

---

## Appeal Decision

Site visit made on 5 and 25 November 2013

**by Susan Heywood BSc (Hons) MCD MRTPI**

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

**Decision date: 3 December 2013**

---

**Appeal Ref: APP/Y2736/D/13/2204810**  
**Orchard House, Middleton, Pickering YO18 8PA**

- 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 G Richardson against the decision of Ryedale District Council.
  - The application Ref 13/00436/HOUSE, dated 15 April 2013, was refused by notice dated 13 June 2013.
  - The development proposed is a domestic garage.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council's reason for refusing the application related only to the impact of the proposal on the Conservation Area. However, the delegated report stated that the proposal will have "an overbearing impact on the neighbour's amenity"; although it does not specify which property or properties the Council had concerns about. The occupiers of both neighbouring properties at Whalebone Cottage and Orchard Garden expressed concern about the scale of the proposal. The Parish Council also stated that the proposal would have a detrimental impact on the adjoining properties.
3. A site visit was first carried out on 5 November to view the proposed garage from the appeal site and surroundings. A further visit took place on 25 November to view the proposal from Orchard Garden to the south. The appellant was given the opportunity to provide further comments on the impact of the proposal on the occupiers of Orchard Garden and these have been taken into account in this decision.
4. Policy H13 of the Ryedale Local Plan, relevant when the Council considered the application, has since been superseded by policies in the Ryedale Plan – Local Plan Strategy (the Ryedale Plan) which was adopted in September 2013. I have considered the appeal having regard to policies SP12, SP16 and SP20 of the Ryedale Plan which are in accordance with the National Planning Policy Framework (the Framework).
5. Planning permission was granted in 2011 for a detached garage in approximately the same position as that now proposed. According to the appellant's evidence, the approved garage was 1 metre lower at its ridge, at

least 30 centimetres lower at eaves level<sup>1</sup> and 85 centimetres narrower (front to back) than the garage now proposed. That permission could still be implemented and provides the fall-back in this case.

### **Main Issues**

6. The main issues in this appeal are as follows:
- i. the impact of the proposed garage on the living conditions of nearby occupiers having regard to its scale, height and proximity to adjacent boundaries;
  - ii. whether the proposal would preserve or enhance the character or appearance of the Middleton Conservation Area and the impact on its significance as a heritage asset.

### **Reasons**

#### *Living conditions*

7. The proposed garage would be set close to the northern boundary of the garden to the property to the south known as Orchard Garden. An existing garage and wooden shed are sited within the rear garden of that property, along its western boundary, and the remaining garden is grassed up to the boundary wall with the appeal site.
8. The row of properties, in which the appeal dwelling sits, is located some considerable distance from the rear boundary wall at Orchard Garden. Consequently, the outlook from the outdoor space at Orchard Garden, towards the appeal site, is currently open above the boundary wall. The outlook in all other directions from the outdoor space is curtailed by the existing garage, the dwelling itself (to the south) and vegetation on the adjoining property to the east.
9. The gable wall of the proposed garage would extend along almost the full length of the currently open section of the shared boundary wall. The garage would be a tall structure; the ridge height of which would be considerably higher than the wall which is approximately 1.8 metres high on the side of Orchard Garden. Therefore a large amount of the gable wall would be visible from the outdoor space at that property. The garage would be located to the north of Orchard Garden and it would not therefore lead to overshadowing of the outdoor space. Nevertheless, the depth and height of the proposed garage would lead it to be viewed as an overly dominant and visually intrusive structure when viewed from the outdoor space at Orchard Garden.
10. It is noted that the approved garage would also extend for a considerable distance along the shared boundary and that it too would be a tall structure. The existing open outlook to the north of Orchard Garden would therefore be diminished by that garage should it be constructed. However, the approved garage can reasonably be considered to be at the limit of what would be acceptable having regard to the impact on the adjacent property. The increased height and depth of the garage now proposed would exacerbate the impact to the point where it would cause unacceptable harm to the living conditions of the occupiers of Orchard Garden. Although trees have been

---

<sup>1</sup> The appellant says the approved garage was 2.6m high to eaves whereas the Council say it was 2.4m

planted within Orchard Garden, close to the boundary wall, it is likely to take some considerable time for the canopies of those trees to grow to the point where they would effectively screen the proposed garage. In addition, they would only be effective as a screen in the summer months; during the winter they would be much less so.

11. I note that there is a similar large garage to the rear of the property at Southfield, to the west of Orchard Garden. However, the gable wall of that garage adjoins a parking area to its north and its roof slopes away from the large garden area to its west. It does not therefore have the same impact on adjoining properties as would the proposed garage.
12. For the above reasons, I conclude that the proposed development would harm the living conditions of the occupiers of the adjoining property at Orchard Garden. The proposal would therefore conflict with policies SP16 and SP20 of the Ryedale Plan, in so far as those policies seek to protect the amenity of nearby occupiers.
13. I note the concerns also expressed by the occupiers of Whalebone Cottage to the east. However, that property has a larger garden area with a more open outlook in other directions when compared to Orchard Garden. The highest point of the proposed garage would also be set away from the boundary with Whalebone Cottage. Its increased height would not therefore cause significant harm to the living conditions of the occupiers of that property.

#### *Conservation Area*

14. In the vicinity of the appeal site, the Middleton Conservation Area comprises rows of terraced properties with a linear form set alongside the A170. The properties here are constructed of warm local stone or red brick with pantile roofs. Some of the properties also display traditional window and door details, although this has been eroded to an extent by modern replacements to a number of properties. Nevertheless, the significance of the Conservation Area as a heritage asset is derived from this distinctive village form, use of materials and the traditional treatment of building openings where these survive.
15. Some of the more traditional properties, including the row of properties in which Orchard House sits, have long, narrow outbuildings to the rear; running perpendicular to the dwellings. However, there are several more isolated outbuildings behind the frontage properties and in this context the form and location of the proposed garage would not be incongruous. The Council express concern that the height of the proposal would harm the character of the Conservation Area. Despite the concerns regarding the height of the proposal and its impact on adjoining occupiers, as set out above, the area displays a variety of building heights both in the frontage properties and in rear outbuildings. In this setting the proposal would not have a harmful impact on the character, appearance or significance of the Conservation Area.
16. The proposed garage would incorporate three roller shutter doors and three roof-lights to the front of the building. The roof-lights would be relatively small and unobtrusive and a condition could be imposed to ensure that the roof-lights are of a type which sits within the roof plane to minimise their visual impact. On this basis, they would not be unduly harmful to the character, appearance or significance of the Conservation Area.

17. Nevertheless, the proposed roller doors would lend the building a modern and utilitarian character which would be at odds with the traditional materials to be used in the construction of the building itself. Whilst the garage doors would not be visible from the public realm, the character and significance of a Conservation Area is not simply derived from public views. The use of inappropriate materials and detailing can have a harmful impact on the character and significance of the area, both individually and cumulatively over time, despite their limited visibility from public vantage points. In this case, the proposed roller doors would harm the character and significance of the Conservation Area.
18. The Framework requires decision makers to give great weight to the conservation of a designated heritage asset when considering the impact of a proposed development on its significance. A balanced judgement must be taken having regard to the scale of harm and the significance of the asset. Whilst the proposal would be harmful to the character and significance of the area, I judge that harm to be less than substantial. In such circumstances, the Framework requires the harm to be weighed against the public benefits of the proposal.
19. The appellant has put forward the need for the proposed garage to provide secure storage for a number of vehicles which he owns and which are currently stored outdoors. However, the garage which has already been approved would provide covered storage for the vehicles and the benefit of storing them indoors could therefore be achieved by the erection of the approved structure. I appreciate that the previous approval was for an open fronted structure which would not therefore be secure. Nevertheless, it would be possible to construct a garage in this location which would incorporate more traditional door designs; thus providing the benefit of security whilst paying due regard to the need to preserve the character of the Conservation Area.
20. The appellant points out that roller doors would provide more space to the front of the garage for further vehicle parking. However, sufficient space exists to allow for the opening of more traditional doors together with a reasonable amount of parking to the front of the garage. The appellant has suggested the use of colours for the doors (to be agreed with the Council) or the use of timber-effect roller shutter doors. Neither of these options would be sufficient to overcome the harm. In particular I have no evidence before me to demonstrate that the latter would provide a convincing alternative to traditional wooden doors. This is not therefore a matter which could be overcome by the imposition of a condition.
21. I note the flat roofed garage at Whalebone Cottage, but the existence of development elsewhere does not justify allowing a proposal which is found to be unacceptable on its own merits. Finally, the appellant refers to the use of traditional clay pantiles for the roof of the proposed garage which are put forward as an improvement to the timber shingles proposed on the approved structure. However, I consider that both forms of roof material would have been acceptable in this location.
22. Accordingly, I conclude that, due to the design and material of the proposed garage doors, the development would harm the character of the Middleton Conservation Area and its significance as a heritage asset. That harm is not outweighed by the matters put forward in support of the proposal. The

proposal would therefore be contrary to policy SP12 of the Ryedale Plan which requires the conservation of designated heritage assets such as Conservation Areas.

23. For the reasons given above I conclude that the appeal should be dismissed.

*Susan Heywood*

INSPECTOR