

Appendix B - Summaries of Planning Appeals decided between 1 January and 31 March 2025

Case number	Appeal by	Description	Address	Outcome
24/00029/REF	Mrs T Brooks	Change of use to children's day nursery (use class E) including alterations and extensions (resubmission)	71 Osbaldwick VillageOsbaldwickYorkYO10 3NP	Appeal Dismissed

Notes

Tiddlywinks Nursery has been operating from their site on Murton Way in Osbaldwick since 2004. The proposal was to expand the existing facility into the adjoining detached bungalow with garden and garage adjoining the site to the north. Planning permission was refused on the grounds of significant highways safety concerns from the additional customers accessing the nursery and on the living conditions of occupiers of the adjacent residential premises with regard to noise and disturbance. The Inspector visited the site unannounced to observe the traffic and parking situation at peak drop off time. They noted that many arrived on foot and bike, despite poor weather and that the cars parked on the street were parked on average no longer than five minutes when dropping off. Cars did not block driveways and when multiple cars were parked outside the nursery this caused some minor inconvenience to other drivers and buses, but that it did not cause heavy congestion, long delays or road safety issues and was typical of most built up areas close to schools and nurseries at peak times. Whilst there would be an increase in on street parking with the proposed nursery expansion, the Inspector found that the proposal would not be detrimental to highways safety and the nursery is in a sustainable location. However they did agree that the additional noise and disturbance from the expansion of the nursery into the adjoining property would have an unacceptable impact on the reasonable amenity of the neighbours. The neighbours garden which would be additionally affected is currently peaceful and away from the existing nursery and road and the adverse noise would also be experienced by the neighbours in the property with windows open. Conditions could not address the additional noise. Insufficient mitigation had been proposed. Whilst there is demand for childcare places, and additional jobs would be created, this would not outweigh the harm to neighbour amenity.

Case number	Appeal by	Description	Address	Outcome
24/00030/REF	Mrs Assia Matova	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4) (retrospective)	234 MelrosegateYorkYO10 3SW	Appeal Allowed

Notes

This appeal related to change of use of a three-bed property to a 4no. bed HMO. The proposal was retrospective. The application was refused on the grounds that it would exceed density thresholds and thus would be in conflict with policy H8 of the DLP 2018, considered to have a detrimental impact on the character of the area, result in harm to neighbour's amenity, and contribute to an erosion in the balance of the wider community. The proposal was also considered to have a sub-standard provision of parking. One of the bedrooms comprised a floor space less than the minimum standard defined within the Guidance Notes for HMO Licensing, and therefore considered to reflect a poor provision of occupant amenity, depending on omission of this bedroom and/or layout changes. The Inspector paid close attention to the methodology for calculating densities, placing lesser weight on these calculations, querying the true relevance of some included properties. The Inspector could not be certain that all properties included were in use as HMOs or that they contributed towards the concentration of such properties in those areas. It was not considered that the use of the appeal property has to date, or will in future, result in any negative effects or community imbalance. The smallest bedroom was conditioned to only be used as a study or storage space, or a bedroom occupied by a child aged 10 or under that is a relative of an occupier of one of the larger bedrooms. On this basis, the Inspector was satisfied that the HMO would provide appropriate living conditions. Although of limited depth, the Inspector observed that two vehicles were suitably parked at a neighbouring address, of the same conditions, at the time of their visit. Although they acknowledged tandem parking could result in one resident's car being blocked in, the Inspector was not persuaded a small group of no more than 4 adults could not manage parking arrangements in a suitable manner.

Case number	Appeal by	Description	Address	Outcome
24/00032/REF	Mr Sam Chamberlain	Erection of 1no. dwelling to rear following demolition of detached garage	2 Norfolk StreetYorkYO23 1JY	Appeal Dismissed

Notes

The appeal relates to a detached garage associated with the host property, a large three storey end of terrace which has previously been converted to 9 flats. Proposals sought to construct a detached single 'coach house' style dwelling. The application was refused on three grounds: character and appearance, amenity and cycle and waste storage. The Inspector agreed that the scale of the 'coach house' style property was subordinate to the prevailing terraced development and that there were no other

similar outbuildings or structures in the immediate locality and that within the context the proposal would appear as a contrived and incongruous development. Officers also considered the proposals to result in overdevelopment however the Inspector disagreed with this point. In terms of amenity, the Inspector agreed that the impact on the outlook and light of the adjacent property would be compromised. Similarly in terms of cycle and waste storage, whilst the garage to be demolished is currently rented to a third party and does not form part of the existing residential storage, the flats currently have no cycle storage provision. The applicant proposed 2no. cycle spaces which the Inspector concluded was insufficient, and the applicant failed to demonstrate that adequate storage facilities could be provided on site for the existing and future occupants. It was concluded that whilst the proposed dwelling would add to the mix and supply of housing in the area, and would be in a sustainable location with good access to services, despite the Council's lack of housing land supply, the provision of additional housing did not weigh highly enough to overcome the issues raised.

Case number	Appeal by	Description	Address	Outcome
24/00041/REF	Jim Pigott	Outline application (with access, layout and scale being considered) for erection of 6no. dwellings with associated access, car parking and landscaping after demolition of buildings	Pigotts Autoparts Sheriff Hutton RoadStrensallYorkYO32 5XH	Appeal Dismissed

Notes

The site comprises a scrapyard situated within open countryside to the north of Strensall village and accessed from Sheriff Hutton Road. Planning permission was sought for the erection of a small development of six houses as a straight resubmission of an earlier proposal previously refused. The site is physically remote from the village and only safely accessible by car with Sheriff Hutton Road at National Speed Limit for most of its length and no footpath with an uneven verge unsuitable for walking on. At the same time no evidence was forthcoming in respect of the site having been marketed as employment land to secure compliance with Policy EC2 of the Local Plan. It was also felt that insufficient information was forthcoming to enable a Habitats Regulations Assessment to be undertaken in relation to the potential impacts of the proposal on the Strensall Common SAC. Planning permission was therefore refused a second time for those reasons. The appeal Inspector agreed that the site was not sustainably located and could only be reasonably accessed by car making it an isolated residential development in open countryside. At the same time the Inspector agreed that insufficient information had been forthcoming to secure compliance with Policy EC2 of the Local Plan in respect of loss of employment land. Notwithstanding that the Inspector indicated that they felt on balance that sufficient had been forthcoming to demonstrate compliance with the needs of the Habitats Regulations in relation to impacts upon the Strensall SAC. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00037/CON	Mrs Beth Davies	Removal of condition 7 (internal noise levels) of permitted application 21/00908/FUL	70 WalmgateYorkYO1 9TL	Appeal Allowed

Notes

Property is a former retail unit converted to dwelling. The appeal related to a condition which required noise attenuation to achieve specific noise levels within the bedrooms. The property is Grade 2 star listed and the Inspector understood that on heritage grounds only secondary glazing could achieve the required attenuation. However, this approach would (without trickle vents) require mechanical ventilation, which would also not be acceptable on heritage grounds. The Inspector found that on balance the conversion had vastly improved the listed building and given it a viable use. Any future purchaser would be aware of the local noise environment and possible disturbance, and the constraints of occupying a listed building. The Inspector found there was confusion in relation to relevant conditions related to large scale details required and noise attenuation. They were not precise or enforceable and the appeal was allowed.

Case number	Appeal by	Description	Address	Outcome
24/00033/REF	Mr Christopher Rymer	Change of use from a dwellinghouse (use class C3) to short term letting accommodation for up to 10 people (sui generis)	17 Penleys Grove StreetYorkYO31 7PW	Appeal Dismissed

Notes

The application sought retrospective planning permission for the continued use of 17 Penleys Grove Street from a dwellinghouse (use class C3) to short term letting accommodation for up to 10 people (sui generis). The LPA refused the application on grounds of the impact on adjacent neighbours for reasons that the occupation by large groups of adults in a largely residential location would result in unacceptable noise levels and disruption from socialising during the day and evening/early morning and from comings and goings by the occupants and through the use of the rear garden. The LPA did not consider the economic benefits to the city to support tourism would outweigh these concerns and concluded the proposal failed comply with Local Plan policy ENV2 (managing environmental quality) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework 2024. The Inspector balanced their assessment of the proposal on then draft Local Plan policy ENV2 (managing environmental quality) and gave significant weight to the draft policy for reasons it reflected National Planning Policy. The Inspector acknowledged the applicant had spent considerable amounts of money in the conversion of the property and appreciated the applicant had gone to some length to discourage stag and hen parties. However, they agreed with the LPA on matters of harm to neighbour amenity and concluded the holiday let use would encourage more outside activity than a family home, whereby residents would be more

respectful to their neighbours. The Inspector did acknowledge that there had been only one objection to the proposal, however concluded this would not necessarily mean other residents would not be affected by the proposal. The Appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00034/REF	Ms S Poole	Erection of 4no. detached dwellings with associated access, parking and landscaping	40 Fordlands RoadYorkYO19 4QG	Appeal Dismissed

Notes

The appeal relates to the development of 4 dwellings in the large rear garden of 40 Fordlands Road. The LPA refused the application for 2 reasons: Flood risk and poor design relating to household waste storage. The site is within Flood Zone 2. National Policy requires that development in Flood Zone 2 is required to pass the sequential test. The aim of the sequential test is to steer development to the lowest area of flood risk by looking at whether there are any reasonably available sites in a lower area of flood risk. The Inspector agreed that the area of search for reasonably available sites should be the administrative area of the City of York. As such the Inspector concluded that proposed development fails the sequential test as it was not demonstrated that the development could not be located in an area at lower risk of flooding. The Inspector gave significant weight to the proposals conflict with National Planning Policy on Flood Risk and considered no material considerations outweighed the conflict, and therefore dismissed the appeal on that basis. The Inspector concluded that suitable provision for household waste in a manner that would not harm the visual appearance of the area would be provided.

Case number	Appeal by	Description	Address	Outcome
24/00036/REF	Mr Andrew Hare	Erection of shed - retrospective	Land To The Rear Of 34Westpit Lane Strensall York	Appeal Dismissed

Notes

The appeal relates to the retention of a timber shed outside of the residential curtilage of 34 Westpit Lane Strensall. The LPA refused the application on its effect on the character and appearance of the Local Green Space and flood risk. The Inspector found that the development is harmful to landscape character and erodes community value through the loss of openness and the domestication of the land, which is designated as Local Green Space. The Inspector concluded that there were no public benefits that outweigh the harms identified. As such the proposal conflicts with the policies in the Strensall Neighbourhood Plan and the objectives of emerging Local Plan policies. The site is within Flood Zone 3, high probability of flooding. The Inspector concluded

that any development in Flood Zone 3 is contrary to National Planning Policy and the emerging Local Plan Policy ENV4. The Inspector concluded that no material considerations outweigh the above conflicts and therefore the appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00038/REF	Mr Garry Crabtree	Erection of a covered external seating area to side, comprising of 1800mm high timber fencing, timber planters, relocation of parasol and festoon lighting	The Dick Turpin49 Moorcroft RoadYorkYO24 2RQ	Appeal Dismissed

Notes

The appeal relates to a covered outside drinking area within the car park at the side of the public house. A previous application to regularise the existing outside seating area was refused and dismissed at appeal due to impact on residential amenity with regard to noise and disturbance. The most recent application sought permission for a reduced size seating area, with timber acoustic fencing including French doors from the pub to the seating area. The existing smoking shelter does not form part of the application. The application was refused due to the impact on residential amenity - noise and disturbance. The Inspector agreed with officers that the use of the seating area (although reduced in scale from the previous scheme) would cause harm to amenity with regard to noise and disturbance to neighbouring residents. Public protection raised some objection but noted that they had only received one complaint in relation to noise. A number of neighbour objections were received confirming that the outside seating area continued to cause noise and disturbance and these objections weighed heavily against the application. The Inspector agreed with the weight attributed to these objections, despite a limited objection from Public Protection. The Inspector concluded that the French windows have the potential to increase noise disturbance and that the proposed fencing would be limited in terms of an acoustic barrier. In conclusion the Inspector agreed that there was little evidence to demonstrate that conditions could adequately control noise and as such the appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00043/REF	Mr Shaun Yeomans	Retrospective change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4) (retrospective)	3A Harington AvenueYorkYO10 3SU	Appeal Dismissed

Notes

The Inspector noted that the existing density levels of HMO's had already been breached and saw no reason not to uphold the Council's policy with regard to the Article 4 Directive. That cumulative harm would result from additional multiple occupation in

terms of the character of the neighbourhood. He also considered that the proposal would also result in unacceptable additional parking pressure on the street.

Case number	Appeal by	Description	Address	Outcome
24/00039/REF	John Walshaw	Dormer and bay window to front	3 Windsor DriveWiggintonYorkYO32 2QG	Appeal Dismissed

Notes

The appeal was made against the refusal of a planning application for a dormer and bay window to the front at No. 3 Windsor Drive. The Inspector found that the proposed front dormer would result in significant harm to the character and appearance of the dwelling and the wider locality. Whilst acknowledging the front dormer was scaled back from a previous application refusal, the dormer was still considered to result in significant harm accordingly. The Inspector also found that the proposed front projecting bay window would unbalance the front elevation in relation to the attached dwelling. The appellant provided examples of dormers and bay windows that they considered comparable to the development, although due to a lack of locational information on some examples, or the identifiable examples being in a different locational context, they could not be considered as substantive or comparable evidence. The Inspector found the proposal contrary to Policy D11 of the emerging Local Plan, which seeks to promote high quality design and ensure alterations to existing buildings respond positively to their immediate architectural context.

Case number	Appeal by	Description	Address	Outcome
24/00045/REF	Mr Jamie Stewart	Change of use from dwelling (Use Class C3) to House in Multiple Occupation (use Class C4), to include dormer to rear and 2no. rooflights to front roofslope	44 Kyme StreetYorkYO1 6HG	Appeal Dismissed

Notes

This appeal related to the erection of a box dormer to the rear of a period terraced property on Kyme Street, Bishophill, in conjunction with change of use to a HMO. The application was refused on the grounds that the rear dormer would, by virtue of its pronounced intervention to a currently unaltered roof plane, be visually dominant and out of keeping with the character of the host, and also with the largely unaltered roof forms prevalent more widely within the Bishophill area, an important visual characteristic of the area, and thus would result in harm to the setting and appearance of the Conservation Area in conflict with policies D1, D4 and D11 of the Local Plan. The inspector agreed that the dormer would form a bulky and obtrusive addition to the roof of the property, overly prominent when seen alongside the neighbouring unspoilt rear facing roofslopes. The inspector further acknowledged that

the rear roofslopes are also visible in public views when looking from the gate at the end of the passageway on Baile Hill Terrace and from the top of the city walls. The appellant's appeal statement raised a few local examples of similar dormers. The Inspector viewed that these examples, rather than setting a precedent for further rear dormers, demonstrated how harmful they are to the unspoilt roofscape and the otherwise charming, regimented, repetitive and homogenous terraced housing of the Bishophill area as described in the Conservation Area appraisal. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00042/REF	Mr Patrick Norville	Erection of detached garage outbuilding	Pasture Farm Main Street Deighton York YO19 6HD	Appeal Allowed

Notes
<p>This appeal related to erection of a single storey detached garage outbuilding within the curtilage of an existing (extended) detached farmhouse set within the village of Deighton. The application was refused on the grounds that it would constitute a disproportionate addition over and above the size of the original building, and thus would not fall within the exception of paragraph 154c) of the NPPF's Green Belt development. The host dwelling was of period form, appearing to comprise a variety of evolutionary enlargements, the latest being approved and developed last year, contributing towards an additional 42 sqm of footprint adjacent to the open countryside. It was considered that another smaller two-storey side addition was also added subsequent to 1948, and thus this proposal would result in an increase in size disproportionate to the original property, taking into account its previous enlargements and adaptations. However, the Inspector concluded, subsequent to information provided by the applicant, that the smaller two-storey addition was likely added prior to 1948. The Inspector acknowledged that the map extract provided was not definitive as to what existed, although showed a large footprint commensurate with the applicant's claim. It was therefore determined that the development proposed would not represent disproportionate additions over and above the size of the building, taking into account what was likely to have been present in 1948. The appeal was therefore allowed.</p>

Case number	Appeal by	Description	Address	Outcome
24/00035/REFADV	Parklane Group	Display of 1no internally illuminated fascia sign and 2no. non-illuminated fascia signs (Retrospective)	Roomzzz Aparthotel YorkTerry AvenueYorkYO23 1FG	Appeal Allowed

Notes

The main issue was the effect of the advertisement displays on the amenity of the area, including the effect on the character and appearance of the New Walk/Terry Avenue Conservation Area (CA). The Inspector indicates that as the displays (white lettering/logo) are mounted high on the building, above the third floor, and the building is so large, from the ground nearby they appear as quite modest advertisements, not out of scale in relation to the host building. Continuing, they state that the signs are not garish or unduly attention seeking but instead relatively discreet and restrained when seen by those passing by. The small scale of Sign B and D in the context of the host building and the large-scale CA with its long-distance views across and along the river result in minimal impact on the character and appearance of the CA. The trees along the frontage of the building serve to filter views of the signs when seen from Terry Avenue. The addition of the relatively discreet and restrained non-illuminated sign D high up on the building adds little to its impact on this outlook (between the southern elevation of Dukes Wharf which face the Aparthotel with a minimum separation distance of about 22m), particularly as a large coniferous tree sited between the two buildings filters the view of the sign from many flats. The Inspector concluded that two advertisement displays do not materially affect the visual amenity of the area nor cause significant harm to the character and appearance of the New Walk/Terry Avenue CA. The displays comply with Policy D13 of the Local Plan which support advertisements which are of a scale, design, material, finish, position and number that do not cause harm to visual or residential amenity and respect the character of the host building and street scene.

Case number	Appeal by	Description	Address	Outcome
24/00050/REF	Mr Paul Hardy	Display of 2no. freestanding LED illuminated advertising display panels and LED screens	Site Adjacent Roundabout At Junction Of Malton Road Jockey Lane Huntington York	Appeal Dismissed

Notes

The application sought Advertisement Consent to display 2x 48 sheet free standing illuminated LED digital screen on land to the north of the A1036 Malton Road within the York Green Belt. The land is on the junction Jockey Lane and Martello Way which

border the Monks Cross Park and Ride, York Community Stadium and Vangarde Shopping Park. The Local Planning Authority (LPA) refused the advert consent for reasons the size and high-level advertising displayed through a digital LED screen with illuminated imagery towards the open countryside and not visually fit comfortably within the character of surrounding semi-rural location. It was concluded they would constitute unnecessary clutter by virtue of their overly assertive appearance illumination and illustration in a visually prominent location on the roundabout where illuminated signs of this nature are not commonplace. The Inspector acknowledged the vicinity of the site there is sporadic areas of development along its length of highway and has a significant amount of road infrastructure, particularly at the junction of the application site. The Inspector was aware appellant has made reference to other advertisements throughout the country. However, was not satisfied that any of these are entirely comparable and concluded the proposal would be assessed on its own merits. Therefore considered they would represent a large new, uncharacteristic features that would be at odds with the character of the location. Furthermore, noted the advertisement site was clearly distinct from the developed commercial areas beyond the site and the signage would extend the commercial area significantly further to the south of the site. The Inspector dismissed the Appeal for reasons the signage would have an adverse impact on the visual amenity of the semi-rural area, conflict with policy H4 of the Huntington Neighbourhood Plan 2021, NPPF, and The National Planning Practice Guidance.

Case number	Appeal by	Description	Address	Outcome
24/00020/REFCLU	Crescent Properties (York) Limited	Certificate of lawfulness for proposed use of 8no. flats as short term holiday lets	Crescent Court The Crescent York	Appeal Dismissed

Notes

The appeal was made against a refusal to grant a certificate of lawfulness or development (LDC). The LDC was sought for the existing use of 8no. flats as short-term holiday lets. The Inspector outlined that whether or not a use as short-term holiday lets falls within the scope of Use Class C3 is a matter of fact and degree having regard to the characteristics of the visitor use and outlined that is necessary to compare the character of the current use with that of the previous use. However, the flats once completed, have only been occupied for short-term holiday let purposes and there is no former use for the characteristics of the current use to be compared to. The Inspector found the appellants evidence to be imprecise and ambiguous, citing that from the evidence currently available they were unable to identify the characteristics of the existing short-term holiday accommodation use with precision. In the absence of evidence relating to who has occupied each flat, the Inspector outlines that they are not able to conclude with certainty that each of the 8no. flats have been occupied by people or groups living together as single households, in accordance with Class C3 of the Use Classes Order.