
Appeal Decision

Site visit made on 15 October 2015

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 16 November 2015

Appeal A: APP/Y2736/D/15/3128997

Sycamore Cottage, Cawton Road, Gilling East, York, YO62 4JG

- 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 David Guy against the decision of Ryedale District Council.
 - The application Ref 15/00427/HOUSE, dated 11 April 2015, was refused by notice dated 12 June 2015.
 - The development proposed is a ground floor alteration and extension with first floor extension to rear of property.
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Appeal B: APP/Y2736/D/15/3128823

Sycamore Cottage, Cawton Road, Gilling East, York, YO62 4JG

- 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 David Guy against the decision of Ryedale District Council.
 - The application Ref 15/00425/HOUSE, dated 11 April 2015, was refused by notice dated 12 June 2015.
 - The development proposed is a ground floor alteration and extension with first floor extension to rear of property including dormer.
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Decisions

1. **Appeal A is dismissed.**
2. **Appeal B is allowed** and planning permission is granted for a ground floor alteration and extension with first floor extension to rear of property including dormer at Sycamore Cottage, Cawton Road, Gilling East, York, YO62 4JG in accordance with the terms of the application, Ref 15/00425/HOUSE, dated 11 April 2015, and subject to the conditions set out in the Annex.

Procedural Matters

3. I am mindful that the two proposals the subject of this decision letter were submitted as separate appeals. However, I have noted in the Grounds of Appeal for each case that the appellant has referred to the other appeal in the submitted evidence, requesting that the effect of both proposals should be considered cumulatively. Given that both sets of works could be implemented both individually and together, I consider that it would be desirable to assess both the individual and cumulative impacts of the proposals. On this basis, I am satisfied that the consideration of the two separate appeals in a single

decision letter would provide clarity and a logical means of assessing the entirety of the proposed development.

4. The Council has highlighted in the description of development used on the Decision Notices for both appeals that the proposed developments entail revisions to an earlier approved planning permission Ref. 14/01194/HOUSE dated 4 March 2015. Whilst this may be the case, the proposals the subject of these appeals address the complete development as revised, and I therefore consider it unnecessary to include the reference to the previously approved scheme in the descriptions of development.

Main Issue

5. The main issue for both appeals is the effect of the proposals on the character and appearance of the host dwelling.

Reasons

6. Sycamore Cottage occupies a location at the junction between Cawton Road and Station Road/Main Street, and comprises a semi-detached traditional stone and slate dwelling and curtilage. The side and rear elevations of the dwelling are relatively visible given the dwellings position and proximity adjacent to Station Road, and the relatively limited boundary screening. Several protected trees are also located within the curtilage of the appeal property.
7. The Council has highlighted that planning permission has previously been approved for rear ground and first floor extensions, with the fundamental difference to the appeal schemes being an increased projection of the first floor extension by 1.8 metres (Appeal A), and the incorporation of a dormer window (Appeal B). It is these aspects of the overall scheme which the Council has expressed its concerns over, and upon which the focus of this decision letter will concentrate.
8. Turning first to Appeal A, the projection of the first floor extension incorporates a hipped roof rather than the gable end of the previously approved scheme. I have carefully considered the visual impact of the roof form of the proposed development in the context of both the host dwelling and other development in the surroundings. I have also taken into account the appellant's suggestion that the proposal would result in a visual simplification of the roof form. However, I observed the use of a hipped roof form to not be characteristic of either the host dwelling or a prevailing characteristic of development within the wider area, rendering the proposed roof form to appear as an incongruous addition to the dwelling. Whilst I accept the overall scale of the proposed works to be relatively limited, I do not agree that the increased horizontal emphasis when considered in the context of the already approved extension would have a minor impact, particularly given the observed prominence from Station Road which the side and rear of the appeal property experiences. As a consequence, I do not consider the proposed roof form to amount to a high quality form of architectural design which reflects the local distinctiveness of the area.
9. In respect of Appeal B, the proposed dormer window would again be a visible addition to the side elevation of the rear of the appeal property. In assessing its appropriateness, I accept that the existing dwelling is of a relatively simple character and appearance with dormer windows not being present within the

existing roof form. However, I have also noted that the adjoining Rose Cottage possesses two similarly designed and proportioned dormer windows on the front roof slope, with dormer windows also incorporated in various formats within roofs elsewhere within the village. I am satisfied that the proportions and design of the dormer window would not be uncharacteristic when considered against existing examples, and that careful control over the materials to be used would assist with its assimilation within the roof slope of the existing dwelling. On this basis, I am satisfied that the proposal would not result in an adverse impact on the character and appearance of the host dwelling.

10. The appellant has provided an artistic impression of the visual impact of the combination of the additional roof projection and dormer window within the submitted grounds of appeal. Whilst I have carefully considered the visualisation of the cumulative works, my concerns regarding the appropriateness of the form of the roof projection remain, with the acceptability of the dormer window not providing any particular mitigation for the identified harm.
11. It has also been highlighted that the appeal site is located within the Howardian Hills Area of Outstanding Natural Beauty (AONB). Policy SP13 of The Ryedale Plan – Local Plan Strategy 2013 (the Local Plan) sets out that the special qualities and scenic and natural beauty of the Howardian Hills AONB will be conserved and enhanced, and proposals will be supported where they do not detract from these qualities and beauty. In this instance, the appeal site is located within an established village setting, and the scale of the proposed works is relatively limited. Whilst I have already expressed my concerns over the detailed design of the first floor extension, I would agree with the Council's conclusion that it would not adversely affect the natural beauty and special qualities of the AONB, and does not therefore conflict with Policy SP13 of the Local Plan.
12. The Council has cited Policies SP16 and SP20 of the Local Plan in the reasons for refusal, with these policies seeking to ensure that development reinforces local distinctiveness with respect to the context provided by its surroundings and through the form, scale and detailed design of proposals, as well as the use of an architectural style complementary to the host dwelling and appropriate materials. This is further reiterated within paragraph 17 of the Framework, which sets out the need for high quality design. In respect of Appeal A, the additional roof projection would not reinforce local distinctiveness and would represent a form of development which would have an adverse effect on the character and appearance of the host dwelling within the context of the surroundings. However, in respect of Appeal B, whilst the dormer window would not be characteristic of the existing dwelling, it would not represent an uncharacteristic or harmful form of development within the context of the surroundings, and I am satisfied that its siting, detailed design and use of materials would not result in an adverse effect on the character and appearance of the host dwelling.

Other Matters

13. The appellant has indicated that the proposals would provide much needed additional living accommodation for the occupiers of the dwelling. However, whilst I appreciate the circumstances and requirements for the proposed

accommodation, this is not a matter to which I have attached more than very limited weight to, and which would not outweigh the harm which I have identified in respect of my conclusions on Appeal A.

14. In reaching my conclusion, I have also had regard to the absence of any objections from the Council on technical matters related to the protected trees, flood risk, and archaeology. I have also noted the Council's conclusions in respect of the effect on the living conditions of neighbouring occupiers, and that the Parish Council has also not objected to the proposal, subject to the imposition of an appropriate condition related to materials. Nevertheless, these would be neutral considerations which would neither weigh in support nor against the proposed developments, and have not therefore had any significant bearing on my decisions.

Conditions

15. The Council has suggested a number of conditions in respect of Appeal B, and I have considered these in the light of paragraph 206 of the Framework. This paragraph sets out that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.
16. Condition nos. 1 and 2 relating to timeliness and the identification of plans are necessary in the interest of proper planning and avoidance of doubt. In respect of conditions 3 and 4, I am satisfied that they would be necessary in order to safeguard the character and appearance of the host dwelling as well as that of the wider area, although I have considered it necessary to add an implementation clause that the development be carried in accordance with the approved details and samples. With regards condition 5, I agree that a condition would be both reasonable and necessary to protect the retained protected trees on the site, but I have added the requirement that the extent of the root protection areas is established and agreed with the Local Planning Authority prior to the commencement of development.

Conclusions

17. In respect of **Appeal A**, and for the reasons given above, the appeal should be dismissed.
18. In respect of **Appeal B**, for the reasons given above and subject to the conditions listed, the appeal should be allowed.

M Seaton

INSPECTOR

Attached – Annex – Conditions (Appeal B)

Annex

Appeal B – Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Other than as required by the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 004, 202 Rev. A, 203 Rev. A, and 204 Rev. A.
- 3) Before the development hereby permitted is commenced the developer shall construct on site for the written approval of the Local Planning Authority a one metre square free standing panel of stonework of the type of stone to be used in the construction of the building. The stonework panel so constructed shall be retained only until the development has been completed. The development shall be carried out in accordance with the approved details and samples.
- 4) Before the development hereby permitted is commenced the developer shall submit to the Local Planning Authority a sample of the materials to be used in the construction of the roof. The development shall be carried out in accordance with the approved details and samples.
- 5) No mixing of materials, storage of materials, or routes for new services, in conjunction with the development shall take place within the root protection areas recommended within BS 5837:2012 Trees in relation to demolition, design and construction – recommendations, i.e. equal to a distance of 12 times the trunk diameter of each tree, measured at 1.5 metre from ground level. Details of the extent of the root protection areas shall be established and agreed with the Local Planning Authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Alternatively, should there be a requirement to store or mix materials within the prescribed root protection areas then an area of ground, annotated on a drawing to be submitted to and agreed in writing with the Local Planning Authority shall be protected with interlocking scaffold boards laid over a 100mm depth of wood chips.