



Appeal Decision

Site visit made on 27 August 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2019

Appeal Ref: APP/Y2736/W/19/3230442

Little Garth, Main Road, Weaverthorpe, Malton, YO17 8EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Robert Harper against the decision of Ryedale District Council.
 - The application Ref 18/01128/OUT, dated 14 October 2018, was refused by notice dated 18 December 2018.
 - The development proposed is erection of a dwelling at land adjacent to Little Garth Weaverthorpe
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The application was submitted in outline with access to be considered at this stage. The remaining matters relate to appearance, scale, layout and landscaping are therefore reserved for later consideration. I have dealt with the appeal on this basis and treated the submitted plans where pertinent as an indication of the proposed development.

Main Issues

4. The main issues for consideration in this appeal are as follows:
 - Whether the proposal would provide a suitable site for development having regard to the development strategy for the area;
 - The effect of the proposal on living conditions of occupiers of nearby dwellings and prospective occupants of the dwelling proposed; and
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Whether the proposal would provide a suitable site for development

5. The proposal involves the construction of 1no dwelling with access taken from Main Road which currently serves Little Garth. Although scale, appearance and layout are reserved matters, indicative plans showing the site sections indicate a two-storey dwelling with detached garage to replace that existing on site and a conservatory to the north elevation. The current access to Little Garth would be split in two to serve the new dwelling.
6. Policies SP1 and SP2 of the Ryedale Plan - Local Plan Strategy (LP) set out the general distribution of development, including housing, during the plan period in the district. SP1 sets out a hierarchy of settlements and seeks to focus new housing in Principal Towns, Local Service Centres and Service Villages. Weaverthorpe is not identified in any of those categories and is therefore considered an 'Other Village', where new housing is limited to the development extent of the settlement and includes infill development restricted to local needs occupancy. While there is agreement that the site is within the built-up extent of Weaverthorpe, SP2 defines infill as 'small open sites in an otherwise continually built-up frontage'. Given the site is situated behind existing buildings forming the frontage along Main Road, rather than in a gap in an otherwise built-up frontage, the proposal would not meet the requirements of this part of SP2.
7. SP2 also requires any grant of permission for infill development in Other Villages to be restricted to Local Needs Occupancy. The appellant has submitted a letter from a local estate agent asserting that there is such need locally. However, this restriction would only apply if the proposed was compliant with the infill requirement of this policy, which I have already found it is not.
8. Furthermore, while there would be a limited benefit to local services and businesses as well as to the community in general with the introduction of additional residents to the village, the National Planning Policy Framework (the Framework) confirms that proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. Allowing the appeal without any robust reasons to justify a departure from the development plan would undermine this strategy and could lead to unsustainable patterns of development. The limited benefit to the village as a result of one additional dwelling would not in itself justify diverging from the development plan.
9. My attention is also drawn to a previous application approved by the Council under 18/00934/FUL at 8 East Bank Main Road. This appears to be for a 3-bedroom dwelling, although I have no plans or other details of the proposal before me. However, the Council advises that the approved dwelling was not set behind existing dwellings. In these circumstances the approved dwelling does not appear to be directly comparable to the appeal proposal before me.
10. Therefore, to conclude on this main issue, the proposal would fail to provide a suitable site for development having regard to the development strategy for the area, contrary to Policies SP1 and SP2 of the LP.

Living conditions

11. The appeal site currently forms part of the rear garden of Little Garth, although the proposed dwelling would be sited directly behind the adjacent property at Ashgill. While the application is outline, and layout, landscaping, appearance

and scale are reserved matters, an indicative site plan has been submitted along with site levels showing the profile of the building, the latter of which was submitted with the appeal but not with the initial application.

12. The separation distance between the proposed dwelling and those existing is given as 16m, which does not appear to be in dispute. The proposed dwelling is two-storey and appears to be taller than the existing dwellings despite a levelling of the land as shown on the site levels drawing. The indicative drawing appears to demonstrate that overlooking from the proposed dwelling would not occur at ground floor level given the presence of the garage and reduction in elevation of the site. However, the south elevation shows two windows at first floor level and one at ground floor, and the drawing shows only half of this elevation. This would introduce overlooking at first floor level to the rear elevations and gardens of Ashgill, The Cottage and, to a lesser extent, Little Garth albeit at a more oblique angle. Whether this is a courtyard or garden, it is used as amenity space and contributes to the enjoyment of resident's living space.
13. In addition, the presence of a two-storey structure would dominate views from the rear of these neighbouring properties and appear overbearing leading to a loss of outlook from rear elevations and diminishing the enjoyment of their garden spaces, all of which would lead to a significant impact on the living conditions of nearby occupants. Similarly, views from first floor level of the proposed dwelling would be of existing dwellings, although a gap in the frontage would afford some level of outlook. Matters of scale, layout, appearance and landscaping are reserved for consideration at a later stage. However, on the basis of the evidence before me I am unconvinced that a dwelling could be developed on this site with acceptable levels of outlook for existing and future occupiers and satisfactorily avoid overlooking of houses to the south.
14. My attention is again drawn to planning application 18/00934/FUL as it relates to living conditions. However, as I have already stated I have nothing before me to assess it against the proposal herein. As such, this does not alter my assessment of the impact upon living conditions caused by the development considered in this appeal.
15. For the above reasons the proposal would fail to provide satisfactory living conditions for future and existing occupiers. As such the proposal is contrary to Policies SP16 and SP20 of the LP as well as the aims of the Framework through paragraph 127, which collectively seek to protect the amenity of future and present occupiers of land and buildings.

Character and appearance of the area

16. The village of Weaverthorpe, which has a valley setting, is formed along the Main Road, with a linear arrangement of built form to the north and south. Generally, the northern side contains a mixture of dwellings either on the road side or with some set-back, while buildings on the south side are further back given the presence of Lord's River which runs parallel to the road. There are examples of built form behind the primary frontage, but this is generally prevalent to the southern side of the village, which contains some contrasting development patterns including two cul-de-sacs and commercial buildings. The site lies within the medieval core of the village.

17. The appeal site is set behind dwellings on the north side of the Main Road and the proposal would alter the established development pattern with backland development, at odds with the historic form of the village on this side. The built-up frontage is not continuous, and the gaps between dwellings reveal the rising countryside to the north, which adds to the idyllic and rural nature of the area and makes an important contribution to its character. Interrupting this view with a two-storey dwelling set behind established building lines would cause significant harm to the character and appearance of the village, including the historic pattern of development.
18. Further attention is drawn to approved application 18/00934/FUL as it relates to character and appearance, along with a satellite image of the village annotated with other examples of development forms. However, the dwelling approved under 18/00934/FUL is not on the image given it is dated and I have no other plans to illustrate its significance. Other examples such as Ash Tree House, Wold View House and Dale Cottage differ in that they are single depth and not built behind existing frontage. The set-back of dwellings from Main Road is not unusual in the village, nor did it form a reason for refusal in itself. Other examples such as the swimming pool, storage building and expansion of the tyre business to the south are not directly comparable to this appeal proposal.
19. The proposal is therefore contrary to Policies SP12 and SP16 of the LP, which seeks to ensure development respects the context provided by its surroundings, including the grain of settlements, and safeguard the historic landscape and setting of individual settlements. The proposal is also contrary to the Framework, which seeks through paragraph 127 to ensure development is sympathetic to local character and history, including the surrounding built environment.

Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR