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## Appeal Decision

Site visit made on 30 September 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 4<sup>th</sup> November 2025

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**Appeal Ref: APP/U2750/W/25/3369851**

**Strome House, Garthends Lane, Hemingbrough, Selby YO8 6QW**

- 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 Andrew MacDonald against the decision of North Yorkshire Council.
  - The application Ref is ZG2024/1260/FUL.
  - The development proposed is the erection of 1 number 4 bed detached dwelling on land to the east of Strome House.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effects of the proposed development on:
  - the character and appearance of the surrounding area; and,
  - the living conditions of occupants of The Poplars, with particular reference to daylight, overshadowing and outlook.

### Reasons

#### *Character and appearance*

3. The appeal site is situated within a mainly residential area characterised predominantly by brick-built detached two-storey houses of varying ages, interspersed by the occasional bungalow. House mainly have shallow pitched roofs, and many have subordinate single-storey projections to the sides, front or rear. Most dwellings along Garthends Lane are set back from the road, face onto the street and occupy moderately sized plots. These plots are typically separated from the street by brick walls or hedges and front gardens, and the houses generally follow a consistent building line.
4. Notably, there are gaps in the pattern of development, particularly at the northern end of the road toward the junction with Finkle Street, Back Lane and School Road, which contribute positively to the character and appearance of the street scene. The appeal site is located within one of these gaps. Although there is no single prevailing architectural style, the broadly consistent form of the houses and the spacing between them contribute to a composed and spacious character and appearance in the area.
5. The appeal site comprises a narrow strip of grass and a section of the driveway that provides access to both Strome House and Lambert Lodge, located to the rear. The proposed dwelling would be a single storey building, with two bedrooms within the roof space. The ridgeline of the main part of the steeply pitched roof would run broadly

parallel to the road, presenting gable ends toward the neighbouring properties, The Poplars on one side and Tioram on the other. Single storey projections would extend to the front and rear, with the pitched roof over the front projection extending across the width of the building.

6. The full-width single-storey gable to the front, combined with a large area of roof behind, would result in an unbalanced appearance when viewed from the street, with a dominant roof over a relatively narrow ground floor. Furthermore, the dwelling would neither present a distinctive principal elevation nor be clearly orientated at right-angles to the street, as is typical of other dwellings in the area. Consequently, the proposed dwelling would appear incongruous and out of keeping with buildings in the surrounding area.
7. The proposed dwelling would occupy most of the width of site, being built up to the edge of the shared driveway on one side and only a narrow passage between the building and the boundary fence adjoining The Poplars on the other. The scheme would provide parking for three cars to the front of the plot, meeting the required parking standards for a dwelling of this size, but only limited garden space to the road frontage. In addition, the property would have a modest, albeit adequate rear garden, separated from the shared drive by a 2m high close-boarded fence.
8. Although the separation between the proposed dwelling and The Poplars would be similar to that of some other houses along the street, the combination of the building's width within the plot, its proximity to the boundary with The Poplars, and the limited outdoor space to the front and rear only would result in a cramped form of development, out of keeping with the prevailing spacious character of the area.
9. Furthermore, although the driveway serving Lambert Lodge and Strome House would remain open, the introduction of the proposed dwelling, together with 2m high rear garden fencing and the presence of car parking to the front would significantly diminish the existing visual gap between The Poplars and Tioram. As a result, the open character of this part of the street scene would be largely lost, leading to a more continuous and urbanised frontage that would be out of keeping with the established pattern of development.
10. Accordingly, the proposal would cause harm to the character and appearance of the area, contrary to Policy ENV1 of the Selby District Local Plan, February 2005, (LP) and Policies SP18 and SP19 of the Selby District Core Strategy, October 2013, (CS) which seek, among other things, to ensure that development is well designed, respects the character of its surroundings, and positively contributes to an area's identity.

#### *Living conditions*

11. The Poplars is situated a short distance to the north of the proposed dwelling and features three ground floor windows, as well as a secondary entrance door, facing the appeal site. The proposed dwelling has been located with the gable positioned opposite a large ground floor window (identified as Window 3 on the submitted plans), which serves as a secondary source of light to a habitable room to the rear of The Poplars. In addition, the single storey forward projection to the proposed dwelling would be positioned opposite another ground floor window in the gable end of The Poplars, referred to as Window 2. In this respect, the proposed dwelling has been located to have the least impact on the adjacent property.
12. The proposed development would lead to some reduction in daylight to the rear room of The Poplars, although this room benefits from a large west-facing window overlooking the rear garden. Due to the limited height of the single storey element and

the pitch of the roof of the proposed dwelling, it is not anticipated that the room served by Window 2 would experience significant overshadowing.

13. Nevertheless, the proximity of the proposed dwelling to the common boundary would result in a substantial expanse of blank wall close to The Poplars. This would dominate, at very close range the outlook from Window 3 and Window 2, as well as from the adjacent private amenity space to the side and, to a lesser extent, the garden to the rear of the property. Consequently, the proposed development would have a materially harmful effect on the outlook of the occupants of The Poplars.
14. For the reasons given above, the proposed development would not lead to unacceptable reduction in daylight or overshadowing but would harm the living conditions of occupants of The Poplars, with particular regard to outlook. As such, it would be contrary to Policy ENV1 of LP which seeks to ensure a good quality of development that takes account of the amenity of adjoining occupiers.

### **Other Matters**

15. The Council has indicated that the appeal site is within the setting of both the Hemmingbrough Conservation Area (CA) and the grade II listed Old Village School (list entry no: 1167996). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
16. The Old Village School is to the north of the appeal site and due to the separation distances and intervening buildings the proposed development would preserve the setting of the listed building. It appears that the significance of this CA relates to the historic layout and buildings associated with the residential development of Hemmingbrough. I note the change to the boundary of the CA in July 2022 and that the appeal site was previously within the CA but is no longer. Notwithstanding the former inclusion of the site within the CA, given the distance between the appeal site and the boundary of the CA, and intervening buildings, the appeal site makes a neutral contribution to the significance of the CA. As such, the proposed development would preserve the character and appearance of the CA.
17. I acknowledge the planning history of the site, including the Council's previous position with regards to the principle of residential development at the appeal site. The outline planning permission granted in 1995 (CO/1995/0174), and subsequently renewed on several occasions, only committed matters of layout and access. Hence, I have been given no reason that indicates the planning history establishes any more than the principle of development on the appeal site, whether the site is within or outside of the CA. Moreover, this does not overcome my concerns about the effect of the proposal and is not a reason, in itself, to allow development which would conflict with the LP.
18. My attention has been drawn to examples of development, both recent and historic, on Finkle Street, School Road and Water Lane. However, there are fundamental differences with the appeal proposal, including the scale, adjacencies, character of the sites and location within the settlement. Similarly, the examples of development on Garthends Lane relate to developments with different spatial arrangements and adjacencies. As such, the context of each example differs significantly to that of the scheme before me, and so they do not lead me to a different view in this case.

19. I acknowledge that the site is within a settlement identified as a growth village in the LP providing a variety of local services and facilities and that the proposal may make efficient use of available land. I also note the appellant's desire to downsize to a smaller dwelling and consequently the development would be a self-build scheme. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
20. The appellant has provided a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the development as a self-build dwelling. However, in light of my findings on the main issues above, it is not considered necessary to look at the UU in detail, given that the proposal is unacceptable for other reasons.

### **Planning Balance**

21. The National Planning Policy Framework (the Framework) does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the LP, with the associated conflict reflecting harm to the character and appearance of the area and living conditions of occupants of The Poplars. For this reason, the development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
22. The Council have confirmed that they do not currently meet the Housing Delivery Test and cannot demonstrate a five-year supply of housing land. Consequently paragraph 11(d) of the Framework should be applied. Paragraph 11(d) explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. The proposal would make a positive contribution to housing supply, with associated social and economic benefits during the construction period and once the dwellings are occupied. However, the scale of development proposed means the contribution of one additional dwelling to meet the housing need in the district would be slight. While I have given them some weight in favour of the appeal, these modest benefits would not be sufficient to outweigh the harm I have identified.
24. In the particular circumstances of this case, I have concluded that the proposed development would have a detrimental effect on the character and appearance of the area and the living conditions of neighbouring occupants, and as such, conflicts with policies in the development plan. Consequently, in my view, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

### **Conclusion**

25. The proposal would conflict with the development plan, when considered as a whole, and there are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

*C Mayes*

INSPECTOR