

Appeal Summaries for Cases Determined 01/04/2017 to 30/06/2017

Application No: 15/00798/OUTM
Appeal by: Pilcher Homes Ltd
Proposal: Erection of 109no. dwellings
Site: Land To The North Of Avon Drive Huntingdon York
Decision Level: CMV
Outcome: DISMIS

The application was for the erection of 109 houses on a greenfield site in the Green Belt as shown in the 2005 local plan. The site was not allocated for housing in the emerging local plan. The application was refused mainly due to impact on the Green Belt. The Secretary of State found that: the 2005 local plan carries very limited weight because it has not been adopted; the emerging plan carries very limited weight because it is at such an early stage; the site lies within the general extent of the Green Belt; the site should be treated as being within the Green Belt until an adopted local plan defines the Green Belt boundary; the development conflicts with all purposes of the Green Belt except the second, which is to prevent neighbouring towns merging into one another; there are no very special circumstances of such weight that they outweigh harm to the Green Belt. The appeal was dismissed.

Application No: 16/00310/FUL
Appeal by: Mr Paul Raine
Proposal: Dormers to front and rear (resubmission)
Site: 31 White Cross Road York YO31 8JR
Decision Level: DEL
Outcome: PAD

The application proposed front and rear dormers to this terraced house, however the LPA's refusal related only to the front dormer. The Inspector noted that the roofs of White Cross Road (on both sides of the street) are 'largely unaltered' this gives the roofscape to the front of the terraces a 'simple, uncluttered appearance'. The Inspector considered the front dormer would be a prominent and incongruous feature that would dominate the front elevation of the property and would detract from the uniform and uncluttered appearance of the roofscape. The Inspector noted that the grounds for appeal included previous approvals for 'similar' dormers at No's 10 and 19 White Cross Road. However he gave weight to the fact that these dormers were approved prior to the approval of the SPD and were 'not assessed under the provisions of current advice'.

Application No: 16/00701/FUL
Appeal by: St Catherine's Developments
Proposal: Roof extension to provide additional apartment
Site: Hilary House St Saviours Place York YO1 7PJ
Decision Level: CMV
Outcome: ALLOW

Hilary House is a 5-storey office building dating from the 1960's, which was converted from offices into apartments under PD rights. The site is within the Central Historic Core. It is identified as a detractor in the conservation area appraisal, due to its over-dominant height and uncharacteristic form; surrounding buildings are predominantly domestic in character and scale and generally in residential use. In particular the building looks out of place in views from the City Walls, from where it is highly apparent above the historic roofscape. The proposals were to add a storey to the roof of the building. The existing roof is flat, penetrated by a small over-run to the service core. The extension proposed was described by the applicants as having a whale-back form. The extension had support from Historic England and was recommended for approval. Members refused the application because they considered the host building to be harmful to the appearance of the area already. The proposed extension would amplify the harm. The inspector allowed the appeal. He agreed with the applicant's view that the extension proposed would improve the roof form of the building. The inspector stated that the proposed rooftop extension would have a recessive presence at roof level, the walls and roof being inset from the currently unbroken and incongruously horizontal parapet wall that is so jarringly at odds with the surrounding roofscape. It would add extra height to the existing structure but it would not, in the inspectors judgement, be a disproportionate addition to the building, rather it would introduce articulation to the roof and the form would reference the historic setting. The inspector therefore concluded that the extension would not harm the conservation area.

Application No: 16/01212/FUL
Appeal by: Mr Simon Hamilton
Proposal: Erection of 1no. dwelling
Site: 20 Cornlands Road York YO24 3DU
Decision Level: DEL
Outcome: DISMIS

The application was for a detached dwelling. The Cornlands Road streetscene is very ordered in terms of building style, materials, and spacing between homes. The immediate area of the estate contains no detached dwellings, either as originally built or as later in-fills. The application was refused on visual amenity grounds. The scale, design, and the loss of an important gap between buildings was considered to result in an incongruous and prominent form of development that would sit uncomfortably with its surroundings, and appear cramped and over developed, and as such be out of keeping and harmful to the character and appearance of the streetscene and surrounding area. The Planning Inspector agreed with the LPA stating that the proposed development would not reflect the predominant ridge line and substantial appearance of the dwellings extending along the northern streetscape of Cornlands Road. Furthermore, whilst the dwelling would be served by amenity areas to the front and rear, its location in close proximity to the extant dwelling and the side boundary would result in a dwelling of a cramped and constrained appearance. The asymmetric siting of the dwelling in the gap between 20 and 22 Cornlands Road would also be at odds with the prevailing well-spaced layout of this residential area.

Application No: 16/01863/FUL
Appeal by: Miss And Mr Ness
Proposal: Erection of 1 no. dwelling following demolition of existing garage (resubmission)
Site: 2 Norfolk Street York YO23 1JY
Decision Level: DEL
Outcome: DISMIS

The application was for a detached dwelling within the rear yard to 2 Norfolk Street. The site was small and backed onto the rear yard and single storey extensions of the neighbouring property along Bishopthorpe Road. The Inspector agreed that whilst the proposed dwelling would be within an established residential area, its design and scale would appear incongruous and out of keeping with the streetscene which is predominantly one of Edwardian terraces with houses of similar appearance and scale. Whilst it would be similar in height to the rear off shoot of 2 Norfolk Street number 4 would dominate the proposed dwelling and result in an appearance visually at odds with the surrounding area. Furthermore, the position of the dwelling in the gap between Bishopthorpe Road and Norfolk Street terrace would have an unbalancing effect on the streetscene. The property to the rear at 114 Bishopthorpe Road has been extended and has a single storey element with windows facing the application site. A single storey garage is present to the application site. The Inspector noted that the proposed dwelling would be off set from the windows but the extent towards the windows would be greater than the existing garage. The facing elevation of the proposed dwelling would be two storey's high and would present a largely blank brick wall to No 114. Whilst the dwelling would lie to the north the combined effect of the increase in scale, closer position and proximity of the proposal to the relevant windows and door compared to the existing garage would result in a limited material impact on daylight. In addition the height of the proposed dwelling, its largely blank rear elevation, position and proximity to the rear extension of No 114, would have an overbearing effect on the occupiers of No 114 and would reduce outlook having a significant adverse impact on the occupiers living conditions.

Application No: 16/02368/FUL
Appeal by: Mr Craig Hopwood
Proposal: Variation of condition 2 of permitted application
14/01573/FUL (approved plans) to install balcony to rear
(retrospective)
Site: GreensleevesLords Moor LaneStrensallYorkYO32
5XF
Decision Level: DEL
Outcome: DISMIS

The above retrospective application related to a large raised platform 1.6m x 5.7m that was erected outside a first floor rear bedroom of an extended dormer bungalow. The approved scheme showed a Juliette balcony. It was refused permission because the platform would provide an unduly high level of external overlooking and general intrusion into a large part of the rear garden of the neighbouring property. The properties on Lords Moor Lane have long rear gardens which back on to fields and have relatively high levels of privacy. The Inspector dismissed the appeal making reference to the difference between the impact of the structure and the approved Juliette balcony. He did not feel that a privacy screen restricting overlooking of the neighbouring home and section of garden immediately adjacent to the property was sufficient to overcome concerns regarding the negative impact on the overall enjoyment of the neighbours large garden.

Application No: 16/02571/FUL
Appeal by: Mr Wayne Dixon
Proposal: Dormer window to rear and 2no. rooflights to front
Site: 2 Hawthorne Mews Strensall York YO32 5RR
Decision Level: DEL
Outcome: DISMIS

The appeal site is a semi-detached dwelling located within the Strensall Conservation area and forms part of a development of five dwellings comprising two pairs of semi-detached houses and a detached bungalow on a backland site which is based on a former orchard situated between 5 and 7 The Village and the wash land of the Foss. Planning permission was sought for the construction of a pitched roof rear dormer window and two roof lights to the principal elevation. The Council refused the application on the grounds that rear dormer would be disproportionately large resulting in a dominant, top heavy and unbalanced appearance which is not compatible with the existing simple character and appearance of this group of buildings, designed to reflect the site's former agricultural context. It was considered that the development would cause less than substantial harm to the conservation area and its wider setting which is characterised by a simple, uncluttered roofscape. The Council did not consider that neighbour amenity would be compromised. The Inspector agreed with The Council on the grounds of scale, design and location would harm the character and appearance of the host dwelling and the group of dwellings of Hawthorn Mews. The Inspector concluded that the harm to the significance of the CA would be less than substantial, there are no public benefits that would outweigh that harm.

Application No: 16/02708/FUL
Appeal by: Dr G Dykes
Proposal: Single storey rear extension
Site: 28 Heworth York YO31 1AF
Decision Level: DEL
Outcome: ALLOW

The proposal was for a single storey rear extension projecting approx 6.0m along the shared boundary with No.30 Heworth, at a height of approx 2.5m. Permission was refused because the extension was considered to be an overdominant structure which would harm the living conditions of 30 Heworth. The Inspector ascribed considerable weight to the SPD but considered that the additional impact of the extension would not cause any material increase in overshadowing or sense of enclosure. Given its rear location, it was considered the extension would have a neutral impact on the Heworth Conservation Area.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed