



The Planning Inspectorate

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Miss F A Ward (The National Park Officer)
NYorks Moors NP Authority
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York,
YO6 5BP

Your Ref: NYM4/029/0264A/OL
Our Ref: APP/W9500/A/01/1065908
Date: 11 September 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR B RATCLIFFE
SITE AT LAND ADJOINING, SEAFIELD HOUSE, WHITBY ROAD, ROBIN HOOD'S BAY

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:

Quality Assurance Unit
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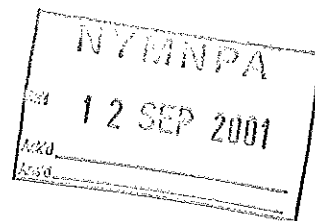
E-mail: Complaints@planning-inspectorate.gsi.gov.uk

Yours faithfully

PP *Rice*

Mr Tim Mather

COVERDL1





Appeal Decision

Hearing held on 4 September 2001

by **John Braithwaite** BSc(Arch) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

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Date

11 SEP 2001

Appeal Ref: APP/W9500/A/01/1065908

Land adjoining Seafield House, Whitby Road, Robin Hood's Bay

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr B Ratcliffe against the decision of North Yorkshire Moors National Park Authority.
- The application (Ref. NYM4/029/0264A/OL), dated 26 February 2001, was refused by notice dated 2 May 2001.
- The development proposed is outline application for the erection of a dwelling house.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The application was submitted in outline form with all matters, except means of access, reserved for future consideration. The appeal will be determined on the same basis.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of Robin Hood's Bay.

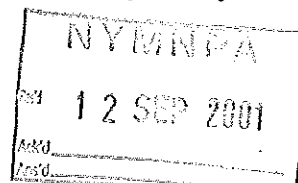
Planning Policy

3. The Development Plan for the area includes the North York Moors Local Plan 1992 (LP). LP policy G2 states that the National Park Committee (NPC) will seek to ensure that proposed developments will help to preserve and enhance the natural beauty and built environment of the National Park. LP policy H2 states that no new housing development will be permitted within villages listed, including Robin Hood's Bay, except infill development. Reference has been made to a review of the LP that was placed on deposit in March 2001. The LP review has not yet been the subject of an Inquiry and is therefore at an early stage in the statutory adoption process. It is therefore afforded little weight in accordance with advice in paragraph 48 of Planning Policy Guidance 1. Reference has also been made to Planning Policy Guidance 3 'Housing' (PPG3).

Reasons

The first issue

4. The appeal site is a roughly triangular overgrown area that was formerly part of the land attached to Seafield House. Access into the site is off Whitby Road in the north-west corner of the site and adjacent to the access into Seafield House. The road, before and after the access, is descending towards the village and there is a steep grass embankment up to the north and north-



east boundary of the site as the road curves round to the south. The south east boundary of the site is to a car park that has been established on a former railway line, which previously continued to the north-east across a now demolished bridge over the road. Beyond the car park are a grass area and then the road where it turns southwards towards the bay. The west boundary of the site is to the retained garden area to Seafield House.

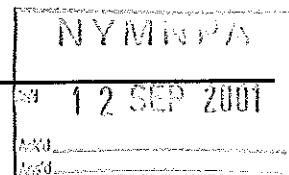
5. To the north of, and elevated above, the appeal site, on the opposite side of Whitby Road and atop a steep wooded embankment, is a terrace of three dwellings. To the north-west of the terrace and on the opposite side of a narrow access lane is a recently completed two-storey dwelling. To the north-west of the new dwelling and set close to it is a substantial commercial garage building. To the north-east of the site and, again, on the opposite side of Whitby Road and atop a steep wooded embankment, is a terrace of thirteen dwellings, Elm Grove. To the south-east of the site Whitby Road has a junction with Mount Pleasant North, a residential road of detached, semi-detached and terraced two-storey Victorian houses.

6. LP policy H2 refers to policy H3 for a definition of 'infill'. Policy H3 states that "Infill development is defined as the filling up of small gaps, capable of being developed for only one or two houses, in an otherwise continuously built up frontage". The explanatory text to policy H3 indicates that "Sites...should normally have a frontage of no more than 25 metres...". It is also worth noting that emerging LP policy H1 mentions "...infill plots consisting of small gaps in an otherwise continuously built up frontage to accommodate one or two houses..." though it does not indicate any limit to the length of the infill frontage.

7. Within the appeal site is a mature Sycamore tree. The Appellant has indicated that this tree would be retained. The only realistic position for a dwelling on the site would be to the east of the tree in an open area bounded to the north and east by bushes and immature trees atop the roadside embankment. The dwelling would be at least 20 metres from Seafield House and would otherwise be remote from any other buildings on the south and west sides of the road. The appeal site cannot therefore be regarded as a small gap in a continuously built up frontage. Furthermore, the three terraced dwellings to the north and Elm Grove to the east would be about 30 metres from the proposed dwelling. It would not therefore be, as the Appellant's Agent suggests, in close proximity to other properties. It would, in fact, be physically isolated from residential development in this part of the village.

8. The Appellant's Agent maintains that the proposed dwelling would be seen, from the south, to be between Seafield House and Elm Grove. Elm Grove, however, notwithstanding its physical isolation, would be separated from the proposed dwelling by a road, two embankments and a substantial group of mature trees on the east side of the road. Seafield House is also partially screened by trees. Consequently, from the south, given the trees and the distances between buildings and notwithstanding the vegetation along the south boundary of the site that would provide some screening, the proposed dwelling would also be visibly isolated. This visual isolation would also be apparent from the road to the north and west of the site from where the dwelling would be seen against the skyline. The fact that the rooftops of dwellings on Elm Grove and Mount Pleasant North can be seen from the road only serves to emphasise the isolated position of the site.

9. At the Hearing the Appellant indicated that he would not agree to a condition suggested by the Council that would restrict the dwelling to being single storey. A two storey dwelling on the physically and visually isolated site would be a prominent and intrusive element in this part of the village, particularly during winter months when the predominant deciduous trees and shrubs



that partially surround the site are not in leaf. The proposed dwelling would not constitute infill development and, given its isolated and prominent position, would have a serious adverse effect on the character and appearance of Robin Hood's Bay. The proposal is in conflict with LP policy H2 and, given that it would not preserve the built environment of the National Park, would also be in conflict with LP policy G2. It is also worth noting that the development does not accord with the relevant proposed policies in the Revised Deposit LP.

Other matters.

10. The proposed dwelling could be sited to preserve the existing trees and boundary vegetation on the site. The proposed development does not therefore conflict with LP policy C5. The proposed development has been compared to the recently completed dwelling to the north of the appeal site and to other developments in the area. The dwelling to the north is in between and in close proximity to other buildings. From the south it visually fills the gap between the three terraced dwellings and the garage, and from Whitby Road it is built in a gap in a built up frontage. In any event, it is a well-established planning principle that a development proposal should be determined on its merits. This important principle has been applied in this case.

11. At the Hearing it was agreed by the main parties that visibility to the east along Whitby Road, for drivers of vehicles exiting the site access, would be 2 x 45 metres. This is below the recommended standard of 2 x 70 metres. Vehicles approaching from the east are climbing a gradient and negotiating a bend, and are therefore likely to be travelling at a speed below the legal limit. Also, visibility to the west is far in excess of the standard and a driver of a vehicle exiting the site would be able to concentrate on traffic approaching from the east. Consequently, visibility to the east is not so sub-standard that highway safety would be compromised.

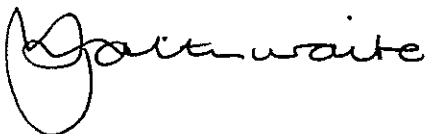
12. The railway line was a major feature of the area and was the reason for the location of some elements of the nearby built up area. However, this is of historical interest only and does not support the proposed development in any way. PPG3 refers to making the most efficient use of land but does not suggest that this should be at the expense of preserving the built environment.

Conclusion

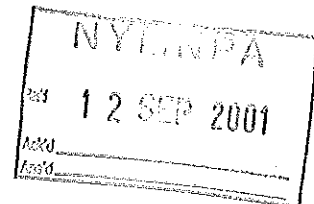
13. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

14. In exercise of the powers transferred to me, I dismiss the appeal and refuse planning permission for the erection of a dwelling house at land adjoining Seafield House, Whitby Road, Robin Hood's Bay.



Inspector



Information

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

APPEARANCES

FOR THE APPELLANT:

Mr B Snoxall BA FRICS
Bell-Snoxall Associates, Chartered Surveyor,
Architectural and Planning Consultants, Barclays
Bank House, Baxtergate, Whitby YO21 1BW

FOR THE LOCAL PLANNING AUTHORITY:

Mrs J Parkin BA MA MRTPI
J M O'Neill, Chartered Town Planning Consultants,
St Christopher House, George Cayley Drive, Clifton
Moor, York YO30 4XE

Mr A Martin CEng MICE MIHT MIMgt
Senior Engineer (Development Control) at North
Yorkshire County Council

INTERESTED PERSONS:

Mrs J Newton
Mrs S Noble
Mr L Atkinson
Mrs P Scruton
Mr I Milsom
Rookery Nook, Station House, Robin Hood's Bay
The Cabin, Row, Robin Hood's Bay
Fulmar Cottage, Stoupe Brow, Robin Hood's Bay
Seafield House, Whitby Road, Robin Hood's Bay
Mariandale, Mount Pleasant North, Robin Hood's Bay

DOCUMENTS

Document 1 List of persons present at the Hearing.
Document 2 Letters of notification sent by the Council.

PLANS

Plan A Location Plan – scale 1:2500.