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## Appeal Decision

Site visit made on 26 March 2018

**by Louise Nurser BA (Hons) Dip UP MRTPI**

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

**Decision date: 9 April 2018**

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**Appeal Ref: APP/Y2736/D/18/3194076**

**Lyndhurst, Main Street, Appleton le Street, MALTON, YO17 6PG**

- 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 Eric Fairbank against the decision of Ryedale District Council.
  - The application Ref 17/01175/HOUSE, dated 27 September 2017, was refused by notice dated 4 December 2017.
  - The development proposed is proposed two storey side extension, single storey front extension and dormers to rear.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. There is a drafting error in the second reason of refusal which was brought to the Council's attention. It was subsequently confirmed that the reason for refusal should have read, 'The proposed dormer windows by virtue of their design would be over dominant in the rear roof slope and detract from the overall character of the host dwelling. The proposal is therefore contrary to policies SP16 (design) and SP20 (Generic Development Management Issues) of the Council's Local Development Framework Development Policies Document and Section 7 of the National Planning Policy Framework (NPPF)'.  
*The proposed dormer windows by virtue of their design would be over dominant in the rear roof slope and detract from the overall character of the host dwelling. The proposal is therefore contrary to policies SP16 (design) and SP20 (Generic Development Management Issues) of the Council's Local Development Framework Development Policies Document and Section 7 of the National Planning Policy Framework (NPPF)''.*
3. It is clear that the appellant was aware that the dormer windows were considered to be contrary to policy at the time of refusal. Therefore, he has not been prejudiced in my determination of the appeal on this basis.
4. The appellant queries whether the dormer aspect of the proposal amounts to development for which planning permission is required. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 and 192 of the Act. Any such application would be unaffected by my determination of this appeal.

### Main Issue

5. The Council has no objection to the front porch element of the proposal. On this basis, the main issue is the effect of the proposed side extension and rear dormers on the character and appearance of the host property and the wider area.

## Reasons

6. The proposed side extension would be around two metres wider than that which has already been granted planning permission (16/01403/HOUSE). Nonetheless, the proposed width of the extension would still be sufficiently narrow, in the context of the substantial original house, such that it would appear subservient to the host property. Consequently, the scale of the proposed extension, the roof of which would be stepped down from the original property, would not appear unsympathetic.
7. As part of my site visit I approached the property from both directions along Main Road. Due to the existing wall and hedging to the front of the property, together with the topography of the area which steeply slopes down to flat open plains, the host property is not prominent when viewed from the road.
8. However, due to the steep slope of the escarpment the appeal property is highly prominent in the open landscape at the rear. The proposal to insert three large wide pitched dormers into the rear simple roof plane, characteristic of this form of brick built farm property, to provide additional living accommodation for the appellant's family, would introduce a discordant and alien design feature. The impact of this would be compounded by the juxtaposition with the two flat roofed dormers within the proposed extension. They, also, would appear out of character. Consequently, both sets of dormers, individually and cumulatively, would significantly harm the character and appearance of the host property and would, due to the position of the property, be highly visible from the network of public footpaths and from a considerable distance beyond.
9. Whilst I have concluded that the proposed extension would be consistent with the principles of good design, the dormer windows would not, and are indivisible from the scheme as submitted. Therefore, the proposed development as a whole would have a significantly detrimental impact on the character and appearance of the host property and the wider area. This would be contrary to Policies SP16 and SP20 of the Ryedale Plan- Local Plan Strategy 2013, and the design provisions of the Framework.

## Conclusion

10. For the reasons set out above I dismiss the appeal.

*L. Nurser*

INSPECTOR