



Appeal Decision

Site visit made on 4 February 2025

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/E2001/W/24/3351835

The Stables, Westwood House, Main Street, North Dalton YO25 9XA

- 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 Sharon Nicholson of Sovereign Build Ltd. against the decision of East Riding of Yorkshire Council.
 - The application reference is 23/03008/PLF.
 - The development proposed is the erection of a single, three bedroom new dwelling and double garage. The house will be arranged over a single storey with drive and associated hard landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling and garage with associated drive and hard landscaping at The Stables, Westwood House, Main Street, North Dalton, YO25 9XA in accordance with the terms of the application, reference 23/03008/PLF, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Sharon Nicholson of Sovereign Build Ltd against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development in the banner heading above is taken from the application form. The description on the Council's decision notice and appeal form is the 'erection of a detached dwelling and garage with associated drive and hard landscaping'. I have used this description in my decision as it more concisely describes the proposed development.
4. Following the submission of the appeal a revised National Planning Policy Framework (Framework) was published in December 2024. I am satisfied that the substance of the Framework regarding the main issue of the case has not changed. I have taken the revised Framework into account, and I am satisfied that this has not prejudiced any party.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the North Dalton Conservation Area.

Reasons

6. The 2006 North Dalton Conservation Area Appraisal (the CAA) describes the character of the Conservation Area (the CA) as one of a historic rural village setting where landscaping is a significant feature. The generally tightly knit built form is surrounded by and interspersed with mature landscaping. Along Main Street, development is mainly aligned with the street frontage, often in a raised position from the road level due to the sloping verges. The frontage of buildings and walls, many of which have a back-of-pavement-edge location give a linear sense of enclosure to much of Main Street. Dwellings constructed from stone with pantile or slate roofs is the predominant built form. The landscaping and green spaces within and on the edge of the village, including the mature grounds of the large houses dotted around the village, the pond and grass verges, contribute to its historic form and layout and reinforce its rural qualities.
7. The significance of the CA is therefore in part derived from its architectural and historic interest associated with the development of the village, and the evidence it provides of the architectural style and building techniques of the time, including the spatial arrangement of the buildings with each other and the surrounding landscaping.
8. In my view, the site makes a positive contribution to the character and appearance of the CA. This is mainly due to the tall trees that are visible above the prominent boundary wall along the site's northern boundary, both of which are positive characteristics of the CA. The undeveloped and more open nature of the site is also part of the present character and appearance of this stretch of Main Street.
9. The palette of materials proposed for the dwelling and garage would be consistent with those in the CA. Much of the fenestration on the dwelling would be on inward looking elevations. The simple form of the more visible north elevation takes its cue from the roadside agricultural buildings in the village including the one on the opposite side of the site access which is being converted to residential use. Consequently, while many of the properties in North Dalton are two storeys rather than bungalows, the proposed dwelling would be reasonably respectful of its context and would not be a dominating feature in the street scene.
10. The proposed development would not be readily apparent when approaching along Main Street from the east until close to the site. This is due to its set back location, its single storey height and the screening effect of the boundary trees and former agricultural building at the site entrance. The proposed dwelling would be more visible from vantage points along Main Street to the west where the boundary wall appears lower. Nevertheless, the tall trees and prominent boundary wall would remain clearly discernible in views along Main Street and would still be readily understood and appreciated. The proposal would not diminish these important characteristics.
11. As noted above, the vegetated former grounds of Westwood House contribute positively to the character and appearance of the CA in that the historical development, the landscaping, and the relationship of building to plot size in the village can be appreciated. This is the case even though the appeal site may have been a utility area rather than part of the formal gardens of Westwood House. The proposal would alter the character and appearance of the site, through the introduction of built form into an area currently free from such development. There

would be a degree of encroachment into views towards Westwood House, which has been described in evidence as a non-designated heritage asset, from limited vantage points near to the site, at the entrance. While such views may not be specifically identified in the CAA, there would nevertheless be a lessening of the awareness of Westwood House as a large house set within mature grounds, although this would be to a limited extent given the height and scale of the proposed development, together with the stand off from the site boundaries.

12. As a result, the proposed development would cause some diminution in the significance of the CA. Consequently, I conclude that the proposal would not preserve the character or appearance of the CA.
13. The harm that would arise would be limited and localised and therefore the impact on the CA as a whole would be less than substantial when considering the provisions of the Framework. Even so, the Framework directs me to give 'great weight' to the conservation of such assets.
14. The proposal would deliver one home on a site within a village identified in the settlement hierarchy in Policy S4 of the 2016 adopted East Riding Local Plan Strategy Document (the ERLP SD). It would make a positive, albeit limited, contribution to the supply of a type of housing that is identified in the Council's officer report as being very desirable and in need in the East Riding. Moreover, economic and social benefits would flow from its construction and occupation, as well as from future occupiers supporting local services and facilities. While the extent of these benefits is tempered by the modest amount of development proposed, the positive weight that I afford these public benefits is sufficient to outweigh the level of harm that would be caused to the significance of the CA and to Westwood House. In reaching this conclusion I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
15. Accordingly, I find no conflict with Policy ENV3 of the ERLP SD which states that development that is likely to cause harm to the significance of a heritage asset will only be granted permission where the public benefits of the proposal outweigh the potential harm. There would also be no conflict with the Framework's objectives for the historic environment.

Other Matters

16. Given the residential nature of the surrounding area, the scale and nature of the proposed development and the separation distances from other dwellings, I am satisfied that the proposal would not unduly alter the relatively tranquil environment within the village.
17. The significance of the Grade II* listed Church of All Saints is in part derived from its vernacular ecclesiastical architecture, and the evidence it provides of the architectural style, materials and building techniques that have developed over a considerable period of time. Given the separation distance and intervening buildings, I am satisfied that the proposal would not harm the setting of the listed building or its significance as a designated heritage asset. This is also the case with the three Grade II listed buildings in the village.

Conditions

18. I have considered the conditions suggested by the Council. I have amended the wording of certain conditions having regard to the six tests set out in the Framework without altering their fundamental aims.
19. In the interests of certainty, the relevant conditions concerning the commencement of development, and the approved plans are necessary.
20. To prevent an increased risk of flooding and pollution of controlled waters, a condition is necessary to secure a scheme for the management of surface water. To protect archaeological interests a condition requiring a written scheme of investigation is necessary. In the interests of the character and appearance of the area, a condition requiring the submission and implementation of a landscaping scheme is necessary. These conditions are required pre-commencement as a later trigger for the submission would limit the effectiveness or the scope of measures which could be used.
21. In the interests of the character and appearance of the area, conditions are necessary to secure the protection of trees on the site during construction works and to ensure the longer-term protection of retained trees. To ensure a satisfactory external appearance of the development, samples and particulars of external materials are necessary. In the interests of highway safety, a condition is necessary to secure and retain the vehicle access and parking areas.
22. I have not imposed a condition to remove permitted development rights, as no clear justification is presented and being mindful of the restrictions imposed in the GPDO¹ relating to the location and scale of alterations and outbuildings. I have not imposed the condition requiring the submission of details to secure a satisfactory outfall for surface water as it can be addressed in the condition requiring a scheme for the discharge of surface water from the site.

Conclusion

23. The proposal would accord with the development plan as a whole and there are no material considerations of sufficient weight to indicate that permission should be withheld. I therefore conclude that the appeal should be allowed.

F Wilkinson

INSPECTOR

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. 23-128- 101; 23-128-103C; 23-128-104C; 23-128-105A; 23-128-106B.
- 3) No development shall take place on site until a scheme for the discharge of surface water from the site, other than to the existing local public sewerage, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a sustainable drainage system and associated management and maintenance plan. The development shall not be first occupied/brought into use until surface water drainage has been constructed in accordance with the approved scheme and shall be managed and maintained in accordance with the approved plan thereafter.
- 4) No development shall take place on site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local planning Authority. Development shall be carried out in accordance with the approved programme.
- 5) No development shall take place on site until full details of both hard and soft landscape works for the whole site together with a programme of implementation have been submitted to and approved in writing by the Local Planning Authority. These works shall include full details of boundary treatments and shall be carried out as approved prior to the first occupation of any part of the development or as may be otherwise approved in writing by the Local Planning Authority. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 6) No development shall take place on site (including site clearance works and any other preparatory works on site) until the tree protection measures set out in the Tree Survey and Arboricultural Implications Assessment prepared by Company of Gardeners, dated 5 October 2023 (hereinafter called the Approved Tree Protection Scheme) have been implemented. The protective fencing shall be maintained during the whole period of site excavation and construction. No excavations for services, storage of materials, plant or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of waste or surplus construction materials or liquids, shall take place within any area designated as being fenced off or otherwise protected pursuant to the Approved Tree Protection Scheme during the construction of the development hereby permitted.
- 7) Notwithstanding any details shown on the submitted plans and forms, no development shall take place above damp proof course level until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing

by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- 8) (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: Tree Work - Recommendations (or in an equivalent British Standard if replaced).

(b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size, species and maturity, and shall be planted at such time, as shall be specified in writing by the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans; and paragraphs (a) and (b) above shall have effect until the expiration of 5 years from the date of the first occupation of the dwelling.

- 9) The dwelling hereby permitted shall not be occupied until the vehicular access has been provided and space has been laid out for vehicles to be parked and to enable vehicles to turn so that they may enter and leave the site in forward gear in accordance with the approved plans. The vehicle parking and turning facilities shall thereafter be retained as such.