

## Appeal Summaries for Cases Determined 01/04/2010 to 30/06/2010

**Application No:** 09/00290/LBC  
**Appeal by:** Gateway Christian Centre  
**Proposal:** Retention of 1No.externally illuminated sign to Green Lane elevation  
**Site:** The Old School□Front Street□York□□  
**Decision Level:** DEL  
**Outcome:** ALLOW

The retrospective application for Listed Building Consent was refused on the grounds that the large static illuminated florescent strip light (measuring 5.2 metres in length) was considered to cause considerable harm to the visual amenity of the listed building and cause the sign to be unduly prominent within the streetscene and the conservation area. The strip light was considered to be out of scale, clumsy and discordant creating an appearance of clutter and excessive visual intrusion when seen in context of the listed building. The scale of illumination was considered in this location further to detract from the visual amenity of the area and the character and appearance of Acomb Conservation Area and listed building.□□The Inspector did not agree, despite the Local Plan policy being explicit in that trough lights would not be allowed in conservation areas and upon listed buildings. The inspector did not mention Policy HE8 in his decision and therefore no reasoning was given for why he did not consider this policy.□

---

**Application No:** 09/00293/ADV  
**Appeal by:** David C Donkin, Gateway Church  
**Proposal:** Retention of 1no. externally illuminated lettering sign to Green Lane elevation (re-submission)  
**Site:** The Old School□Front Street□York□□  
**Decision Level:** DEL  
**Outcome:** ALLOW

The retrospective application was refused on the grounds that the strip light above the lettering measuring 5.2 metres in length would cause visual harm to the listed building and by virtue of the lighting unduly prominent within the streetscene. The sign was sited on an extension of a Grade II listed building within the Acomb Conservation Area. The trough light was considered to create a cluttered appearance and obscure the lettering reducing the simple modern visual impact of the lettering. The lettering together with the permanent illumination was considered to create an alien and discordant element within the overall street scene contrary to the terms of Policy GP21 and HE8.□□The Inspector did not agree, despite the Local Plan policy being explicit in that trough lights would not be allowed in conservation areas and upon listed buildings. The inspector did not mention Policy HE8 in his decision and therefore no reasoning was given for why he did not consider this policy.□

---

**Application No:** 09/00447/FUL  
**Appeal by:** Mr Harry Johnson  
**Proposal:** Detached two storey dwelling and detached single garage (resubmission)  
**Site:** Westholme □ 29 Church Street □ Dunnington □ York □ YO19 5PP □  
**Decision Level:** COMM  
**Outcome:** DISMIS

This application was refused at East Area Planning Sub Committee (against officer recommendation) in October 2009. The application sought consent for a detached two storey house and single garage within the rear garden of 29 Church Street which is within the Dunnington Conservation Area. The application was refused for two reasons: 1) it was considered to be overbearing and over-dominant to the detriment of the outlook, amenity and privacy of occupiers of Stockhill Close; 2) it was considered to represent an incongruous form of development that would be out of scale and character with the semi-rural location and surrounding area. The appeal inspector dismissed the appeal as he felt that the proposal would introduce an uncharacteristic form of development into this important area, which would have a detrimental impact on its historic character and layout. He felt that the site makes a valuable contribution to the openness of the area to the rear of the Church Street frontages. The inspector concluded that the effect of the proposal on the living conditions of adjacent residents on Stockhill Close, in terms of outlook, privacy and light, would be insufficient on its own to render the proposal unacceptable. However it was considered to contribute to the overall conclusion that the appeal should fail.

---

**Application No:** 09/00541/FUL  
**Appeal by:** Michael Hammill  
**Proposal:** Conversion of basement to form self contained flat (retrospective application)  
**Site:** Zero House □ Greycliffe Drive □ York □ YO30 6LL □  
**Decision Level:** DEL  
**Outcome:** APPWDN

The appeal was against the imposition of a condition of approval that restricted occupation to the appellant, his spouse, family and visitors for a maximum period of 3 years. This condition was imposed to allow for personal circumstances of appellant who was occupying the basement flat, but was considered necessary by the Council as the living conditions for occupants of the flat were considered to be unacceptable in terms of daylight and outlook. □ □ The appeal was withdrawn following an indication in writing by the Planning Inspectorate that the Inspector considered the living conditions of the flat also to be unacceptable and that dismissal of the appeal could result in the revocation of the personal planning permission granted by the Council.

---

**Application No:** 09/01083/FUL  
**Appeal by:** Mr And Mrs Warner  
**Proposal:** Erection of 1no. dwelling with dormers to front and rear and associated access off Garth road (resubmission)  
**Site:** 9 Keith Avenue □Huntington □York □YO32 9QH □  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal site is a residential plot positioned between Keith Avenue and Garth Road Huntington. Permission was sought to erect a dormer bungalow within the rear garden area of 11 Keith Avenue with access off Garth Road. It was refused on the grounds that the proposal would conflict with the existing form and layout of the surrounding area to the detriment of the character, appearance and visual amenity of the area. Furthermore the proposal, if granted, would set a harmful precedent for similar developments on adjacent plots which would be difficult to resist, and which accumulatively would result in further harm to the character and appearance of the area. The Inspector agreed that the proposal would have a harmful effect on the character and appearance of Garth Road. The introduction of a dwelling with its front elevation just two metres or less from a narrow road with no footpath would be noticeably discordant and incongruous. Furthermore, technical issues such as distance from existing dwellings have only been satisfied at the expense of the quality of that living environment. The inspector also agreed that if the appeal was to be allowed there would be no reasonable basis for the council to resist further similar developments, the result would present too urban a character to this edge-of-city suburban location.

---

**Application No:** 09/01084/FUL  
**Appeal by:** Mr And Mrs Knowles  
**Proposal:** Erection of 1No dwelling with dormers to front and rear and associated access off Garth Road (resubmission)  
**Site:** 11 Keith Avenue □Huntington □York □YO32 9QH □  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal site is a residential plot positioned between Keith Avenue and Garth Road Huntington. Permission was sought to erect a dormer bungalow within the rear garden area of 11 Keith Avenue with access off Garth Road. It was refused on the grounds that the proposal would conflict with the existing form and layout of the surrounding area to the detriment of the character, appearance and visual amenity of the area. Furthermore the proposal, if granted, would set a harmful precedent for similar developments on adjacent plots which would be difficult to resist, and which accumulatively would result in further harm to the character and appearance of the area. The Inspector agreed that the proposal would have a harmful effect on the character and appearance of Garth Road. The introduction of a dwelling with its front elevation just two metres or less from a narrow road with no footpath would be noticeably discordant and incongruous. Furthermore, technical issues such as distance from existing dwellings have only been satisfied at the expense of the quality of that living environment. The inspector also agreed that if the appeal was to be allowed there would be no reasonable basis for the council to resist further similar developments, the result would present too urban a character to this edge-of-city suburban location.

---

**Application No:** 09/01215/FUL  
**Appeal by:** Mr And Mrs Jeremy Hansbro  
**Proposal:** Erection of 1no. four-bedroom detached house to rear of 57 York Road  
**Site:** 57 York Road □Haxby □York □YO32 3EE □  
**Decision Level:** CMV  
**Outcome:** DISMIS

Planning permission was refused by Committee (as recommended) for the erection of a house in the rear garden of a detached house due to the impact on the occupiers of the existing house due to noise, disturbance and loss of privacy caused by the shared use of the access and driveway to the side of the existing dwelling. The inspector disagreed but dismissed the appeal anyway due to impact on the character of the area - which was not a concern of the council.

---

**Application No:** 09/01236/OUT  
**Appeal by:** Mr Jim Stoyles  
**Proposal:** Outline application for the erection of a dwelling  
**Site:** Viewlands □ 227 Malton Road □ Huntington □ York □ YO32 9TD □  
**Decision Level:** DEL  
**Outcome:** DISMIS

Permission was refused for this application in the green belt as it was deemed inappropriate development which is, by definition, harmful to the Green Belt. The development would also have harmed the openness of the Green Belt. The Inspector identified 4 issues: (a) whether the development was inappropriate (b) the effect on openness of the green belt (c) off site open space provision (d) whether there are any special circumstances to outweigh a and b. He concluded the development was inappropriate and so by definition harmful, and that although a dwelling sympathetic to its surroundings could be designed, it would still by its presence cause (limited) harm to the openness of the green belt. In terms of (c) the inspector supported Local Plan Policy L1 c seeking a contribution towards open space provision which the appellant argued ought not to be necessary for a single dwelling. For (d), reference by the appellant to the Huntington Action Area north of the and partly in the green belt, to a now lapsed permission for 4 dwellings at a nearby garage site and to the sustainability credentials of the development did not persuade the inspector that there were very special circumstances to outweigh the presumption against this inappropriate development in the Green Belt.

---

**Application No:** 09/01351/FUL  
**Appeal by:** Mr J Barrie  
**Proposal:** Erection of 1no. two storey detached dwelling. Alterations to existing dwelling: change of use of garage to games room (resubmission)  
**Site:** Marina House □ Naburn Lane □ Naburn □ York □ YO19 4RW □  
**Decision Level:** COMM  
**Outcome:** DISMIS

Permission was refused because (i) The development was inappropriate in the Green Belt (ii) No affordable housing was proposed on this rural site over 0.03 ha where more than one house would be expected (iii) the development would have an overbearing and over dominant impact on Marina House close by as well as suffer inadequate privacy because of an overlooking balcony on that property. The Inspector found the development was not infill development and no special circumstances to outweigh the harm to the green belt were brought forward. In terms of affordable housing, the provision of at least 2 houses was considered to potentially further harm openness of the Green Belt such that any development including affordable housing would not be acceptable. The Inspector agreed that the private space of the new dwelling would suffer overlooking from the balcony at Marina House and that the new development would be overdominant from Marina House.

---

**Application No:** 09/01641/FUL  
**Appeal by:** Mr Shaun Binns  
**Proposal:** External alterations and balcony to front  
**Site:** The Lowther 8 Cumberland Street York YO1 9SW  
**Decision Level:** DEL  
**Outcome:** DISMIS

Proposed 1st floor steel balcony of modern materials and horizontal emphasis. Refused due to visual impact, impact on conservation area and adjacent listed buildings. The attachment would generally not sit well with a building of this age and character. Also it would cut across detailing on the building, the required access, by increasing the size of window openings, would lose the existing symmetry, the structure, associated furniture and presence of patrons would draw further attention to what would be an incongruous feature. Attachment would detract from adjacent listed building, by being obtrusive and competing for attention. Amenity - residential terrace attached and balcony would be adjacent neighbour's window. A noise report submitted demonstrated noise levels would not exceed background levels and area would operate to restricted hours. As no evidence that noise levels would materially increase inspector found noise impact was not grounds for refusal.

---

**Application No:** 09/01767/OUT  
**Appeal by:** Mr Ben Baldwin  
**Proposal:** Erection of 1 no. detached dwelling  
**Site:** Manor Farm Towthorpe Road Haxby York YO32 9SP  
**Decision Level:** DEL  
**Outcome:** DISMIS

Planning permission was refused for the erection of a speculative house within a farm holding. Reasons were impact on the green belt and conservation area. Inspector dismissed the appeal on both grounds - and refused the appellant's application for costs.

---

**Application No:** 09/01816/FUL  
**Appeal by:** Mr Steve Boyne  
**Proposal:** Single storey side extension, conservatory to rear and renovation works for swimming pool  
**Site:** 2 Station Cottages □ Naburn Lane □ Naburn □ York □ YO19 4RW □  
**Decision Level:** DEL  
**Outcome:** DISMIS

Application for extensions to dwelling already substantially extended refused under delegated powers on green belt grounds. Inspector concluded that the replacement swimming pool enclosure at rear of house would further increase the extended house and would therefore be disproportionate and due to the taller walls and higher roof ridge would be visually more assertive and evident in vistas from outside the site. As a result, the proposal would constitute inappropriate development that would unacceptably intrude upon the openness of the green belt and character and appearance of the area. No 'very special circumstances' existed to outweigh this harm. The appeal was dismissed.

---

**Application No:** 09/02013/ADV  
**Appeal by:** Mr Nicholas Northam, Realstar Hote  
**Proposal:** Display of 7no. internally illuminated fascia signs, 1no. internally illuminated totem sign, 13no. non illuminated freestanding signs, 4no. non illuminated fascia signs, 4no. floodlights and 1no. flagpole  
**Site:** Holiday Inn□Tadcaster Road□Dringhouses□York□YO24 1HF□  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application site is within the Tadcaster Road Conservation Area. The application was for the replacement of a signage to the Holiday Inn and additional floodlights. The application was part approved/part refused. The elements refused were the floodlighting, and the replacement totem sign to front of the building.□□The inspector dismissed the appeal. He considered that the proposed totem sign would be a bulky and ungainly structure. Whilst the precise position of the sign was unclear it would be sited closer to Tadcaster Road, and was therefore considered to have a greater presence in the street scene than the existing sign. As such it would be a discordant and intrusive feature that would be at odds with the prevailing character of the street scene and the Conservation Area.□□The Inspector also considered the floodlighting to be harmful and dismissed the appeal. He took into account the existing streetlighting, and the illuminated signage on the site permitted by the Council, and floodlighting (no consent). Night time photographs submitted by the council showed lit windows in the side and end elevations of the building. The main hotel building is set back from Tadcaster Road, from where the floodlit façade would be observed at an oblique angle and with intervening foliage.□The Inspector considered that the amount of existing and permitted illumination in, on and around the building, and considered the proposed floodlighting to be excessive, reinforcing the presence of the site during the hours of darkness to an unacceptable degree.□

---

**Application No:** 09/02018/FUL  
**Appeal by:** Roger Lee And Sally Hayes  
**Proposal:** First floor flat roof side extension with balcony to front. Alterations to front boundary including new gates (1.8m high).  
**Site:** 29 Albemarle Road□York□YO23 1EW□  
**Decision Level:** DEL  
**Outcome:** DISMIS

Relates to an early C20 semi-detached red brick house overlooking the knavesmire. Proposed was a 2-storey side extension with a flat roof, clad in grey render. The extension involved the loss of a chimney. □Inspector objected to the materials and roof shape, that would be out of character. The chimney loss was also objected to on the grounds this would lead to a loss of symmetry of the pair of semi-detached houses.□

---



**Application No:** 09/02089/FUL  
**Appeal by:** Mr Andrew Thompson  
**Proposal:** Part first floor part two storey side extension and alteration to roof of existing single storey part. (resubmission)  
**Site:** 81 Lower Priory Street□York□YO1 6HD□  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was refused as the size, location and subsequent proximity to surrounding houses of the extension would appear overbearing over 22 and 23 Hampden Street and would appear overbearing and cause a loss of light to the kitchen and rear yard of 48 Victor Street. The Inspector agreed that from the pleasant small rear yard of 48 Victor Street the extension would be imposing and overdominant and would reduce sunlight. He also agreed that the gable wall of the extension would be overbearing from the rear of 22 and 23 Hampden Street.

---

**Application No:** 09/02142/FUL  
**Appeal by:** Mr And Mrs Harvey  
**Proposal:** Pitched roof dormer to rear  
**Site:** 3 Main Street□Heslington□York□YO10 5EA  
**Decision Level:** DEL  
**Outcome:** ALLOW

The retrospective application was refused as the dormer was considered disproportionately large in relation to the scale of the building, and appeared as an uncharacteristic feature that was intrusive in the street scene. It was therefore harmful to the character and appearance of the conservation area. The inspector disagreed that it was harmful; concluding that being to the rear was not prominent and could only be seen from discreet views. He also argued the materials were sympathetic and that there were other dormers to properties within the vicinity.

---

<b>Decision Level:</b>	<b>Outcome:</b>
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed