development proposed is alterations to outbuilding and garage comprising raising of roof height, installation of windows, doors and Juliette balconies, construction of dormer windows and link extension to facilitate use as annexe accommodation (resubmission following refusal of NYM/2023/0384).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

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.
3. As the site lies within North Yorks Moors National Park, I am mindful of the requirement to seek to further the purposes of the National Park, which includes conserving its natural beauty and cultural heritage.

### Main Issues

4. The main issue is whether the proposal would be a suitable form of annexe accommodation.

### Reasons

5. The appeal site relates to a pair of outbuildings located within the garden of Hazel Grove, a dwelling located within a large plot accessed by means of a narrow lane from Faceby. The existing outbuildings comprise a detached double garage and a separate single-storey building indicated on the provided plans as a "playroom". The existing dwelling at the site incorporates some two-storey elements, but largely has the character of a dormer bungalow. Despite its large garden, the existing dwelling is unassuming in character due to its size and design.
6. North York Moors National Park Authority Local Plan ('the LP') Policy CO17 states that any extended outbuilding should be proportionate in size and clearly subservient

to existing buildings, and that outbuildings should only be considered suitable for conversion where they are worthy of retention and capable of improvement.

7. The proposal would result in the two existing outbuildings being linked by a glazed feature, with the existing playroom building increased in height to provide two-storeys, with large areas of glazing proposed in the front elevation. Dormer windows would be inserted into the front and rear roofslopes of the existing double garage, which would also be increased in height.
8. At present the existing outbuildings are individually clearly subservient to the host dwelling. However, their amalgamation, even with the use of a lightweight glazed link, along with the increases in height and the inclusion of dormer windows in the existing garage, would lead to a structure of clearly larger scale and presence than the present arrangement. This would not be mitigated by the extensive use of glazing.
9. In terms of floorspace, the proposal would represent an increase over the existing situation, however I consider that the reference in LP Policy CO17 to extensions to dwellings not exceeding 30% of the existing floorspace applies to dwellings themselves, rather than outbuildings, so is not relevant in this instance. Nevertheless, even if I were to agree with the appellant that the increase in floorspace would not be substantial, this is not the only relevant factor in terms of considering the overall scale of the proposal.
10. The provided drawings indicate that the proposal would have a smaller footprint than the existing dwelling. However, the height of the proposal and the bulk that would result from its modular appearance means that it would compete with the host dwelling in terms of overall scale. Furthermore, while the bold contemporary design approach may not necessarily be harmful in itself, it would elevate the status of the proposal in comparison to the unassuming design of the host dwelling. Overall, the level of visual competition of the proposal, along with its size, means that it would not appear as proportionate in size, or clearly subservient to the host dwelling.
11. The architectural merit of the existing playroom building is limited, however the building appeared to be structurally sound at the time of my visit, and it is not currently harmful to the character and appearance of the area. I therefore conclude that its retention and conversion would not be contrary to this aspect of the policy.
12. The proposal before me is described within the description of the development as annexe accommodation. The provided plans indicate that the development would provide a “playroom/snug”, a bedroom incorporating an ensuite bathroom, and a living area, along with garaging for two vehicles. No area for cooking is indicated on the provided plans.
13. LP Policy CO18 states that residential annexes will only be permitted where they are located within the domestic curtilage and are ancillary to the main dwelling in scale, specification and use; and where a clear functional need for the accommodation is demonstrated. It also states that new build annexes should be physically attached to the main dwelling, and that all proposals should accord with LP Policy CO17.
14. Even if I were to agree with the appellant that the proposal would not amount to a separate dwelling, that there is a functional need for the accommodation, or that the proposal would accord with advice set out in the supporting text of LP Policy CO18,

as I have found above that the proposal would conflict with LP Policy CO17, it follows that the proposal would conflict with LP Policy CO18 also.

15. I therefore conclude that the proposal would not be a suitable form of annexe accommodation. It would be contrary to LP Policies CO17 and CO18, the relevant elements of which I have set out above.

### **Other Matters**

16. It is stated that the proposal would include a number of sustainable elements including the use of recycled materials, an air source heat pump and electric vehicle charging points. These are factors which weigh in favour of the proposal, and to which I afford moderate weight. Construction in line with the Building Regulations 2023 would normally be expected and is therefore a neutral factor.
17. The proposal would involve the use of previously developed land which is supported by the Framework, however such support is not unfettered, and although this is a factor that weighs in favour of the proposal, I afford it minor weight in this instance.
18. I acknowledge that the appellant has sought to work with the authority to arrive at an acceptable scheme. However, I am required to consider the proposal before me on its own merits.
19. The appeal site is within the Impact Risk Zone of the Teesmouth and Cleveland Coast Special Protection Area ('SPA') and Ramsar sites, which are underpinned by the Teesmouth and Cleveland Coast Site of Significant Scientific Interest ('SSSI') ('the protected sites'). I understand that the protected sites are designated due to the presence of a number of coastal bird species.
20. The Conservation of Habitats and Species Regulations 2017 ('the Regulations') state that a competent authority must consider the potential effects of developments upon the qualifying features of the protected sites, through means of an appropriate assessment. In the context of this appeal, this responsibility falls to me.
21. While there is dispute between the main parties as to whether the proposal would lead to harm to the protected sites, either individually or in combination with other proposals, as I am dismissing the appeal on other grounds, it is not necessary for me to consider this matter further.

### **Conclusion**

22. The proposal conflicts with the development plan when read as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

*C Harding*

INSPECTOR