



The Planning Inspectorate

Room: 3/04
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-8377
Switchboard: 0117-372-8000
Fax No: 0117-372-8443
GTN: 1371-8377

<http://www.planning-inspectorate.gov.uk>

Mrs F Farnell
North York Moors National Park
Authority
Development Control Support
Officer
The Old Vicarage
Bondgate
Helmsley
York
YO6 5BP

Your Ref: NYM/2007/0800/FL
Our Ref: APP/W9500/A/08/2076097/WF
Date: 1 October 2008

Dear Mrs Farnell

**Town and Country Planning Act 1990
Appeal by Mr Bernard Ratcliffe
Site at Land Adjacent To Seafield House, Whitby Road, Robin Hood's Bay**

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

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website - www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

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

**Quality Assurance Unit
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN**

Phone No. 0117 372 8252

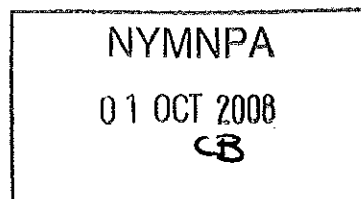
Fax No. 0117 372 8139

E-mail: complaints@pins.gsi.gov.uk

Yours sincerely

Christopher Salmon

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You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
<http://www.pcs.planningportal.gov.uk/pcsportal/casearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

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Appeal Decision

Site visit made on 15 September 2008

by **Christopher John Checkley**
BA(Hons) MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@plns.gsi.gov.uk

Decision date:
1 October 2008

Appeal Ref: APP/W9500/A/08/2076097

Land adjacent to Seafeld House, Whitby Road, Robin Hood's Bay, Whitby

- 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 Bernard Ratcliffe against the decision of the North York Moors National Park Authority.
- The application (Ref NYM/2007/0800/FL) dated 17 September 2007 was refused by notice dated 11 February 2008.
- The development proposed is a dormer cottage construction to form new residence.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect upon the appearance and character of this part of the village and the North York Moors National Park (NP), taking account of the nature of the site and the long-term impact on the protected sycamore tree within it.

Reasons

Background matters

3. Two previous applications for a dwelling on the site have previously been refused on appeal (first, a detailed application for a dwellinghouse, Appeal Ref T/APP/A2701/A/85/36267/P7, decision dated January 1986; second, an outline application for a dwellinghouse, Appeal Ref APP/W9500/A/01/1065908, decision dated September 2001).
4. The appellant refers to the possibility of making amendments to the detailed siting of the proposed dwelling. However, I am obliged to make my decision on the basis of the plans that were formally considered by the Council.

The appearance and character of this part of the village and the National Park

5. The appeal site lies within the general confines of the village, which itself lies within the NP. Policy H1 of the adopted North York Moors Local Plan (LP) seeks to restrict new housing to infill sites for local occupancy, with the proviso that they should not harm the appearance or character of the area, road safety or other planning criteria.

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6. The appeal site lies on the inside of a long sweeping curve in Whitby Road that slopes downhill as it enters Robin Hood's Bay from the north-west, passing through a cutting, then turning south as it falls towards the bay. Much of the site comprises an undeveloped mounded area with a considerable amount of overgrown vegetation and a number of trees, including a large sycamore tree that is the subject of a tree preservation order. The appeal site links in visual terms with the adjoining wide verge area to the south-east on the inside of the bend and with the series of rear gardens to the west.
7. As the previous Inspectors concluded, I find that the proposed scheme would not represent "infilling" in the sense of comprising a "small gap in an otherwise continuously built up frontage". I consider it would comprise the separate development of one dwelling on backland that is part of a larger open area lying beyond and behind a row of frontage properties. The proposed dwelling would relate poorly to the predominantly frontage pattern of development, making it stand out and apart from other dwellings in the vicinity.
8. The proposed detached dwelling would be 2-storey with the upper floor within a pitched and gabled roofspace. It would be squeezed into the very south-west corner of the appeal site, to avoid as much as possible of the mounded and vegetated area. However, as a result it would have very limited garden space around it, being hemmed in by the mound and its trees and boundary enclosures necessary for privacy, since it would stand so close to the main public car park to the immediate south. Therefore, the house would look and feel rather cramped within its boundaries.
9. In my opinion, the undeveloped nature of the appeal site and its greenery in association with the adjoining and nearby undeveloped land contributes positively to the attractive open semi-rural character of the village edge on the upper hillside. However, the dwelling would intrude unacceptably into this area of undeveloped greenery that is a beneficial feature of the area's attractive character, a characteristic highlighted by the two previous Inspectors in their decisions.
10. The rising contours suggest that some cutting away of the west side of the mound would be necessary to accommodate the eastern section of the foundations and the new turning head. This would be likely to harm the roots of the adjacent mature sycamore tree that is protected because of its landscape value. Additionally, the proposed dwelling would stand within the spread of the sycamore, leading to pressures from future residents to remove, top or lop its branches to improve daylighting within the rooms. On the evidence available I would expect that the long-term health and viability and visual contribution of this important tree would be harmed, to the detriment of the local landscape in this part of the village and the NP.
11. In views from the north the proposed backland dwelling would appear discreet, being set well back and at a lower level than Whitby Road and other local dwellings, generally screened from public view by frontage development and the mound with its planting and trees. However, in contrast, the views of the proposed dwelling from the lower land and main road from the south and south-west and south-east would reveal its obtrusive positioning, set apart from the frontage development to its north, standing directly overlooking the

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edge of the large open public car park, intruding into the open area of greenery. Part of the new building would also intrude into views from the bend in the main road looking north-westwards across the wide verge area. Since the vegetation and trees are largely deciduous, the obtrusive impact would be greatest in the winter months, particularly in shorter distance views.

12. I conclude that the proposed dwelling would be harmful to the green appearance and open character of this semi-rural edge of the village and detrimental to the local landscape of this part of the NP. The scheme would be contrary to the provisions of LP Policy H1 cited earlier, LP Policy GP3 that seeks development that respects the character, special qualities and distinctiveness of a locality, LP Policy BE12 that seeks to safeguard important undeveloped spaces and LP Policy NE6 that seeks to protect trees of landscape value and the statutory objective of protecting the natural beauty of the NP.

Other matters

13. Both previous Inspectors found no evidence that the visibility to the east was so sub-standard as to compromise highway safety on Whitby Road (B1447). Visibility to the west is good, allowing exiting drivers to concentrate on traffic from the east which is climbing a gradient whilst negotiating a bend, and therefore likely to be travelling below the legal limit. I consider it would be possible to impose a condition on any permission requiring the cutting away of vegetation and ground material within the highway and the appeal site to secure a 2 m x 45 m visibility splay to the east. This would avoid conflict with the requirement of LP Policy GP3 for safe access.
14. It appears likely that the water main that crosses the site could be diverted. I consider that any permission could be subject to an obligation that the main should have been diverted in an approved manner at the developer's expense prior to the dwelling being constructed, so that public water resources were not affected contrary to LP Policy U4.
15. I have taken account of all the points made in favour of the scheme. Although the removal of a decaying caravan on the site would be beneficial, its small scale means that the caravan's harmful visual impact is very limited. However, although I have found in the appellant's favour in relation to refusal reasons 3 and 4, none of the matters raised have been sufficient to outweigh the harm identified under the main issue which relates to refusal reasons 1, 2 and 5. Therefore, the appeal must fail.

C J Checkley

INSPECTOR

