



The Planning Inspectorate

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Miss F A Ward (The National Park Officer)
North Yorks Moors N P A
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

Your Ref: NYM4/034/2541A/PA
Our Ref: APP/W9500/A/02/1083328
Date: 9 July 2002

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MISS A CORBISHLEY
SITE AT KANTARA, 34 IBURNDALE LANE, SLEIGHTS, WHITBY, N YORKSHIRE, YO22 5DP**

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

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

Quality Assurance Unit
The Planning Inspectorate
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Temple Quay House
2 The Square, Temple Quay
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Phone No. 0117 372 8252

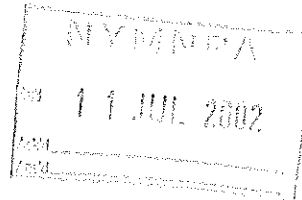
Fax No. 0117 372 8139

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

Yours faithfully

Mr Tim Mather

COVERDL1





Appeal Decision

Site visit made on 17 June 2002

by **Dannie Onn** BSc (Hons) Dip Arch RIBA IHBC

an Inspector appointed by the First Secretary of State

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Date - 9 JUL 2002

Appeal Ref: APP/W9500/A/02/1083328
Kantara, 34 Iburndale Lane, Sleights, 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 Ms A Corbishley against the decision of North York Moors National Park Authority.
- The application (Ref. NYM4/034/2541A/PA), dated 18 July 2001, was refused by notice dated 20 September 2001.
- The development proposed is an annexe to Kantara.

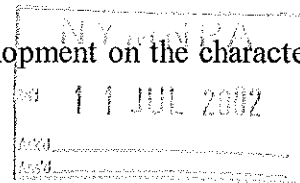
Summary of Decision: The appeal is dismissed.

Procedural Matter

1. Notwithstanding the description above, the proposed development would replace the existing garage with a residential annexe and construct a new vehicular access.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.



Planning Policy and Other Considerations

3. The Development Plan includes the North Yorkshire County Structure Plan, third alteration of 1995 and the Whitby Local Plan of 1983. Policy E1 of the Structure Plan gives priority to the conservation of the National Park and includes that there will be a presumption against new development except where it can be shown to be necessary in that location. Policy H4 of the Local Plan seeks to restrict housing development to identified settlements and taking into account, amongst other criteria, the visual effect of the development on existing buildings and landscape.
4. A revised deposit draft of the North York Moors Local Plan was published in March 2001. A Public Local Inquiry was held in January 2002 and the Inspector's report has been received. Policy H10 seeks to permit annexe accommodation where it is an extension to an existing dwelling, or conversion of an outbuilding, and is designed and sized to serve a long term ancillary function in connection with the main house. This policy was not the subject of representation or objection. It is at an advanced stage in the process toward adoption and carries considerable weight.

Reasons

5. The appeal site is within the North Yorkshire Moors National Park by virtue of being on the south side of Iburndale lane. It is within the built up residential area of Sleights. In my

opinion, it would have an insignificant effect on the purposes of National Park designation. I do not therefore consider that the proposed annex would be contrary to Policy E1 of the Structure Plan.

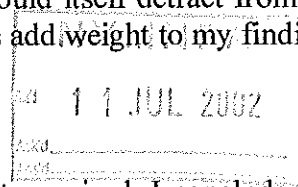
6. The area is characterised generally by brick built houses of one or two storeys. On the south side of the road, the houses are mainly in pairs, separated by mature gardens and set back from the road by about 12m. No 34 is a two-storey red brick semi-detached house with a hipped tiled roof. The single garage is of brick with a profiled fibre-cement roof. The ground floor of No 34 is above the first floor level of No 36 and about 1.5m above the existing garage floor.
7. The proposed building would be 6.725m wide and 8.65m long. It would rival the existing houses either side in ground floor area. In my opinion, the proposal would have the appearance of a detached bungalow. This would contrast with the design of the dwellings on either side. I consider that it would appear to be dwarfed in height by the two-storey house at No 34. Conversely it would, in my view, encroach awkwardly on the appearance of No 36, because of the height difference. I consider that the combined effect would disrupt the pleasant residential character of the street.
8. In my opinion, the proposed annexe would have a harmful visual effect on the character and appearance of the area, which would be contrary to Policy H4 of the Whitby Local Plan. The proposed building is not an extension to the main house or a conversion of an outbuilding. It would not therefore accord with Policy H10 of the emerging Local Plan.

Other Matters

9. The appellant has prepared diagrams for an alternative scheme in order to address the concerns of the Council. The revisions propose an extension to the main house rather than a separate annexe. This would be very different in form. Considerations may be relevant in that case, which do not apply in this appeal. The Council should consider the proposed alternative in the first instance.
10. The appellant has set out personal and family reasons for the type of accommodation proposed, as well as a desire to provide assisted holiday accommodation for disabled persons. Such personal circumstances will seldom outweigh more general planning considerations and the proposed development would be in place long after those circumstances have ceased to be material. I therefore give them little weight in this case.
11. The proposed access drive would be required to allow an exit in forward gear if the current turning space were to be given over to parking. The highway authority has not properly assessed the proposed drive, but has expressed the view that it could be achieved. From my visit I note that the garage and drive are about 3m above the road level at the proposed new access. The difference between the levels of the road and garden would require a steep driveway to turn and rise within the front garden area. I am not convinced that this would be practical or provide the necessary room to manoeuvre and would itself detract from the character of the area by removal of the vegetation. These factors add weight to my findings on the main issue.

Conclusions

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



Formal Decision

13. In exercise of the powers transferred to me, I dismiss the appeal.

Information

14. 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.


INSPECTOR

