



Appeal Decision

Site visit made on 27 January 2026

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2026

Appeal Ref: APP/U2750/W/25/3374159

Dishforth Village Hall, Back Lane, Dishforth, North Yorkshire YO7 3LH

- 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 M Pallister against the decision of North Yorkshire Council.
 - The application Ref is ZC25/00509/DVCON.
 - The application sought planning permission for erection of two dwellings without complying with a condition attached to planning permission Ref APP/E2734/W/23/3320932, dated 5 October 2023.
 - The condition in dispute is No 2 which states that: *"The development hereby permitted shall be carried out in accordance with the following approved plans; Plot 1 P11-05-PLG1 May 2022, Plot 2 P11-05-PLG2 May 2022 and Site as Proposed P11-05-PLG3 May 2022"*.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was allowed on appeal¹ for the erection of two dwellings on the site, and condition 2 identifying the approved plans was imposed for clarity.
3. The appellant seeks to construct two dwellings of a different design to those approved. The main issue is the effect that varying condition 2 and the revised design would have upon the character and appearance of the area.

Reasons

4. The appeal site is in a predominantly residential area with a semi-rural setting on the narrow Back Lane, which has farm buildings nearby. The site is adjoined on either side by detached bungalows, whilst other bungalows with differing designs are prevalent in the immediate area to the same side of Back Lane. There is variety in the height and appearance of dwellings along the length of the road, including detached and semi-detached two-storey properties opposite and close to the site. Despite the variety, dual pitched roofs with gable ends are the predominant roof type along Back Lane, including on more recent development. The variety of buildings within this setting positively contributes to the overall character and appearance of the area, its local distinctiveness and sense of place.
5. The approved development would contribute to the varying height and design of development on Back Lane. Its one and a half storey design would not result in a visually prominent development, including alongside the adjacent bungalows,

¹ Appeal ref: APP/E2734/W/23/3320932, dated 5 October 2023

therefore it would respond positively to the prevailing character in the area. Whilst retaining the same footprint and the front facing, two-storey gable feature as the approved scheme, the development before me proposes an increase in the eaves and ridge heights of the sections of the dwellings closest to the adjacent bungalows. These parts of the dwellings would also be fundamentally altered from a dual-pitch roof with side facing gable ends to a hipped roof design. The scheme would use the same materials as approved and retain some visual interest to the front and rear elevations with peaked eaves above the first floor windows instead of small dormer windows.

6. The proposed development would be in a prominent location and seen in the immediate context of the adjacent bungalows, as well as the two-storey dwellings opposite, which are set further back from the road than the proposal. I acknowledge that the Inspector when considering the previous scheme did so in the context of a mix in the built form in the locality. I too noted that mix at my site visit. However, due to the increased height and massing, the largely continuous eaves and main ridge lines, along with the hipped roof design that is not typical of the area, the new dwellings would appear as incongruous additions in this part of the street scene. The increased scale would erode the transition in height within the street scene from the lower bungalows and other development, which is evident in the approved scheme. I have had regard to the variations in properties and roof lines along Back Lane, including the layout and scale of the development at Poplar Gardens. However, given its site-specific circumstances, the proposal would appear out of scale and character in relation to surrounding development and it would have a detrimental visual impact on the semi-rural character and appearance of the area.
7. A hipped roof can help to reduce the bulk of a development, and I note the comments in this respect that the proposed design would satisfactorily mitigate potential effects on the living conditions for occupants of the adjacent bungalows. However, for the reasons set out above, the proposed scale and roof design would not relate well to the predominant form of development on Back Lane, and it would not maintain or enhance the local vernacular. Given the increased eaves and ridge height, it also does little to reduce the adverse effects of the overall scale of the dwellings. Whilst the proposal has been found to be acceptable in terms of effects on the living conditions of neighbouring residents, this is not sufficient to outweigh the harm that I have identified.
8. I conclude that the proposed development would have a materially harmful effect on the character and appearance of the area, therefore it conflicts with Policies HP3 and NE5 of the Harrogate District Local Plan 2014-2035 (2020). Amongst other things, these policies require development to incorporate high quality design that protects, enhances or reinforces those characteristics, qualities and features that contribute to local distinctiveness, and to conserve and enhance the high quality and character of the area by ensuring development is designed to a high standard and maintains and enhances the local vernacular and 'sense of place' of individual settlements.
9. It also conflicts with the National Planning Policy Framework (the Framework) and its aims to ensure that developments are sympathetic to local character, maintain a sense of place, and that the quality of approved development is not materially diminished.

Other Matters

10. Whilst I note the representations of support, these are not sufficient to persuade me that the development is acceptable.

Planning Balance

11. The Council states that it cannot demonstrate a five year supply of deliverable housing sites. Paragraph 11 d) of the Framework 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.
12. The proposal would develop a currently vacant site, provide increased space for the properties and contribute to the overall housing mix in the area. However, the site already has the benefit of planning permission for two dwellings, which the appellant states would be implemented should the appeal not be allowed. The current proposal would replace one form of housing approved for the site with another. However, from my conclusions above, the existing planning permission would be preferable and therefore attracts limited weight as a fall back position. Furthermore, from the evidence before me, the contribution of the scheme and any associated economic and social benefits would be limited.
13. I have concluded that the harm to the character and appearance of the area would conflict with policies of the Framework. The adverse impacts of the development would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As such, the appeal scheme does not benefit from the presumption in favour of sustainable development as set out in paragraph 11 d) of the Framework.

Conclusion

14. The proposal conflicts with the development plan as a whole and material considerations, including the Framework and the fall back position, do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR