



PLANNING CONSULTANCY SERVICES

## Design & Access Statement Incorporating Planning

Land South of 63 Middlecave Road, Malton  
Full Application for the Construction of  
1no. Detached Dwellinghouse

for Mr and Mrs P Corrigan

May 2022

Version 1.2

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## Design & access statement incorporating planning

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**Land South of 63 Middlecave Road, Malton**  
**Full Application for the Construction of 1no. Detached Dwellinghouse**

### Registration of revisions

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1.1	Jan 18, 2021	Updated report in line with revised design	LM
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## Contents

<b>1 Introduction.....</b>	<b>3</b>
<b>2 Site description .....</b>	<b>3</b>
<b>3 Proposed development .....</b>	<b>3</b>
<b>4 Relevant planning history.....</b>	<b>4</b>
<b>5 Planning policy background.....</b>	<b>5</b>
National Planning Policy Framework .....	5
National Planning Practice Guidance .....	8
The Development Plan.....	8
Ryedale Plan – Local Plan Strategy Development Plan Document (DPD).....	8
<b>6 Policy appraisal .....</b>	<b>10</b>
Principle of development.....	10
Sustainability .....	14
Economic role.....	14
Social role.....	14
Environmental role.....	15
Policy appraisal conclusion .....	15
<b>7 Other material planning considerations.....</b>	<b>16</b>
Design, landscaping and residential amenity.....	16
Transport and accessibility.....	17
Flood risk and drainage .....	18
<b>8 Conclusion .....</b>	<b>18</b>
<b>9 Appendices .....</b>	<b>20</b>
Appendix 1 – Photographs of application site .....	20
Appendix 2 – Decision Notice 20/00386/FUL .....	21
Appendix 3 – Planning Committee Report (Beech Lodge).....	23
Appendix 4 – Appeal Decision (Beech Lodge, Malton) .....	32
Appendix 5 – Appeal Decision (Derwent Mount, Malton).....	36

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## 1 Introduction

This statement accompanies a full application by our clients Mr and Mrs P Corrigan for the construction of one detached dwellinghouse on land to the rear (south) of 63 Middlecave Road, Malton.

The purpose of this statement is to address the key planning issues arising from the proposed development and to show that planning permission should be granted having regard to the Development Plan and the National Planning Policy Framework (NPPF).

## 2 Site description

The application site, to the rear of 63 Middlecave Road, is positioned within an extended area of the domestic curtilage to this property. The land is also set to the north of the dwelling of Beech Cottage which is accessed off Middlecave Close. The site is set to the western side of Malton within a residential area.

- The site is positioned within the development limits of Malton.
- No public rights of way cross the application site.
- The application site is positioned within Flood Zone 1 and is consequently at the lowest risk of flooding.
- There are no heritage assets on the application site, or in the immediate vicinity of the land.
- The application site is not located within a Conservation Area, and no trees on site are the subject of a Tree Preservation Order.
- The site would be accessed from Middlecave Road to the north, and to the side of the residential property of 63 Middlecave Road.

## 3 Proposed development

This submission presents for consideration a full application for the construction of one detached dwellinghouse.

The dwelling would be accessed from Middlecave Road to the north, down the eastern side of the domestic curtilage of 63 Middlecave Road. The side access track would extend to a width of three metres. The provision of the access track to the development site would also involve the relocation of the side entrance door to 63 Middlecave Road, from its eastern elevation, to its northern elevation.

The dwelling would be formed in an L shape and would be set in the centre of the plot, with an attached home office/utility area positioned to the north-eastern corner of the site.

The dwelling would be formed on two levels, with a ground and first floor level. The ground floor accommodation would comprise an entrance hall, a kitchen/dining/living area, a w/c and living room. At first floor the accommodation would comprise, a landing area, one en-suite bedroom, two further bedrooms, and a bathroom. The

garage is single storey following discussions with the planning department following the previous planning application.

The works to no.63 in terms of relocating the existing front door would be carried out subject to approval of the scheme (this work does not require a separate planning application as confirmed by Ryedale District council via letter dated 23 December 2020)

The dwelling would be formed of rendered walls, below a pitched tiled roof. The attached utility/ home office structure would be formed of weather boarding below a pitched tiled roof.

The existing peripheral landscaping to the plot is proposed to be retained as part of the development.

## **4 Relevant planning history**

The application site has a previous planning application (20/00386/FUL) and has been the subject of a pre-application response from the Local Planning Authority on 17 October 2018. A summary of this response is detailed below. It is also important to consider similar nearby developments to the south of the application site at Beech Cottage and Beech Cottage. There are other examples in the locality of the application site where a similar form of development (in relation to the surrounding settlement character) has been supported.

### **Pre-Application Response**

The response received of 17 October 2018 concluded that the proposal failed to comply with policy SP2 of the Local Plan Strategy insofar as it was considered that the dwelling would not be accommodated within a continually built up frontage. The response went on to conclude that the design of the dwelling, notwithstanding the concerns relating to policy SP2, was considered to adhere to the character of properties in the locality. Concern was then expressed at the adherence of the development to policy SP20 of the Local Plan Strategy, in that the access to the property taken down the side of 63 Middlecave Road was, in the Council's view, likely to have a detrimental impact on the amenities of the nearby residential properties. Concern was also expressed in terms of the overlooking from the first floor of the proposed dwelling to nearby curtilages. Reference was also made to the existing trees in situ along the position of the proposed access track, and the level of the Community Infrastructure Levy contributions that would need to be made were a future application to be forthcoming.

Following the pre-planning response a full planning application was submitted (20/00386/FUL). However, this was refused on the 10 July 2020. The reasons for refusal in summary are as follows:

- The proposed development by virtue of its backland position located to the rear of the dwelling is considered not to be acceptable infill plot within an otherwise built frontage. The plot is proposed to be accessed via a long narrow access and would result in a form of development that does not adequately respect local distinctiveness.



- The proposed dwelling development would give rise to significant adverse impacts on the amenities of the occupiers of the adjacent properties by virtue of the additional noise and disturbance associated with the use of the long narrow access way. The proposal would also result in additional overlooking of private amenity areas of adjacent dwellings with an associated loss of privacy.

A Certificate of Lawful use application was submitted for a proposed use or development in respect of the erection of a detached domestic outbuilding and laying of a permeable hard surface which would allow for the access road to be constructed without requiring any additional approvals. The application was approved in September 2021 (21/00175/CLOPUD).

### **Planning history neighbouring sites**

**Beech Cottage – 15/00722/FUL** - Erection of a four-bedroom dwelling with detached double garage; Approved 23rd February 2016.

**Beech Lodge – 15/00866/FUL** - Erection of 3no. bedroom detached dwelling and detached garage (revised details to approval 12/00438/FUL dated 27.06.2015); Approved 16 September 2015.

### **Locality**

**3/83/466D/RM** - Erection of detached bungalow and garage at Lane End 27A Middlecave Road Malton North Yorkshire YO17 7NE; Approved 2 October 1990.

**04/00485/FUL** – Erection of 3-bedroom dwelling with attached garage at Land Rear Of Beechwood 68 Middlecave Road Malton North Yorkshire; Approved 30 June 2004.

**07/01067/FUL** – Erection of a three-bedroom dwelling with attached single garage at Land To Rear Of 39 Maiden Greve Malton North Yorkshire; Approved 15 February 2008.

**14/00522/FUL** – Erection of a two-bedroom dwelling with attached single garage with associated landscaping at Land At Middlecave Lodge Middlecave Road Malton North Yorkshire; Approved 9 March 2015.

**18/01035/FUL** - Erection of a two-bedroom dwelling at Land At Derwent Mount York Road Malton North Yorkshire; Refused 25 June 2019; Appeal Allowed 21 April 2020.

## **5 Planning policy background**

This section of the statement details the current national and local planning policy context against which the proposed development should be assessed. For ease of reference, all relevant policies and guidance have been summarised.

### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) – February 2019 - sets out the Government’s planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood

plans, and is a material consideration in planning decisions, and those considerations from the NPPF which are relevant to this application include the following sections:

- Section 6. Building a strong, competitive economy
- Section 9. Promoting sustainable transport
- Section 11, Making Effective Use of Land
- Section 12. Achieving Well-Designed Places
- Section 15. Conserving and Enhancing the Natural Environment

Crucially, paragraph 10 and 11 of the NPPF establishes a presumption in favour of sustainable development for plan-making and decision taking. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 8 of the NPPF identifies three dimensions to sustainable development, namely economic, social and environmental, which are explained as follows:

- Economic – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- Social – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- Environmental – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Section 4 at paragraph 38 states that *“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-*

*makers at every level should seek to approve applications for sustainable development where possible.”*

Section 4 of the NPPF promotes pre-application between local authorities and applicants with an aim to front load the process. It also directs how applications should be determined, how planning controls should be tailored to local circumstances, how planning obligations and conditions should be effectively used and when and how enforcement powers should be exercised.

Paragraph 20 of the NPPF states that:

*“Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision<sup>12</sup> for:*

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;*
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- c) community facilities (such as health, education and cultural infrastructure); and*
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”*

Section 5 of the NPPF relates specifically to delivering ‘a sufficient supply of homes’. Throughout this section of the NPPF, the Government aims to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

Paragraphs 77-79 of the NPPF sets out the government’s approach to rural housing. Paragraph 77 makes clear that *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local need”*. Paragraph 78 further suggests that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. Paragraph 79 of the NPPF directs how consideration should be given to the provision of isolated homes in the countryside and the following exceptional circumstances that should be considered:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*

*e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

The overriding message from the NPPF is that planning authorities should plan positively for new development and approve all individual proposals wherever possible. In particular, they should approve proposals that accord with statutory plans without delay. The Framework proposes that planning permission should be granted where the plan is absent, silent, or where relevant policies are out of date. The Framework suggests that the primary objective of development management is to foster the delivery of sustainable development. Furthermore, the advice states that local planning authorities should look for solutions rather than problems and decision makers at every level should seek to approve applications for sustainable development where possible.

## **National Planning Practice Guidance**

National Planning Practice Guidance (NPPG) was first published in March 2014 and has undergone a number of amendments and additions since that time. The NPPG contains guidance of relevance to both the registration, processing and consideration of planning applications. One of the key components of the NPPG is the issue of design, acknowledging that 'good quality design is an integral part of sustainable development'. The NPPG also offers practical guidance in relation to, amongst other things, flood risk, noise, public open space, transport, the natural and historic environment, viability and water supply.

## **The Development Plan**

Section 38(6) Planning and Compulsory Purchase Act (2004) requires that if regard is to be had to the development plan in any determination, that determination shall be in accordance with the plan unless material considerations indicate otherwise. Section 38(5) requires that, where policies in the development plan conflict, the conflict must be resolved in favour of the last document to be adopted.

The 'Development Plan' for the Ryedale District is currently comprised of the following documents:

- Ryedale Local Plan (2002) – Saved Policies
- Ryedale Plan – Local Plan Strategy (Adopted 5 September 2013)

The Council has also adopted various Supplementary Planning Documents (SPD) in support of this suite of documents.

## **Ryedale Plan – Local Plan Strategy Development Plan Document (DPD)**

The purpose of the Ryedale Plan is to encourage new development and to manage future growth whilst ensuring that change across the District is based on a

presumption in favour of sustainable development. This strategy document is at the heart of the Plan. It sets out the strategic issues facing the District and the challenges of addressing them.

Those policies of particular relevance to the proposed development are:

- Policy SP1 General Location of Development and Settlement Hierarchy
- Policy SP2 Delivery and Distribution of New Housing
- Policy SP4 Type and Mix of New Housing
- Policy SP14 Biodiversity
- Policy SP16 Design
- Policy SP19 Presumption in Favour of Sustainable Development
- Policy SP20 Generic Development Management Issues
- Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

**Policy SP1** directs that Ryedale's future development requirements will be distributed and accommodated in line with the Spatial Strategy Summary and on the basis of a hierarchy of settlements which places Malton as the most sustainable settlement within the hierarchy as a 'principal town'.

**Policy SP2** confirms the delivery of at least 3000 (net) new homes to be managed over the period 2012-2027. The sources of new housing that will contribute to the supply of new homes across the District from Malton are as follows:

- Housing Land Allocations in and adjacent to the built up area.
- Conversion and redevelopment of Previously Developed Land and buildings within Development Limits
- Replacement dwellings
- Sub-division of existing dwellings
- Infill development (small open sites in an otherwise continually built up frontage)
- 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3
- Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate

**Policy SP4** outlines that increased housing choice and high-quality housing will be provided through: new housing development, the re-use of empty properties, and improvements and adaptations to existing homes. The policy sets out specific measures for how this will be achieved, and the importance of maintaining a balanced housing stock and choice in the housing market. Policy SP4 goes on to outline how housing must be well designed and support safe and inclusive communities.

**Policy SP14** outlines a number of measures on how biodiversity in the Ryedale district will be conserved, restored and enhanced, where it will be targeted at, what habitats

are of particular importance, and how decision making which affects these habitats should occur.

**Policy SP16** supports development that is able to create high quality durable places that are accessible, well integrated with their surroundings, and which [as relevant] reinforce local distinctiveness and protect amenity and well-being. Specifically, the policy advises that the Council will seek to ensure that:

- *A building is capable of conversion to the use proposed without the need for extensions or alterations that would be detrimental to its character*
- *Proposed extensions and alterations, considered acceptable in principle, that are of an architectural style which complements the traditional character of the main building*
- *Appropriate materials and traditional construction methods and techniques are used.*

**Policy SP19** aligns the development plan document with that of the NPPF. Specifically, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

**Policy SP20** assesses the suitability of proposals on the basis of their impact on the character of the area, their overall design, impact on amenity and safety, and their impact on the access parking and servicing of property.

**Policy SP22** sets out how new development will contribute to the place-making objectives and aspirations of the local strategy and to the infrastructure necessary to support future development in the district. The policy sets out what mechanisms will be used to facilitate the making of these contributions, and what specific social, physical or utility infrastructure areas contributions will be aimed at.

## 6 Policy appraisal

Having regard to the local and national planning policy and guidance context it is considered that the principle of development turns on the approach to the criteria of the adopted development plan policies, identified above, and the NPPF.

### Principle of development

Policy SP1 of the Local Plan Strategy is the determining factor in terms of local planning policy as to whether or not the development of a residential dwelling at the land rear of 63 Middlecave Road would be acceptable in principle. Essentially this policy directs the correct scale of development to the most sustainable locations so that the local and central government objectives of sustainable development can be delivered. Malton is defined as a 'principal town' at the top of the sustainable settlement hierarchy which means that it is essentially the most sustainable location, within its development limits, for new housing growth to be focused. The reason for this is that

it has the best range of accessible amenities and facilities which could support the future housing growth, and not cause the occupants of the new residential property to travel to access these amenities and facilities.

The development site would be accessed off Middlecave Road, and from the point of the access to the public highway, the site would be approximately 0.5 miles from the centre of Malton, where the greatest range of facilities exist. It should be noted that additional facilities exist away from the central area of the town and public transport provision within the area is acceptable, sufficient to prevent reliance on the private car. In short, the amenities and facilities of Malton are accessible to the occupants of the proposed dwelling and it is therefore able to function in a sustainable manner. The site is located in amongst a residential area, within the settlement limits of the town, and is therefore a compatible land use that would be readily expected in this location.

In being located within the development limits of the most sustainable settlement within the sustainable settlement hierarchy which is defined in policy SP1 of the Local Plan Strategy the development is compliant with this policy and is acceptable in principle.

Policy SP2 looks to review where new development should be focused in settlements to manage the delivery of new housing development over the plan period. For Malton the areas to be the focus of new development is specifically defined in paragraph 5.18 of this statement. The applicable area to the application site relates to infill development (small open sites in an otherwise continually built up frontage).

The parcel of land, the development site, nestles in between the recently developed curtilage of Beech Cottage, nos 65 and 61 Middlecave Road, and the rear curtilage of 37 Maiden Greve. The grain of the settlement which surrounds the application can therefore be defined as 'an otherwise continually built up frontage'. Additionally, the site can be seen as 'open', insofar that it does not contain any built form or large expanses of vegetation which would preclude its openness. The photographs which are contained at appendix 1 demonstrate the openness of the site and how well it is related to the residential property between which it nestles, particularly the dwellings of Beech Cottage and 37 Maiden Greve.

To counterbalance the Council's claims in their pre-application response regarding the non-compliance with policy SP2, and to demonstrate why policy SP2 is considered to be adhered to, it is important to make reference to other cases determined under the Local Plan Strategy which have had to pass the tests set by policy SP2.

The nearest and best example of this is Beech Cottage immediately to the south of the application site. The Planning Committee report (see appendix 3) is extremely helpful in clarifying the Planning Officer's views about this development at the time, and indeed due to the distinct similarities to the development the subject of this application, it is important to review what points were raised and how they were overcome.

The 'appraisal' section of the Planning Committee report details the thoughts of the Planning Officer in regard to the principle of the development. It states that: *"The application site is located within the development limits of Malton, the Principal Town, and a key focus for growth in the LPS. The property proposed, however, is in a 'backland' location which is not expressly supported by Policy SP2 of the Local Plan*

*Strategy. However, by virtue of other decisions within the immediate area, and based upon the impact on the form and character of the area, together with the general presumption in favour of sustainable development contained within Policy SP19, it is considered that the development can be considered to be acceptable in principle. There is approval for a dwelling on the adjoining plot (Land to the Rear of Gilross) in a similar backland location. The area is characterised by suburban development on Middlecave Drive, Middlecave Close, and Maiden Greve.”*

The development at Beech Cottage was positioned between five neighbouring domestic curtilages and the development site now proposed is positioned between five domestic curtilages. The development at Beech Cottage was acknowledged in the Planning Committee report as being within a ‘backland’ location, and the development now proposed was acknowledged in the pre-application response as being within a ‘backland’ location. The importance of the form and character of the area was noted in the Committee report, and it is highlighted that the proposed development sits no further north than the northern boundary of the curtilage of 37 Maiden Greve. The general presumption in favour of sustainable development set out in policy SP19 was applied to Beech Cottage, and it is correct to apply the same tests to the proposed development.

It is clear that the context which Beech Cottage sits in, and indeed was acknowledged in the Planning Committee report as being set in does not differ to the development site, and as such it is considered that the two sites must be appraised identically, and due to the each site’s constraints, there is no reason why the conclusions in regard to the compliance with policy SP2 for Beech Cottage should not be reached with the development site now proposed.

To add further clarity as to why the principle of the development is acceptable in this location it is important to make reference to the appeal decision which originally allowed the principle of residential development at Beech Lodge to become established (see appendix 4). The Planning Inspector focused on the effect the proposed dwelling would have on the character and pattern of development in the area.

The Inspector recognised that the density of residential development in the locality is low, and that the sub-division of the plot would retain the separation distances to the properties with the large gardens, deliver an acceptable level of amenity space for both properties, and retain a spacious character overall. The same conclusion can be reached at the currently proposed development site. The Inspector then went on to assess how visible the dwelling would be in the locality. In short the Inspector felt that the height and pitch of the roof of the proposed dwelling, and its separation from the periphery of the development site, and the facing elevations of nearby dwellings meant that little of the dwelling could be visible from adjoining land. The Inspector concluded that the proposed dwelling would be noticeable, but its pitched roof would not be an unduly significant, prominent or intrusive feature in the overall scene, which would retain its spacious character. The Inspector concluded on the issue that it would be backland development where none is obvious in the immediate vicinity, that the principle cannot act against the proposal when its actual visual and physical impact would cause no serious harm.



The description of the character of the area, and the context in which the development site sits is no different to that which was considered as part of the appeal site and at Beech Cottage. The site is acknowledged as 'backland' but is not considered to be at odds with the requirements of policy SP2 or the tests which have previously been applied most recently as part of the Planning Committee report in 2015.

The principle of the development in terms of policy SP2 is considered acceptable. The findings of this statement when applying the defined context of the locality and how applications have been handled in the locality in recent years under the same policy, reaches a view which is contrary to the pre-application advice provided in 2018. The pre-application advice states that the provision of the access track tips the balance to the development site differing to Beech Cottage. However, it is highlighted that the relationship of the access track serving Beech Lodge to the locality would be no different to the track serving the development site, nor would the provision of the track in any event adversely affect the character of the area as summarised in the recent Planning Committee report for Beech Cottage, or the appeal decision for Beech Lodge.

To bolster the interpretation of policy SP2 and how it is applied to 'backland' developments it is also important to make reference to a recent appeal decision issued on 21 April 2020 in respect of the development of land at Derwent Mount, 6 York Road, Malton for one dwelling and a garage. The decision for this is contained at appendix 5.

Paragraph 14 of the Inspector's decision is particularly important to refer to here. It concludes that the appeal site is described as a 'backland site' and it does not fall into any of the categories specified within policy SP2 of the Local Plan Strategy. It also concludes that as residential garden the land in question does not meet the definition of previously developed land (set out in the NPPF), nor does its location behind the surrounding houses fit with the Local Plan Strategy definition of infill development, in that it is not an open site in an otherwise continually built-up frontage. To quantify their approach to the acceptability of the development of this backland site, the Inspector goes on to say that the supporting text of policy SP2 makes it clear that the policy is not intended to be read as being exhaustive or exclusive, and that not all housing is expected to come from the planned supply of sites identified within the policy. The Inspector highlights that both the Council and Appellant note similar backland sites that have been supported for development in the vicinity, and that such proposals were not treated as conflicting with the development plan 'in principle' and instead were determined on their own merits. This is an important appeal decision, given that it is very recent and demonstrates that schemes should be considered in terms of the development plan as a whole.

Over and above policy SP2, the principle of development is governed by a presumption in favour of sustainable development, set out at policy SP19 of the Local Plan Strategy. The importance of this policy principle was referred to in the Planning Committee report for Beech Cottage. Policy SP19 states that: *When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the*

*area*. It is therefore important to assess the development in how it responds to the three tests of sustainable development as set out in the NPPF.

## **Sustainability**

As previously identified, the NPPF identifies the three dimensions to sustainable development as being economic, social and environmental. These are considered in turn, whilst recognising that these roles are mutually dependent and should not be considered in isolation.

## **Economic role**

The NPPF explains that the government is committed to securing economic growth in order to create jobs and prosperity and is committed to ensuring that planning does everything it can to support sustainable economic growth. In recognition of this objective, significant weight should be placed on the need to support economic growth through the planning system.

The proposed development comprising one dwelling, would bring about direct and indirect benefits to the local economy through construction, employment, increased tax revenue and support to local community facilities. As such the proposed development is wholly consistent with the Framework's guidance in promoting sustainable economic growth.

Local businesses will also benefit from trade linkages established through the construction of the dwellings, meaning that a large proportion of the indirect jobs would be supported locally from suppliers of construction materials and equipment.

The development will deliver economic gains through the Government's New Homes Bonus incentive and annual Council Tax payments. At a time when local authorities' budgets are being reduced these areas of financial gain can provide beneficial ways in which Councils can continue to support their communities.

The development will deliver economic benefits to local economy through increased spend and will meet the Government's economic objectives of sustainable development. In doing so the proposals will also comply with Ryedale's Local Plan Strategy policy SP19.

## **Social role**

The dwelling proposed would support a strong, vibrant and healthy community insofar as it would provide a property that would allow additional families to reside within Malton to sustain the viability of the community along with the town's facilities, and those in nearby settlements. Additionally, the well-designed dwelling would maintain and enhance the visual amenity of views within this part of the settlement and consequently would assist in creating a high-quality built environment, accessible to local services, and which would support the health, social and cultural well-being of the community.

## **Environmental role**

The proposed development would ensure that the spacious character area of the residential properties to the north of the site is maintained and the slightly more densely developed characteristics of the area immediately surrounding the development site (to the south and east) is safeguarded through the good design of the dwelling.

This scheme would introduce a use which is compatible to the surrounding residential area, and which would bring forward a use of the land which does not have a harmful impact on the visual amenity of the locality.

The relevant footnote (6) to Paragraph 11 of the NPPF gives a number of examples of policies within the framework which may indicate that development should be restricted. Having regard to this footnote it should be noted that the site is not located within any national or regional designated environmental protection area and is not at risk of flooding. In addition, no harm would be caused to features of historic, archaeological or ecological interest.

The respect that the overall high-quality design of the dwelling on site pays to this important character area and how it functions as a whole would serve to positively protect and enhance the natural, built and historic environment for the future.

## **Policy appraisal conclusion**

The proposal would deliver economic gains through a number of sources, including construction-based employment, New Homes Bonus and increases in local spending, although not necessarily all to the benefit of the immediate locality. Development of a site accessible to a range of services, protecting the importance and safeguarding the future of the character area, and the amenity compatibility to neighbouring residential dwellings would comprise the most significant social and environmental benefits. The proposed development would promote the efficient use of land, whilst bringing about an increased awareness to maintaining the positive visual contribution of the character area, and at the same time bringing about sustained biodiversity on site through the introduction of appropriate landscaping where required.

Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration of some substance.

The relevance of the Council's development plan is important to consider. Whilst the Ryedale Local Plan Strategy was adopted prior to the current, February 2019, version of the NPPF, the approach to achieving sustainable development remains the same. The wording of policy SP19, and how it relates to the NPPF's definition and measures to assess whether a proposal constitutes sustainable development is aligned.

The proposal is in compliance with the criteria of the Council's policy SP19, and the NPPF in regard to sustainable development.

In terms of the overall planning balance, the social, economic and environmental benefits of the proposed scheme are notable and sufficient to outweigh any perceived adverse impact. The proposed development would comply with the development plan

in all relevant aspects, and with the policies of the NPPF taken as a whole. In light of the above, the proposed development is considered to be sustainable development.

## 7 Other material planning considerations

### Design, landscaping and residential amenity

Good design is given great importance in the Framework as a key part of sustainable development. Paragraph 127 of the NPPF identifies the need for high quality inclusive design which meets the following criteria:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

At the local level, policy SP20 assesses the suitability of proposals on the basis of their impact on the character of the area, their overall design, impact on amenity and safety, and their impact on the access parking and servicing of property.

The submitted proposed site plan and detailed elevation, floor plan and site section drawings provide a good understanding of the design approach which has been taken to reflect the locality and the positive and limited impact the development would have locally.

The development proposals will deliver a high quality of design that will complement local character, creating an attractive place to live. The dwelling has been designed to respect the character and appearance of the locality.

The development would incorporate an appropriate level of private amenity space and in-curtilage car parking for a dwelling of this size. The design of the proposals has also taken account of the need to reduce opportunities for crime.

The site layout plan demonstrates how the dwelling would function within the plot. The curtilage is spacious and due to the separation distances to neighbouring residential property, and the configuration of first floor windows would not lead to an

erosion of neighbour amenity by way of overlooking. The separation distances meet the standard requirements which are set to protect the amenities of neighbours.

It is noted that the access track passes adjacent to the side of no.63 and no.61 Middlecave Road. To improve the compatibility of 63 Middlecave Road to the track, which is proposed to be introduced, the entrance to the property is to be relocated to the front (northern) elevation of the dwelling. The three metre wide access track would comfortably fit to the east of 63 Middlecave Road, and the further separation from this track, and the boundary treatment to the east of the track, would mean that there would not be an adverse impact on the amenities of the occupants of 61 Middlecave Road.

The modest use of the track to serve the residential dwelling would not cause any serious noise or disturbance to either 63 or 61 Middlecave Road, as a result of the likely vehicle movements associated with the single dwelling. The length of the access track to the side and front of 63 Middlecave Road is approximately 26 metres in length. The length of the access track to the rear of 63 Middlecave Road to the northern boundary of the development site is 35 metres. Either distance, and the presence of passing built form, would mean that there would be no opportunity for rapid acceleration or braking, therefore the characteristics of the access track would deter anything other than slow movement. The parking area for the proposed dwelling, where the starting of engines, manoeuvring, and closing of doors would normally occur would be at the nearest point of 33 metres to the rear elevation of 61 Middlecave Road, which is considered sufficient to preclude the possibility of any harmful noise or disturbance from the site itself. The presence of 37 Maiden Greve is noted as being nearer than 61 Middlecave Road to this area, however the orientation and the screening by the dwelling to the rear curtilage to 37 Maiden Greve would mean that the activity associated with the proposed dwelling would not cause harmful noise or disturbance to this property.

The access to the rear of the site as noted on the Certificate of Lawful use (21/00175/CLOPUD) allows for the erection of a detached domestic outbuilding and laying of a permeable hard surface which would allow for vehicular access to the rear of the site.

The development proposals would therefore not have an adverse impact on the amenities of existing residential property, neither during nor after construction, and are compliant with the Local Plan Strategy, NPPF and good planning practice.

## **Transport and accessibility**

NPPF Paragraph 109 highlights that developments should only be refused on highways grounds where the impact is considered to be severe:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

The proposed development relates to a sustainable location, benefitting from good accessibility to local services by sustainable modes of transport and would have a minimal impact on the highway network. As a result, no mitigation measures are required.

At the local level, Policy SP20 comments in relation to access, parking and servicing, that access to and movement within the site by vehicles, cycles and pedestrians should not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads.

The proposed development would be served by the existing vehicular access via a short section of track which would link the application site to Middlecave Road. The minimum visibility splays from the proposed access along the track and highway are acceptable in either direction and would not cause an adverse impact on highway safety.

The parking area adjacent to the proposed dwelling would permit the parking and associated manoeuvring of in excess of two vehicles. These provisions meet the requirements of the Highways Design Manual.

The development proposals therefore comply with the guidance identified within policy SP20 of the Local Plan Strategy.

### **Flood risk and drainage**

Paragraph 155 of the NPPF aims to ensure that flood risk is taken into account at all stages of the planning process to avoid inappropriate development in areas at risk of flooding. The importance of flood risk assessments is highlighted and states that development should be encouraged in areas of low flood risk.

The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability).

Foul drainage from the site will connect to the mains sewer, whilst surface water will be drained to a soakaway in accordance with the Environment Agency's drainage hierarchy, with full consideration given to the implementation of sustainable urban drainage systems.

## **8 Conclusion**

The key conclusions arising from this planning statement, in regard to the assessment of the development proposals are summarised below:

- a) This statement has shown that the development proposals are in accordance with the specific paragraphs and sections within the NPPF, particularly in regard to the test of sustainable development.
- b) The proposals are able to comply with the specific criteria of the Council's adopted Ryedale Plan – Local Plan Strategy policies relating to the promotion of good design and sustainable development and protecting amenity.
- c) The proposals would not result in significant adverse impacts that would otherwise outweigh the benefits of granting planning permission for the proposed development in compliance with the NPPF.

- d) The proposals are sustainable, accessible and capable of being accommodated without risk to highway safety and without harmful flood risk or adverse drainage effects.
- e) The proposals are designed to achieve a high-quality living environment ensuring the privacy and safety of existing and future residents both within the development site and adjacent to it.
- f) The development would bring notable economic benefits to the area.
- g) The development crucially would identify, maintain and enhance the whole of the existing character of the residential area in the locality.
- h) The position of the dwelling and its access track in relation to neighbouring residential property, and its overall design and orientation is such that there would not be a harmful loss of neighbour amenity.
- i) The site has Certificate of Lawful use for the erection of a detached domestic outbuilding and laying of a permeable hard surfacing (Ref 21/00175/CLOPUD).

For the above reasons we respectfully request that the application for full planning permission be granted.

## 9 Appendices

### Appendix 1 – Photographs of application site





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**Appendix 2 – Decision Notice 20/00386/FUL**

Overleaf

# RYEDALE DISTRICT COUNCIL

## TOWN & COUNTRY PLANNING ACT 1990

### FULL APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT

**RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS CONSIDERED THIS APPLICATION AND HAS DECIDED THAT IT SHOULD BE REFUSED FOR THE REASON(S) GIVEN BELOW:**

**Application No:** 20/00386/FUL

**Proposal:** Erection of 1no. three bedroom dormer bungalow with associated access and landscaping

**at:** Land South Of Middlecave Road Malton North Yorkshire

**for:** Mr & Mrs Corrigan

**Decision Date:** 10 July 2020

#### **REASON(S)**

- 01 The proposed development by virtue of its backland position located to the rear of existing dwellings is considered not to be an acceptable infill plot within an otherwise built frontage. The plot is proposed to be access via a long, narrow access and would result in a form of development that does not adequately respect local distinctiveness. The proposal is therefore considered to be contrary to Policies SP2 and SP16 of the adopted Ryedale Plan Local Plan Strategy.
- 02 The proposed dwelling development would give rise to significant adverse impacts on the amenities of the occupiers of the adjacent properties by virtue of the additional noise and disturbance associated with the use of the long narrow access way. The proposal would also result in additional overlooking of private amenity areas of adjacent dwellings with an associated loss of privacy. The proposal is therefore contrary to Policies SP16 and SP20 of the adopted Ryedale Plan Local Plan Strategy

#### *Positive and Proactive Statement*

*During the course of the application the Local Planning Authority assessed whether there would have been be scope to negotiate revisions to the scheme which would have made it acceptable. However, it was concluded that the planning objections were so fundamental that it was concluded that refusal of the application was the only decision which was appropriate in this case.*



HEAD OF PLANNING

Mr & Mrs Corrigan  
C/O Mr Lee Marsh (Fusion 13 (Design & Energy) Ltd.)  
Unit 1B Park Farm Courtyard  
Easthorpe  
Malton  
YO17 9QA

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## **Appendix 3 – Planning Committee Report (Beech Lodge)**

Overleaf

**Item Number:** 9  
**Application No:** 15/00722/FUL  
**Parish:** Malton Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Nicholas Balshaw  
**Proposal:** Erection of a four bedroom dwelling with detached double garage  
**Location:** Land To The Rear Of 63 Middlecave Road Malton North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 5 October 2015  
**Overall Expiry Date:** 13 September 2015  
**Case Officer:** Alan Hunter **Ext:** Ext 276

**CONSULTATIONS:**

Highways North Yorkshire	Conditions recommended
Tree & Landscape Officer	Tree survey required
Land Use Planning	No views received to date
Parish Council	No views received to date
Highways North Yorkshire	Await amended documents

**Neighbour responses:** Mr L and Mrs S Thackray, D And P M Bowers, Mrs Margaret Makins, Mrs Heaton, Mr Robert Rogers, Mrs Donna Chaplin,

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**SITE:**

The application site comprises a vacant parcel of land located to the rear of 63 Middlecave Road. The application site is also located to the rear of No. 2 Middlecave Close. The access to the site is achieved over a green track which runs between No. 1 and No. 2 Middlecave Close, which is approximately 3m wide and 30m in length. The site is located within the development limits of the town and is currently grassland with boundary hedges. The main part of the application site approximately measures 35m by 30m.

In 2012, following an appeal, planning permission was granted for a dwelling on land to the rear of both No. 67 Middlecave Road (Gilross) and No. 1 Middlecave Close. This plot is currently being developed and has planning permission to use the existing track between No. 1 and No. 2 Middlecave Close, also the subject of this application.

**PROPOSAL:**

Planning permission is sought for the erection of a 4 bedroom dwelling that will approximately measure 10.4m in depth by 12.2m in width and be 2.7m to the eaves height and 6.7m to its ridge height. A double garage is proposed in the north eastern corner that will approximately measure 6.3m by 6.3m and be 2.5m to the eaves height and 4.7m to the ridge height.

It is proposed to construct the dwelling of brick under a concrete interlocking pantile roof with painted timber windows and doors. It is also proposed to utilise the existing hedging as boundaries for the proposed dwelling.

Access to the site is proposed via an existing access track between No. 1 and No. 2 Middlecave Close, which is consistent with the earlier approval.

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**PLANNING COMMITTEE**  
**1 December 2015**

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## HISTORY:

There is no relevant planning history relating to the site of the proposed dwelling, however, there is the following planning history relating to the adjoining plot that shares the same access from Middlecave Close:

2015: Planning permission granted for a 3 bedroom dwelling (revised details to 2012 permission).

2012 : Planning permission is sought for the erection of a single two-storey dwelling (revised details to the dwelling approved on appeal in 2011)

2011: Planning permission refused for 1 three bedroom dwelling with detached single garage - allowed on appeal.

2010: Planning permission refused for 2 detached dwellings on land to the rear of 67 Middlecave Road - dismissed on appeal

## POLICY:

### National Policy Guidance

National Planning Policy Framework 2012

National Planning Policy Guidance 2014

### Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of Housing

Policy SP3 - Affordable housing

Policy SP4 - Type and mix of new housing

Policy SP11 - Community Facilities and Services

Policy SP14 - Biodiversity

Policy SP16 - Design

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

## APPRAISAL:

The main considerations on this application are:

- The principle of the proposed development;
- The siting, scale and design of the proposed dwelling;
- Impact upon the amenity of the adjoining neighbours, particularly in relation to the use of the proposed access track to Middlecave Close;
- Highway safety;
- Whether the dwelling has a satisfactory level of residential amenity; and
- The impact of the proposal upon existing trees and landscaping;

The application site is located within the development limits of Malton, the Principal Town, and a key focus for growth in the LPS. The property proposed, however, is in a 'backland' location which is not expressly supported by Policy SP2 of the Local Plan Strategy. However, by virtue of other decisions within the immediate area, and based on the impact upon the form and character of the area, together with the general presumption in favour of sustainable development contained within Policy SP19, it is considered that the development of this plot can be considered to be acceptable, in principle.

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PLANNING COMMITTEE

1 December 2015

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There is approval for a dwelling on the adjoining plot (Land to rear of Gilross) in a similar backland location. The area is characterised by suburban development on Middlecave Drive, Middlecave Close and Maiden Greve. There are larger and more bespoke properties along Middlecave Road of varying styles comprising mainly two-storey brick properties.

On the adjacent plot, the Inspector in 2010 commented on the open leafyness of the immediate area, and considered that the erection of two dwellings on the adjacent plot would adversely affect the visual amenity of the area. Whereas the Inspector on the second appeal (which was for 1 No. dwelling only), considered that limited views between existing buildings of the steep roof pitch were not considered to be prejudicial to the visual amenity of the area. In this case the proposed dwelling is set much further back from Middlecave Drive, but it will be visible in part from Middlecave Close cul-de-sac.

Policy SP16 requires new development to reinforce local distinctiveness, and places emphasis on 'views, vistas and skylines and protect amenity.

The policy also requires that new development

*"respects the character and context of the immediate locality and the wider landscape/townscape" and "The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings"*

The views of application site from public vantage points are mainly limited to those from Middlecave Close cul-de-sac. There is existing planting on the boundaries of the application site which help to frame views of the site. The position of the proposed dwelling will be 46m from the nearest public vantage point in Middlecave Close. The proposed dwelling with its low two-storey appearance is orientated with its front elevation facing west, so any public views are mainly of its side elevation. The proposed dwelling can be developed with the retention of the existing landscaping. The proposal is not considered to have any significant adverse impacts upon public views of the site from Maiden Greve or Middlecave Road. In view of this, and the separation distance from Middlecave Close, together with its limited impact upon the public realm it is considered the development of this site in the form proposed would not be harmful to the character and appearance of the area. Furthermore there are other examples of development in depth in the immediate area. It is considered that the Local Planning Authority would be vulnerable on appeal if the proposal was refused planning permission because of its impact upon the character and form of the area.

The proposed dwelling is a low two storey dwelling of a comparable scale and height to the proposed dwelling on the adjacent plot. It features dormer windows, which help to reduce the height of the building. It is considered that in this location and context the proposed dwelling is considered acceptable in terms of its siting, scale and design, and relates well to the character and appearance of surrounding dwellings.

Policy SP20 requires that new development should not have a:

*"material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design...and proximity to neighbouring land uses."*

The use of the access track between No. 1 and No. 2 Middlecave Close is already approved for one dwelling. Members, therefore, need to assess whether one extra dwelling will (in combination with the already approved dwelling) have a material adverse effect upon the occupiers of the adjoining properties. It is also shown on the plans that an access is provided to the rear of No 63 Middlecave Road. Confirmation from the agent is awaited, as to what this retained access is for. It is noted that No 63 has its own vehicular access from Middlecave Road. The Inspector in his decision in 2012 stated:

Will  
main  
access

*The access to the site poses different questions. It would be from Middlecave Close, between nos. 1 and 2, along a track about 3m wide that presently gives access to no. 67's garden and the small paddock to its immediate east. Given the nature of the land the access serves, it is difficult to imagine its present use being other than intermittent; certainly, it must be substantially less than the eight or so daily vehicular movements likely to be associated with a dwelling.*

*That modest number of movements cannot, however, be expected to cause any serious noise or disturbance. The access track is just over 30m long from the highway to the bend where it enters the south-east corner of the plot. There is no opportunity for rapid acceleration or braking; indeed, the constrained nature of the access deters anything other than slow movement. The garage, where the starting of engines and closing of doors would normally occur, would be some 25m from the boundary, another 16m from the rear of no. 1 itself and behind the proposed dwelling, all of which is enough preclude the possibility of any harmful noise or disturbance from the site itself, either in No. 1 or in its garden. The position and alignment of No.2 suggests that its occupiers would be less susceptible to any noise and disturbance than in No. 1.'*

North Yorkshire Highways Authority has no objection to this track being used for an additional dwelling from a highway safety perspective, and recommends the imposition of conditions. There will be additional activity and associated vehicular and pedestrian movements to and from the proposed dwelling. Although, it is also noted that the proposed double garage and parking area is to the northern side of the proposed dwelling, being the site farthest from the surrounding properties on Middlecave Close (36m) and the adjoining plot (25m). There are low boundary fences to either side of the track, however under 'permitted development' rights the adjoining occupiers are able to increase the fence heights to 2m. Whilst there will nevertheless be some impact from the increased movements to and from the dwelling, on balance it is not considered that the proposed additional dwelling would create an unacceptable impact upon the amenity of the adjoining properties in terms of vehicular movements and associated activity to and from the site, that is sufficient to justify a refusal of planning permission.

In terms of the separation distance, there is approximately 28 metres from the property to No. 1 Middlecave Close; approximately 70 metres to Gilross, No. 65 and No. 63 Middlecave Road; 18 metres to No. 2 Middlecave Close; and 13m to the boundary of the adjoining plot. In view of this, there are considered to be no issues in respect of potential overlooking, or loss of sun lighting or day lighting.

The Tree and Landscape Officer has no objection to the proposal. A condition is recommended in respect of retaining the existing hedges around the perimeter of the site.

The proposal is to drain foul water to the mains and surface water to a soakaway, and there is no objection to this in principle.

In accordance with Policy SP3 of the LPS, an off-site financial contribution towards affordable housing is required. This is based on 9% of the private sales revenue of the dwelling as completed to a reasonable standard. Valuations of the proposed dwelling have been provided and an amount of £38,400 has been agreed with an average valuation of £430,000. An off-site financial contribution towards Public Open Space (POS) is also required in accordance with Policy SP11, which has been calculated to be £2,518.

No response has been received from Malton Town Council to date. 7 letters of objection have been received from the occupiers of 6 properties in the immediate area. The issues raised in the letters of objection are :

- Loss of privacy and impacts upon residential amenity;
- Construction disturbance and inconvenience particularly from traffic;
- Access and vehicle movements to and from the site;
- Contrary to the Ryedale Local Plan;
- Impact upon wildlife;

- Whether the condition on application 12/00438/FUL have been discharged properly;
- That there are elderly people surrounding the site;
- Access also to No. 65 via the track; - *along No 63.*
- Property is out of keeping with the area;
- Restrictive covenants; - *not needed.*
- Vehicle noise to surrounding properties;
- The impact upon the character of the area; and
- The views of local people should be respected.

The impact of the proposed development upon the amenity of surrounding properties, including the use of the access track has been appraised in this report along with the impact of the proposed development upon the character of the area. The Ryedale Local Plan is no longer the adopted plan. The Local Plan Strategy was adopted 5 September 2013. The discharge of conditions on application 12/00438/FUL is not relevant to the consideration of this application. The stated age range of the surrounding residents is noted but is not relevant to the consideration of this application. The Council's Countryside Management Officer has confirmed that he has no objection to the proposal in terms of wildlife and ecology implications. The impact of the proposed development upon the residential amenity of surrounding occupiers has been considered above. Regarding the vehicular access to No. 65 Middlecave Road, the agent has confirmed that there is no access through the site to No. 65 Middlecave Road. The design of the proposed dwelling has also been appraised above.

In light of the above, the recommendation is one of approval.

**RECOMMENDATION: Approval subject to S106 Agreement in relation to off-site financial contributions towards Affordable Housing and Public Open Space**

- 1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 3 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.



- 4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(ii) (b) The existing access shall be improved by upgrading of construction specification in accordance with approved details and/or Standard Detail No. DC/E9A (copy attached).

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted and agreed in advance, of the commencement of the development and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy SP20 of the Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 6 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing proposed Block Plan 1:200 Scale Revision D & Proposed Site Layout 1:100 Scale Revision D. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 7 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 8 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway.

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

- 9 The existing hedges along the northern, southern, eastern, and western boundaries of the site shall be retained and maintained, and details of proposed maintenance measures shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development. In the event of the existing hedge(s) dying, it/they shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. Any new hedgerow plants shall be maintained for a period of five years from being planted and replaced if they die or become diseased by plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason:- It is considered that the existing hedges are an important visual amenity that should be retained and help to protect the residential amenity of surrounding properties and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Reason: For the avoidance of doubt and in the interests of proper planning.

- 
- 11 Prior to the commencement of the development hereby approved precise details of the existing spot ground levels and proposed ground floor finished level measured in relation to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory level external appearance and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

#### **INFORMATIVES**

- 1 You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).
- 2 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

#### **Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties

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## **Appendix 4 – Appeal Decision (Beech Lodge, Malton)**

Overleaf



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## Appeal Decision

Site visit made on 21 February 2012

by **John L Gray DipArch MSc Registered Architect**

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

Decision date: 27 February 2012

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**Appeal Ref. APP/Y2736/A/11/2164940**

**Gilcross, 67 Middlecave Road, Malton, North Yorkshire, YO17 7NQ**

- 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 Armitage against the decision of Ryedale District Council.
  - The application, ref. 11/00500/FUL, dated 20 May 2011, was refused by notice dated 1 September 2011.
  - The development proposed is a 1½-storey dwelling with detached garage.
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### Decision

1. The appeal is allowed and planning permission granted for 1½-storey dwelling with detached garage at Gilcross, 67 Middlecave Road, Malton, North Yorkshire, YO17 7NQ, in accordance with the terms of the application, ref. 11/00500/FUL, dated 20 May 2011, subject to the following conditions.
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: the unnumbered 1:1250 location plan and drawings nos. 08A, 09A and 10A.
  - 3) Notwithstanding the information on drawing no. 10A, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 4) Notwithstanding the information on drawing no. 10A, no development shall take place until details of the sizes of the rooflights have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 5) Notwithstanding the reference to gravel surfacing on drawing no. 10A, no development shall take place until details of any alteration to the surfacing of the access track have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 6) The dwelling hereby permitted shall not be occupied until the garage and the parking and turning areas have been laid out and constructed in accordance with drawing no. 09A.

### Main Issues

2. There are two main issues. The first is the effect the proposed dwelling would have on character and pattern of development in the area. The second is the effect on the level of amenity enjoyed by the occupiers of adjoining properties.

## **Reasons**

### ***Effect on the character of the area***

3. The area around the appeal site is typified by a fairly low density of residential development, the houses generally having large gardens and ample gaps between them, leading to a spacious character overall. No. 67's garden is very large indeed, extending virtually the entire length of nos. 1-11 Middlecave Drive. Sub-division to enable an additional dwelling would leave both houses with more than ample grounds around them.
4. A feature of the appeal site is the various tall hedges within it and along its boundaries. The proposed dwelling would stand adjacent to a tall hedge within the site, its eaves being lower than the hedge. In effect, all that could be clearly visible from any adjacent land, including Middlecave Drive, would be the upper part of its roof, pantiled at a 40° pitch. The dwelling would be around 7.0m from the boundary with no. 1 Middlecave Close, which is defined by a tall hedge, and about 23.0m from the house itself; it would be close to 11.0m from the boundaries with nos. 9 and 11 Middlecave Drive, with two intervening hedges, and over 25.0m from the houses themselves.
5. In this context, the introduction of the proposed dwelling would be noticeable but its pitched roof would not be an unduly significant, prominent or intrusive feature in the overall scene, which would retain its spacious character. It would be backland development where none is obvious in the immediate vicinity – but the principle cannot act against the proposal when its actual visual and physical impact would cause no serious harm. There is no compelling objection in the terms of saved Local Plan Policy H7(ii).

### ***Effect on residential amenity***

6. There would be no material harm for the occupiers of nos. 7, 9 and 11 Middlecave Drive. The proposed dwelling would be well away from those properties, largely beyond a tall hedge within the site. It might be visible from upper floor windows, but at no less a distance than may reasonably or generally be expected in a residential area. There would be no possibility of overlooking from the proposed dwelling and thus no loss of privacy. The land adjacent to the boundaries is a residential garden at present and would remain so. The access and garage would be on the far side of the site, avoiding any possibility of noise or disturbance from an unexpected direction.
7. The access to the site poses different questions. It would be from Middlecave Close, between nos. 1 and 2, along a track about 3.0m wide that presently gives access to no. 67's garden and the small paddock to its immediate east. Given the nature of the land the access serves, it is difficult to imagine its present use being other than intermittent; certainly, it must be substantially less than the eight or so daily vehicular movements likely to be associated with a dwelling.
8. That modest number of movements cannot, however, be expected to cause any serious noise or disturbance. The access track is just over 30m long from the highway to the bend where it enters the south-east corner of the plot. There is no opportunity for rapid acceleration or braking; indeed, the constrained nature of the access deters anything other than slow movement. The garage, where the starting of engines and the closing of doors would normally occur, would be some 25m from the boundary, another 16m from the rear of no. 1 itself and behind the proposed dwelling, all of which is enough to

preclude the possibility of any harmful noise or disturbance from the site itself, either in no. 1 or in its garden. The position and alignment of no. 2 suggests that its occupiers would be less susceptible to any noise and disturbance than those in no. 1.

9. In practice, the possibility of overlooking and loss of privacy might be thought greater than that of noise and disturbance. No. 1's rear conservatory and garden are presently open to view from the access over a fence about 1.1m high. It must be more common, however, for private garden areas such as this to be enclosed by fences or hedges around 1.8m high; and there is nothing about the garden to suggest that such a fence or hedge, were it thought necessary by the occupiers, would render it, or the view from the conservatory, claustrophobic or otherwise unduly constrained. The fencing, hedging and shrubs along the boundary with no. 2 are also, for the most part, relatively low but, coupled with the alignment of the house and the disposition of windows and doors, any possibility of harmful overlooking that there might be seems less than at no. 1.
10. In relation to no. 65 Middlecave Road, the dwelling would be well beyond the southern boundary of the garden. The garage would relatively close but separated from it by tall beech hedges. Also, its door would open to the south when no. 67's garden lies to the north. And, save for the very southerly part of the garden, the garage building would tend to offer protection from any noise that might occur in the parking and turning area shown on the plan (although, as in relation to no. 1 Middlecave Close, the number of vehicle movements would be sufficiently low as not to cause undue concern).
11. Accordingly, on this main issue, there is no compelling objection in the terms of Local Plan Policy H7(iv).

#### **Overall conclusion**

12. There is no objection to the proposal that could compel dismissal of the appeal. Comments have been made about the prospect of development on the paddock to the east, south of no. 65's garden. Appeals are considered on their own merits. In this case, the conclusion is that use of the access from Middlecave Close to serve the single dwelling proposed would be acceptable. Were a proposal for development on the adjacent paddock to come forward, the Council would consider that on its merits. The appeal proposal, judged not to cause material harm, could not act as a precedent for a proposed development that was judged to cause harm.

#### **Conditions**

13. In allowing the appeal, it is necessary to attach conditions to planning permission to put the statutory time limit on development, to identify the approved plans and to secure greater control over external materials, rooflights and the access surfacing than is possible from the information on the plans. Also reasonable is one of the three conditions suggested by the highway authority, to secure on-site parking and turning before occupation of the dwelling; the other two suggestions are unnecessary, the scale of the development being modest and the site having ample space within it. The visually important hedges around and within the site are shown on the drawings as to be retained and no further condition is necessary to secure that.

*John L Gray*  
Inspector

## **Appendix 5 – Appeal Decision (Derwent Mount, Malton)**

Overleaf





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## Appeal Decision

Site visit made on 11 February 2020

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

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**Appeal Ref: APP/Y2736/W/19/3241398**

**Derwent Mount, 6 York Road, Malton YO17 6AX**

- 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 B Abbott against the decision of Ryedale District Council.
  - The application Ref 18/01035/FUL, dated 25 September 2018, was refused by notice dated 25 June 2019.
  - The development proposed is described as a 'proposed dwelling and garage'.
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### Decision

1. The appeal is allowed and planning permission is granted for a two bedroom dwelling at Derwent Mount, 6 York Road, Malton YO17 6AX in accordance with the terms of the application, Ref 18/01035/FUL, dated 25 September 2018, subject to the conditions set out in the schedule attached to this decision.

### Procedural Matter

2. The description of development used in the banner heading is taken from the planning application form. However, during the application the proposal was revised several times so that, among other things, it no longer included a garage. The Council considered the application as it had been amended, and I have determined the appeal on the same basis. I have therefore used the revised description from the Council's decision notice and the appeal form so that my formal decision above more accurately describes the development.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, having particular regard to its location within the Malton Conservation Area and to the proposed loss of a Norwegian Acer tree.

### Reasons

4. The appeal site sits within the Malton Conservation Area (the Conservation Area). I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).

5. The Conservation Area covers much of the centre of Malton. The part of the Area including the appeal site includes many large Victorian detached and semi-detached villas on the western edge of the town centre, although there are also a number of newer dwellings nearby. Houses are mostly built either of stone or brick with grey slate or red tiled roofs. The generally spacious and mature gardens make an important contribution to the pleasant character and verdant appearance of the area.
6. No 6 York Road, known as Derwent Mount, is a large semi-detached house part of which is in use as a veterinary office. It sits in a large L-shaped plot, and the appeal site forms part of its side and rear garden. The proposal is to erect a bungalow with an L-shaped footprint towards the northern corner of the site. Access to the proposed dwelling would be from York Road via the driveway at the side of Derwent Mount which, while within the 'red line' boundary of the appeal site, would also continue to serve the existing property.
7. The proposed development would be a single storey, and its relatively modest scale and restrained detailing would give it a form and appearance akin to a converted outbuilding such as a stable or garage block. It would therefore be a building of a size and style which would not be unexpected or incongruous when found in the space to the rear of a large Victorian house, and its position behind the neighbouring properties means that it would not be prominent in the street scene. The information before me indicates that it would be built of stone with a slate roof and, although precise materials specifications have not been provided, a condition could be used to ensure that the materials complement the surrounding buildings and the wider area.
8. The garden of Derwent Mount is of a size and shape such that dividing it into two plots would still provide both the existing house and the proposed dwelling with an adequate amount of useful outdoor space. Given the particular circumstances of the proposal, I consider that the proposed dwelling could be accommodated without it having a cramped appearance, and the spacious character of this part of the Conservation Area would be retained.
9. The appeal site contains several mature trees which contribute to the pleasant character of the area, and a small number would be lost as a result of the proposed development. The reason for refusal referred specifically to the loss of a Norwegian Acer tree, which the Council indicates is readily visible from York Road. At the time of my site visit however, while I acknowledge that this was a snapshot at a time when the tree was not in leaf, this tree did not appear prominent when viewed from outside the appeal site, and it was primarily seen among and against the other mature trees around the site. The Council estimates that the Acer would have a further 60 to 80 years of life remaining during which time it would continue to add to the quality of the Conservation Area. However, in my view its size and position are such that it makes only a modest contribution to the verdant character of the Area. Its loss could be mitigated by the use of a condition requiring a landscaping and planting scheme to be agreed and implemented. A condition could also protect the contribution the existing boundary hedges make to the site's green character.
10. Taking the above points together, I conclude that the proposal would not be harmful to the character and appearance of the area, and the character of the Malton Conservation Area would be preserved. The proposal therefore complies with the requirements of Policies SP2, SP12, SP16 and SP20 of the 2013

Ryedale Plan Local Plan Strategy (the RPLPS), which together seek to ensure that development proposals preserve or enhance the character, appearance and setting of heritage assets. For the same reasons it complies with the requirements of the Framework relating to conserving and enhancing the historic environment, in particular paragraphs 192 and 193. As I do not find that the proposal would cause harm to the heritage asset, it is not necessary to apply the public benefit test set out in paragraph 196 of the Framework.

### **Other Matters**

11. The proposed dwelling would be set approximately 2.6m from the north western site boundary, and around 4m from the north eastern site boundary. All windows and doors would face into the site, with the exception of a pair of bedroom windows on the north western elevation. These two windows would look out onto the boundary fence and the rear of a double garage beyond, and so would not give rise to any overlooking which would be harmful to the privacy of neighbouring occupiers. Because of their height, the roof angle and their positions on the inward-facing roof slopes, the proposed roof lights would also not give rise to any harmful overlooking of neighbouring occupiers.
12. Interested parties expressed concern about the possible effects of the proposed dwelling on neighbours' living conditions. I visited a neighbouring property at the time of my site visit, and given the separation distances between the proposed dwelling and the windows of neighbouring houses, as well as the limited height of the proposed bungalow, I am satisfied that there would be no harmful overshadowing or restrictions on outlook arising from the development which would be detrimental to neighbours' living conditions. However, given the proximity of the proposed dwelling to the garden boundary, and the fact that the houses to the north east are at a slightly higher elevation, I consider that a restriction on permitted development rights which would prevent roof lights or other alterations being made to the roof without planning permission is necessary to protect the living conditions both of neighbouring residents and the future occupiers of the proposed dwelling.
13. Several interested parties also referred to surface water run-off causing occasional flooding of the driveway of St Andrew's Lodge, which lies to the north of the appeal site. However, no substantive evidence has been provided to demonstrate that this existing problem would be exacerbated by the appeal proposal, and I note also that the Council was satisfied with the proposed drainage arrangements for the development.
14. The appeal site is described as a 'backland site', and it does not fall into any of the categories specified within Policy SP2 of the RPLPS, which identifies sources of new homes which will contribute to the district's housing supply. In particular, as a residential garden in a built-up area it does not meet the definition of previously developed land set out in the Framework, nor does its location behind the surrounding houses fit the RPLPS definition of infill development, in that it is not an open site in an otherwise continually built-up frontage. However, it is clear from the supporting text that Policy SP2 is not intended to be read as being exhaustive or exclusive, and that not all housing is expected to come from the planned supply of sites identified in the policy. Both Council and appellant have referred to examples nearby and elsewhere within Malton where small-scale residential development has been approved on backland sites. While I do not know the precise details of these cases, this

indicates that such proposals are not treated as conflicting with the development plan 'in principle', and are being determined on their own merits. I have found that this proposal accords with the development plan as a whole.

### **Conditions**

15. I have considered the planning conditions suggested by the Council in the light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance. In addition to the standard time limit condition (1) in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2).
16. A condition requiring the approval of arrangements for contractor parking and the storage of construction materials is necessary to ensure that the development can be carried out without detriment to highway safety or living conditions of neighbouring occupiers (3). In order to ensure that the appearance of the dwelling is satisfactory conditions requiring approval of finished floor levels (4), materials (5), and details of the design of doors and windows (8) are necessary. Conditions requiring the approval, implementation and maintenance of a landscaping and planting scheme (6) and the retention of the existing boundary hedges (7) are necessary to preserve the green character and appearance of the area, although I have used a different wording to that suggested for condition 7 so that it is not a pre-commencement condition. A condition requiring the provision and retention of parking spaces in accordance with the approved plans is necessary to ensure that the dwelling has adequate off-street parking (9).
17. In order to preserve the spacious character of the Conservation Area, restrictions are necessary to prevent extensions and other development including porches, ancillary buildings, and external hard surfaces which could otherwise be carried without specific planning permission. As I have described above, I also consider that it is necessary to control alterations to the roof in order to ensure that the living conditions of neighbouring occupiers are protected. Restrictions on these permitted development rights are clearly justified by the circumstances of the case, and I have therefore imposed a condition accordingly (10). I am mindful of the advice in paragraph 53 of the Framework that 'planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so'. Enlargements consisting of additions or extensions to the roof are not permitted development on 'Article 2(3) land' which includes Conservation Areas, so no restriction is necessary. The Council has also suggested that restrictions should be imposed on chimneys and microwave antennas. However, in my view no clear justification has been made for such a restriction, and I have therefore not incorporated it into the condition.

### **Conclusion**

18. For the reasons given above the appeal is allowed.

*M Cryan*

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 plans:  
Drawing No. PD227-01-F – Proposed ground floor plan Revision F  
Drawing No. PD227-02-F – Proposed elevations Revision F  
Drawing No. PD227-04-G – Location plan and site block plan Revision G  
Drawing No. BA6149AIA – Impact Assessment and Tree Protection Plan
- 3) No site compound shall be established and there shall be no excavation or other groundworks except for investigative works, or the depositing of material on the site in connection with the construction of the dwelling hereby approved, until proposals have been submitted to and approved in writing by the local planning authority for the provision of:
  - (i) on-site parking capable of accommodating all staff and sub-contractors' vehicles clear of the public highway; and
  - (ii) an on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.
- 4) No excavations shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No development above slab level shall take place until details and samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 6) Before the end of the first planting season (November to March inclusive) following the commencement of development, a scheme showing details of landscaping and planting shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The existing hedges along the southern and eastern boundaries of the site shall be retained. In the event of any of the existing hedges being

removed without the prior consent of the Local Planning Authority or dying within 5 years of the completion of the development hereby approved, they shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. Any new hedgerow plants shall be maintained for a period of 5 years from being planted and replaced if they die or become diseased by plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

- 8) Prior to their installation, the details of the design of all windows and doors including means of opening, depth of reveals and external finishes shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) The dwelling hereby permitted shall not be occupied until parking spaces have been laid out within the site in accordance with drawing no. PD227-04 F. The parking spaces shall thereafter be maintained clear of any obstruction and kept available for their intended purpose at all times.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the local planning authority other than those expressly authorised by this permission: Part 1, Class A, C, D, E, F.

--End of schedule of conditions--

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