



## Appeal Decision

Site visit made on 9 October 2018

**by Elaine Worthington BA (Hons) MTP MUED MRTPI**

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

**Decision date: 29 October 2018**

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**Appeal Ref: APP/Y2736/D/18/3205044**

**Lodge House, Spring Hill, Stonegrave, Helmsley, YO62 4LL**

- 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 and Mrs Brown against the decision of Ryedale District Council.
  - The application Ref 18/00038/HOUSE, dated 14 January 2018, was refused by notice dated 23 March 2018.
  - The development proposed is internal alterations and two storey extensions to north, east and west.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018 and replaced the version published in 2012. None of the revisions to the Framework materially affect the issues in this appeal. However, for clarity, references made to the Framework in this decision are to the 2018 version.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area, having particular regard to its location in the Howardian Hills Area of Outstanding Natural Beauty (AONB).

### Reasons

4. The appeal property is a detached dwelling in the open countryside between Oswaldkirk and Stonegrave and is accessed via a driveway from the main road (B1257). It is within the Howardian Hills AONB which is characterised by well-wooded rolling countryside, a patchwork of arable and pasture fields, scenic villages and historic country houses with classic parkland landscapes.
5. The AONB is a landscape designation of national importance where I must have regard to the purpose of conserving and enhancing the natural beauty of the area. Paragraph 172 of the Framework establishes that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB which has the highest status of protection in relation to these issues. It also advises that the scale and extent of development within these designated areas should be limited.

6. The proposal is for a two storey extension to the appeal property's east elevation and two storey and single storey extensions to its west elevation. The Council estimates that the existing dwelling has a footprint of around 108 square metres and that the proposal would see this rise to around 210 square metres. As such, it would lead to a substantial increase in the property's footprint and also in its internal floor area.
7. The appeal property is modest in proportions and traditional in design with a simple and attractive character generally in keeping with the rural area. The proposal would effectively create new two storey wings to each side of it. Although they would be set down slightly from the ridge of the host property's roof these large wings would not be much narrower than the house itself and would add significantly to its size. Additionally the proposed single storey extension would extend well back into the sloping site beyond the new two storey wing there. This being so, overall the proposed extensions would be considerable.
8. A new two storey gable end would be introduced to the property's north/rear elevation in addition to the existing one. The existing single storey gable end on that elevation would also be increased in height to two storeys. A new two storey gable end feature would also be added to the property's simple symmetrical south/front elevation which has two bay windows on either side of the centrally located door. The proposed single storey extension's oak frame design and covered terrace feature is intended to reflect a style of construction found in the immediate vicinity and provide a degree of transparency to the building. Nevertheless, despite the use of clipped verges (rather than gable parapets) on the two storey elements and the open design and glazing of the single storey element, these new features would compete visually with the host property's existing understated characteristics and uncomplicated form.
9. The floor to ceiling glazing on the south/front elevation is intended to separate and define the proposed side extensions from the host dwelling. However, since they sit beneath the pitched roof and are at both first and second floor level they appear very much as part of the built fabric of the resultant building. As a result, they would do little to set the extensions apart from the main house or distinguish them from it. Nor am I persuaded that they would allow any significant views through the building or give the impression of transparency. Notwithstanding their cleaner uncluttered design, these large areas of glazing would appear at odds with the host dwelling's fenestration.
10. I am conscious that the appellants have employed an experienced architect, given careful consideration to the proposal's design and wish to create an attractive family home. I appreciate that the proposal has been reduced in scale following a previously withdrawn planning application and was also amended during the Council's consideration of the application subject of this appeal. The side or wing extensions arise due to the limited depth of the host property and its existing east west orientation and differentiation between its front and back elevations would be largely retained. Despite the Council's concerns I see no particular reason why the proposed use of render for the extensions (and the host property) would in itself be out of character with the area or particularly conspicuous (subject to a condition to control its colour). I also note that the existing uPVC windows and doors would be replaced with painted hardwood.

11. Even so, the proposed additions would be very extensive and in combination would substantially alter the form and proportions of the existing dwelling. In my view they would be unduly dominant and would overwhelm and swamp its appearance to the extent that its original form would be largely unrecognisable. Thus they would be appreciated as unacceptably bulky and unsympathetic additions that would seriously detract from the character and appearance of the host property.
12. The appeal property is set at a lower level to the road but is in an elevated position in relation to the open land to the south. There is existing planting on the site's south boundary and public views of it from the south are for the most part limited to longer range views from the road on the other side of the valley that runs between Cawton and Gilling East. Nevertheless, given its location on the valley side, the proposal would be clearly visible from there as well as from the surrounding countryside to the south.
13. There is also existing screening to the site's east and west boundaries and views of the house from the north are to some extent restricted by the site's topography and the existing vegetation and landscaping there. Despite this, it is seen from the main road on approach from the west over the roadside hedgerow and down the driveway. Whilst I appreciate that the B1257 is subject to the national speed limit with fast moving traffic and no footpaths, these views are more than fleeting and mean that the proposal would be appreciated from the main road. Taking these factors into account, I consider that the proposal would also have a detrimental visual impact on its surroundings and would stand out as a large and incongruous feature. This would be so particularly during the winter months when some of the trees and hedgerows would not be in leaf.
14. In terms of landscape impacts, I accept that there are examples of large individual detached dwellings nearby and that the proposal would cause no particular harm to the area's landscape features or fabric, such as its topography. The Council's AONB Officer raises no objections to the proposal and it has not been put to me that it would conflict with the AONB Management Objectives. The appellants are proud to live in the AONB and have improved the house and its grounds with this in mind.
15. Nevertheless, due to its unsatisfactory visual impact in relation to the host property and the surrounding area, it seems to me that the proposal would have some negative effect on the special scenic qualities of the AONB. As well as appearing unsympathetic to the host property, due to its excessive size the proposal would give rise to a considerable increase in the amount of built form on the site and a consequent reduction in openness there. This much increased urbanisation of the site would be at odds with its attractive countryside location and adversely affect the scenic qualities of the area which is recognised for its landscape and scenic beauty. The Framework is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB.
16. I therefore conclude on the main issue that the proposal would be harmful to the character and appearance of the host dwelling and the surrounding area, having particular regard to its location in the Howardian Hills AONB. This would be contrary to Policy SP16 of the Ryedale Plan - Local Plan Strategy (Local Plan) which requires extensions and alterations to be appropriate and

sympathetic to the character and appearance of the host building in terms of scale, form and use of materials. It would conflict with Local Plan Policy SP20 which requires new development to respect the character and context of the immediate locality and the wider landscape. The proposal would also be at odds with Local Plan Policy SP13 which resists proposals that would have an adverse impact on the natural beauty and special qualities of the AONB (unless it can be demonstrated that the benefits of the proposal clearly outweigh any adverse impact). Furthermore, it would fail to support the aims of paragraphs 127 and 172 of the Framework.

*Other matters and planning balance*

17. The proposal would provide additional accommodation for the care needs of the appellants' adult son who has cerebral palsy. It would allow him independent living in his own space where he could receive regular care from his family. Communal family space and a master bedroom would be provided in the west extension and independent 'annexed' living space for the appellants' son would be provided in the east extension. The improved accommodation and facilities would include better bathing and toilet facilities on both floors, a physiotherapy room with gym equipment and an enlarged en-suite bedroom on the first floor along with more and larger communal spaces to aid mobility.
18. The appellants have described the problems that currently arise due to the restricted size and configuration of the existing property. I saw the inside of the house at my visit and do not underestimate the difficulties and challenges faced by the appellants and their family in day to day life. I appreciate their wish to stay in the house where they are settled in the community (and where their son grew up). I am aware that their son is becoming increasingly dependent on assistance as his condition continues to deteriorate and that he struggles with mobility in confined spaces. Nor do I question the severity of their son's condition or his needs and have had regard to the submitted doctor's letter. Paragraph 61 of the Framework requires local authorities to address the need for all types of housing including the needs of different groups in the community such as people with disabilities (amongst other groups).
19. As well as achieving better equipped personal space for the appellants' son, the proposal would lead to more general improvements to the property. The appellants argue that the proposal would bring the house up to basic modern day standards (which the appellants consider are not unusual in this affluent area) and to help to maintain the appellants' own privacy and comfort within their home and provide respite from their caring responsibilities. I see no reason why their own wish for a more comfortable home should necessarily be overlooked due to their son's accommodation needs.
20. These are considerable benefits of the scheme which count in its favour. I also acknowledge that the appellants wish to reduce the burden on local government and healthcare sectors and care for their son themselves. The proposed extensions would 'future proof' the appellants' home for the next 20 years and constructing them in one go would minimise disruption. Other benefits forwarded by the appellants include the creation of a more efficient, cost effective, sustainable and energy efficient home, a reduction in travel to daily physio sessions, less pollution and noise and increased wellbeing.

21. Since it includes two kitchens, two staircases and two entrance doors, the Council is concerned that the proposal is tantamount to the creation of two separate dwellings. The appellants refute this and explain that the provision of a second access and staircase is needed for accessibility for their son and his visitors, to provide independent living and also to accommodate a stair lift as necessary in the future. The second kitchen is intended to provide an adaptable cooking area and independent living opportunities. I see no reason to doubt their intention to occupy the resultant building as a single dwelling and am content that any future division of the house to provide two separate units could be controlled by a planning condition.
22. However, having carefully considered all the points made, I am of the view that, even taken together, the benefits of the proposal are insufficient to outweigh the substantial harm that would be caused in relation to the main issue in this case and the proposal's conflict with the development plan.
23. The Council has no objections to the provision of the physiotherapy room, the additional en-suite bedroom for the appellants' son, or the enlargement of the property to make it easier to move around. However it considers that the scale of the proposed extensions are not proportionate to the needs outlined and goes beyond what would be essential accommodation for the appellants' son. On this basis the Council considers that it may be possible to make alterations to the property to meet the appellants' needs via an alternative scheme. Whilst that may be the case, although I have seen the correspondence between the parties regarding the possibility of a replacement dwelling, I have little evidence before me in this regard. In any event, as set out above, I am mindful that the improvements to the property are sought to better the quality of life for the whole family, not just the appellants' son. Therefore, it is unclear whether a less harmful alternative scheme is possible.
24. I have had regard to the requirements of Article 8 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998. However, I am mindful that the appellants' individual rights for respect for private and family life must be weighed against other factors including the wider public interest and legitimate interests of other individuals. I have found that the proposal would be harmful to the character and appearance of the host property and its surroundings, and am satisfied that the legitimate aim of granting planning permission in accordance with the development plan and planning policy which seeks to protect character and appearance and to conserve and enhance landscape and scenic beauty in the AONB, can only be adequately safeguarded by the refusal of permission. I consider that the dismissal of the appeal would not have a disproportionate effect on the appellants.
25. I have also considered the Equality Act 2010 and the Public Sector Equality Duty (PSED) to which I am subject. Section 149 (7) of the Act sets out the relevant protected characteristics which include disability. Since there is the potential for my decision to affect persons with a protected characteristic(s) I have had due regard to the three equality principles set out in Section 149 (1) of the Act. The negative impacts of dismissing the appeal on the appellants arise since they would be unable to extend and improve their home as sought and the needs of their disabled son would not be met in this regard. Furthermore, there is a chance that his specific needs would not be met if an acceptable alternative could not be put forward. However, having due regard to this, and to the need to eliminate discrimination and promote equality of

opportunity, in my view the adverse impacts of dismissing the scheme on those with protected characteristics would be proportionate having regard to the legitimate and well-established planning policy aims to protect the character and appearance of the host property the area and to conserve and enhance landscape and scenic beauty in the AONB. Even taken alongside the other considerations forwarded, including the benefits of the scheme, the PSED considerations would not outweigh the harm I have identified.

26. The appellants consider the appeal property to be small in comparison with others nearby and the proposal to be in scale with that of other substantial individual houses which predominate in the area. They refer in particular to Birch House Farm which occupies a similar position on the south side of the main road and is prominent in views from the north and the south. They regard that scheme to be new build development that is well in excess of the scale of the appeal scheme. I have also taken account of the other examples raised by the appellants of substantial and/or extended dwellings nearby including those which incorporate generous luxury accommodation and leisure facilities, extensive areas of glazing and render or newly cut stone.
27. Additionally the appellants highlight existing development in more prominent locations as well as those which attracted objections from the AONB Officer but were still approved. They also refer to the Council's support for ancillary residential accommodation under Local Plan Policy SP21 and its approval of other annexed accommodation to cater for elderly relatives. However, whilst the appellants question the consistency of the Council's decision making, I am not aware of the full circumstances that led to those developments and so cannot be sure that they are the same as the case before me. I note for example that that Birch House Farm may have been permitted to serve an agricultural need. From the evidence submitted, nor am I convinced that all the cited schemes should necessarily be repeated in the AONB. As such, these existing developments do not justify the appeal development.
28. The officer's report refers in error to a historic application to remove an occupancy restriction at the appeal property. Be that as it may, that matter has no bearing on the proposal before me. The appellants refer to a lack of a proactive approach, basic discussion, and opportunity to resolve matters of dispute with the Council. However, that is a matter between the parties. I confirm that I have considered the appeal proposal on its individual planning merits and made my own assessment as to its potential impacts. Whilst I note the appellants' willingness to amend the roof forms and fenestration, no further information has been provided and I am mindful that I must consider the proposal which the Council refused. Besides, I am not convinced that any such revisions would in themselves address the scheme's unacceptable visual impact to any meaningful extent.

## **Conclusion**

29. For the reasons set out above, I conclude that the appeal should be dismissed.

*Elaine Worthington*

INSPECTOR