

Appeal Decision

Site visit made on 8 September 2014

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 11 September 2014

Appeal Ref: APP/Y2736/D/14/2222026

4 Maiden Greve, Malton, North Yorkshire, YO17 7BE

- 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 & Mrs N Bowskill against the decision of Ryedale District Council.
 - The application Ref 14/00462/HOUSE was refused by notice dated 16 June 2014.
 - The development proposed is erection of extensions to the existing 3 bedroom dormer bungalow to form a 5 bedroom, 2 storey dwellinghouse with an integral garage & formation of a new vehicular access (revised details to refused application 14/00133/HOUSE).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of extensions to the existing 3 bedroom dormer bungalow to form a 5 bedroom, 2 storey dwellinghouse with an integral garage and formation of a new vehicular access at 4 Maiden Greve, Malton, North Yorkshire, YO17 7BE in accordance with the terms of the application Ref 14/00462/HOUSE, dated 23 April 2014, 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: drawings no. 14-1014-1 & 14-1014-3.
 - 3) No development shall take place 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.

Main Issues

2. I consider that these are the effects of the proposal on firstly, the character and appearance of the building and the street scene; and secondly, the living conditions of the occupiers of Barugh House and Stone Gables.

Reasons

3. The appeal dwelling is set with its ridge at roughly 90 degrees to the outside of a bend in the road. There are no highways objections to the new vehicular access to replace that currently serving a single garage.

First main issue – effect on character and appearance

4. The proposal would completely transform the character and appearance of the existing dwelling into quite a large detached house with an attached single storey garage and lounge extension to one side. When changes of this scale and nature are proposed, it seems to me that the considerations typically applied to an extension have limited relevance. The issue becomes one of whether the dwelling as transformed would be intrinsically acceptable, as if it were a new building.
5. I consider that the finished building, while perhaps a little fussy with the gable feature to one side at the front, would nonetheless be of a quality and type of design that would be in keeping with the houses and bungalows on Maiden Greve. The re-orientation of the ridge, to become roughly parallel with the road, reflects most development in the locality. The enlarged dwelling would be more in keeping with the two storey development either side and behind than the present building. I consider that the latter, with its unusual orientation and two large and prominent dormer windows, makes an awkward and somewhat negative contribution to the street scene.
6. What would externally appear as more or less a new building in a mature residential area requires the careful selection of materials to ensure an appearance in keeping with the local estate. This would need to consider such matters as the predominant use of light coloured brickwork in the vicinity.
7. Subject to a planning condition to control the use of materials, I conclude that the proposal would create a building of an acceptable character and appearance, that would reflect and contribute positively to the distinctive qualities of the street scene. There would be no material conflict with the purposes of Policies SP16 & SP20 in the Ryedale Plan – Local Plan Strategy (2013). Among other things, these policies require the design of new development to respect and reinforce local character and distinctiveness. There would also be consistency with the approach to good design set out in Section 7 of the National Planning Policy Framework.

Second main issue – effect on living conditions

8. This issue concerns the impact of the proposal on the occupiers of two large detached houses that lie obliquely to the rear of the appeal site.
9. The nearest of these is Barugh House, the main rear wall of which would be quite close to the corner of the proposed two storey side enlargement of the appeal property. This would intentionally have a relatively low eaves line (below a bathroom rooflight), and rise upwards and away from Barugh House to a ridge line set below that of the main part of the house. The corner nearest Barugh House would lie near the midpoint between 2 first floor windows (one of which appears to be a bathroom) and also between 2 windows on a ground floor extension which is closer the common boundary. There would be some

effect on outlook, which however would reduce to either side with the angle at which the walls would recede from the viewer. The appeal works would be due north of the rear of Barugh House. As such, I consider that there would be little impact on the level of daylight received in the neighbouring property, and no material effect on direct sunlight.

10. Bearing these matters in mind, and the very spacious garden to the front and sides of Barugh House, I consider that on balance there would be no materially adverse impact on outlook or day light to the extent that planning permission should be withheld for this reason.
11. Stone Gables adjoins Barugh House to the east. Its rear elevation would be at angle to the appeal proposal. I consider that the appellant's estimate of a 27 metre separation is the right order of magnitude. This would be for the corner of the house nearest the proposed first floor windows at no.4, while its windows would be further away. At this distance, I consider that no material loss of privacy would arise.
12. I conclude on balance that the proposal would not have a materially harmful effect on the living conditions of the occupiers of Barugh House and Stone Gables. The standard of amenity required by Policy SP20 would be achieved.

Overall conclusion

13. I have found in favour of the proposal with respect to both main issues.
14. A planning condition is necessary in the interests of a satisfactory appearance for the dwellinghouse (paragraphs 6 & 7 above). In addition, for the avoidance of doubt and in the interests of proper planning, and otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans.
15. Subject to these conditions there is therefore no reason to withhold planning permission, and I allow the appeal.

G Garnham

INSPECTOR