



## Appeal Decision

Site visit made on 10 June 2014

**by S Watson BA (Hons) MCD MRTPI**

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

**Decision date: 12 June 2014**

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**Appeal Ref: APP/Y2736/D/14/2217072**

**The Brow, Leavening, MALTON, North Yorkshire, YO17 9SR**

- 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 Mrs J Smith against the decision of Ryedale District Council.
  - The application Ref 12/01223/HOUSE was refused by notice dated 27 January 2014.
  - The development proposed is the erection of a two storey rear extension, demolition of detached garage building, alterations to existing building, temporary erection of 1.8m high timber boundary fence, and permanent hedge.
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### Decision

1. The appeal is dismissed insofar as it relates to the fence and planning permission is refused for the temporary erection of 1.8m high timber boundary fence. The appeal is allowed insofar as it relates to the extension and planning permission is granted for the erection of a two storey rear extension, demolition of detached garage building and alterations to existing building at The Brow, Leavening, Malton, North Yorkshire, YO17 9SR in accordance with the terms of the application, Ref 12/01223/HOUSE, dated 17 December 2012 and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following 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: location plan; 01; 02; 08B; 09; and 10.
  - 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 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) Development shall be carried out in accordance with the recommendations for the protection of bats contained within section 6.2 of the submitted Wold Ecology Ltd Bat Survey dated July 2012. The bat box described therein shall be erected before the commencement of development.

### **Procedural Matter**

2. The planting of a hedge is not an act of development and therefore I have not referred to it in the formal decision. The fence has been erected and therefore I have considered this element of the proposal retrospectively.

### **Main issue**

3. The main issue is the effect of the fence and the proposed extension upon the character and appearance of the area.

### **Reasons**

4. The site is within the open countryside and also within the Yorkshire Wold Area of High Landscape Value (YWAHLV) which is valued locally for its natural beauty and scenic quality. I noted at my visit that boundaries in the vicinity of the site tend to be marked by hedges and/or low post and rail wooden fences. Therefore, the fence, because of its relatively tall height and its solid and lengthy construction, appears stark, obtrusive and incongruous within this open and rural landscape. I note the appellant's comments that the fence does not screen fields, nevertheless, it is a prominent feature along the road. I also note her comments that the fence has weathered and is now blending in with the landscape. However, I disagree that the weathering process means that it blends with its surroundings.
5. For these reasons, I conclude that this element of the scheme has a significant and harmful effect on the character and appearance of the area. As such, it harms the YWAHLV. This brings it into conflict with the adopted Ryedale Plan – Local Plan Strategy, 2013 (LP), policy SP13 which seeks to protect the character of the Yorkshire Wolds Landscape; and LP policies SP16 and SP20 which jointly indicate that development should respect its context, be well integrated into its surroundings and promote local distinctiveness.
6. I appreciate that the fencing would be retained until a hedge has grown but this might take some time to mature and the appellant indicates that the fence has already been in situ for at least 2 years which is already a lengthy time for the existence of a harmful feature in the landscape. I am conscious that the appellant would like privacy and noise insulation from the road but these matters do not outweigh the harm I have found and I have no evidence before me that noise from the road is so great that it causes demonstrable harm to living conditions.
7. I now turn to the 2-storey extension. The existing 19<sup>th</sup> Century cottage is of a simple design and constructed of stone, render and clay roof tiles. The front elevation of the house would remain unaffected by the extension. The Council acknowledges that the extension would be subservient to the existing building and, according to the application form, the materials of the extension would be stone and clay pantile to match the existing materials and would therefore be compatible with the existing built form. I appreciate that there would be a large glazed area at the rear but this would not be a significant part of the overall house. Whilst the glazing would be a contrast to the stone, I consider that it would not look out of place as part of a domestic building, and as the house is isolated from other dwellings, there is no particular built form to adhere to. In addition, due to the subservient scale of the extension, it would not result in an urbanising appearance.

8. Therefore, I conclude that the extension would not harm the character and appearance of the area and there would be no conflict with LP Policies SP13, SP16 or SP20.
9. 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. A condition concerning the development's external materials is needed to protect the character and appearance of the YWAHLV. A condition in respect of the protection of bats has been imposed as the house provides a potential habitat for bats.
10. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the extension, subject to the conditions attached, but dismissed insofar as it relates to the fence.

*Siobhan Watson*

INSPECTOR