

Appendix B
Planning Appeal summaries between 01/04/24 and 30/06/24

Case number	Appeal by	Description	Address	Outcome
23/00043/REF	The Stonegate Group	Erection of pergola and extension of paved seating area to side - retrospective	Walnut Tree Inn Heworth York YO31 1AN	Appeal Allowed

Notes

This appeal related to a pergola and extended paved seating area. The works are already in situ within the garden of the Walnut Tree Inn within the Heworth Green East Parade Conservation Area. The Inspector remarked that the use of timber is not reflective of the predominant building material, however from many vantage points it is the open side of the pergola that is prevalent in views, with the main building remaining clearly visible in between timber posts. Adding that whilst it extends forward of the main building, the one solid timber boarded elevation that faces the road is only visible from limited vantage points. In such views, it sits below the eaves of the conservatory extension and it appears as clearly subservient to the main building. The pergolas modest scale and height and its subordinate natures means that it does not unduly draw the eye, nor does it detract from the street scape or diminish the spacious garden setting of the site. The Inspector concluded that the development preserves the character and appearance of the Conservation Area and does not harm its significance as a designated heritage asset. As no harm was found, the inspector did not need to weigh the public benefits of the development.

Case number	Appeal by	Description	Address	Outcome
23/00048/REF	Mr S Nelson	Retention of hardstanding area	Country Park Pottery Lane Strensall York YO32 5TJ	Appeal Dismissed

Notes

The appeal related to an area of hardstanding purporting to be required for use for agricultural purposes in connection with an adjacent agricultural building. On visiting the site no evidence of agricultural use could be ascertained and during the course of processing an application for Prior Approval was submitted for change of use of the associated agricultural building to a commercial use. The development was refused planning permission on the grounds of being inappropriate development with no very special circumstances. The use of an impermeable surfacing material provided a second reason for refusal on flood risk grounds. The appeal inspector agreed that the development was inappropriate in the Green Belt and that it harmed in particular the spatial aspect of openness. The extension of hardstanding into an area previously landscaped was also taken to be an

encroachment into open countryside. The Inspector went on to agree with the potential flood risk harm from the surfacing material and dismissed the appeal.

Case number	Appeal by	Description	Address	Outcome
23/00040/REF	Mr Matt Waugh	Change of use of dwelling (use class C3) to House in Multiple Occupation (use class C4) and dormer to rear	46 Cromer Street York YO30 6DQ	Appeal Dismissed

Notes

Planning permission was refused for a Change of Use of this C3 house into a C4 House of Multiple Occupation. The property is within a street of terraced houses. The reason for refusal was because the number of HMO's within 100m of the application site breached the threshold of 10% referenced in HMO Policy H8 of the Draft Local Plan, and the supporting Supplementary Planning Document which accompanies the Article 4 Direction on such matters; this site taking the number of HMO's at the street level to 13.14%. The Inspector was broadly supportive of the policy and what it was seeking to achieve and attached weight to it. They said that '...the use of a threshold at street level is an important tool in the Council's efforts to prevent the creation of large concentrations of HMO's within neighbourhoods and the incremental erosion of the character of residential areas'. They also recognised the different type of HMO occupation in terms of occupiers leading independent lives from one another and that 'attendant comings and goings, along with those of visitors, would lead to a level of activity that would be more marked and intensive than that which could reasonably be expected with a single household'. They went onto say that this would be more marked here due to the close physical relationship of the (terraced) houses. They attached weight to the cumulative impact of such uses and concluded that even though at 5no. occupiers, the use of the property individually was similar to that of a C3 dwellinghouse, and that the property itself was well maintained and would likely offer appropriate accommodation, every additional HMO over the threshold had the capability of add harmfully to the cumulative impact here. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
23/00024/REF	Mr Nick Read	Change of use from dwelling (class C3) to House in Multiple Occupation (class C4) to house a maximum of 4 people - retrospective	15 Main Avenue York YO31 0RT	Appeal Allowed

Notes

The change of use to HMO took place on 31 March 2014. The house was being occupied by 6 tenants, the application was for 4 tenants. At street level the concentration of HMO's is 11.1% not including the appeal property (over the 10% threshold in the policy and the SPD). As such the application was refused. The appeal was allowed on the following grounds -That there are already

tenants in the property who would be made homeless as a result of dismissing the appeal is a material consideration in this case. 4 residents would operationally likely cause little difference in comings and goings & demand for car parking compared to a single household. Given what is proposed is an HMO for four tenants rather than the current six, the inspector was not persuaded that there would be any substantive harm in terms of the character of the area and its amenities from the continued use. The fact that there is a slightly higher concentration of HMOs in Main Avenue than the SPD and emerging Policy H8 would allow is outweighed by the material consideration that this is an existing licensed HMO. Were the appeal to be dismissed it would simply result in making tenants homeless. The inspector imposed a condition restricting the number of occupants to 4. They found that although the floorspace in the house (six bedrooms over three floors) almost meets the 129 square metres set out in the Technical Housing Standards - Nationally Described Space Standard, they were not satisfied that the layout and provision in terms of shared living space and bathroom facilities would constitute a standard of accommodation that would protect the residential amenity for current and future occupiers as required by DLP Policy H8.

Case number	Appeal by	Description	Address	Outcome
24/00004/REF	Mr and Mrs Hodgson	Single storey side extension, first floor side extension and erection of detached garage following demolition of conservatory (retrospective)	The Granary Old Carlton Farm Sandy Lane To Boundary Stockton On The Forest York YO19 5XS	Appeal Dismissed

Notes

The application site relates to a residential dwelling known as The Granary, a former agricultural building originally in association with Old Carlton Farm outside of the village settlement limits of Stockton on the Forest and within the general extend of the Green Belt. Retrospective planning permission was refused for a part first floor and single storey extension. The LPA refused the application on grounds the dwelling had already been significantly extended at first floor and single storey which substantially increased the size of the original building as it appeared on historic maps dating from 1983. The completed development (the subject of this application) has incorporated further first and single storey extensions to the dwelling. When added to the previous substantial increase in the size of the building, the works cumulatively represent a disproportionate addition to the size of the original dwelling (over 150% increase in volume), which would constitute inappropriate development in the Green Belt. Also the massing and volume would impact upon character and openness. The Inspector agreed with the LPA and considered the additional development lacked subservience to the original dwelling. He concluded that while the dwelling would be generally screened form outside views, it was disproportionate and impacted upon the character and appearance of the site.

Case number	Appeal by	Description	Address	Outcome
24/00002/REF	Ms Emer Nugent	Two storey pitched roof side extension to replace existing with 1no. dormer to rear, single storey extension to rear and alterations to doors/windows to rear	22 Galtres Road York YO31 1JR	Appeal Dismissed

Notes

The application property is a semi-detached house, with a 2-storey side extension with flat roof. The scheme involved extending the pitched roof over the side extension but with a change from a hipped to a gable shaped roof and a rear dormer the full width of the extended house. The extension was refused on design grounds because it was overlarge / over-dominant and out of character with the design and scale of the host dwelling. The resulting roof would appear highly elongated and drawn out over the property. It would add a considerable bulk and mass to the property which would appear highly dominant and would not appear subordinate to the host property. It would also considerably unbalance the pair of semi-detached properties. The rear dormer, due to its overall size, design and siting, would appear as a bulky and incongruous addition, dominating the rear roof slope and appearing excessive. It would be seen in context with the side extension and compound the adverse visual effect. The visual harm would be in conflict with the NPPF and local policies and the house extensions draft guidance therefore the appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
23/00042/REF	Mr Thomas	Formation of access road from caravan site to rear of Home Lea	Home Lea Elvington Lane Elvington York YO41 4AX	Appeal Dismissed

Notes

The proposal related to the erection of an access road to a residential park home site bypassing the existing access which goes through the compound occupied by the appellant's family. It had previously been refused planning permission, been constructed anyway and been the subject of an enforcement notice appeal which was dismissed. The resubmitted scheme included provision for landscape planting along the line of the access road to attempt to address the previous appeal dismissal. It was the LPA contention that this did not address the harm of the proposal to the openness of the Green Belt and that the landscape planting would if anything only serve to highlight the presence of the road. The appeal inspector agreed that whilst the landscaping would have some mitigating impact, the harm to the openness of the Green Belt would be maintained in that vehicles using the access road would still be highly visible for some distance to east. It also remained an encroachment into open countryside and therefore contrary to the purposes of designation of the Green Belt. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
23/00045/REF	Mr John R Knowles	Variation of condition 2 of permitted application 21/02437/FUL to alter ridge roof and eaves height, relocation of front door and addition of 2no. windows	Pasture Farm Main Street Deighton York YO19 6HD	Appeal Dismissed

Notes

The application was made under section 73 of the Act to amend the approved plans. National planning guidance (NPPG) advises such a material change must only relate to conditions and not to the operative part of the permission. An application under section 73 may not be used to obtain a permission that would require a variation to the terms of the 'operative' part of the planning permission, that is, the description of the development for which the original permission was granted. The planning permission was for a single storey building. The proposed revisions to the scheme included an extra floor of development in the roof. The building would subsequently be 1.5 storey; not single storey. This would be a change to the original description of development. Consequently it could not be allowed under the section 73 minor material amendment process.

Case number	Appeal by	Description	Address	Outcome
23/00046/REFADV	Mr Antony Smith	Display of 4no. internally illuminated fascia signs, 4no. non illuminated fascia signs and 2no. boundary signs	Go Store Self Storage Ltd Monks Cross Drive Huntington York YO32 9GZ	Part Allowed/ Part Dismissed

Notes

The proposal was for express consent for new signage to a large building providing a self storage facility on the north side of Monks Cross Drive in Huntington. A split decision was issued by the local planning authority granting consent for all the signs except signs A.2, A.3 and B. These comprised two internally illuminated large box signs on the east side elevation and rear elevation which were considered to be unnecessary and created clutter on secondary elevations, and sign B which was considered to be an overly large sign comprising white internally illuminated lettering 'self storage' on the west elevation which would cause harm to visual amenity by being too prominent in the street scene. The Inspector agreed that sign A.3 constituted unnecessary clutter and would have a negative effect on visual amenity. However, they did not agree that sign A.2 was unnecessary and this sign was allowed. They also did not agree with the LPA that sign B was too large, allowing this sign providing it was not illuminated in order to protect visual amenity. The Appeal was part allowed and part dismissed.