



Appeal Decision

Site visit made on 11 September 2017

by **S Jones MA DipLP**

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

Decision date: 16 October 2017

Appeal Ref: APP/Y2736/W/17/3177527

Land North of Cemetery, Whitby Road, Pickering, North Yorkshire YO18 7HQ

- 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 Philip Walker against the decision of Ryedale District Council.
 - The application Ref 16/00714/FUL, dated 11 April 2016, was refused by notice dated 18 January 2017.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted new amended plans to the Ryedale District Council prior to their decision. Several different proposals were put forward, however these cannot form part of this appeal because they were not the subject of consultation or publicity. If I were to base my Decision upon them, those who might be affected would not have had a chance to comment upon them, which would have been prejudicial. Consequently my determination of this appeal relates only the Councils refusal of application ref 16/00714/FUL and the plans submitted with it ref Drawing Nos. FP/01, FP/02, FP/03, FP/04 and FP/05.

Main Issues

3. The main issues are the effect of the development on:
 - a) the character and appearance of the area including The Fringe of the Moors Area of High Landscape Value
 - b) the trees to the south boundary
 - c) the living conditions of the occupiers of the neighbouring property with regard to outlook.

Reasons

Character and Appearance of the Area

4. The appeal site is a small field adjoining Pickering Cemetery which lies to the south and has mature trees along the field border with the site. There is a

bungalow adjoining the site to the north and some housing opposite. It otherwise verges on open countryside on the edge of Pickering.

5. The development design of a two storey double bay window double fronted dwelling with front dormer would contrast sharply with the cemetery and more modest and lowscale adjacent housing. It would not incorporate many of the features of local buildings, or be sympathetic to those nearby. The proposed grey and black features and buff brick would not use materials that would assimilate well into the area or reflect its local distinctiveness. The dwelling would be situated in and forms part of the Fringe of the Moors Area of High Landscape Value that is characterised by a historic landscape character and field patterns on rising land that complement the approaches to the North York Moors National Park itself.
6. The development would be out of keeping in size, scale and design compared to the open landscape and lowscale housing that largely surrounds it, which would harm the character and appearance of the area which includes the Fringe of the Moors Area of High Landscape Value.

The Trees

7. Furthermore the design layout would appear to come in close proximity to the cemetery boundary which has mature trees, whose roots and crowns are along the southside of the site. A suitable Condition could be used for safeguarding the trees during construction or measures to ensure no problems arise with trees as a result of the development, however as there is a lack of information or complete Tree Survey regarding this, I cannot be satisfied that Conditions could secure this or that the development would secure their continuing presence. I have no information regarding any Tree Preservation Orders, but nevertheless I find the development would result in loss or damage to the trees. This would be harmful to the character and appearance of the area by further reducing the screening of the property and the cemetery and would detract from the green landscape surrounding the site to the rear and south.

Living Conditions

8. The adjacent bungalow would have its conservatory and main entrance located next to the bulk of the development. I find the much larger and taller two storey building proposed would come close by and overbear and dominate the smaller single storey building, this would be exacerbated as it would be located on the south side of the existing dwelling. This would have an adverse effect on the living conditions regarding the outlook for the occupiers of the bungalow.

Conclusion

9. The harm to the character and appearance of the area and to the living conditions at the adjacent bungalow would conflict with Policies SP13, SP16 and SP20 of the Ryedale District Council Ryedale Plan-Local Plan Strategy 2013, since these aim to secure high quality design that reflects its location, and protect the living conditions of neighbours.
10. For the reasons given above I conclude that the appeal should be dismissed.

S Jones

INSPECTOR