

## Appendix B

### Appeals summaries between 01/04/23 and 30/06/23

Case number	Appeal by	Description	Address	Outcome
22/00005/REF	Mr Keith Booth	Two storey extension to side and rear with canopy porch to front (revised scheme, resubmission)	9 Holyrood Drive York YO30 5WB	Appeal Allowed

#### Notes

These works to a two storey semi-detached dwelling on a street corner were refused on the grounds of harm to the streetscene, with the relationship between the proposed extension and the house, as well as its proximity and prominence in relation to the highway, identified as reasons for refusal. The scheme was a revised submission, an update on a more visually overbearing proposal which was refused 27.10.2020 (refusal upheld at appeal 23.04.2021). The Inspector found that the revised proposal had an appropriate degree of subservience, and would not be of an unacceptable or uncharacteristic width/massing. Despite the corner plot position and the proximity of the structure to the road, the Inspector did not consider that the proposal would be overly dominant or unduly affect the spacing of the street. They noted the particular guidance in the SPD around the relationship of side extensions to side boundaries and adjacent streets, however they did not consider that the particular relationship of the appeal site and proposal to surroundings properties, building lines, road or verge would be atypical for the area, or that it would be overbearing in relation to the footway. The appeal was allowed.

Case number	Appeal by	Description	Address	Outcome
22/00055/REF	Mr Alan Lumb	Install through floor lift	St Peters Farmhouse Main StreetKnaptonYorkYO26 6QG	Appeal Allowed

#### Notes

Works to install a through floor lift between the ground floor lounge and first floor bedroom of a grade II listed building. St. Peter's Farmhouse dates from the eighteenth century. The building was substantially refurbished following a period of dereliction in the 1970's. The Inspector considered the special interest of the listed building to be primarily associated with its vernacular

architecture, former agricultural connections, historic plan form and surviving internal features. The works to install the lift would require cutting and re-purposing part of two joists in the lounge and removing approx. one square metre of lath and plaster ceiling. The joists have bead-moulding which indicates they are historic and were intended to remain visible, but were later covered in lath and plaster. The joists would be re-used as part of the trimming to secure the lift void. Although the works would lead to a loss of historic fabric, the Inspector considered this does not automatically mean there would be resulting harm. The amount of fabric to be removed would be relatively small in the context of the listed building as a whole. The lift would be visible within the lounge and bedroom but it would be relatively compact and would not be readily apparent from outside the property. The Inspector concluded that the proposed works would preserve the special architectural or historic interest of the listed building and would not have a harmful impact on its setting.

Case number	Appeal by	Description	Address	Outcome
23/00001/REF	Joanna And Brendan Keely	Rear dormer type extension within existing valley roof	Cherry Garth 50 Main StreetBishopthorpeYorkYO23 2RB	Appeal Dismissed

#### Notes

The planning appeal related to the refusal of application 22/01078/FUL for a rear dormer type extension within existing valley roof. The host property is located in the Bishopthorpe Conservation Area. The application was refused on the grounds the proposal would harm the conservation area and the property itself. The Inspector dismissed the appeal agreeing with the reasons for refusal.

Case number	Appeal by	Description	Address	Outcome
22/00054/REF	John Gilham	Raising of roof with hip to gable roof extensions to sides, front and rear; single storey front and rear extensions, 3no. rooflights to front and 2no. rooflights to rear	Laurentide Common LaneDunningtonYorkYO19 5LS	Appeal Dismissed

#### Notes

The proposal was refused on the grounds of cumulative amount of development which had previously taken place when added to the proposed development would represent a disproportionate addition to the size of the original dwelling, which would constitute inappropriate development in the Green Belt. Also, it was concluded the increase in height to the original bungalow along with a

further two storey development would compound the existing visual appearance of the dwelling, creating a much more visually assertive addition to the property which would be clearly visible across the largely undeveloped and open countryside. The Inspector agreed with the Authority in terms of being disproportionate development. He also, stated that the increase to the volume, height and massing creates a spatial change in respect of openness and had a negative impact on Green Belt purposes. This Inspector makes the judgement that the impact would be moderate, but permanent, and this harmful loss of openness, particularly by virtue of the first-floor extensions weighs against the proposal. The Applicant advanced circumstances that the development would be similar to the neighbouring property known as Fernholme which has planning permission for a replacement dwelling. The Inspector did not consider this to be relevant in the determination of this application. This was because there were significant differences which were not comparable to this application. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
23/00005/REF	Mr Kevin Cox	Sub-division to create 2no. dwellings; removal of 1no. rear extension; dormers, rooflights and juliet balconies to rear; external wall insulation with render to rear; replacement and reconfiguration of windows and doors (resubmission)	9 Earlsborough Terrace York YO30 7BQ	Appeal Dismissed

#### Notes

Works to rear elevation including white render throughout, dark grey framed window frames and mansard type roof extension with dormers. The appeal was dismissed. The issue was whether the scheme was of good design and acceptable in the conservation area. The building sat within a 19th c terrace identified as being of merit in the conservation area appraisal. The combination of full rendering of the rear elevation and insertion of grey framed windows be overly contemporary, jarring with the rest of the terrace (of brick and pale window frames). The mansard roof and dormers were also found to be out of keeping, providing a bulky and top heavy appearance - which the householder SPD advises against. In respect of the rendering, which was suggested to be on energy efficiency grounds the inspector advised that a more energy efficient building would have some public benefit but there is limited evidence to the degree that the works would contribute to energy efficiency or to the protection of the front elevation over the longer term (which it was not proposed to render).

Case number	Appeal by	Description	Address	Outcome
23/00002/COND	Mr Steve Bowser	Erection of single storey summer house/office to rear of garden and erection of storage shed to front garden (part retrospective)	37 York Road Strensall York YO32 5UB	Appeal Allowed

#### Notes

The appeal was regarding a storage shed in the front garden of a dwelling in Strensall and a condition requiring it to be painted or stained in a colour to be approved by the LPA. The shed had already been installed. Although the appeal was allowed the inspector agreed that the shed, due to its prominence in the streetscene, needed to be coloured so it appeared darker and better blended in with the brickwork of the house. As the timeframe for compliance with the condition imposed by the council had lapsed, the inspector imposed a condition to the same effect allowing the appellant a further 3 months to undertake the work. If this element of the condition were not complied with, then the condition required removal of the structure.

Case number	Appeal by	Description	Address	Outcome
22/00058/REF	Mr Hollinrake	Conversion of garage to dwelling including extensions and raising of ridge height, 2no. dormers, installation of 4no. rooflights and 2 no. ground floor window openings.	6 Clifton York YO30 6AE	Appeal Dismissed

#### Notes

Conversion of garage to dwelling including extensions, raising of ridge height and two dormers. The appeal site straddles the boundary of Clifton Conservation Area and forms the rear part of a long garden in an established residential area. The historic development of Clifton, associated with late Georgian town houses and Regency villas fronting Clifton, resulted in the creation of long plots which are a characteristic feature that contributes to the significance of the conservation area and its setting. The Inspector considered that the proposed alterations and extensions to the existing garage would significantly increase its height, mass and footprint and would result in a four bedroom dwelling with very little garden space which would occupy a relatively small proportion of the rear garden of 6 Clifton. The proposal would introduce a form of backland residential development that would differ markedly in character from the general form of housing found in the vicinity. The building would be out of scale in its context, being substantially bigger and more dominant than the nearby domestic outbuildings with which it would be visually associated. The proposal would not make a positive contribution to local character and distinctiveness and would cause a significant and harmful permanent change in the character and appearance of the conservation area and its setting. With regard to the setting of the grade II listed buildings at 4, 6 and 8 Clifton, the proposed development would significantly alter the way in which the historic

linear plot layouts are appreciated, with the introduction of a disproportionately large dwelling in a small plot that would be harmfully at variance with its context. Although the proposal would contribute to the supply of housing, this contribution would be small, and the public benefit would not outweigh the harm that would arise to the significance of the designated heritage assets.

<b>Case number</b>	<b>Appeal by</b>	<b>Description</b>	<b>Address</b>	<b>Outcome</b>
22/00060/REF	Punch Pubs	Installation of new wall mounted floodlights at a lower level to front elevation after removal of high-level wall mounted floodlights and associated works to electrical cabling.	Royal Oak Inn18 GoodramgateYorkYO1 7LG	Appeal Allowed

### **Notes**

The appeal related to the refusal of permission / listed building consent for the replacement of existing high level wall mounted floodlights with new wall mounted floodlights to be positioned level with the lower sill of the first floor windows rather than at eaves level as existing. Permission was refused for the reason that the proposed floodlights and associated cabling would constitute visual clutter and appear unduly prominent on the white rendered façade, thereby detracting from the historic and architectural significance of the listed building, and harm to the fabric of the building through the creation of new fixing holes and internal cable runs. The Inspector allowed the appeal considering that the proposed light fittings would be smaller than the existing lighting units and a greater length of cabling would be removed and for this reason, would not add clutter. The Inspector considered that the light fittings would be sited sensitively on the front elevation and would not be overly prominent in views from the street or wider Conservation Area and considered the works to create fixing holes and internal cable runs would be minor and would not harm the significance of the building. The Inspector concluded that on balance, the proposal would preserve the special historic interest of the Grade II listed building and the character of the Conservation Area.

Case number	Appeal by	Description	Address	Outcome
22/00049/REF	Mr Alexander Marr	Excavation and repurposing of existing basement to create habitable area	25 Shipton Road Clifton York YO30 5RE	Appeal Dismissed

### Notes

The planning appeal related to the refusal of application 21/02480/FUL for the excavation and repurposing of existing basement to create habitable area. The proposal relates to a listed building which is also located in the Clifton Conservation Area. The application was refused on the grounds that the proposed scheme would represent a radical enlargement and remodelling of the basement which in turn would harm the listed building. The Inspector dismissed the appeal agreeing the development would have an adverse impact on the special interest of the listed building and the features that contribute to its significance

Case number	Appeal by	Description	Address	Outcome
22/00061/REFLBC	Punch Pubs	External alterations to include new wall mounted floodlights at a lower level to front elevation after removal of high-level wall mounted floodlights and associated works to electrical cabling.	Royal Oak Inn 18 Goodramgate York YO1 7LG	Appeal Allowed

### Notes

The appeal related to the refusal of permission / listed building consent for the replacement of existing high level wall mounted floodlights with new wall mounted floodlights to be positioned level with the lower sill of the first floor windows rather than at eaves level as existing. Permission was refused for the reason that the proposed floodlights and associated cabling would constitute visual clutter and appear unduly prominent on the white rendered façade, thereby detracting from the historic and architectural significance of the listed building, and harm to the fabric of the building through the creation of new fixing holes and internal cable runs. The Inspector allowed the appeal considering that the proposed light fittings would be smaller than the existing lighting units and a greater length of cabling would be removed and for this reason, would not add clutter. The Inspector considered that the light fittings would be sited sensitively on the front elevation and would not be overly prominent in views from the street or wider Conservation Area and considered the works to create fixing holes and internal cable runs would be minor and would not harm the significance of the building. The Inspector concluded that on balance, the proposal would preserve the special historic interest of the Grade II listed building and the character of the Conservation Area.

Case number	Appeal by	Description	Address	Outcome
22/00056/CON	Mr Knighting	Single storey rear extension, hip to gable roof extension with 3no. roof lights to front and dormer to rear	13 Middlethorpe Grove York YO24 1JW	Appeal Allowed

**Notes**

The planning appeal related to a condition imposed on approved application 22/01302/FUL for a single storey rear extension, hip to gable roof extension with 3no. roof lights to front and dormer to rear with regards to the submission of samples. The condition in dispute was No.3 (materials) The Inspector states condition 2 already ensures that the development is to be carried out in accordance with the approved plans. As such a separate condition requiring that the external materials are constructed in accordance with the details specified in the approved plans is not necessary as it repeats this requirement. With regards to the request for samples, he makes reference to the report which states the use of contrasting materials is acceptable due to, amongst other things, the variety of materials on view in the immediate area and goes on to say that because of the limited scale and restricted public views of the single storey rear extension, and the fact that the colour of the proposed brickwork has been accepted he saw no reason why the submission of materials for this element of the scheme is reasonable or necessary. The Inspector did however agree that samples of the proposed slate to be used on the rear dormer should still be submitted to ensure that the artificial slate is not an unacceptable and contrasting colour to the dwellings roof tiles and this now forms part of the substituted condition.

Case number	Appeal by	Description	Address	Outcome
22/00057/REF	Mr Nick Hare	Erection of 1no. dwelling following demolition of outbuilding to rear (resubmission)	34 Main Street Fulford York YO10 4PX	Appeal Dismissed

**Notes**

The appeal related to the refusal of permission to erect a small, detached bungalow in the rear garden of 34 Main Street, Fulford. The host property is located in Fulford Village Conservation Area. The rear garden of the property is a largely undeveloped burgage plot. Permission was refused because of the harm to the living conditions of the host property, harm to the setting of adjacent listed buildings, and harm to the character and appearance of the Conservation Area because of the negative impact on the burgage plot and the adjacent public footpath. The Inspector dismissed the appeal agreeing that the proposal because of its scale and separate occupation would detract from the largely undeveloped and singular character of the burgage plot. They also considered it would detract from the setting of nearby listed buildings. Because of its proximity to the rear openings of the host

dwelling and loss of most of its garden it was considered it would detract from the homes living conditions. The moderate benefits from providing a small dwelling in an accessible location were not considered to outweigh the harm that would be caused.

Case number	Appeal by	Description	Address	Outcome
23/00008/REF	Ms Natalie Lewis	Single storey side extension and loft conversion with dormers to front and rear	14 Heather Bank Osbalwick York YO10 3QH	Appeal Dismissed

#### Notes

Dormer extensions to front and rear of bungalow with hipped roof extended to a gable roof. The scheme was refused as harmful to the streetscene; no others in the street. The appeal was dismissed due to the combination of the dormer and roof extension, which harmed the original roofscape and form of the building. The inspector gave weight to the householder SPD and its advice on dormer extensions.

Case number	Appeal by	Description	Address	Outcome
22/00059/REF	Mr J Hansbro	Variation of condition 4 of permitted application 19/00110/FUL for use of annexe as holiday accommodation	10 Usher Lane Haxby York YO32 3JZ	Appeal Dismissed

#### Notes

The application sought planning permission for non-compliance with a condition which required that a self-contained annex would only be occupied by direct relatives or non-paying guests of the occupants of 10 Usher Lane and should not be used as a separate residential unit including letting as holiday accommodation. The reason given for the condition was that the site cannot accommodate a separate unit of residential accommodation without detrimental impact on the amenities of adjacent residents through additional activity and car parking requirements and the character and amenity of the area through the creation of a separate curtilage. The Inspector said that the modification would bring activity associated with holidays and that people using the annex for holiday purposes would have a higher propensity to socialise in external areas for extended periods resulting in noise and disturbance over and above that ordinarily experienced in the rear gardens of neighbouring dwellings particularly in summer months when neighbouring residents would expect to be able to relax in their gardens or would be more likely to have windows open. Furthermore comings and goings would likely result in some noise from vehicle engines from vehicle doors being closed and



from people passing through the gap between No 10 and No 12 leading to the annex. He also considered that it would not be practicable or enforceable to impose conditions as suggested by the appellant requiring the occupiers of No 10 to be present at all times the annex would be in use or to impose a condition creating a curfew limiting the times of either the comings and goings to and from the annex or the use of the associated external areas for socialising. The latter of those conditions is also likely to be unreasonable in respect of the expectations associated with the use of holiday accommodation by paying visitors. Limiting the number of days the use could operate would not remove the likelihood of noise and disturb

<b>Case number</b>	<b>Appeal by</b>	<b>Description</b>	<b>Address</b>	<b>Outcome</b>
23/00004/REF	Mrs C Batty	Outline planning permission for the construction of an equestrian workers dwelling following demolition of existing stable and full planning permission for side extension to existing stable block	Welton Stables Plainville Lane Wigginton York YO32 2RG	Appeal Dismissed

**Notes**

The application site is located at Welton Stables on Plainville Lane in Wigginton. The appeal related to the refusal of outline permission to erect an equestrian workers dwelling following the demolition of an existing stable block. The application also sought full planning permission for a side extension to an existing stable block. The site lies within the Green Belt. Permission was refused on a number of grounds including inappropriate development in the Green Belt, failure to demonstrate an essential need for the provision of a permanent dwelling and concerns regarding the unsustainable location (including waste management, access and transport). A hearing was conducted on the 3rd May 2023. The Inspector agreed that the proposal would be inappropriate development in the Green Belt and would harm Green Belt openness. The Inspector was not persuaded that there is an essential need for a permanent dwelling on the site and found harm arising from the unsuitable location of the proposal relative to services and facilities. Consequently, the Inspector found that there are not very special circumstances necessary to justify inappropriate development in the Green Belt and the appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
22/00053/REF	Mrs Lorna Marchi	Use of land for a self-storage use with the siting of containers in connection with this use (retrospective)	Site Lying To The North Of Clifton Gate Business Park Wigginton Road Wigginton York	Appeal Dismissed

#### Notes

The development relates to the retention of 38 storage containers with an associated admin kiosk used by a removals and self storage business. The proposal was a re-submission of an earlier scheme which had been refused planning permission on Green Belt, form and character, highway and drainage grounds. The site stretches north into open countryside on an existing area of hard standing parallel to Wigginton Road beyond the Cliftongate development. The development is inappropriate in the Green Belt as well as being harmful in terms of form and character with a poor relationship to surrounding open countryside. Visibility into the site is tight at the access point on to Wigginton Road. In view of the wide ranging harm and the lack of a case for "very special circumstances" to outweigh the harm planning permission was again refused and an appeal was lodged. The appeal inspector agreed that the development was inappropriate in the Green Belt and giving rise to significant harm to openness. Over and above that it was concluded that there was significant harm to the form and character of the wider street scene and was contrary to paragraph 130 of the NPPF. In terms of the access it was concluded that the harm did not meet the relevant test in the NPPF but in view of the other clearly defined harms the appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
22/00050/REF	Moorside Development Ltd	Erection of 8no. dwellings with associated parking and landscaping following demolition of buildings	The Magnet 57 Osbaldwick Lane York YO10 3AY	Appeal Allowed

#### Notes

The Appeal related to the refusal of planning permission by Planning Committee B (contrary to officer recommendation) on the grounds of the loss of a non-designated heritage asset of local significance as the best surviving example of a purpose built suburban improved pub from the 1930s in York. The proposal was to demolish The Magnet Public House and to erect 8no. dwellings with parking and landscaping. It was the third application for essentially the same scheme and this application had extended marketing amounting to 26 months. Development management officers commissioned an independent review of the marketing by Stapleton Waterhouse prior to determination who advised it was adequate (in relation to draft policy HW1 in the 2018 Publication Draft Local Plan). Committee accepted this. The Inspector considered whether there was harm resulting from the demolition of the non-designated heritage asset and whether it was outweighed by public benefits. He considered that the claim of

it being the best improved pub was not sufficiently evidenced whereas the applicant had robustly disputed this claim by a review of other comparable improved pubs in York. He agreed with the appellant it was not the best surviving improved pub in York. It was agreed by all parties that the interior was of more significance than the exterior but as it was not listed, these features could be removed without permission. It had modest local heritage value, it was not rare in York nor nationally. There has been no interest in it being retained and sustained as a community pub. Marketing was adequate. There are alternative pubs nearby. The benefits of eight new dwellings on a brownfield site, economic benefits during the construction period and the sustainable location outweighed the harm to the demolition of the non-designated heritage asset having regard to the scale of harm and significance of the heritage asset. The Appeal was allowed but award of costs refused.