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# Appeal Decision

Site visit made on 4 April 2017

**by John Dowsett MA DipURP DipUD MRTPI**

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

**Decision date: 8<sup>th</sup> May 2017**

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**Appeal Ref: APP/Y2736/D/16/3167527**

**Greystones, The Terrace, Oswaldkirk, York YO62 5XZ**

- 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 Stephen Wikeley against the decision of Ryedale District Council.
  - The application Ref: 16/01409/HOUSE, dated 19 August 2016, was refused by notice dated 19 October 2016.
  - The development proposed is the erection of a detached double garage to replace the existing detached single garage.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached double garage to replace the existing detached single garage at Greystones, The Terrace, Oswaldkirk, York YO62 5XZ in accordance with the terms of the application, Ref: 16/01409/HOUSE, dated 19 August 2016, and subject to the conditions in the attached schedule.

## Procedural matter

2. The description of the proposed development used on the decision notice issued by the Council more accurately sets out the development proposed than the description used on the planning application form. I have therefore used that for the purposes of the appeal.

## Main Issues

3. The main issues in this appeal are:
  - The effect of the proposed development on the character and appearance of the Oswaldkirk Conservation Area; and
  - The effect of the proposed development on the appearance of the landscape of the Howardian Hills Areas of Outstanding Natural Beauty.

## Reasons

### *Character and appearance of the Conservation Area*

4. The Oswaldkirk Conservation Area includes the majority of the village with the exception of a small number of modern houses south of the main street. Part of the conservation area also lies within the North York Moors National Park. The appeal site is located outside the National Park Boundary. The village is linear in form with the buildings located along the roads which meet in the village centre. Within the conservation area there is a range of building designs
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- and ages. Widespread use of local stone, and similar building heights and proportions provide a degree of visual consistency to the conservation area.
5. The part of the conservation area where the appeal site is located has a different character to the main street, which is built up on both sides with the buildings close to the carriageway. By contrast, The Terrace has a more or less continuous built form the north side, whilst the relative openness of the south side, with more sporadic development and the buildings generally set back from the road, results in it having a more rural feel.
  6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Paragraph 132 of the National Planning Policy Framework (the Framework) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight is should be given to the assets conservation.
  7. Neither party has submitted any substantive evidence in respect of the significance of the conservation area. The Council compare the floor area of the proposed garage with that of the house with which it would be associated, stating that, as a result of its size, it would be very visually prominent and in a direct sightline from the end of The Terrace and, consequently, would have an adverse impact on the green hinterland.
  8. I saw when I visited the site that within the village there are other examples of detached outbuildings and as such the proposed development would not be unique. The proposed development would replace two, albeit smaller, outbuildings which have a dilapidated appearance. It is proposed that the walls of the building be finished in a stone coloured render and the roof with terracotta coloured roofing sheets. Render is used on a number of other buildings in the village and there is widespread use of red pantiles. The proposed materials would therefore be consistent with other buildings in the conservation area.
  9. Although the proposed garage has a large floor area relative to the property with which it would be associated, this is one half of a pair of semi-detached houses which are located adjacent to a further substantial stone built cottage. Within this context, the proposed development would not appear disproportionately large.
  10. The appeal site is set back from the carriageway of The Terrace, and at a higher level. The bank down from the appeal site to the road is steep and heavily vegetated, and to the east is an area of woodland. These factors would restrict the visibility of the proposed development and it would mainly be visible from the end of the private driveway leading from The Terrace. From further west, the buildings on north side of The Terrace, which are built close to the carriageway, prevent longer range views. I consequently do not find the Council's argument that the proposed development would be very visible and prominent to the extent that it would have an adverse impact a persuasive one.
  11. Due to its limited visibility, and as the proposed development would use materials that are consistent with other buildings in the conservation area and replace existing detached outbuildings that are in poor condition, the proposed

development would have a neutral effect on the character and appearance of the conservation area.

12. I therefore find that the proposed development would not cause harm to the character and appearance of the Oswaldkirk Conservation Area. It would comply with the relevant requirements of Policy SP12 of The Ryedale Plan - Local Plan Strategy 2013 (the Local Plan) which seeks to ensure that heritage assets are conserved or enhanced. It would also be consistent with the advice in the Framework.

*Effect on the landscape of the Area of Outstanding Natural Beauty*

13. The appeal site is located within the Howardian Hills Area of Outstanding Natural Beauty (AONB). Paragraph 115 of the Framework requires that great weight should be given to conserving the landscape and scenic beauty within an AONB.
14. Whilst changes to the size and massing of buildings will inevitably have an effect on the surrounding landscape, the question is whether that effect would be harmful. I have no substantive evidence before me in respect of the special qualities of the landscape in the area.
15. The village of Oswaldkirk lies on rising land at the boundary between the AONB and the North York Moors National Park. The appeal site is located in a former quarry on steeply rising land on the north side of The Terrace. The slope above the quarry is wooded as is the land to the east. To the south of the road the landscape is a relatively level plain with low hills in the distance. The land is in agricultural use with scattered groups of farm buildings. There is a range of medium to large scale fields in mixed arable and grazing use, with some hedgerow boundaries often containing trees, and occasional small wooded areas.
16. As I have set out previously, the proposed development would have only limited visibility in short range views. As a result of its elevated position, the proposed building would be visible in longer range views to the south. However, this is from some distance and it would be seen in the context of the village sitting along the hillside with the buildings on the south side of The Terrace in front of it. Although the longer elevation of the building would be seen in these views, the roof of the proposed building would lower than the house it serves and the use of materials which are consistent with the local area would integrate it into the landscape. The close association of the proposed building with an existing group of houses on the more built up north side of the road is such that it would not significantly alter the more rural character of The Terrace.
17. The appeal site is located adjacent to a public right of way footpath, however, due to the local topography and landscape features the proposed new building would only be visible in very short range views from the public right of way. As these short range views currently include the existing dilapidated outbuildings, the proposed development would not materially change these.
18. The proposed building is replacing existing buildings on the site and although it is larger than the existing buildings, the change to the landscape would nevertheless be of a lesser magnitude than the construction of a new building where there was previously none. The design and materials proposed for the new building reflect other buildings in the local area. Overall, the effect of the

change on the landscape would very small and limited to the immediate proximity of the appeal site.

19. This slight, and localised, effect would result in only a very limited change to the character of the landscape in this part of the AONB and would not, of itself, constitute harm to the extent that the proposal would conflict with Policy SP13 of the Local Plan.
20. I therefore find that the proposed development would not cause harm to the appearance of the landscape of the Howardian Hills Areas of Outstanding Natural Beauty. It would comply with the relevant requirements of Policies SP13, SP16 and SP20 of the Local plan which seek to ensure that new development protects or enhances the landscape character and scenic beauty of the protected landscape and is of a high standard of design that respects its context and the wider landscape character.

### **Other matters**

21. I note from the officer's report that the Council do not consider that the proposed development would cause harm to the living conditions the occupiers of nearby houses, and that there are no objections from the Highways Authority subject to no works being undertaken which would obstruct the public right of way. From what I have read and from what I saw when I visited the site I have no reason to come to a different conclusion on these matters.

### **Conditions**

22. I have had regard to the conditions that have been suggested by the Council. Although it has not been suggested by the Council, in order to provide certainty in relation to what has been approved, I have attached a condition specifying the approved plans. Due to the location of the appeal site within a conservation area and an AONB it is necessary to attach conditions in respect of the submission of samples of the materials to be used in the construction, including the construction of a sample walling panel on site, and the details of the rainwater goods to be used. As it is proposed that the walls of the building be rendered, I have deleted the requirement to include mortar and pointing in the sample panel as this is not necessary. As the building is within a conservation area in order to ensure that the details of windows and doors are consistent with others in the conservation area, it is also necessary to require detailed drawings of these to be provided. Because of the sensitive nature of the built environment it is necessary that these details are approved prior to commencement of the development.

### **Conclusion**

23. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the conditions discussed above.

*John Dowsett*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Reference R2258 Drawing Number 01 (Proposed Details).
- 3) Prior to the commencement of the development hereby permitted details and samples of the materials to be used on the exterior of the building the, including details of the colour of render, subject of this permission shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved details.
- 4) Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of the building. The panel so constructed shall be retained only until the development has been completed. Thereafter the development shall be carried out in complete accordance with the approved details.
- 5) Prior to the commencement of the development hereby permitted, details of rainwater goods to be used in the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved details.
- 6) Prior to the commencement of the development hereby permitted, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish on 1:10 scale drawings shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved details.