



Appeal Decision

Site visit made on 27 April 2009

by **Simon Berkeley** BA MA MRTPI

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

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Decision date:
1 June 2009

Appeal Ref: APP/Y2736/A/09/2097483

Land to the rear of 16 Chapel Road, Settrington, Malton YO17 8NB

- 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 The Birdsall Estates Company Ltd against the decision of Ryedale District Council.
- The application reference 08/00590/FUL, dated 13 June 2008, was refused by notice dated 1 December 2008.
- The development proposed is the construction of 2 no. three bedroom semi-detached cottages on land currently used as rear garden to 16 Chapel Road, Settrington.

Decision

1. I dismiss the appeal.

Procedural matters

2. The proposed scheme was altered on a number of occasions by the submission of amended drawings during the course of the Council's consideration of it. The Council determined the application on the basis of the last amendments, shown on drawing numbers 857 102 Revision F and 857 103 Revision F, and I have dealt with the appeal accordingly.

Main issue

3. The main issue is the effect of the proposed development on the character or appearance of the conservation area.

Reasons

4. The appeal site is within the Settrington Conservation Area. It comprises part of the rear garden of 16 Chapel Road, and lies between that property and Settrington All Saints Church of England Primary School.
5. Both the main parties agree that the village is separated into two distinct areas. There is no dispute that the Beckside area to the southeast has the appearance of a planned village, and the Chapel Garth/Town Street quarter to the northwest appears more organic and incrementally developed. However, the Council say that the school and the openness of the land around it, including the site, define the boundary between the two. The effect of the appeal scheme on the site's role in this regard lies at the heart of this issue.
6. As I see it, the school is something of a landmark building in the village, as a result of its prominent position in the street scene, its design, architectural merits and use. In my view, the absence of buildings to either side of it causes

it to be quite visually isolated, despite the presence of the village hall and 50 Becks opposite, with no obvious allegiance to either of the village's two quarters. Consequently, the school and the spaces around it punctuate the form of the village. In doing so, they help to shape the village's divided structure, and contribute positively to the conservation area. That the site has not been identified as a 'visually important undeveloped area' in the Ryedale Local Plan does not alter this.

7. Introducing the proposed cottages on the space to the west of the school would considerably diminish this effect. Despite their set back position, they would give the impression of more closely merging the school with the Chapel Garth/Town Street area, and would erode its demarcation between the two distinct neighbourhoods. This would have a negative impact on the legibility of the historic form of the village, and on the contribution the undeveloped nature of the site currently makes in this regard.
8. The quite consistent arrangement of fenestration and other openings is a strong feature of this conservation area. In my view, along with the horizontal and vertical alignment of windows and doors in front elevations, these details add to it. However, even though the windows in semi-detached pairings may be symmetrically arranged around the doors, many others are not. On my site visit, I also saw that front elevations containing different size windows are not uncommon. In this context, the proposed composition of windows and doors, particularly in the front elevations, would reflect that commonly found around the conservation area, and would not detract from its special qualities.
9. That being said, an acceptable detailed design is insufficient to outweigh my findings in relation to the effect of the development on the site's current contribution to the conservation area, which is a more fundamental matter. I therefore conclude that the proposed development would fail to preserve or enhance the character or appearance of the conservation. Consequently, it would conflict with Policy H7 of the Ryedale Local Plan. Part A(i) of Policy H7 permits small scale housing schemes, provided that it would not result in the loss of, or have any material adverse effect upon the character or appearance of any open spaces important to the character of the settlement. Part A(ii) seeks to only allow development which would reflect local distinctiveness in terms of location, amongst other things, and which would maintain or enhance the character of the settlement. It would also conflict with national planning policy, of which Planning Policy Guidance 15: *Planning and the Historic Environment* (PPG15) is the most relevant. PPG15 aims to prevent development that would not preserve or enhance the character or appearance of conservation areas.

Other matters

10. Local residents and the Parish Council have raised a number of other concerns. I acknowledge that 16 Chapel Road is a Grade II Listed Building. Its rear garden would be reduced in size, and a significant portion built on. My findings about the effect of the latter in relation to the wider conservation area are set out above. However, with specific regard to the Listed Building itself, I disagree that its garden, though visually attractive, is a feature of special architectural or historic interest, or defines its character particularly. The proposed cottages would be a reasonable distance from number 16. They

would not obscure its main elevations, and their detailed design would generally reflect that of other buildings nearby. Overall, I consider that the proposed development would not detract from the Listed Building, or adversely affect its setting, to an unacceptable degree.

11. Despite the position of the proposed access in relation to the road junction and bend, I consider that the levels of visibility in either direction would be adequate, given the quite low vehicle speeds involved. I note that the Highways Authority do not object to the proposals, and I see no particular reason why the limited number of vehicle movements likely to be generated would cause a significant hazard for other drivers or pedestrians, including during 'school run' times, even if the development would result in some on-street parking. I therefore disagree that the scheme would significantly reduce the safety of drivers, school children and anyone else using the pavement or crossing the road here.
12. The proposed cottages would not be close to nearby houses. Though views may be possible from their rear windows into neighbouring gardens, they would not be in close quarters, and would not be direct. Consequently, in my opinion, neighbours' privacy would not be harmed. Given the position of the proposed cottages in relation to others, and their orientation, I consider that, despite their two storey height, the levels of daylight and sunlight reaching neighbouring properties, including the school and its playground, would not be unacceptably lessened.
13. I note the comments about bats having been observed in neighbouring gardens. However, there is no clearly substantiated evidence to indicate that the trees on the site are used by bats, and the Council's committee report states that neither their Countryside nor Tree and Landscape Officers consider further ecological investigation necessary. On the basis of the evidence before me, I consider that there is not a reasonable likelihood of protected species being present and affected by the appeal development. Given the comments of the Tree and Landscape Officer, and the findings of the appellants' arboricultural report, the proposed removal of trees should not prevent the scheme.
14. Child protection is a serious matter. However, this issue is covered by other legislation, and although the cottages would be quite close to the school, and the school administration would have no influence over their occupants, this is not a factor on which this appeal should turn.
15. The appellants refer to a previous appeal decision, reference APP/Y2736/A/05/1195494, concerning Church Farm Paddock in Wintringham, and a planning permission granted on land between 7 Chapel Road and Elm Tree Farm, Settrington. However, as no details of either have been produced, the extent of any comparison to be drawn is unclear to me. In any event, each application and appeal must be determined on its individual merits. On the basis of the evidence before me, I am not persuaded that previous decisions relating to other sites, including one in another settlement, should be decisive in this case. For the same reason, though I note the concern expressed by local residents that allowing the appeal would set a precedent for other developments, no similar sites to which this might apply have been put

forward, and I consider that such a generalised fear of precedent should not be central to my decision.

Conclusion

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

Simon Berkeley

INSPECTOR