
Appeal Decision

Site visit made on 10 February 2014

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 March 2014

Appeal Ref: APP/Y2736/A/13/2205968

Sauveterre, Low Street, Thornton Le Clay, North Yorkshire YO60 7TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs White against the decision of Ryedale District Council.
 - The application Ref 13/00600/FUL, dated 17 May 2013, was refused by notice dated 9 September 2013.
 - The development proposed is the erection of 1 no. three bedroom dwelling with attached garage, amenity area and parking to include formation of vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 no. three bedroom dwelling with attached garage, amenity area and parking to include formation of vehicular access at Sauveterre, Low Street, Thornton Le Clay, North Yorkshire YO60 7TG in accordance with the terms of the application, Ref 13/00600/FUL, dated 17 May 2013, subject to the conditions set out in Annex A.

Procedural Matters

2. The application was amended prior to its determination by the Council. The revised scheme, amongst other things, reduces the height of the dwelling and the number of bedrooms from 4 to 3 as described in the banner heading above. No party would be prejudiced by my determining the appeal on the basis of the amended application.
3. The *Ryedale Plan – Local Plan Strategy* (RPLPS) was adopted in September 2013 after the application was determined by the Planning Committee but before the decision notice was issued. I sought the views of both parties on the implications of this document. A response was received from the Council and this was forwarded to the appellant but no response was received from them. However, I am satisfied that I have all the information I need to make my decision.
4. The Planning Practice Guidance (PPG) was published on 6 March 2014. In making my decision I have taken into account the content of the guidance but in light of the facts in this case it does not alter my conclusions.

Main Issue

5. The main issue in this appeal is the effect of the proposed dwelling on the character and appearance of the area.

Reasons

6. Thornton Le Clay is a small village with development focussed along two main streets. The appeal site is located towards the edge of the village on the road to Flaxton. Dwellings in the village vary in terms of their size, type and age, with bungalows, dormer bungalows and two storey houses being evident. In the centre of the village, properties are generally more traditional and their position close to the road creates a compact feeling. However, in the area in the immediate vicinity of the appeal site the dwellings, which are less traditional detached bungalows or dormer bungalows, have less consistency in their design and are set in bigger plots with a grass verge to the front. As a result this area has a more spacious feel and a different character to much of the rest of the village.
7. The proposed dwelling would be located on land that currently forms the side garden of Sauveterre. Although it would be two storey in height, the flat roof design means that its overall height would be slightly lower than the main ridge height of the properties on either side. Consequently, the scale of the dwelling would not appear out of keeping with the surrounding properties. In addition, the distance the house would be set back from the road, and the distance that would be maintained to the properties on either side, would ensure the spacious feel of this part of the village would be maintained and the site would not appear over developed.
8. The proposed dwelling would have a flat roof and some large areas of glazing. Whilst the proposed windows would be less symmetrical than is common in the village, I noted that a number of the houses in the immediate vicinity contained some unusual windows either in their roofs or on their gables. Moreover, the proportions of the proposed windows and their strong vertical emphasis would be consistent with other houses in the area. In addition, although most of the houses in the village have traditional pitched roofs, both the adjacent house and Church Bungalow have flat roof extensions that are visible from the public realm. As such, this element of the proposed house would not be an alien feature in the streetscene.
9. Properties in the village are constructed from a wide range of materials, including a variety of types of brick, stone and render. As a result the proposed use of brick and render for the dwelling would not be out of character with the surrounding area. Although zinc cladding would be used on the roof this would be largely hidden from view due to the parapet surrounding the flat roof. Furthermore, whilst zinc would also be used as the surrounds for the bay windows and the rain water goods, I am satisfied that its use for these items would not be distinctly different from the use of lead on other dwellings in the village, such as on the cheeks of some of the nearby dormer windows.
10. Additionally, as both wooden and uPVC windows and doors are common within the surrounding dwellings, the materials proposed for the windows and doors on the dwelling would not make them an incongruous feature that would be out of keeping with other houses in the village. Overall, I consider the materials proposed for the dwelling would not be detrimental to the local distinctiveness of the village.
11. The proposed house would be set back from the road a similar distance to the adjacent house to the south west, and apart from where the new vehicular access would be created, the existing hedge along the site's boundary would be

retained. This would ensure that the proposed dwelling would not be visually prominent in the streetscene. Furthermore, when approaching the site along the road from either direction, views of the house would be restricted due to the nature and height of the front boundary treatments of nearby properties. Whilst views of the proposal may be possible from footpaths in the area and from some of the visually important undeveloped areas in the village, its location in part of the village where there is much less consistency in the design of the dwellings, would ensure that the house would not appear obtrusive or out of character.

12. All in all, I consider that the proposed dwelling would not unacceptably harm the character and appearance of the area. Accordingly there would be no conflict with Policies SP16 and SP20 of the RPLPS which seek to ensure that new developments respect the character and context of the immediate locality and reinforce local distinctiveness.

Other Matters

13. The proposed bedroom closest to the boundary with Last Acre would have a balcony. However, any overlooking of this neighbouring property would be prevented by the timber screen that is proposed along the balcony's side elevation. At first floor level the only other windows facing this property are narrow windows that would serve the landing and dressing room, with the plans indicating that the latter would have obscure glazing. As such, I am satisfied there would be no loss of privacy to the occupiers of this property.
14. In addition, this adjacent house has a window on its side elevation which I understand serves the kitchen. The height of the vegetation along the common boundary near this window will already restrict light to this window to a certain degree. Moreover, the separation distance between the proposed dwelling and this window, together with the relative orientation of the proposed dwelling, means that I am satisfied the proposal would not have an unacceptable impact on the amount of light to this window. As a result, I do not consider the proposed scheme would adversely affect the living conditions of the occupiers of Last Acre with regard to daylight or sunlight.
15. To the rear of the site is located part of garden belonging to Church Bungalow. At present this garden can be overlooked from the windows and garden of Sauveterre. The closest part of the proposed dwelling would be approximately 21m from the rear boundary and the plans indicate that it is proposed to plant additional shrubs along the rear boundary to form additional screening. As such I am satisfied that the proposal would not result in any significant loss of privacy to this garden.
16. Concerns have been raised about the creation of another vehicular access onto the road. However, in this respect I note that, subject to conditions, there is no objections to the scheme from the Highways Authority and I am satisfied that the proposed development would not unduly affect highway safety in the area. I also note the issues raised by residents regarding drainage and sewer connections. Nevertheless, as there is no objection from Yorkshire Water to the scheme I am satisfied that the proposal would not have any significantly adverse effects in respect of these issues.
17. Whilst local residents have suggested that the trees at the front of the site should be retained, it is indicated that they have structurally weakened crowns

and therefore their removal, and replacement with alternatives trees, which can be secured by way of condition, would be preferable. In addition, the majority of the hedge to the front of the site would be retained. Although the details of the landscaping of the site would be subject to a condition, the plans show that the additional planting along the side and rear boundaries would be shrubs rather than trees which would be inline with the comments made by local residents.

18. It has been stated that in the future the property may be extended by way of an additional storey. However, the acceptability of any such future extension would have to be considered by the Council and this does not constitute a reason for refusing this current application.

Conclusion and Conditions

19. For the reasons set out above, I conclude that, subject to the conditions listed in Annex A, the appeal should be allowed.
20. In addition to the standard implementation condition, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord. Whilst I have amended some of the Council's suggested wording, in the interests of the character and appearance of the area conditions are required to control the external appearance of the building (including the windows and doors) and the landscaping of the site (including the retention of the existing hedge and the replacement of the trees at the front of the site). However, in the light of the requirement for samples of materials to be submitted and approved, I consider that the construction on the site of a free standing panel of the external walling is not necessary.
21. I am not persuaded that it is necessary to remove all the permitted development rights suggested by the Council. The PPG indicates that conditions to restrict permitted development rights should only be used in exceptional circumstances. (This was also the guidance in the now repealed Circular 11/95: The use of conditions in planning permission). However, in order to ensure that the purity of the design is maintained and to protect the living conditions of neighbouring residents I have restricted rights relating to extensions and porches.
22. To ensure the satisfactory drainage of the site it is necessary to control details of the disposal of sewerage from the development. For reasons of highway safety and to ensure adequate access and parking, a condition is required to ensure the provision of the vehicular access before the development commences and the parking areas before the dwelling is first occupied. A condition requiring a construction method statement to be submitted is necessary to protect the amenity of the area and neighbouring residents and in the interests of highways safety.
23. A local needs occupancy condition is necessary to ensure that the district can meet its local housing needs in accordance with Policies SP2 and SP21 of the RPLPS.

Alison Partington

INSPECTOR

Annex A

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 the following approved plans: Site Location Plan Drawing No EX10_01; Proposed Plans and Sections Drawing No AR20 01 Rev C; Proposed Elevations Drawing No AR30 01 Rev B; Site Axonometric: Massing Study Drawing No AR50 01 Rev A; Proposed Site Plan and Boundary Treatments Drawing No AR10 01 Rev B; and Topographical Survey Job No 2565-1.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, together with full details of all windows and doors including a schedule of materials, methods of opening and depth of reveal, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out to the dwelling hereby permitted that is included in the provisions of Schedule 2, Part 1, Class A, or D of that Order.
- 5) The dwelling shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to, and approved in writing by, the local planning authority.
- 6) No development, including excavation or other ground works (except for investigative works) or the depositing of material on the site, shall take place until details of the access(es) have been submitted to, and approved in writing by, the local planning authority and the access(es) have been set out and constructed in accordance with the approved details and retained as such thereafter.
- 7) The dwelling shall not be occupied until space has been laid out within the site in accordance with Drawing No AR 10 01 Rev B for cars to be parked. The vehicle parking facilities shall be retained as such thereafter.
- 8) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities; and
 - v) measures to control the emission of dust and dirt during construction.

- 9) No development shall take place until full details of a landscaping and planting scheme have been submitted to, and approved in writing, by the local planning authority. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or seriously diseased, shall be replaced by specimens of a similar size and species within the next planting season.
- 10) As part of the landscaping scheme required under condition 9, in the first planting season after the completion of the dwelling or after the occupation of the dwelling, whichever is the sooner, two new trees shall be planted close to the location of the ash and birch trees which are to be felled to accommodate the development in accordance with the following specification;
- 1 no. 45 litre container grown Acer Campestre (Field Maple) 12/14cm girth
- 1 no. 45 litre container grown Prunus Padus (Bird Cherry) 12/14cm girth
- If within a period of 5 years after planting either tree dies, is removed or becomes seriously damaged or seriously diseased, it shall be replaced by specimens of a similar size and species within the next planting season.
- 11) The existing hedge around the perimeter of the site shall be retained, except for where its removal is required to provide the access. If within a period of 5 years after the completion of the dwelling or after the occupation of the dwelling, whichever is the sooner, any part of the hedge dies, is removed or becomes seriously damaged or seriously diseased, it shall be replaced by specimens of a similar size and species within the next planting season.
- 12) The dwelling hereby approved shall only be occupied by a person(s) who
- Have permanently resided in the Parish, or adjoining Parish, for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
 - Do not live in the Parish but have long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years; or service men and women returning to the Parish after leaving military service; or
 - Are taking up full time permanent employment in an already established business which has been located within the Parish for at least the previous three years; or
 - Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.