



The Planning Inspectorate

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Mrs F Farnell (Planning Administration Officer)
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Your Ref: MYM/2004/0166/FL
Our Ref: APP/W9500/A/04/1162469
Date: 5 July 2005

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR S PAXTON
SITE AT RAVENS LODGE, THORPE LANE, ROBIN HOODS BAY, WHITBY, YO22 4RN

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

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Yours faithfully

Mr Mike Dixon

MYMNP
- 6 JUL 2005

COVERDL1



Appeal Decision

Site visit made on 21 June 2005

by **Michael R Moffoot** DipTP MRTPI DipMgt MCMI

an Inspector appointed by the First Secretary of State

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Date

05 JUL 2005

Appeal Ref: APP/W9500/A/04/1162469

Ravens Lodge, Thorpe Lane, Robin Hood's Bay YO22 4RN

- 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 Samuel T Paxton against the decision of North York Moors National Park Authority.
- The application Ref. NYM/2004/0166/FL, dated 16 February 2004, was refused by a notice dated 29 June 2004.
- The development proposed is described as 'garage in shiplap 24' x 18' x 8' eaves'.

Summary of Decision: The appeal is dismissed.

Main Issues

1. There are 2 main issues in this case. The first issue is the effect of the proposed development on the character and appearance of the area, including its impact on the setting of the listed St Stephen's Church. The second issue is the effect of the proposal on the living conditions of the occupiers of adjoining properties, with particular reference to loss of outlook, daylight and sunlight.

NYM/1004
- 6 JUL 2005

Planning Policy Background

2. The development plan for the area includes the *North Yorkshire County Structure Plan*, adopted in 1995, and the *North York Moors Local Plan*, adopted in 2003. Policy E1 of the Structure Plan prioritises conservation of the landscape and the general amenity of various areas, including the North York Moors National Park. There is a presumption against new development unless it can be shown to be necessary in that location and, where it is permitted, due regard is paid to its setting and high standards of design and materials. The policy also seeks to protect and enhance the landscape, important buildings and other heritage features.
3. Policy GP3 of the Local Plan supports development where the design respects or enhances the character, special qualities and distinctiveness of the locality and wider landscape and the use and level of activity would not unacceptably impact upon various matters, including any interests of acknowledged importance. Policy H9 permits ancillary domestic buildings within the curtilage of a dwelling provided that, amongst other things, the proposal would not detract from the character and appearance of the site and is acceptable in terms of scale, height, form, position, design detailing and materials.
4. Reference has also been made to Planning Policy Guidance Note 1 - which was superseded after the appeal was lodged by Planning Policy Statement 1: *Delivering Sustainable Development* - and I have taken into account guidance in Planning Policy Statement 7: *Sustainable Development in Rural Areas*.

5. I am ~~very~~ **very** special regard to the desirability of preserving a listed building or its ~~set~~ **set** provisions of Sections 16 and 66 of the *Planning (Listed Buildings and Conservation) Act 1990*.

NVMNPA

Reasons

6 JUL 2005

Character

6. ~~The~~ **The** appeal part of an elongated area of largely open garden land to the rear of the ~~appeal~~ **appeal** and is bounded by a vacant joinery workshop, a detached dwelling ~~Rookery~~ **Rookery** the imposing St. Stephen's Church and its associated churchyard. The ~~character~~ **character** surrounding area generally comprises loose-knit development in a well-wooded extensive views across open countryside to the south.

7. ~~Principal~~ **Principal** views of the proposed garage would be from Thorpe Lane to the south, ~~from~~ **from** where ~~the~~ **the** structure would be observed against a backdrop of Rookery Nook and ~~established~~ **established** and former station buildings beyond. Due to trees and hedging on the ~~churchyard~~ **churchyard** much of the garage would be screened during spring and summer ~~months~~ **months** and would be more conspicuous when the foliage thins out, it would not in ~~my~~ **my** judgement be prominent in these surroundings or out of keeping with the ~~diversity~~ **diversity** of ~~the~~ **the** area. The simple form and design and the use of plain materials ~~would~~ **would** render the structure unobtrusive and the size of the building would be comparable ~~with~~ **with** other garages I saw in the locality. Although the church adjoins established ~~housing~~ **housing**, it is not compromised due to the expansive churchyard and mature trees, ~~and~~ **and** in this ~~case~~ **case** I do not consider that the proposed garage would harm the special ~~character~~ **character** of the area or its significant presence in the streetscape.

8. ~~For~~ **For** these reasons I conclude on the first issue that the proposal would not unacceptably ~~harm~~ **harm** the ~~character~~ **character** and appearance of the area or the setting of St Stephen's Church, and ~~would~~ **would** not ~~therefore~~ **therefore** conflict with the objectives of Policy E1 of the Structure Plan or ~~Policies~~ **Policies** GP3/19 of the Local Plan.

Living Conditions

9. ~~The~~ **The** principal ground and first floor windows to Rookery Nook face south towards the ~~appeal~~ **appeal** site with the forecourt to the property comprising an extensive patio area and ~~informal~~ **informal** garden that is slightly elevated above the adjoining land. The common boundary ~~consists~~ **consists** of ~~brick~~ **brick** walling, timber fencing and trellis supplemented by bushes and shrubs.
10. ~~The~~ **The** proposed garage would be sited very close to the boundary with Rookery Nook and, ~~notwithstanding~~ **notwithstanding** the low roof pitch and proposed excavation, the structure would be clearly ~~visible~~ **visible** from the neighbouring property at close quarters, adjacent to a patio where the ~~occupiers~~ **occupiers** clearly sit out and in my opinion are entitled to enjoy a reasonable outlook, ~~daylight~~ **daylight** and sunlight. Due to its proximity, scale and form, I consider that the new garage ~~would~~ **would** unacceptably impose upon the outlook from the garden area and, to a lesser extent, ~~from~~ **from** rooms within the property, creating an oppressive residential environment for the ~~occupiers~~ **occupiers**. The impact of the proposal on daylight and sunlight levels reaching Rookery ~~Nook~~ **Nook** would be less significant, and would not be sufficient to justify dismissal of the ~~appeal~~ **appeal** on these grounds. Nevertheless, this finding does not outweigh the harmful effect of ~~the~~ **the** building on the neighbours' outlook.

