



## Notice of a public meeting of

### Planning Committee B

- To:** Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Melly, Orrell, Vassie, Warters and Waudby
- Date:** Wednesday, 14 June 2023
- Time:** 4.30 pm
- Venue:** The Snow Room - Ground Floor, West Offices (G035)

### AGENDA

**1. Declarations of Interest** (Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

**2. Minutes** (Pages 3 - 6)

To approve and sign the minutes of the last Planning Committee B meeting held on 13 April 2023.

### **3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

**Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Monday, 12 June 2023.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

### **Webcasting of Public Meetings**

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

### **4. Plans List**

This item invites Members to determine the following planning applications:

- a) **42 Bootham Crescent, York, YO30 7AH** (Pages 7 - 20)  
**[22/02220/FUL]**

Members will consider a full application by Mrs Mika Coulson for a single storey rear extension and internal alterations to increase from 7 to 8 bed House in Multiple Occupation. [Clifton Ward]

- b) Land Adjacent To 141 Broadway, York** (Pages 21 - 36)  
**[22/01122/FUL]**

Members will consider a full application by Mr Gordon Harrison for the variation of condition 2 of permitted application 18/02129/FUL to omit footpath across the front of houses, alter position of fences between properties and erect a shed between plots 2 and 3 (retrospective). [Fulford and Heslington Ward]

- c) Mudd and Co, 5 Peckitt Street, York, YO1 9SF** (Pages 37 - 54)  
**[22/02603/FUL]**

Members will consider a full application by Mr T Mudd for the change of use from office to residential (use class C3) single storey rear extension following demolition of existing single storey rear extension, and dormer to rear (resubmission). [Guildhall Ward]

- d) Mudd and Co, 5 Peckitt Street, York, YO1 9SF** (Pages 55 - 66)  
**[22/02604/LBC]**

Members will consider a listed building consent application by Mr T Mudd for internal and external alterations in conjunction with change of use from office to residential, single storey rear extension following demolition of existing single storey rear extension, dormer to rear, reposition some internal doors and erect partition walls (resubmission). [Guildhall Ward]

- e) 41 Milton Street, York, YO10 3EP** (Pages 67 - 80)  
**[22/01892/FUL]**

Members will consider a full application by Mr Ashley Mason for the partial conversion of first floor outbuilding to habitable space and reopening of existing bricked up doorway. [Guildhall Ward]

## **5. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Jane Meller

Contact details:

- Telephone: (01904) 555209
- Email: [jane.meller@york.gov.uk](mailto:jane.meller@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim (Polish)  
własnym języku.

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

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Meeting	Planning Committee B
Date	13 April 2023
Present	Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Crawshaw, Daubeney, Fisher, Galvin, Orrell and Webb (Substitute for Cllr Perrett)
Apologies	None

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#### **74. Declarations of Interest (4.32 pm)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

None were declared.

#### **75. Minutes (4.33 pm)**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 3 October 2019 and the last meeting of Planning Committee B held on 09 March 2023 were approved as a correct record.

#### **76. Public Participation (4.34 pm)**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

#### **77. Abracs, George Cayley Drive, York, YO30 4XE [22/02012/FULM] (4.34 pm)**

Members considered a major full application by Impala Estates Limited for extension to warehouse after demolition of existing ancillary building and associated external refurbishment and infrastructure works at Abracs, George Cayley Drive, York, YO30 4XE.

The Development Manager gave a presentation on the plans and provided a verbal update on the conditions as follows:

- Condition 2, the Ground Floor Plan was revision 4, instead of revision 3 and the First Floor Plan was revision P01 instead of P00.

- Condition 11 was recommended for deletion as there were no works proposed to the existing entrance.

Members asked for more clarification of the size of the planned car parking.

### Public Speakers

Hamish Robertshaw, Agent for the Applicant, spoke in support of the application. He explained that the extension would allow expansion of the business and noted the significant investment of Abracs and the landowner. He described the plans and emphasised that they made use of a brownfield site and were in accordance with the Local Plan.

In response to questions from Members, the Agent clarified the following:

- Currently some parking space was not related to the occupier and was let to third parties. The planned parking was commensurate to the size of the new building, he was not able to commit to a Travel Plan on behalf of the applicant.
- Solar panels were not planned under the current proposals, although energy efficiencies, such as those related to the energy systems had been considered but not yet specified.
- The pedestrian access was a pathway through the trees, the new areas of planting were very small and the accessible parking was located near the EV charging stations.
- The cycle parking had been planned closer to the building but had been moved for technical reasons.

The Development Manager reported that it was likely solar panels could be retrofitted under permitted development rules. It was also noted that Highways had not requested a travel plan. He advised the Committee that if they were minded to request a travel plan, he would seek to delegate the decision to the Chair and Vice-Chair.

Following debate, Cllr Webb proposed the Officer recommendation to approve the application, this was seconded by Cllr Galvin. Members voted unanimously in favour of the motion and it was:

Resolved: that the application be approved.

Reason: The application site is a Brownfield site located within an existing industrial area surrounded by similar style industrial and office buildings. The site is occupied by a large, three storey detached building which serves an Office (Class Use B1) and Warehouse (Class Use B8). The proposal seeks to planning permission for an 1807sq.m extension to provide additional storage space to facilitate future expansion. In the planning balance, it is considered the proposal would be appropriately integrated into the prevailing character and appearance of



the locality. Therefore, approval is recommended subject to detailed conditions on the grounds that the scheme is compliant with policies contained in the National Planning Policy Framework (NPPF), the Emerging Draft Local Plan 2018.

### **78. Planning Appeal Performance and Decisions (4.58 pm)**

The Development Manager presented a report which provided information on the planning appeal decision determined by the Planning Inspectorate between 1 October and 31 December 2022.

He noted the following changes to the calculations for Table 1 and Table 3:

- Table 1, CYC Planning Appeals Last Quarter Performance, % Allowed should read 25%
- Table 3, CYC Planning Appeals 12-month Performance, % Allowed should read 30%

This was because published Government statistics do not include Approval of Detail appeal decisions.

Resolved: That the report be noted.

Reason: To keep members informed of the current position of planning appeals against the Council's decisions as determined by the Planning Inspectorate.

### **79. Chair's Closing Remarks**

The Chair thanked the Committee Members, past and present, for their contribution during the administration period.

He placed on record his thanks to the Development Manager as well as officers from Legal and Democratic Services. He also thanked the Webcasting team and noted that they had enabled meetings to continue during the pandemic.

Cllr A Hollyer, Chair

[The meeting started at 4.31 pm and finished at 5.03 pm].

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## COMMITTEE REPORT

**Date:** 14 June 2023      **Ward:** Clifton  
**Team:** West Area      **Parish:** Clifton Planning Panel

**Reference:** 22/02220/FUL  
**Application at:** 42 Bootham Crescent York YO30 7AH  
**For:** Single storey rear extension and internal alterations to increase from 7 to 8 bed House in Multiple Occupation  
**By:** Mrs Mika Coulson  
**Application Type:** Full Application  
**Target Date:** 6 March 2023  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site is a traditional double fronted brick built terraced house, located within a street of dwellings and guest-houses. The proposal seeks permission for an extension creating an additional bedroom to the rear, this will replace an existing garden room. The application is an authorised 7 bed Large HMO. The walled rear yard has access to a rear lane. 5.no of the bedrooms will be en-suite and there is a shower-room and w/c on the ground-floor.

#### Relevant Property History

1.2 Application Ref.13/03574/FUL – Change of use of Guest House to a 7.no bedroom HMO – Approved 07.01.2014.

1.3 The application has been called into Committee by Councillor Danny Myers of Clifton Ward. The reason cited being the potential increase in noise and disturbance resulting from the intensification of the use.

### 2.0 POLICY CONTEXT

#### The National Planning Policy Framework (2021)

2.1 The National Planning Policy Framework (2021) (“the NPPF”) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

Application Reference Number: 22/02220/FUL

Item No: 4a

2.2 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

2.3 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

### Emerging Local Plan

2.4 Relevant Policies:

D11 Extensions and Alterations to Existing Buildings

2.5 The emerging Local Plan was submitted for examination on 25 May 2018. Examination hearings took place between December 2019 and September 2022. Consultation on proposed modifications took place in early 2023. In accordance with paragraph 48 of the NPPF Policy D11 can be afforded significant weight in the decision making process.

### House Extensions and Alterations Supplementary Planning Document

2.6 The approved Supplementary Planning Document 'House Extensions and Alterations' ("the SPD") provides guidance on all types on domestic types of development. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. In terms of design an extension should normally be in keeping with

the appearance, scale, design and character of the existing dwelling and the street scene.

### **3.0 CONSULTATIONS**

#### Clifton Planning Panel

3.1 Objection, could lead to overcrowding of the HMO.

### **4.0 REPRESENTATIONS**

#### Councillor Myers

4.1 The neighbourhood is a very residential area and I want to ensure that the Council seeks to protect the amenity for the community and neighbours, and a planning application of this type would further detract the community nature of the area. A 7-bed house is already a large dwelling for a house in multiple occupation. Aware of previous noise complaints.

#### Neighbours Notification and Publicity

4.2 Seven letters of objection received. 1.no letter expressing concern about possible use

- Loss of privacy to occupants of No.23 Grosvenor Terrace
- Extension not in keeping with the area
- Noise disturbance
- Overdevelopment, could become a holiday let / party house
- Rubbish, furniture already being left out on the street

### **5.0 APPRAISAL**

#### **VISUAL IMPACT**

5.1 The existing rear extension is somewhat utilitarian and the proposed modest-scale mono-pitched roof replacement structure will be an improvement in visual terms. It will be brick built and rendered, matching the existing rear elevation and incorporating a matching slate tiled roof. It will not project beyond the extension which it replaces. It is not considered that the extension will significantly harm the character and appearance of the host dwelling, or immediate surrounding area. The proposal is considered to be in general accordance with Policy D11 which states that proposals to extend, alter or add to existing buildings will be supported where

the design responds positively to its immediate architectural context and local character and history, in terms of the use of materials and detailing, scale, proportion.

## IMPACT ON NEIGHBOURING AMENITY

5.2 The proposed extension will be very modest in scale and it is not considered that the proposed ground-floor window will result in any significant loss of privacy to the occupants of Grosvenor Terrace to the rear. The intensification of the existing authorised use will be modest and it is not considered that, in itself, this would lead to any significant additional noise or disturbance to the occupants of neighbouring properties. The proposal is considered to be in accordance with Policy D11 which states that proposals to extend, alter or add to existing buildings will be supported where the design protects the amenity of current and neighbouring occupiers, whether residential or otherwise.

5.3 In terms of the use of the property and in particular, suggestions it may operate as a short-term let for stag/hen parties, it is considered that such a development would be a material change of use and planning permission would be required.

5.4 There is a resident's parking scheme in operation on Bootham Crescent and the site is in a central location. A revised plan has indicated a new secure store in the rear yard, that will incorporate 4.no Sheffield Hoops for cycle storage. The increase of 1.no additional bedroom is not considered to raise significant issues in this respect.

## 6.0 CONCLUSION

6.1 The proposals are small scale and are not considered to result in harm to residential or visual amenity. As such the proposal is considered to comply with NPPF policy, Policy D11 of the emerging Local Plan and guidance within the SPD.

## 7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

PH.PF.MD.BOOOTH.CRS.07  
PH.PF.MD.BOOOTH.CRS.08A Rev A  
PH.PF.MD.BOOOTH.CRS.05

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Prior to the occupation of the additional bedroom, full details of the cycle parking store shall be submitted to and approved in writing by the Local Planning Authority. The bedroom shall not be occupied until the cycle parking and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Requested a revised plan to incorporate secure cycle storage

#### **Contact details:**

**Case Officer:** Paul Edwards  
**Tel No:** 01904 551642

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# 42 Bootham Crescent, York YO30 7AH

22/02220/FUL



Scale : 1:1288

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	05 June 2023
<b>SLA Number</b>	Not Set

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## Planning Committee B

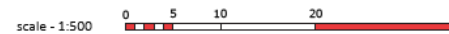
22/02220/FUL

42 Bootham Crescent

# Proposed site plan



Site - Block Plan (scale 1:500)



Site - Block Plan (scale 1:200)

Showing bike store

This is Not an Architectural drawing.  
 This drawing is for the purpose of obtaining Planning Permission only and is not to be used as working drawings.  
 The drawings do not take into account any structural elements or calculations which must be obtained from a qualified Structural Engineer.  
 All building, electrical, plumbing, heating & structural works to be carried out in conjunction with the relevant BS standards.  
 Approval from a Building control officer & structural report from a structural engineer will be required.  
 All building & services finer details, finishes & decorations to be agreed with the client & main contractor.  
 All related building works, ground works & drainage works will require relevant investigation & testing to determine conditions & relevant works in line with BS standards & this to be agreed with a licensed building control officer.  
 All work to be carried out in accordance with the building regulations and the requirements of the local authority.  
 For health & safety information, refer to the main contractors health & safety risk assessments & method statements.  
 The drawing is for information & pricing purposes only.  
 All dimensions are to be double checked & verified onsite by the Main Contractor before any construction work commence.  
 Do not scale this drawing.

Client: Mika Coulson 42 Bootham Crescent York YO30 7AH	
Drawing: Proposed Site / Block Plan	
Scale: Varies @ A3	Revision, Draw Status: A For Approval
Date: 25.01.23	Drawing Number: PH.PF.MD.BOOOTH.CRS.08

# Existing elevations

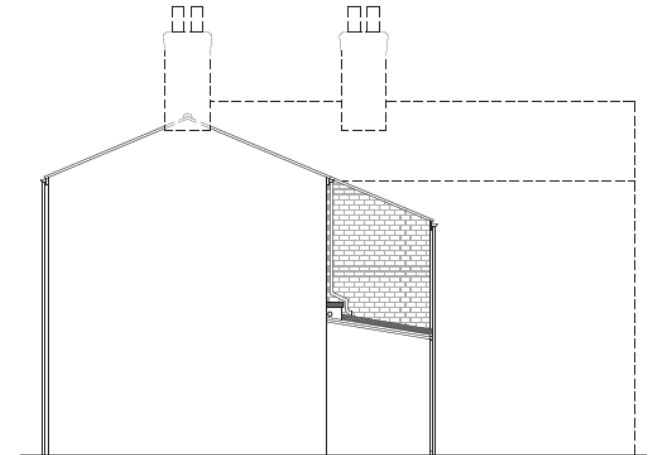
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Existing South East Elevation (scale 1:100)



Existing South Elevation (scale 1:100)

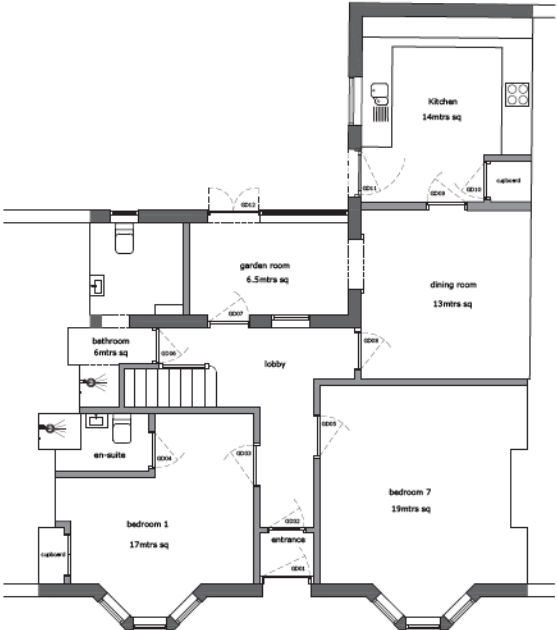


Existing North Elevation (scale 1:100)

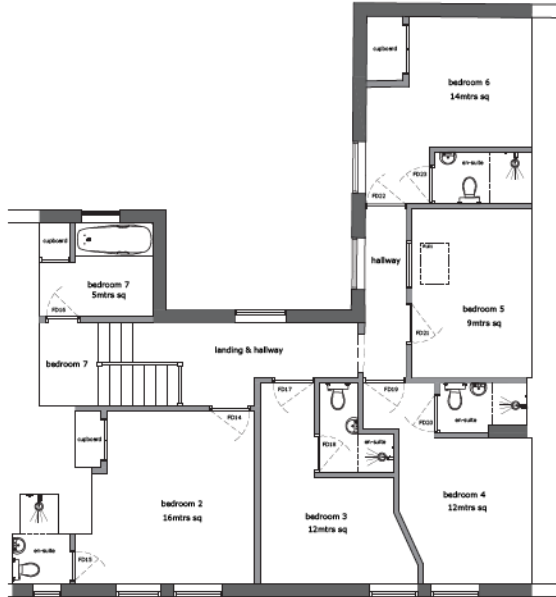


Client: Mika Coulson 42 Bootham Crescent York YO30 7AH	
Drawing: Existing Elevations	
Scale: 1:100 @ A3	Revision, Drawn Status: FD For Approval
Date: 01.11.22	Drawing Number: PH.PF.MD.BOOOTH.CRS.06

# As existing floor plans



Existing Ground Floor (scale 1:100)



Existing First Floor (scale 1:100)

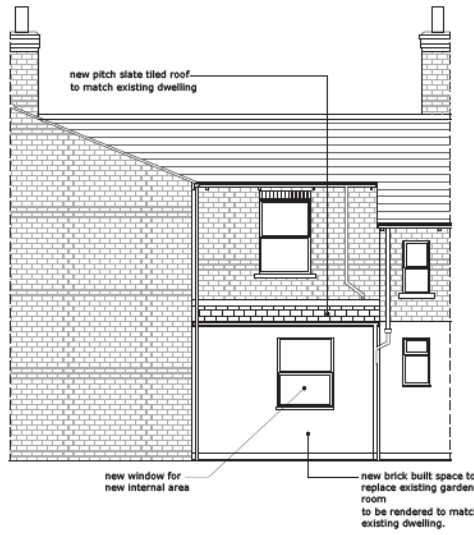
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Client: Mika Coulson 42 Bootham Crescent York YO30 7AH	
Drawing: Existing Plans Ground & First Floor	
Scale: 1:100 @ A3	Revision: FD For Approval
Date: 28.09.22	Drawing Number: PH.PF.MD.BOOTH.CRS.01

# Proposed elevations

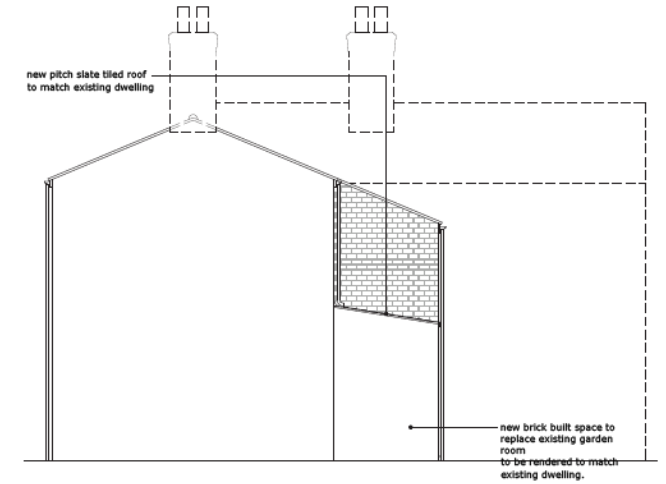
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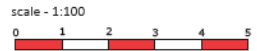
**Proposed South East Elevation (scale 1:100)**



**Proposed South Elevation (scale 1:100)**

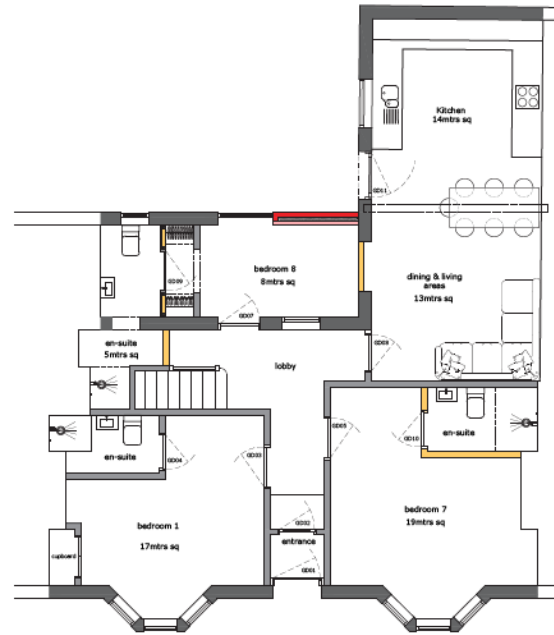


**Proposed North Elevation (scale 1:100)**

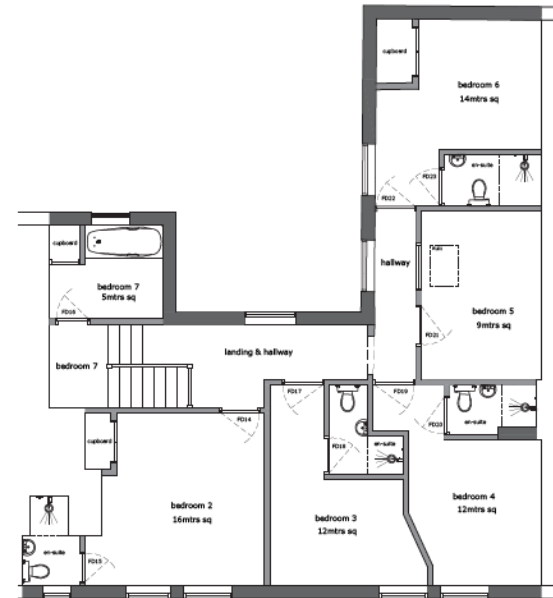


<b>Client:</b> Mika Coulson 42 Sootham Crescent York YO30 7AH	
<b>Drawing:</b> Proposed Elevations	
<b>Scale:</b> 1:100 @ A3	<b>Revision / Drawn Date:</b> FD For Approval
<b>Date:</b> 01.11.22	<b>Drawing Number:</b> PH.PF.MD.BOOOTH.CRS.07

# As proposed floor plans



Proposed Ground Floor (scale 1:100)



Proposed First Floor (scale 1:100)

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Client: Nika Coulson 42 Bootham Crescent York YO30 7AH			
Drawing: Proposed Plans Ground & First Floor			
Scale: 1:100 @ A3	Revision: FD	Design Status: For Approval	
Date: 28.09.22	Drawing Number: PH.PF.MD.BOOOTH.CRS.04		



**COMMITTEE REPORT**

**Date:** 14 June 2023                      **Ward:** Fulford and Heslington  
**Team:** East Area                              **Parish:** None

**Reference:** 22/01122/FUL  
**Application at:** Land Adjacent To 141 Broadway York  
**For:** Variation of condition 2 of permitted application 18/02129/FUL to omit footpath across the front of houses, alter position of fences between properties and erect a shed between plots 2 and 3 (retrospective).  
**By:** Mr Gordon Harrison  
**Application Type:** Full Application  
**Target Date:** 15 June 2023  
**Recommendation:** Approve

**1.0 PROPOSAL****THE SITE**

1.1 The application site contains four no 4 bedroom dwellings that were recently constructed close to the junction of Broadway and Heslington Lane in Fulford.

**PROPOSAL**

1.2 The planning permissions for the development indicate a landscaped triangle of land in front of the enclosed gardens of the 4 properties. The drawings indicated this as being within the planning application site but to remain open and undivided. The drawings also showed a footpath running from Broadway, along the front boundary of the proposed enclosed front gardens before carrying on to the boundary with Walmgate Stray.

1.3 The scheme has been completed, a gravel timber edge path was introduced along the front of the enclosed gardens but hasn't been maintained and there is no longer a clear pathway along the fronts of the gardens. The path never formed an access in to Walmgate Stray. This planning application seeks to amend the drawings to omit the footpath. It also seeks retrospective permission for a small shed that is located between units 2 and 3 and for the 1.5m timber fences located between the homes to project approximately 2.5m forward of the homes (the approved schemes indicated that they would be flush to the front building line of the homes).

## **RELEVANT PLANNING HISTORY**

1.4 The original permission for four houses on the site reference 14/02569/FUL was approved under delegated powers in February 2015. Following this permission there have been several minor changes to the scheme including the addition of two single garages to the rear, modifications to the rear parking layout and a change in house types. These permissions all indicated that the footpath to the front would be provided.

1.5 Since the February 2015 permission there have also been two refused planning applications at the site also for 4 houses (ref:16/02069/FUL and 17/01022/FUL). Both these schemes sought to create a scheme where the gardens would appear to back on to Heslington Lane with the enclosed back gardens of the homes abutting the verge adjacent to Heslington Lane. On both occasions the applications were refused because it was considered that they would detract from the character of the area including the provision of a transition between the main built-up area of the City and the openness of Walmgate Stray.

1.6 The 2017 application was dismissed at appeal. Neither the 2017 delegated refusal or appeal decision or the 2016 delegated refusal made any reference to the absence of a footpath linking with Walmgate being a reason to refuse/dismiss the applications/appeal.

## **CALL IN**

1.7 The application was called in for determination at planning sub-committee by Councillor Aspden should the application be recommended for approval. The reason given was visual amenity, no access to Walmgate stray as intended, potential highway safety issues, and the lack of a path leading to residents incorporating the open land into their gardens.

## **2.0 POLICY CONTEXT**

### 2.1 Policies

#### City of York Local Plan Publication Draft 2018

D1 Placemaking

D2 Landscape and setting

T1 Sustainable access

### **3.0 CONSULTATIONS**

3.1 None

### **4.0 REPRESENTATIONS**

#### Fulford Parish Council

3.2 The Parish Council object to the removal of the footpath. It was always meant to be a publicly accessible connecting route through the site. It is absurd to have no pedestrian front access to the properties. A footpath would discourage home owners from extending their gardens across to the Heslington Lane frontage. Plot 4 has erected stone walling on the path and also extended their garden on to the open land.

#### Fishergate Planning Panel

3.3 The original permission (14/02569/FUL) refers to a 'publicly accessible area of open land'. The lack of provision of the path has led to occupiers taking over the land. The visual amenity of the area has declined and also concerns regarding the impact of boundaries on road safety.

#### Neighbour Notification and Publicity

3.4 One objection has been received. This states that the footpath to be removed is widely used by people accessing Low Moor including families with children. The footpath opposite is narrow and has poor access to the public to cross the road. If residents don't like the public passing close to their gardens why don't they put a fence up? (Case office comment – it is presumed that the objector was of the misunderstanding that the applicant intended to remove the long-standing public footpath adjacent to Broadway/Heslington Lane rather than the path indicated as running in front of the enclosed gardens)

### **5.0 APPRAISAL**

#### **KEY ISSUES**

5.1 The key issues are:

- Changes to dividing fence and erection of shed.
- Impact of absence of footpath on public access.
- Impact of absence of footpath on visual amenity.
- Impact on amenity of residents

## **APPRAISAL**

### National Planning Policy Framework (2021)

5.2 The National Planning Policy Framework is material to the determination of planning application and sets out the Government's overarching planning policies. Paragraph 7-11 explains that the purpose of planning is to contribute to achieving sustainable development. Development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies or where they are out of date, planning permission should be granted unless policies in this framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

5.3 Section 2 confirms that there are three interdependent objectives to securing sustainable development. Economic objectives help to build a strong, responsive and competitive economy, social objectives support strong, vibrant and healthy communities by ensuring there is a sufficient range of homes supported by accessible services to support communities' health, social and cultural well-being, and environmental objectives protect and enhance the natural, built and historic environment. At the heart of the NPPF is a presumption in favour of sustainable development.

5.4 Chapter 9 relates to Promoting Sustainable Transport. In respect to considering development proposals, paragraph 112 states that development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring area.

### Emerging Local Plan

5.5 The emerging Local Plan was submitted for examination on 25 May 2018. Examination hearings took place between December 2019 and September 2022. Consultation on proposed modifications took place in early 2023. The emerging Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

5.6 Policy D1 'Placemaking' states that development proposals will be supported where they improve existing urban environments, enhance York's special qualities and better reveal the significances of the historic environment. Density should be appropriate to its context. Parking should not dominate the street scene and be integrated into the development. Policy D2 requires development to respond to local landscape character, setting and context of the city, making a positive contribution to York's special qualities.

5.7 Policy T1 promotes sustainable travel and ensuring development is safe with appropriate access to the adopted highway. It also states that walking networks should integrate with the development, including Public Rights of Way where appropriate.

## **APPRAISAL**

### Changes to dividing fence and erection of shed.

5.8 The variation indicates that the 1.5m fences that separate the homes would be located 2.5m forward of the properties, rather than in line with the frontages. This has a slight impact on the open character of the patios/gardens, however it is considered a reasonable revision in that it creates a durable screen between the patio areas and ground floor windows of the individual homes. The erection of fences in the specific location would typically not require planning permission, however, the 2018 variation and subsequent consents at the site removed permitted development rights to erect boundaries. The shed that has been erected without consent is small in scale and set behind the front building line. It would not have a significant impact on the streetscene or neighbours living conditions. As with fences and walls, permitted development rights at the site have been removed for garden buildings.

### Impact of the absence of footpath on public access.

5.9 The removal of the footpath would not have a significant impact on access to the 4 properties erected on the site. Although the homes are designed to appear as if

the elevation fronting Heslington Lane is the 'front' including the provision of a conventional 'front' door, it is the case that they are laid out internally so that the elevation that faces the private road that runs behind the buildings is functionally the 'front' with a door leading to the hallway of the property. The door in the elevation facing the private road would be used by residents and visitors, including for example for deliveries. The door facing Broadway leads directly into the living room and would be used by residents to access the patio. As the properties are detached it is also possible to access the rear garden from the front without going through the house. It is the case that the floor plan for the housing approved in 2014 did include the door facing Broadway as the main entrance, however, this was changed in the floorplans approved in the 2018 consent. The footpath remained on the scheme.

5.10 The main consideration is whether the footpath would be necessary to provide suitable access to Walmgate Stray. The proposed curved route of the footpath shown on the approved drawings does not provide the most direct access to or from Broadway. This would be via the existing footpath that runs along Broadway/Heslington Lane. It is noted that the footpath adjacent to Broadway/Heslington Lane is separated from the road by a grass verge and as such its use would not seem to raise any particular safety issues for users. The benefits of using the new path would presumably be recreational, however, it is considered that any recreational gains would be very modest given the short length of the path and the fact that the existing roadside path abuts land left open at the front of the development.

5.11 The footpath was initially proposed by the applicant and was not a route sought by or promoted by the Local Planning Authority. Of significance is the informative on the 2015 and 2018 permissions that states:

“Connection of the private footpath to the Stray and associated public right of way would require further permission from Leisure services and our public rights of way team. Should this not be granted, we would accept the path terminating at the end house.”

5.12 Based on the history of the site it is not considered that the provision of a new path to Walmgate Stray is necessary to justify the approval of the scheme or played any significant role when assessing the planning merits of the proposal. Removal of the footpath from the approved drawings would not raise concerns regarding public access to Walmgate Stray or the individual homes.

Impact of absence of footpath on visual amenity.

5.13 It is not considered that the provision of the path itself is important for visual amenity. If re-constructed it would reduce the amount of soft landscaping on the site and to be a through route would require a gap to be created/maintained in the hedge abutting Walmgate Stray.

5.14 In visual terms the main benefit of the path would be to provide a clear marker between land that forms the small, enclosed gardens and land that is outside. It is the case however that a garden boundary is shown on the approved plans and demarcates the line of the enclosed private gardens. Three properties currently have a timber and chain link fence with some planting as a boundary. One property has a low stone wall. In the description of proposed development for the 2015 planning permission the officer's delegated report refers to the land to the front of the gardens as being "a publicly accessible area of open land". The approved site layout drawing makes no indication in respect to whether the land would be publicly accessible and there is no condition, management plan or legal agreement on any of the planning permissions that would indicate or require this. The 2015 permission included a condition requiring details of landscaping (condition 6). The details submitted to discharge this condition were approved in 2015. The approved landscaping scheme which included the footpath indicated the land to be laid to grass with three trees planted at its centre. The land currently contains several small trees. Hedges have also been planted at the southern boundary of the land where it abuts the verge adjacent to Heslington Lane.

5.15 It would seem based on the 2015 permission and subsequent variations to it, that there is nothing that would indicate that the land between the site of the proposed path and verges associated with Heslington Lane is public open space. Its essential value would seem to be aesthetic. The current application indicates that the land remains within the control of the owners of the 4 homes. Permitted development rights have been removed meaning that boundary walls and fences cannot be erected on the application site without planning permission. Furthermore, permitted development rights have been removed for outbuildings to be erected on the site. Any outbuildings forward of the homes would typically require planning irrespective of permitted development rights being removed. The land currently contains no structures that impact on its open character and it provides a green and open foreground/background to Walmgate Stray and Heslington Lane.

5.16 If the footpath that is proposed to be omitted was a through route to Walmgate Stray it would arguably lesson the likelihood that occupants of the homes would see the land to the south of it as part of their own 'domain', however, the planning permissions for the site do not require a through route to Walmgate for use by the general public to be provided. It is considered that the conditions and restrictions that exist will ensure that the Local Planning Authority are able to keep the land free from any significant development that would conflict with its open and landscaped character. It should be noted that even if a path were provided and in existence there are no planning controls to force the owners to permanently retain it should they consider it superfluous.

5.17 On balance it is not considered that there are visual amenity grounds to require the path to the front to be provided.

#### Impact on amenity of residents

5.18 The path would provide no real benefit to the occupants of the homes as their 'front' door is at the northern side. No correspondence has been received from the owners or occupants of the 4 homes regarding the planning application.

### **6.0 CONCLUSION**

6.1 The proposed development of four homes was set to the back of the application site to enable the frontage to be soft landscaped to retain the open character of this part of the street. Car parking, external storage facilities and the access road are to the rear and largely screened by the houses. The houses were designed to appear to front Heslington Lane, however, the main entrance is to the rear and what appears as the front gardens are the properties main garden space. Planning conditions exist for the site that allows the Local Planning Authority to control the erection of walls, fences and garden buildings.

6.2 It is not considered that the absence of a path along the front gardens detracts from any necessary planning need such as providing suitable private access to the 4 homes or public access to Walmgate Stray. Although the path is shown on the approved drawings and should be provided, no planning conditions exist that require it to be retained once provided. It is not considered that the lack of the provision/retention of the path would have a significant impact on the future use and appearance of the land within the application site that fronts Heslington Lane.



6.3 The proposals are considered to comply with the National Planning Policy Framework and the relevant policies of the emerging Local Plan.

**7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plan:

Site Plan GHBB2 41 P13 received on 6 April 2022.

Pland and elevations of shed reference GHBB2 49 P00 received on 30 March 2023.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The areas shown on the approved plans for parking and manoeuvring of vehicles and cycles shall be retained solely for such purposes.

Reason: In the interests of highway safety.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no door, window or other opening additional or different in size and design to those shown on the approved plans shall at any time be inserted in the front elevation of the properties.

Reason: In the interests of the preserving the character and appearance of the local environment.

5 Any trees or plants shown on the approved landscaping scheme which within a period of five years from the substantial completion of the planting and development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order 2015 (or any Order revoking or re-enacting that Order), development of the type describe below shall not be erected or constructed:

- Classes A (extensions), B (roof alterations) and E (outbuildings) of Schedule 2 Part 1 of that Order; or
- Class A (gates, fences, walls, or other means of enclosure) of Schedule 2 Part 2 of that Order in respect of the front (south-east) garden boundary.

Reason: In the interests of the amenities of the adjoining residents and the visual amenities of the local environment the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development Order 2015.

7 2.0 x 2.0m sight lines, free of all obstructions which exceed the height of the adjacent footway by more than 0.6m, shall be maintained.

Reason: In the interests of pedestrian safety.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

#### **Contact details:**

**Case Officer:** Neil Massey  
**Tel No:** 01904 551352



## Planning Committee B

22/01122/FUL

Land Adjacent To 141 Broadway

# Site plan



PROPOSED SITE PLAN

**KEY**

- - - Site boundary
- - - Timber Fence (Noted)
- - - 1m high stock proof fence
- ▨ Block Paving
- ▧ Paving To Pathways
- ▨ Loose Gravel
- ▨ Self Binding Gravel
- Tarmac

P13	01.04.22	Updated in line with as built
P12	03.11.21	Updated in line with highways comments
P11	02.11.21	Updated in line with highways comments
P10	02.08.21	VP revised. Fences added between plots
P09	27.04.21	Revisions to hard landscaping
P08	22.02.21	Fences updated
P07	22.02.21	Garden areas extended, Garage added
P06	19.01.19	Notes added
P05	20.11.18	Revised in accordance with parish council comments
P04	13.09.18	Revised site plan
P03	19.02.15	Rear Off-set distances added
P02	22.01.15	Colleges parked back into site to create more open space to SE of site Paving reduced and layouts updated accordingly Footpath of College reinstated
P01	14.11.14	Issued for Planning
revision	date	description

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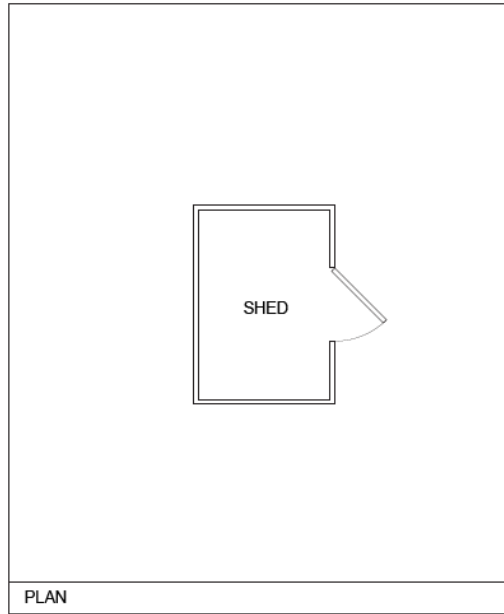
project  
**Proposed Residential Development at  
 143-9 Broadway, Fulford, YO10 4JY, York**

drawing  
**Proposed Site Layout**

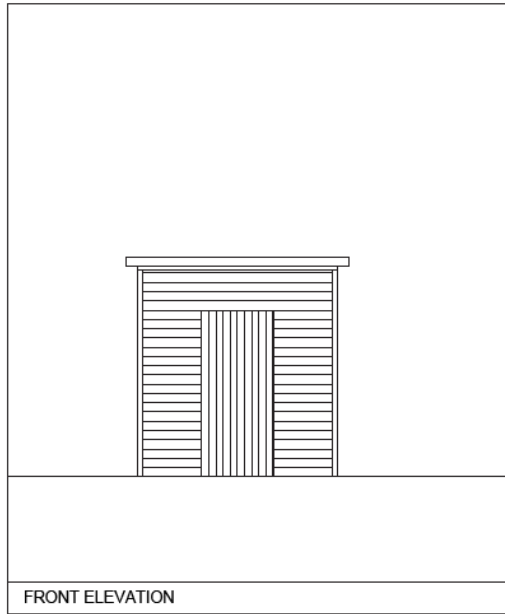
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**1:200 @ A1**

job number	date	status	drawing number	revision
GHBB2	15/09/14	Planning	41	P13

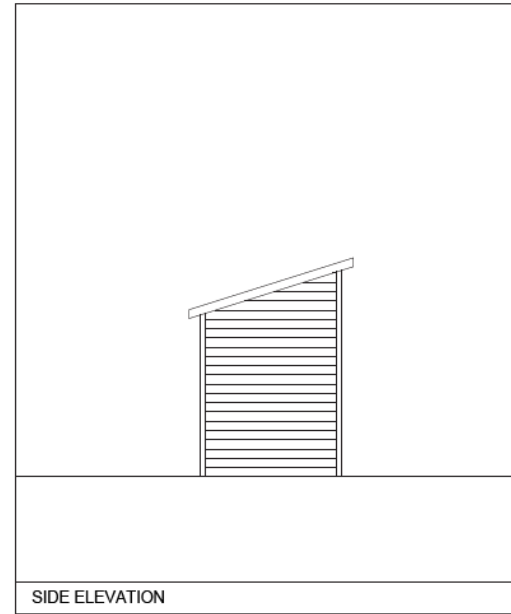
# Proposed shed floor plans and elevations



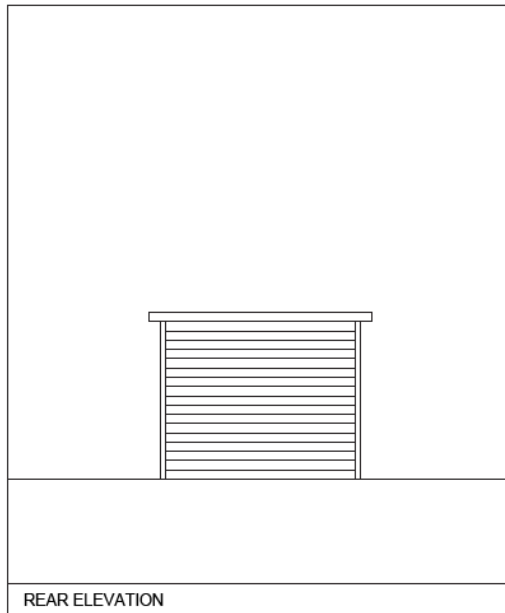
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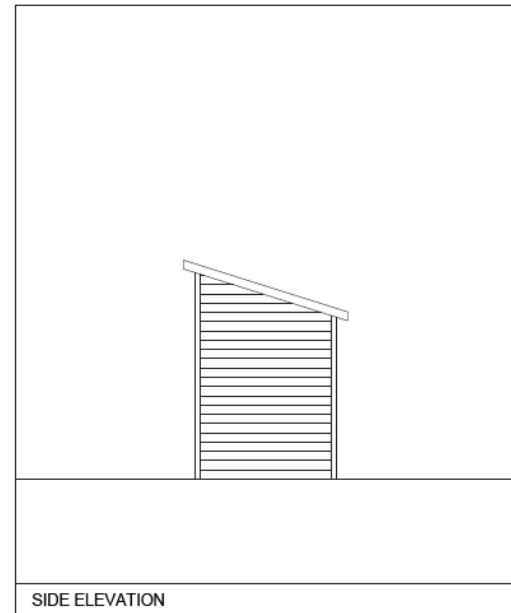
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

revision	date	description

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**Project**  
 Proposed Residential Development  
 143-9 Broadway, Fulford, YO10 4JY, York

**Client**  
 Proposed Shed Plan & Elevations

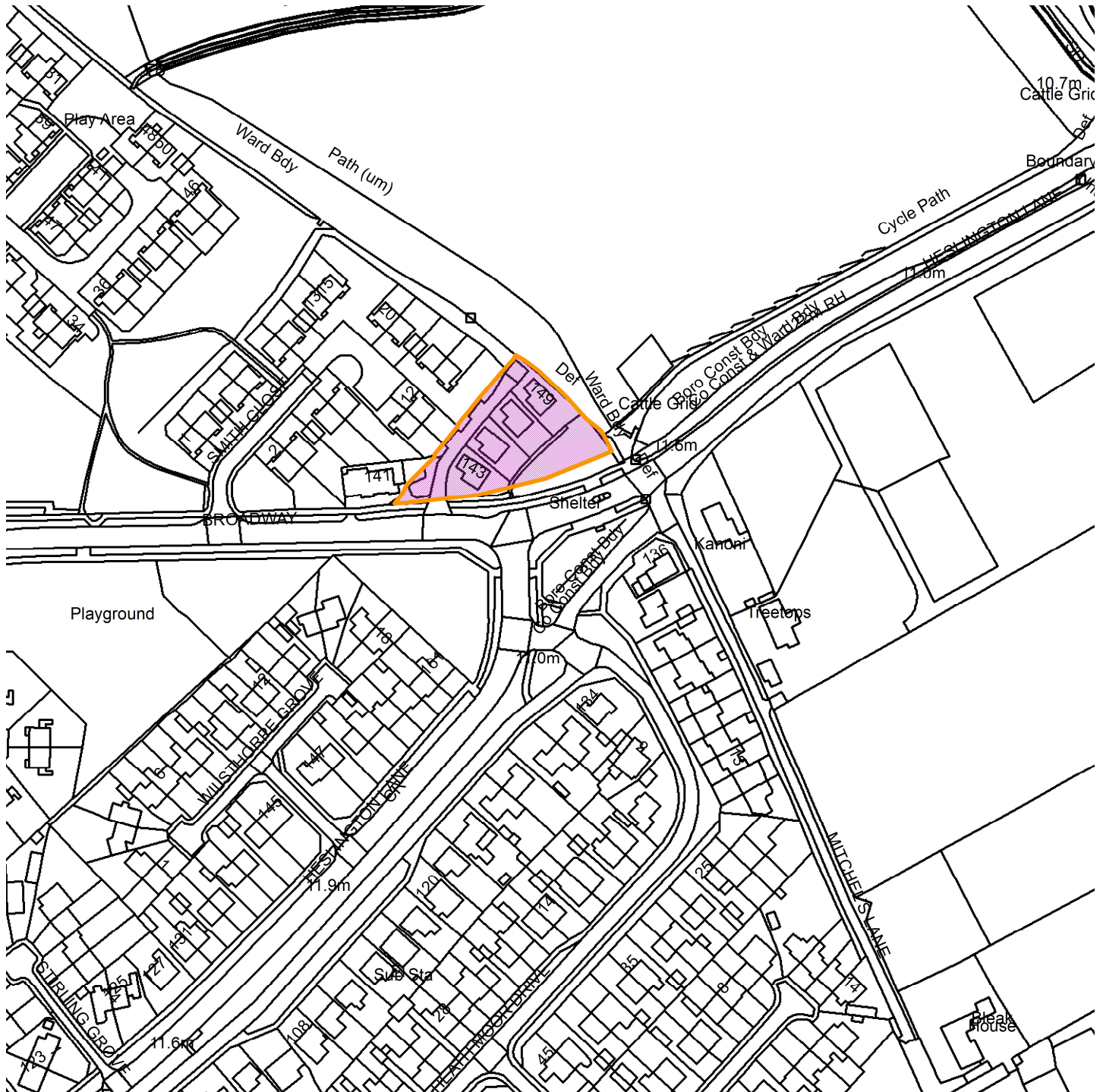
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 GHBB2 15/09/14 Planning 49 P00

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# Land Adjacent To 141 Broadway York

22/01122/FUL



Scale : 1:2061

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	06 June 2023
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 14 June 2023                      **Ward:** Guildhall  
**Team:** East Area                              **Parish:** Guildhall Planning Panel  
**Reference:** 22/02603/FUL  
**Application at:** Mudd And Co 5 Peckitt Street York YO1 9SF  
**For:** Change of use from office to residential (use class C3) single storey rear extension following demolition of existing single storey rear extension, and dormer to rear (resubmission)  
**By:** Mr T Mudd  
**Application Type:** Full Application  
**Target Date:** 20 April 2023  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The property is a Grade II listed building that is located in the city centre and within the Central Historic Core conservation area and an Area of Archaeological Importance. This application seeks planning permission for the change of use of the property from office to residential and the erection of a single storey rear extension, following demolition of an existing single storey rear kitchen range extension and outbuildings, and erection of a rear dormer. There is a concurrent application for listed building consent for internal and external alterations including erection of a single storey rear extension and rear dormer (22/02604/LBC).

1.2 Applications for listed building consent and planning permission for the same scheme, with some slight variations, were refused in February 2021 (19/01455/LBC and 19/01454/FUL). Appeals against these decisions were subsequently dismissed by the Planning Inspectorate in February 2022.

Previous Refusals and Appeal Dismissals

1.3 The previous applications were refused on the grounds that:

- a) The existing rear kitchen range and outbuildings were of important heritage and aesthetic value and their demolition would result in harm to the significance of the building
- b) They were also considered to add greatly to the character of the listed building, whereas the proposed extension was notably taller and wider and would appear awkward

- c) The proposed rear dormer would create an incongruous feature within the roofscape.

1.4 The Planning Inspector's reasons for dismissing the appeal were:

- a) The removal of the kitchen range and outbuildings would result in the loss of features of special interest that contribute to the overall significance of the listed building and would cause clear harm (pp.13)
- b) The increased scale and massing of the proposed extension would be conspicuous and would partially obscure a ground floor sash window, thereby appearing overall as a discordant addition that would diminish the building's significance (pp.14)
- c) The proximity of the steps and railings on the proposed extension to the ground floor rear window would clutter the rear elevation and detract from a feature of architectural significance (pp.14)
- d) The rear dormer would be at odds with the simpler character of the property and would harm the character and appearance of the conservation area (pp.16)

1.5 In his decision the Inspector provided an outline of those aspects he considered contributed strongly to the history and significance of the building. It is important to bear this in mind when considering this current submission in order to ascertain if they have been safeguarded in the new application. In this respect he made the following comments:

- a) The significance of the listed building is principally derived from its age, character and well-preserved appearance, illustrative of middle-class housing and the development of York in the mid-19th century.....This includes the composition of its built form and internal layout which remains legible...' (pp.8)
- b) The single storey kitchen range and outbuildings.....make a positive contribution to the significance of the building, providing an historical narrative of how the property was lived in and developed.....the fact that neighbouring properties have been subject to large rear extensions, which detract from their historical interest, makes the existing kitchen and range of outbuildings at no.5 even more significant in heritage terms (pp.9)

The appeal decision is a material consideration in determining this planning application.

### Revisions to the Previously Refused Scheme

1.6 The changes that have been made to the scheme are:

- The entrance door and steps have been moved from a point abutting the rear elevation of the house to the rear of the proposed extension

- The roof of the dormer has been changed from a shallow pitch to a flat roof
- The height of the extension has increased from 4.7m to 4.95m

### Committee Call-in

1.7 The application has been called in by Councillor Fitzpatrick for the following reasons:

- Significant changes have been made to the original application, e.g. a different arrangement of the rear window and rear dormer
- This change is of little difference to changes that have been made to neighbouring properties within this conservation area.
- The Conservation Officer has not visited the property to speak to the applicant and have an essential view of the rear of the property.
- Peckitt Street and the surrounding area are subject to a planning application from the Environment Agency re: flooding mitigations on Tower Street. If successful it will place this property and others on Peckitt Street and environs at a greater risk of flooding. In arguing for a preservation of conversation status and 5 Peckitt Street will be allowed to rot over time, instead of making it stronger and have better flood defences.
- This applicant wants to effect these changes to his property to enable him to live there as his sole residence. York needs more city centre housing.

## **2.0 POLICY CONTEXT**

### Emerging Local Plan

Policy D4: Conservation Areas

Policy D5: Listed Buildings

## **3.0 CONSULTATIONS**

### INTERNAL

### Design Conservation & Sustainable Development

3.1 The proposal scheme is in essence a resubmission of 19/01454/FUL and 19/01455/LBC, which were refused at appeal. There are fundamental/remaining concerns due to deviations from policy and guidance. The application cannot be supported on the grounds of harm to character of listed building and conservation area.

3.2 Minor differences from the preceding scheme are a different arrangement of windows on the proposed extension and a redesign of the proposed dormer and in this respect:

- a) The revised window arrangement on the rear extension has a neutral impact compared to the refused scheme.
- b) The now flat roofed dormer is of poor design and at odds with the character of the building resulting in a significantly more harmful impact on the character of the building.

3.3 Notwithstanding the minor changes to the scheme, the resubmission remains substantially the same as the scheme dismissed at appeal. Listed building consent and planning permission should be refused.

#### City Archaeologist

3.4 Archaeological comments were submitted on a similar application from 2019. A watching brief was requested, despite the relatively small-scale proposals, as a precaution given the archaeological sensitivity of the area. Since the submission of that application there has been further archaeological work undertaken in the area (watching brief at 7 Tower St) and given the scale of the proposed works and the relatively shallow foundations required I do not think a watching brief will produce any meaningful results, therefore no requirements on this current application.

#### Senior Flood Risk Engineer

3.5 The Senior Flood Risk Engineer has confirmed that his comments are the same as on the previous application. In essence these are:

- As the rear area is surrounded by a high wall, he considered that the development would not represent a loss of flood storage.
- The non-return valve and pumping system prevents flood water from entering the rear area through the drains.

#### Public Protection

3.6 Due to the proposed use of the site being for residential a condition is recommended requiring that any unexpected contamination found when carrying out the development must be reported in writing to the Local Planning Authority and an investigation and risk assessment must be undertaken, including a remediation strategy if necessary.

EXTERNAL

#### Guildhall Planning Panel

3.7 We appreciate the design but are concerned about the loss of outside space.

### **4.0 REPRESENTATIONS**

## York Civic Trust

4.1 The building's significance lies around its aesthetic design value as a 19th-century townhouse in York and the rear elevation appears to be unaltered with a single storey service building still surviving. This row of buildings has been listed together due to their group value and the rear roofs have been largely unaltered except for one skylight on 3 Peckitt Street.

4.2 The Trust supports the principle of conversion to residential but objects to the large dormer window that would have a negative effect on the unaltered façade and on the conservation area and on the aesthetic value as a collective group (nos.1-7); this being one of the major reasons these buildings were listed. It would set a precedent for this row of listed buildings and possibly other group-valued listed buildings on the street.

4.3 Although the design of dormer has been altered from the previous application, any dormer would distract from the listed building. Dormers have been added to other properties in the vicinity but there is not a precedent for dormers on this row of group value listed buildings. Internally, the installation of a wall on the ground floor that will reinstate the original layout is welcome and the reposition and addition of the double doors may result in a slight loss of historic fabric but a long-term viable use outweighs the harm.

## Other Representations

4.4 Comments have been received from three residents of Peckitt Street and one from Stockton Lane outlining support, comments include:

- Houses on Peckitt Street need to be modernized and maintained so that the street can keep its character as a lived in and attractive historic housing group.
- Proposal would bring the property in line with other residential properties in the street
- The existing rear extension would benefit from proposed improvements of damp proofing and insulation
- Raising the floor to the rear would mitigate the risk of flooding
- The proposed improvements will enable those at no.6 to maintain their property which at present they are unable to do
- The property would benefit from light and warmth from the south facing aspect
- The applicant will live in the property so we won't have another Airbnb property in the street.
- The change will mean less business traffic in the street.
- The improvements to the rear will not be visible to neighbours given the high walls to no.5

## Environment Agency

4.5 The Environment Agency raised no objections subject to the proposed development being carried out in accordance with the submitted flood risk assessment.

## **5.0 APPRAISAL**

### KEY ISSUES

5.1 The key issues in the assessment of this proposal are the impact upon the character and appearance of the building and the conservation area.

### LEGISLATIVE BACKGROUND

5.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of an LPA's planning function with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

### POLICY CONTEXT

#### National Planning Policy Framework

5.3 The National Planning Policy Framework sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development.

5.4 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users

5.5 The NPPF also places great importance on good design. Paragraph 134 says that development which is not well designed should be refused.

5.6 Paragraph 189 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 197 advises that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of a listed building and putting it to a viable use consistent with its conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset the greater the weight should be) irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to a designated heritage asset should require clear and convincing justification. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

#### Local Plan Policies

#### City of York Publication Draft Local Plan 2018

5.7 The emerging Local Plan was submitted for examination on 25 May 2018. Examination hearings took place between December 2019 and September 2022. Consultation on proposed modifications took place in early 2023. The emerging Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

5.8 Policy D4: Conservation Areas states that development proposals within a conservation area will be supported where they are designed to preserve or enhance those elements which contribute to the character or appearance of the Conservation Area, ii would enhance or better reveal its significance or would help secure a sustainable future for a building. Harm to buildings which make a positive contribution to a Conservation Area will be permitted only where this is outweighed by the public benefits of the proposal. Policy D5: Listed Buildings states that proposals affecting a Listed Building will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. Changes of use will be supported where it has been demonstrated that the proposed new use of the building would help sustain a sustainable future for a building at risk. Harm will only be permitted where this is outweighed by public benefits.

5.9 Policies D4 and D5 as summarised above were subject to modification in Jan 2023 to ensure consistency with the NPPF and the 1990 Act. They are considered to have moderate weight in the decision making process.

## ASSESSMENT

5.10 It is not considered that the changes that have been made to the proposals are significant and they have not addressed the main objections that both the LPA and the Planning Inspectorate had with regard to the scale and massing of the proposed extension, the loss of the original and historically important range and outbuildings and the adverse impact that all of this would have on the significance of the listed building. In addition, it is considered that some of the minor changes that have been made, in terms of introducing a flat roof to the dormer and slightly increasing the height of the proposed extension, have actually made the scheme more adverse in terms of its impact.

### Importance of the Historic Kitchen Range and Outbuildings

5.11 The existing kitchen range and attached outbuildings are of small scale and comprise a modest extension to the property. This subservience is important not only in aesthetic terms but also in historic illustrative value terms, because it highlights that the kitchen range and outbuildings are minor service structures and it demonstrates how the building was used in the past.

5.12 The applicant's Heritage Statement acknowledges this when it refers to the surviving plan form being of specific significance to the listing as it reflects its historic use as a simple middle class/skilled working-class house. Furthermore, the Heritage Statement considers that the existing kitchen range and rear outbuildings are of some historic significance as an illustration of how the property was lived in and developed.

5.13 This importance to significance is also highlighted in the Inspector's report:

'The single storey kitchen range and outbuildings.....make a positive contribution to the significance of the building, providing an historical narrative of how the property was lived in and developed.'

5.14 The modest scale of these buildings means that they sit most sympathetically on the rear elevation. Their combination of low height and narrow width combined with the variation in fenestration, floorplan and roof form creates a very pleasing composition that contributes significantly to the setting of the listed building.

### Proposed Extension

5.15 In comparison, the proposed extension with its considerably increased scale and massing would appear as an ungainly and uncomfortable addition to the property and would erode the historic order and balance that currently exists between the extension and host building. It would also still partially obscure a rear



facing sliding sash window, which the Inspector referred to as being an unacceptable aspect in his reasons for dismissal.

5.16 The proposed extension is also considered to be unsympathetic in design terms, especially when compared to the existing historic extension that it would replace. The low scale of the latter combined with the variation of form in its windows and doors, responds well to the irregular size positioning of fenestration on the main rear elevation. This creates a sympathetic and subservient annex that appears to have grown organically from the main building.

5.17 In contrast the design of the proposed extension feels utilitarian and heavy-handed. The fenestration appears too ordered and regular with 4 six-paned windows all of the same size in a row along the side elevation. The two skylights are over-large and compound the regularity of the approach by being positioned directly above two of the windows and being of the same width. The rear door to the extension is bland compared to the finely detailed part-glazed door on the existing range and the external staircase and railings appear as an uncomfortable addition.

5.18 In essence, the proposals would replace an historic range that makes a delightful contribution to the property with an unbalanced, over-large and incongruous extension that would diminish the significance of the building. In respect of who would be able to see the extensions, it is important to note that listed buildings are protected for their inherent qualities, irrespective of whether they are visible to the people outside the site.

5.19 With regard to flooding, there is no evidence that retaining the historic range and outbuildings would mean 5 Peckitt Street would rot over time due to this issue. The Council's Senior Flood Risk Engineer has inspected the non-return valve and pumping system that prevents flood water from entering through the drains and has confirmed that potential flooding issues have been addressed.

### Proposed Dormer

5.20 Both officers and the Inspector have concluded that the principle of a dormer on the building is unacceptable, as it would be at odds with the simpler character of the host property and would harm the character and appearance of the conservation area. This position is supported by the Civic Trust who have advised of the negative effect it would have on the unaltered façade of the property and on the conservation area, emphasising that it would be particularly adverse due to there being no other dormers on nos.1-7 Peckitt Street and because it is their aesthetic value as a collective group that is one of the main reasons for nos.1-7 being listed.

5.21 The dormer in this latest submission is shown in the same position as the previously refused scheme. The form has been changed with a pitched roof being replaced by a flat roof, a six-paned window on the front being changed to a four-

paned window and the two windows on either side of the dormer having glazing bars introduced. However, officers' position remains that the principle of a dormer is unacceptable with the introduction of the flat roof making the dormer appear even more incongruous, the four-paned front window appearing out of balance with the original sash windows on the rear elevation and the addition of glazing bars to the side feeling over-complicated and awkward.

### Principle of Use

5.22 The principle of converting the application property to residential is acceptable in principle, but it is considered that any proposed scheme of conversion must adopt an approach that conserves heritage assets. The NPPF says that great weight should be given to the asset's conservation irrespective of the level of harm identified, also that any loss or harm need clear and convincing justification (para 200) and need to meet the relevant public benefits test. Officers consider that alternative approaches are possible that could achieve such aims. In this respect, the proposed plans show that the rear ground floor room would be used as a separate dining room. This room and the existing kitchen range could be used together as a combined kitchen/dining area, thereby facilitating the introduction of residential use in a way that respects the historic planform and avoids the demolition of the original kitchen range and outbuildings. Officers also consider residential use of the attic could be made possible via the use of a conservation rooflight rather than a dormer. In this way a successful and sympathetic conversion could be secured.

### Legislative and NPPF Policy Compliance

5.23 In assessing the proposal officers have considered the desirability of sustaining and enhancing the significance of this listed building and putting it to a viable use consistent with its conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, as required by Paragraph 197 of the NPPF. They have also considered the impact it would have on the significance of the heritage assets (listed building and conservation area), as required by Paragraph 199 of the NPPF, and have judged that there will be harm.

5.24 As it is considered there will be harm to both the listed building and conservation area, there is a need to weigh the proposal against the public benefits of the proposal including where appropriate, securing its optimum viable use, as outlined in Paragraph 202 of the NPPF. The harm that would be caused is significant but less than substantial. Paragraph 020 of Planning Practice Guidance states that public benefits should be of a nature or scale that are of benefit to the public at large not just a private benefit.

5.25 In respect of the proposals for no.5 Peckitt Street, the applicant has advised that he wishes to undertake the works to enable him to live there as his sole

residence. The application states that the building is in partial residential use, the proposal would result in a very minor increase to the housing floorspace. Other benefits include the removal of the soil vent pipe and uPVC vent from the principal elevation and also internal works that would partially reinstate the building's historic plan form. The proposal would also result in a more thermally efficient and flood resilient property. The public benefits are limited in scale and do not outweigh the harm to heritage assets (i.e. listed building and conservation area). It is considered that the application should be refused, especially as residential use can be introduced into the building in a sensitive manner without demolition and incongruous additions.

5.26 It is considered that in refusing this application the Local Planning Authority would be properly exercising its duty under Section 16 (2) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **6.0 CONCLUSION**

6.1 The proposal would have an adverse impact on the historic character of the application property and the character of the conservation area and be in conflict with paragraphs 130, 134, 189, 197 and 199 of the NPPF, and emerging Local Plan Policy D4 and Policy D5. It is therefore considered that planning permission should be refused.

## **7.0 RECOMMENDATION: Refuse**

1 The existing rear extension is of important heritage value in respect of the building's history and is also of aesthetic value because of its form and appearance, and thereby adds further interest to the listed building. As a result, it is considered that demolition of this structure would result in harm to the significance of the listed building. It is considered that the scale, composition and variation in massing of the existing extensions adds greatly to the character of the listed building, whereas the proposed extension is notably taller and wider and appears awkward and incongruous in comparison. The additional scale cramps the rear facade and diminishes the clear separation between the house and its ancillary range, detracting from the character and setting and it is considered that the proposed rear dormer would appear as an incongruous feature within the roofscape.

As a result, the proposals would have an adverse impact on the architectural and historic importance of the building and thus would detract from the character and appearance of the conservation area and the significance of the listed building. For this reason, the proposal would be in conflict with paragraphs 130, 134, 189, 197 and 199 of the NPPF, and emerging Local Plan Policy D4 and D5

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

Application Reference Number: 22/02603/FUL

Item No: 4c

## 1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

Having assessed the scheme against relevant local and national policy, it was not considered that amendments could reasonably be sought to overcome the problems that were identified, resulting in planning permission being refused for the reason stated.

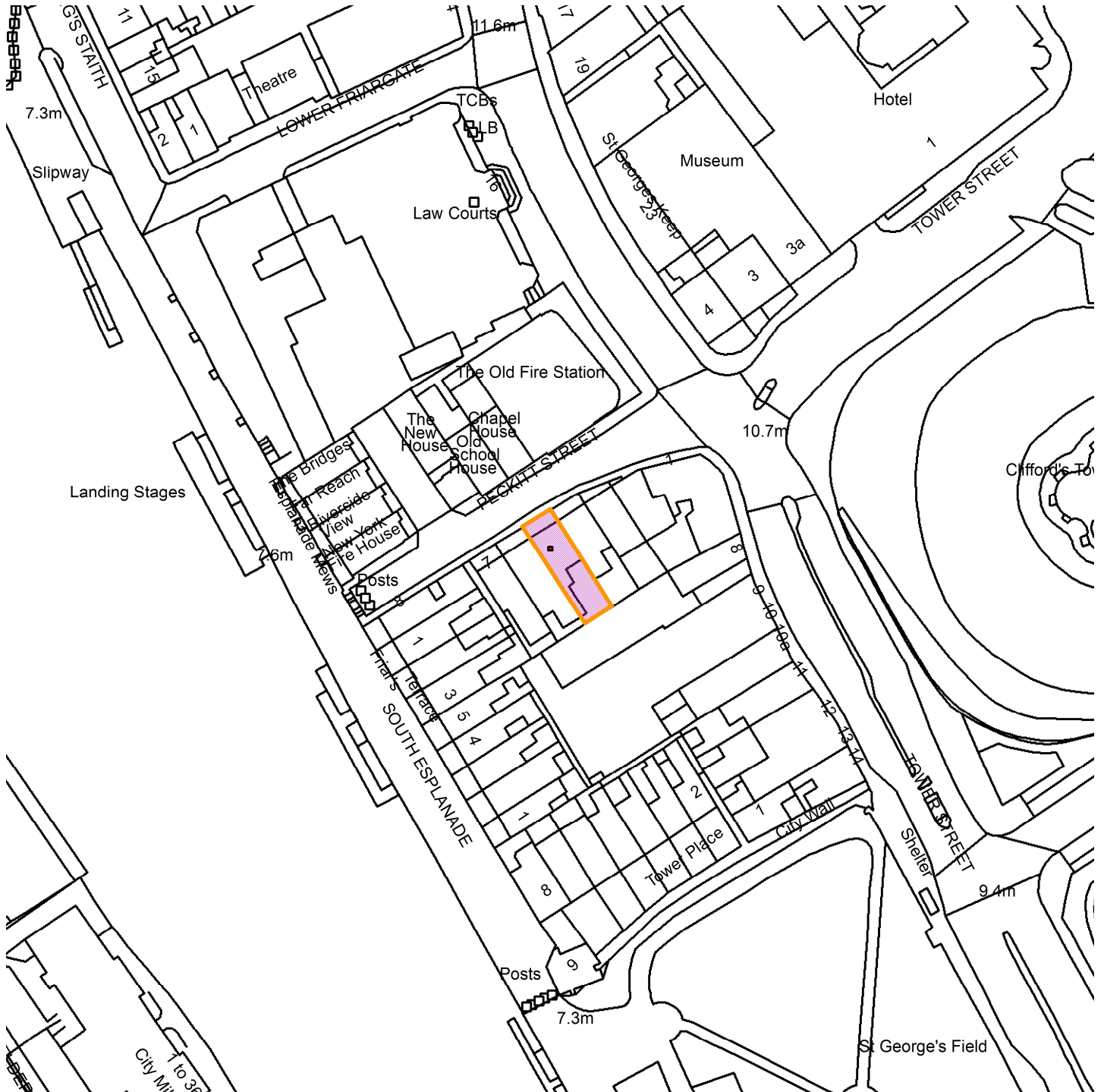
**Contact details:**

**Case Officer:** David Johnson

**Tel No:** 01904 551665

# Mudd And Co, 5 Peckitt Street, York YO1 9SF

22/02603/FUL



Scale : 1:1030

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	05 June 2023
<b>SLA Number</b>	Not Set

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## Planning Committee B

22/02603/FUL and 22/02604/LBC

Mudd And Co 5 Peckitt Street

# Existing and Proposed site plan




Site Plan as Proposed  
Scale 1:200



**Notes:**  
 The contractor is responsible for checking dimensions, any discrepancies to be determined by the architect before proceeding with the works.  
 No dimensions to be scaled from drawing. Figured dimensions to be worked to in all cases.  
 All materials used and work undertaken to be in accordance with relevant British Standard Codes of Practice and the Building Regulations with subsequent amendments.  
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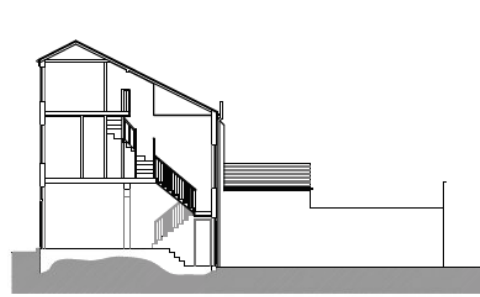
Revision	Plate	Date
Project: 5 Peckitt St, York, YO1 5SF		
Title: Block Plan of Site		
Client: Mr Tim Mudd		
Scale: 1:200 @ A3	Date: 22/07/19	
Drawn By: D.H.M.	Drawing Number: 994.005	Revisions: *
 <b>Finlay Associates</b> Chartered Architects <i>"Igniting the Breath of Architecture"</i>		
SAKE DANE LODGE, 22 MAIN STREET, NETHER POPPLETON, YORK, YO8 5HE T: 01904 780088 Email: info@architectsyork.com www.architectsyork.com		



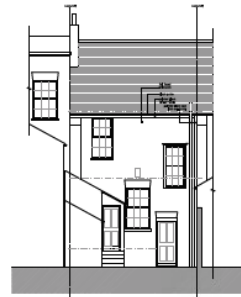
# Existing plans and elevations



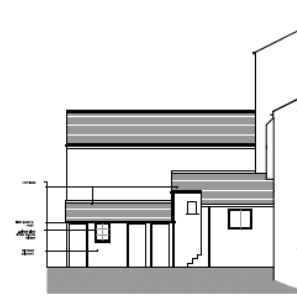
Front Elevation as Existing  
Scale 1:100



Sectional Side Elevation as Existing  
Scale 1:100

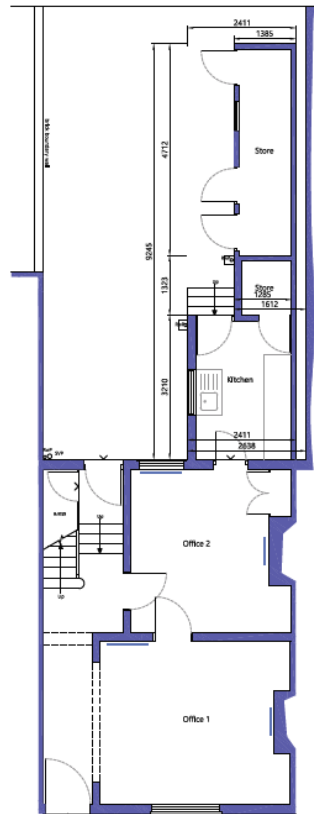


Rear Elevation as Existing  
Scale 1:100

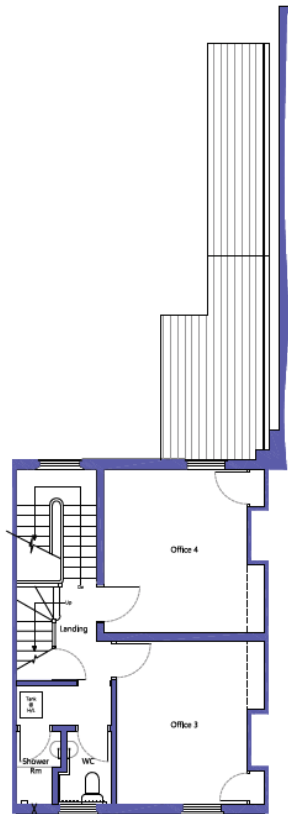


Side Elevation as Existing  
Scale 1:100

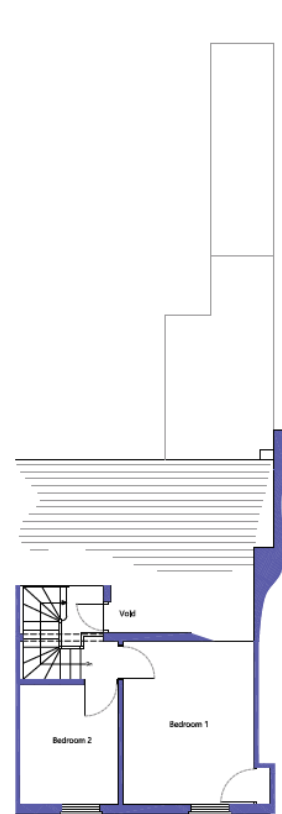
**Notes:**  
 The contractor is responsible for checking dimensions, any discrepancies to be determined by the architect before proceeding with the works.  
 All dimensions to be scaled from drawings. Squared dimensions to be worked to 3rd class.  
 All materials used and work undertaken to be in accordance with relevant British Standard Codes Of Practice and the Building Regulations with subsequent amendments.  
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Ground Floor Plan as Existing  
Scale 1:50



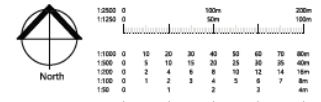
First Floor Plan as Existing  
Scale 1:50




Second Floor Plan as Existing  
Scale 1:50

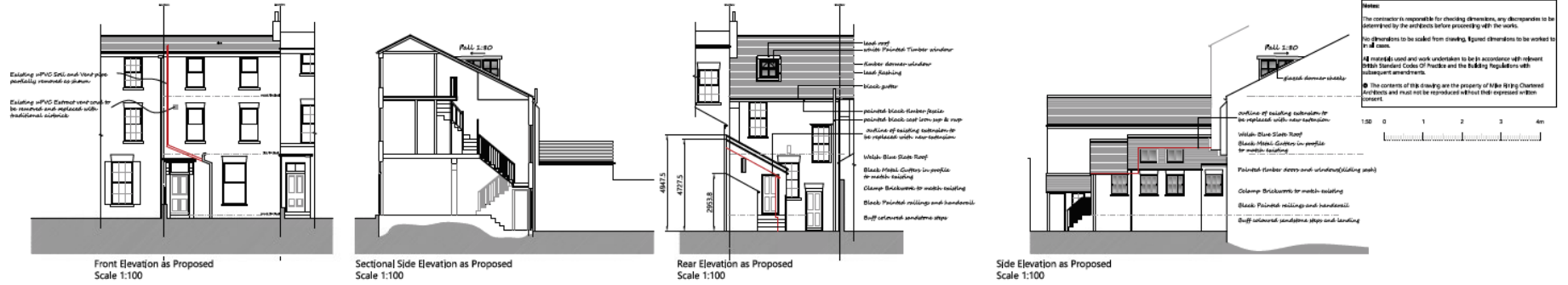



Site Location Plan  
Scale 1:500



Revision No.	Date
Project: 5 Packett Street, York, YO1 9SF	
Title: Plans and Elevations as Existing	
Client: Mr Tim Mudd	
Scale: 1:50/1:100 @ A1	Date: 26/03/19
Drawn By: GJM	Drawing Number: 994.001
 <b>Fining Associates</b> Chartered Architects 'Spurring The Growth Of Architecture'	
SAKY BANK LODGE, 22 HAAS STREET, NORTH FERRISBOROUGH, YORK, YO26 6WS T: 01904 788500 Email: info@fining.co.uk www.fining.co.uk	

# Proposed plans and elevations



Revision Date	Date
Project	5 Parkhill Street, York, YO1 8SF
Title	Plans and Elevations as Proposed
Client	Mr Tim Mudd
Scale	1:50/1:100 @ A1
Date	10/05/19
Drawn By	DM
Drawing Number	994.002
Revised	
 <b>Fining Associates</b> Chartered Architects Spurring the Wealth of Architecture	
1 RYAN BUSINESS CENTRE 80/82 BRIDGE NETHER POPPLETON YORK YO26 6BN T: 01904 788988 E: info@finingassociates.com www.finingassociates.com	

**COMMITTEE REPORT**

**Date:** 14 June 2023      **Ward:** Guildhall  
**Team:** East Area      **Parish:** Guildhall Planning Panel  
**Reference:** 22/02604/LBC  
**Application at:** Mudd And Co 5 Peckitt Street York YO1 9SF  
**For:** Internal and external alterations in conjunction with change of use from office to residential, single storey rear extension following demolition of existing single storey rear extension, dormer to rear, reposition some internal doors and erect partition walls (resubmission)  
**By:** Mr T Mudd  
**Application Type:** Listed Building Consent  
**Target Date:** 20 April 2023  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The property is a Grade II listed building that is located in the city centre and within the Central Historic Core conservation area and an Area of Archaeological Importance. It is listed as part of a group of terraced properties, this being nos.1-7 consecutive Peckitt Street. This application seeks listed building consent for internal and external alterations including erection of a single storey rear extension, following the demolition of an existing single storey rear kitchen range and attached outbuildings, and erection of a rear dormer, the works being in association with a proposed change of use of the property from office to residential. There is a concurrent application for planning permission for the change of use of the premises from office to residential and the erection of a single storey rear extension and rear dormer (22/02603/FUL).

1.2 Applications for listed building consent and planning permission for the same scheme, with some slight variations, were refused in February 2021 (19/01455/LBC and 19/01454/FUL). Appeals against these decisions were subsequently dismissed by the Planning Inspectorate in February 2022.

Previous Refusals and Appeal Dismissals

1.3 The previous applications were refused on the grounds that:

- a) The existing rear kitchen range and outbuildings were of important heritage and aesthetic value and their demolition would result in harm to the significance of the building

- b) They were also considered to add greatly to the character of the listed building, whereas the proposed extension was notably taller and wider and would appear awkward
- c) The proposed rear dormer would create an incongruous feature within the roofscape.

1.4 The Planning Inspector's reasons for dismissing the appeal were:

- a) The removal of the kitchen range and outbuildings would result in the loss of features of special interest that contribute to the overall significance of the listed building and would cause clear harm (pp.13)
- b) The increased scale and massing of the proposed extension would be conspicuous and would partially obscure a ground floor sash window, thereby appearing overall as a discordant addition that would diminish the building's significance (pp.14)
- c) The proximity of the steps and railings on the proposed extension to the ground floor rear window would clutter the rear elevation and detract from a feature of architectural significance (pp.14)
- d) The rear dormer would be at odds with the simpler character of the property and would harm the character and appearance of the conservation area (pp.16)

1.5 In his decision the Inspector provided an outline of those aspects he considered contributed strongly to the history and significance of the building. It is important to bear this in mind when considering this current submission in order to ascertain if they have been safeguarded in the new application. In this respect he made the following comments:

- a) The significance of the listed building is principally derived from its age, character and well-preserved appearance, illustrative of middle-class housing and the development of York in the mid-19th century.....This includes the composition of its built form and internal layout which remains legible...' (pp.8)
- b) The single storey kitchen range and outbuildings.....make a positive contribution to the significance of the building, providing an historical narrative of how the property was lived in and developed.....the fact that neighbouring properties have been subject to large rear extensions, which detract from their historical interest, makes the existing kitchen and range of outbuildings at no.5 even more significant in heritage terms (pp.9)

The appeal decision is a material consideration in determining this planning application.

### Revisions to the Previously Refused Scheme

1.6 The changes that have been made to the scheme are:

Application Reference Number: 22/02604/LBC

Item No: 4d

- The entrance door and steps have been moved from a point abutting the rear elevation of the house to the rear of the proposed extension
- The roof of the dormer has been changed from a shallow pitch to a flat roof
- The height of the extension has increased from 4.7m to 4.95m

### Committee Call-in

1.7 The application has been called in by Councillor Fitzpatrick for the following reasons:

- Significant changes have been made to the original application, e.g. a different arrangement of the rear window and rear dormer
- This change is of little difference to changes that have been made to neighbouring properties within this conservation area.
- The Conservation Officer has not visited the property to speak to the applicant and have an essential view of the rear of the property.
- Peckitt Street and the surrounding area are subject to a planning application from the Environment Agency re: flooding mitigations on Tower Street. If successful it will place this property and others on Peckitt Street and environs at a greater risk of flooding. In arguing for a preservation of conversation status and 5 Peckitt Street will be allowed to rot over time, instead of making it stronger and have better flood defences.
- This applicant wants to effect these changes to his property to enable him to live there as his sole residence. York needs more city centre housing.

## **2.0 POLICY CONTEXT**

### Emerging Local Plan

Policy D5: Listed Buildings

## **3.0 CONSULTATIONS**

### INTERNAL

### Design Conservation & Sustainable Development

3.1 The proposal scheme is in essence a resubmission of 19/01454/FUL and 19/01455/LBC, which were refused at appeal. There are fundamental/remaining concerns due to deviations from policy and guidance. The application cannot be supported on the grounds of harm to character of listed building and conservation area.

3.2 Minor differences from the preceding scheme are a different arrangement of windows on the proposed extension and a redesign of the proposed dormer and in this respect:

- a) The revised window arrangement on the rear extension has a neutral impact compared to the refused scheme.
- b) The now flat roofed dormer is of poor design and at odds with the character of the building resulting in a significantly more harmful impact on the character of the building.

3.3 Notwithstanding the minor changes to the scheme, the resubmission remains substantially the same as the scheme dismissed at appeal. Listed building consent and planning permission should be refused.

#### City Archaeologist

3.4 Archaeological comments were submitted on a similar application from 2019. A watching brief was requested, despite the relatively small-scale proposals, as a precaution given the archaeological sensitivity of the area. Since the submission of that application there has been further archaeological work undertaken in the area (watching brief at 7 Tower St) and given the scale of the proposed works and the relatively shallow foundations required I do not think a watching brief will produce any meaningful results, therefore no requirements on this current application.

#### EXTERNAL

#### Guildhall Planning Panel

3.5 We appreciate the design but are concerned about the loss of outside space.

### **4.0 REPRESENTATIONS**

#### York Civic Trust

4.1 The building's significance lies around its aesthetic design value as a 19th-century townhouse in York and the rear elevation appears to be unaltered with a single storey service building still surviving. This row of buildings has been listed together due to their group value and the rear roofs have been largely unaltered except for one skylight on 3 Peckitt Street.

4.2 The Trust supports the principle of conversion to residential but objects to the large dormer window that would have a negative effect on the unaltered façade and on the conservation area and on the aesthetic value as a collective group (nos.1-7); this being one of the major reasons these buildings were listed. It would set a precedent for this row of listed buildings and possibly other group-valued listed buildings on the street.

4.3 Although the design of dormer has been altered from the previous application, any dormer would distract from the listed building. Dormers have been added to other properties in the vicinity but there is not a precedent for dormers on this row of group value listed buildings. Internally, the installation of a wall on the ground floor that will reinstate the original layout is welcome and the reposition and addition of the double doors may result in a slight loss of historic fabric but a long-term viable use outweighs the harm.

### Other Representations

4.4 Comments have been received from three residents of Peckitt Street and one from Stockton Lane outlining support, comments include:

- Houses on Peckitt Street need to be modernized and maintained so that the street can keep its character as a lived in and attractive historic housing group.
- Proposal would bring the property in line with other residential properties in the street
- The existing rear extension would benefit from proposed improvements of damp proofing and insulation
- Raising the floor to the rear would mitigate the risk of flooding
- The proposed improvements will enable those at no.6 to maintain their property which at present they are unable to do
- The property would benefit from light and warmth from the south facing aspect
- The applicant will live in the property so we won't have another Airbnb property in the street.
- The change will mean less business traffic in the street.
- The improvements to the rear will not be visible to neighbours given the high walls to no.5

## **5.0 APPRAISAL**

### KEY ISSUES

5.1 The key issue in the assessment of this proposal is the impact upon the character and appearance of the building.

### LEGISLATIVE BACKGROUND

5.2 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

## POLICY CONTEXT

### National Planning Policy Framework

5.3 The National Planning Policy Framework sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development.

5.4 Paragraph 189 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 197 advises that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of a listed building and putting it to a viable use consistent with its conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset the greater the weight should be) irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### Local Plan Policies

#### Emerging Local Plan

5.5 The emerging Local Plan was submitted for examination on 25 May 2018. Examination hearings took place between December 2019 and September 2022. Consultation on proposed modifications took place in early 2023. The emerging Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

5.6 Policy D5: Listed Buildings states that proposals affecting a Listed Building will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. Changes of use will be supported where it has been demonstrated that the proposed new use of the building would help sustain a sustainable future for a building at risk. Harm will only be permitted where this is outweighed by public benefits.

5.7 Policy D5 as summarised above were subject to modification in Jan 2023 to ensure consistency with the NPPF and the 1990 Act. They are considered to have moderate weight in the decision making process.

## ASSESSMENT



5.8 It is not considered that the changes that have been made to the proposals are significant and they have not addressed the main objections that both the LPA and the Planning Inspectorate had with regard to the scale and massing of the proposed extension, the loss of the original and historically important range and outbuildings and the adverse impact that all of this would have on the significance of the listed building. In addition, it is considered that some of the minor changes that have been made, in terms of introducing a flat roof to the dormer and slightly increasing the height of the proposed extension, have actually made the scheme more adverse in terms of its impact.

#### Importance of the Historic Kitchen Range and Outbuildings

5.9 The existing kitchen range and attached outbuildings are of small scale and comprise a modest extension to the property. This subservience, is important not only in aesthetic terms but also in historic illustrative value terms, because it highlights that the kitchen range and outbuildings are minor service structures and it demonstrates how the building was used in the past.

5.10 The applicant's Heritage Statement acknowledges this when it refers to the surviving plan form being of specific significance to the listing as it reflects its historic use as a simple middle class/skilled working class house. Furthermore, the Heritage Statement considers that the existing kitchen range and rear outbuildings are of some historic significance as an illustration of how the property was lived in and developed (pp.1.51).

5.11 This importance to significance is also highlighted in the Inspector's report :

*'The single storey kitchen range and outbuildings.....make a positive contribution to the significance of the building, providing an historical narrative of how the property was lived in and developed.'*

5.12 The modest scale of these buildings means that they sit most sympathetically on the rear elevation. Their combination of low height and narrow width combined with the variation in fenestration, floorplan and roof form creates a very pleasing composition that contributes significantly to the setting of the listed building.

#### Proposed Extension

5.13 In comparison, the proposed extension with its considerably increased scale and massing would appear as an ungainly and uncomfortable addition to the property and would erode the historic order and balance that currently exists between the extension and host building. It would also still partially obscure a rear facing sliding sash window, which the Inspector referred to as being an unacceptable aspect in his reasons for dismissal.

5.14 The proposed extension is also considered to be unsympathetic in design terms, especially when compared to the existing historic extension that it would replace. The low scale of the latter combined with the variation of form in its windows and doors, responds well to the irregular size positioning of fenestration on the main rear elevation. This creates a sympathetic and subservient annex that appears to have grown organically from the main building.

5.15 In contrast the design of the proposed extension feels utilitarian and heavy-handed. The fenestration appears too ordered and regular with 4 six-paned windows all of the same size in a row along the side elevation. The two skylights are over-large and compound the regularity of the approach by being positioned directly above two of the windows and being of the same width. The rear door to the extension is bland compared to the finely detailed part-glazed door on the existing range and the external staircase and railings appear as an uncomfortable addition.

5.16 In essence, the proposals would replace an historic range that makes a delightful contribution to the property with an unbalanced, over-large and incongruous extension that would diminish the significance of the building. In respect of who would be able to see the extensions, it is important to note that listed buildings are protected for their inherent qualities, irrespective of whether they are visible to the people outside the site.

5.17 With regard to flooding, there is no evidence that retaining the historic range and outbuildings would mean 5 Peckitt Street would rot over time due to this issue. The Council's Senior Flood Risk Engineer has inspected the non-return valve and pumping system that prevents flood water from entering through the drains and has confirmed that potential flooding issues have been addressed.

#### Proposed Dormer

5.18 Both officers and the Inspector have concluded that the principle of a dormer on the building is unacceptable, as it would be at odds with the simpler character of the host property and would harm the character and appearance of the conservation area. This position is supported by the Civic Trust who have advised of the negative effect it would have on the unaltered façade of the property and on the conservation area, emphasising that it would be particularly adverse due to there being no other dormers on nos.1-7 Peckitt Street and because it is their aesthetic value as a collective group that is one of the main reasons for nos.1-7 being listed.

5.19 The dormer in this latest submission is shown in the same position as the previously refused scheme. The form has been changed with a pitched roof being replaced by a flat roof, a six-paned window on the front being changed to a four-paned window and the two windows on either side of the dormer having glazing bars introduced. However, officers' position remains that the principle of a dormer is

unacceptable with the introduction of the flat roof making the dormer appear even more incongruous, the four-paned front window appearing out of balance with the original sash windows on the rear elevation and the addition of glazing bars to the side feeling over-complicated and awkward.

### Principle of Use

5.20 The principle of converting the application property to residential is supported, but it is considered that the any proposed scheme of conversion must adopt an approach that conserves important heritage assets. Officers consider that alternative approaches are possible that could achieve such aims. In this respect, the proposed plans show that the rear ground floor room would be used as a separate dining room. Officers consider that this room and the existing kitchen range could be used together as a combined kitchen/dining area, thereby facilitating the introduction of residential use in a way that respects the historic planform and avoids the demolition of the original kitchen range and outbuildings. Officers also consider residential use of the attic could be made possible via the use of a conservation rooflight rather than a dormer. In this way a successful and sympathetic conversion could be secured.

### Legislative and NPPF Policy Compliance

5.21 In assessing the proposal officers have considered the desirability of sustaining and enhancing the significance of this listed building and putting it to a viable use consistent with its conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, as required by Paragraph 197 of the NPPF. They have also considered the impact it would have on the significance of the listed building, as required by Paragraph 199 of the NPPF, and have judged that there will be harm.

5.22 As it is considered there will be harm to the listed building there is a need to weigh the proposal against the public benefits of the proposal including where appropriate, securing its optimum viable use, as outlined in Paragraph 202 of the NPPF. The harm that would be caused is significant but less than substantial Paragraph 020 of Planning Practice Guidance states that public benefits should be of a nature or scale that are of benefit to the public at large not just a private benefit.

5.23 In respect of the proposals for no.5 Peckitt Street, the applicant has advised that he wishes to undertake the works to enable him to live there as his sole residence. The application states that the building is in partial residential use, the proposal would result in a very minor increase to the housing floorspace. Other benefits include the removal of the soil vent pipe and uPVC vent from the principal elevation and also internal works that would partially reinstate the building's historic plan form. The proposal would also result in a more thermally efficient and flood resilient property. The public benefits are limited in scale and do not outweigh the harm to heritage assets. It is considered that the application should be refused,

especially as residential use can be introduced into the building in a sensitive manner without demolition and incongruous additions.

5.24 It is considered that in refusing this application the Local Planning Authority would be properly exercising its duty under Section 16 (2) Act 1990.

## **6.0 CONCLUSION**

6.1 The proposal would have an adverse impact on the historic character of the application property and be in conflict with the NPPF and, emerging Local Plan and Policy D5. It is therefore considered that planning permission should be refused.

## **7.0 RECOMMENDATION: Refuse**

1 The existing rear extension is of important heritage value in respect of the building's history and is also of aesthetic value because of its form and appearance, and thereby adds further interest to the listed building. As a result, it is considered that demolition of this structure would result in harm to the significance of the listed building. It is considered that the scale, composition and variation in massing of the existing extensions adds greatly to the character of the listed building, whereas the proposed extension is notably taller and wider and appears awkward and incongruous in comparison. The additional scale cramps the rear facade and diminishes the clear separation between the house and its ancillary range, detracting from the character and setting and it is considered that the proposed rear dormer would appear as an incongruous feature within the roofscape.

As a result, the proposals would have an adverse impact on the architectural and historic importance of the property. For this reason, the proposal would be in conflict with paragraphs 189, 197 and 199 of the National Planning Policy Framework and Policy D5 of the emerging Local Plan.

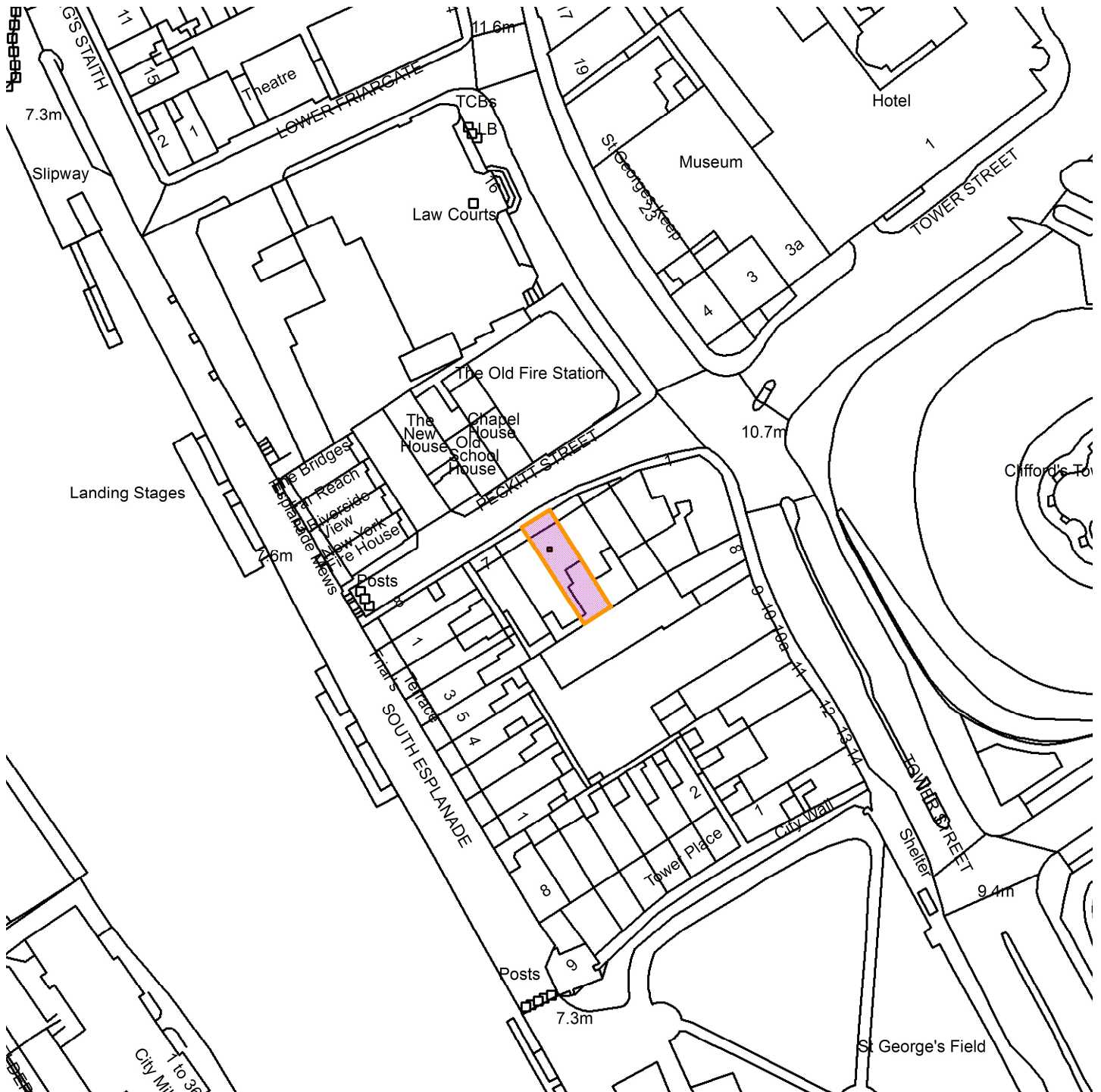
### **Contact details:**

**Case Officer:** David Johnson

**Tel No:** 01904 551665

# Mudd And Co, 5 Peckitt Street, York YO1 9SF

22/02604/LBC



Scale : 1:1030

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	05 June 2023
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 14 June 2023                      **Ward:** Guildhall  
**Team:** East Area                              **Parish:** Guildhall Planning Panel

**Reference:** 22/01892/FUL  
**Application at:** 41 Milton Street York YO10 3EP  
**For:** Partial conversion of first floor outbuilding to habitable space and reopening of existing bricked up doorway  
**By:** Mr Ashley Mason  
**Application Type:** Full Application  
**Target Date:** 21 July 2023  
**Recommendation:** Householder Approval

**1.0 PROPOSAL**

1.1 This application seeks permission for the partial conversion of the first floor of an existing outbuilding to form a habitable space, as well as the reopening of an existing bricked up doorway to the ground floor rear elevation.

1.2 App. ref. 03/01341/FUL – Erection of pitched roof single storey extension and detached garage to rear. Approved 18th June 2003.

**2.0 POLICY CONTEXT**

Emerging Local Plan 2018

D11 – Extensions and Alterations to Existing Buildings

**3.0 CONSULTATIONS**

Guildhall Planning Panel

3.1 Noted that the approved application in 2003 specifies that the garage should not be used for any business or commercial use.

**4.0 REPRESENTATIONS**

Neighbour consultation

4.1 1 no. comment received raising the following issues:

- Development would appear to create self-contained dwelling with own access, could be commercial change of use.
- Requested conditions of working for the development to avoid disruption on Bull Lane.

## 5.0 APPRAISAL

### KEY ISSUES

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

### POLICY CONTEXT

#### National Planning Policy Framework

5.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development. Paragraph 130 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including that they are sympathetic to local character, surrounding built environment and their landscape setting. The NPPF also places great importance on good design. Paragraph 134 says that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

#### Emerging Local Plan

5.3 The emerging Local Plan was submitted for examination on 25 May 2018. Examination hearings took place between December 2019 and September 2022. Consultation on proposed modifications took place in early 2023. The emerging Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

5.4 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the



design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporate trees. In accordance with paragraph 48 of the NPPF policy D11 can be afforded significant weight in the decision making process.

5.5 The Supplementary Planning Document 'House Extensions and Alterations', dated December 2012 and referred to in Draft Local Plan Policy D11, provides guidance on all types on domestic types of development. The SPD provides guidance relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street-scene it is located on. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

## ASSESSMENT

### Use as annex

5.6 It is proposed that the outbuilding, in existing use as a domestic storage space, would incorporate a home office, WC and external store to the ground floor, and guest bedroom accommodation at first floor. This is considered acceptable providing that this use remains ancillary to the main dwelling, and a condition has been added in this regard.

### Impact on the dwelling and character of the surrounding area

5.7 The only proposed external change which would be publicly visible would be the insertion of a door to the eastern elevation of the outbuilding, to form an opening which had previously been bricked up. This alteration would have no significant visual impact.

5.8 The enlargement of the existing rooflights and insertion of 1no. high level window to the west elevation of the outbuilding, facing the main dwelling, would be screened from public view and would have no undue visual impact.

#### Cycle and waste storage

5.9 Space for the storage of cycles and bins would be retained, accessible from the highway to the rear.

#### Impact on neighbour amenity

5.10 The proposed use of the outbuilding as an ancillary annex would not give rise to any harm to the amenity of the neighbours of adjacent properties. The proposed living accommodation would sit adjacent to neighbouring outbuildings and there would be no undue overlooking of neighbouring amenity spaces from the proposed rooflights, which would replace existing openings on the west-facing roof slope and could be enlarged without planning permission, under the terms of the General Permitted Development Order.

## **6.0 CONCLUSION**

6.1 The proposal is considered to comply with National Planning Policy Framework (2021), policy D11 of the emerging Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

## **7.0 RECOMMENDATION: Householder Approval**

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing No. 001 (received 2nd March 2023) - Location Plan and Existing and Proposed Roof Plan

Drawing No. 002 (received 2nd March 2023) - Existing and Proposed Ground Floor Plans

Drawing No. 003 (received 2nd March 2023) - Existing and Proposed First Floor Plans

Drawing No. 004 (received 2nd March 2023) - Existing and Proposed South Elevation and Section

Drawing No. 005 (received 2nd March 2023) - Existing and Proposed North

Elevation and Section

Drawing No. 006 (received 2nd March 2023) - Existing and Proposed West Elevations

Drawing No. 007 (received 2nd March 2023) - Existing and Proposed East Elevations

Drawing No. 008 (received 2nd March 2023) - Proposed North and South Sections

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 The annex accommodation within the detached outbuilding shall not be occupied other than for purposes ancillary to the residential use of the dwelling known as 41 Milton Street and shall not be used as a separate residential unit, including letting as holiday accommodation.

Reason: It is considered that the annex accommodation could not be used as a separate unit of residential accommodation without further consideration of the implications for local residential amenity, waste and re-cycling storage, cycle storage and the creation of a separate curtilage. As such it is considered that any proposal to use the development as an independent residential unit would need to be considered on its own merits with regard to the potential impact on these issues and on neighbours.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

#### **Contact details:**

**Case Officer:** Sam Baker

**Tel No:** 01904 551718

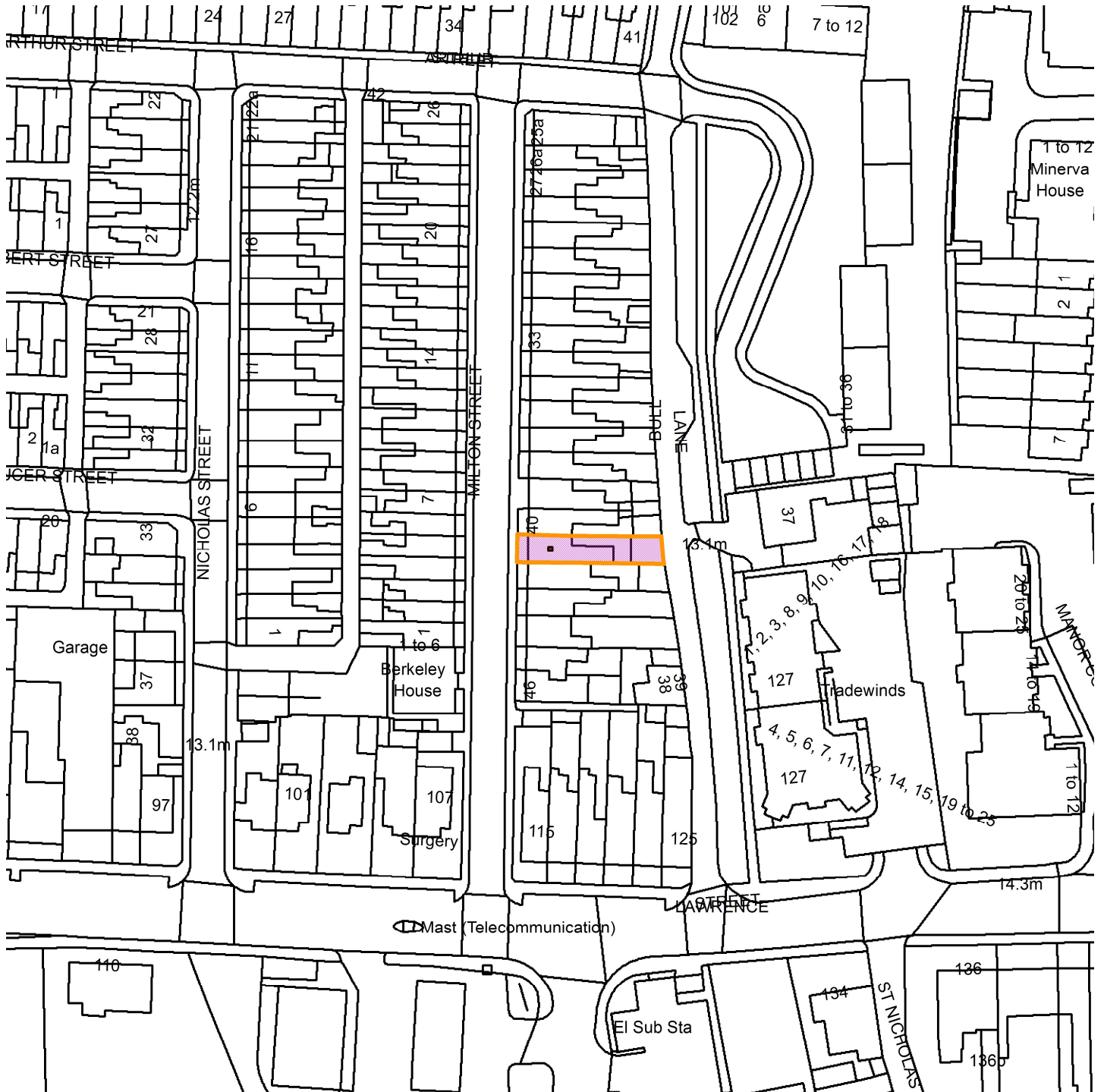
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# 41 Milton Street, York YO10 3EP

22/01892/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	05 June 2023
<b>SLA Number</b>	Not Set

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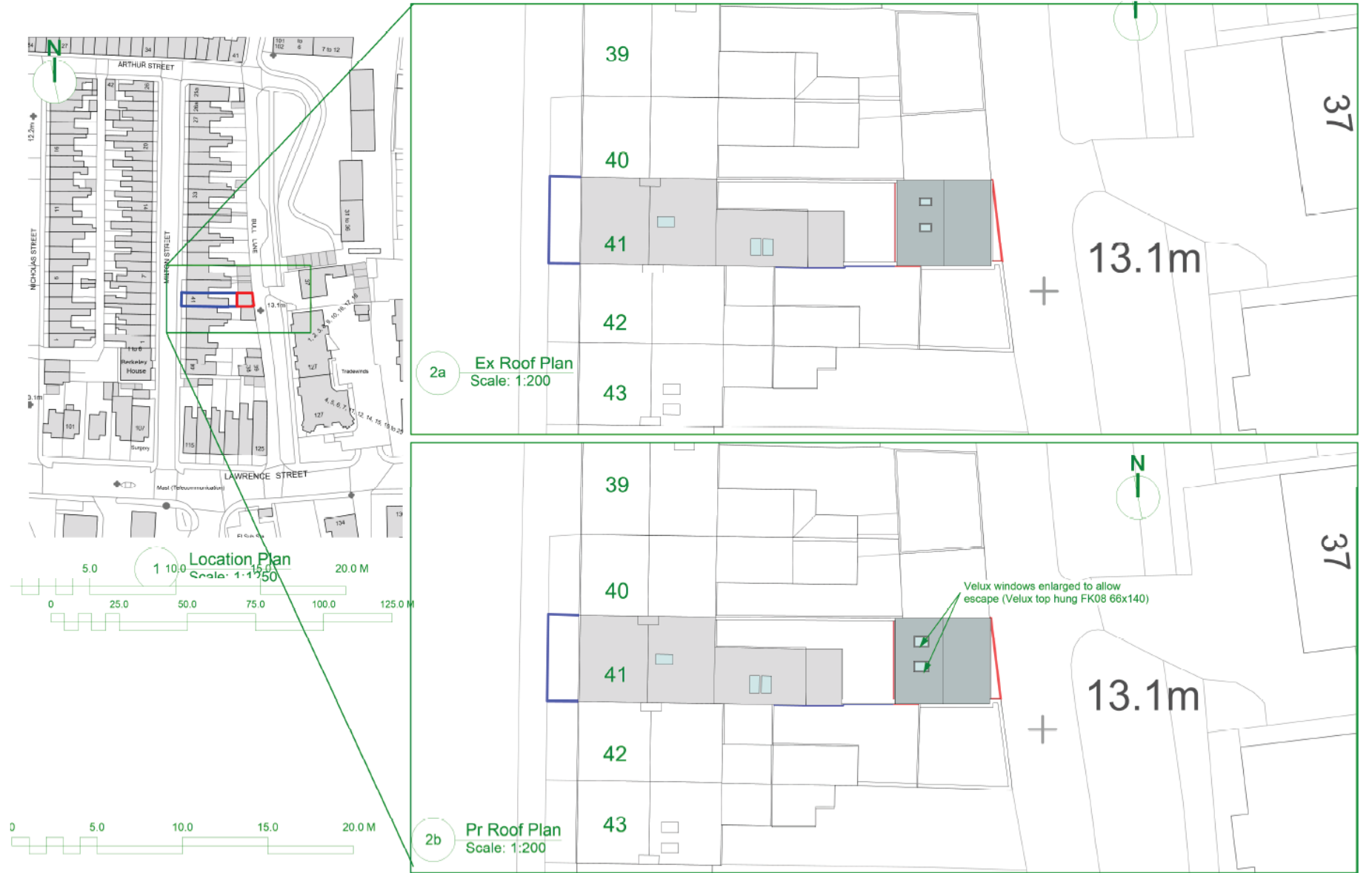


## Planning Committee B

22/01892/FUL

41 Milton Street

Site plan



Drawing 001  
Location Plan 1:1250 and  
Existing and Proposed Roof Plan 1:200 @A3  
Alterations to Rear of 41 Milton Street, York YO10 3EP



Existing and Proposed ground floor plans



Drawing 002  
Existing and Proposed Ground Floor Plans 1:100 @A3  
Alterations to Rear of 41 Milton Street, York,  
YO10 3EP

# Existing and proposed First floor plans



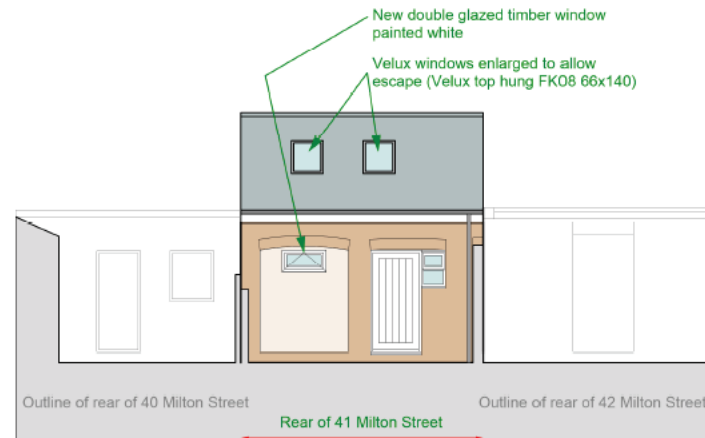
Drawing 003  
Existing and Proposed First Floor Plans 1:100 @A3  
Alterations to Rear of 41 Milton Street, York,  
YO10 3EP

# Existing and proposed West elevations

**Existing Materials:**  
 Roof: Slate at 35° with pointed verges  
 Rooflight: Composite Grey PC aluminum externally  
 Walls: Reclaimed multi bricks  
 RWG: all black PCV  
 Fascia: White PVCU  
 Window: Timber painted white  
 Door: timber painted white  
 Heads: Shallow arched soldier course  
 Feature rebate: render painted  
 Roller shutter: Black PC metal  
 Doorway to Bull Lane (East elevation) bricked up with matching bricks



11 Existing West Elevation  
 Scale: 1:100

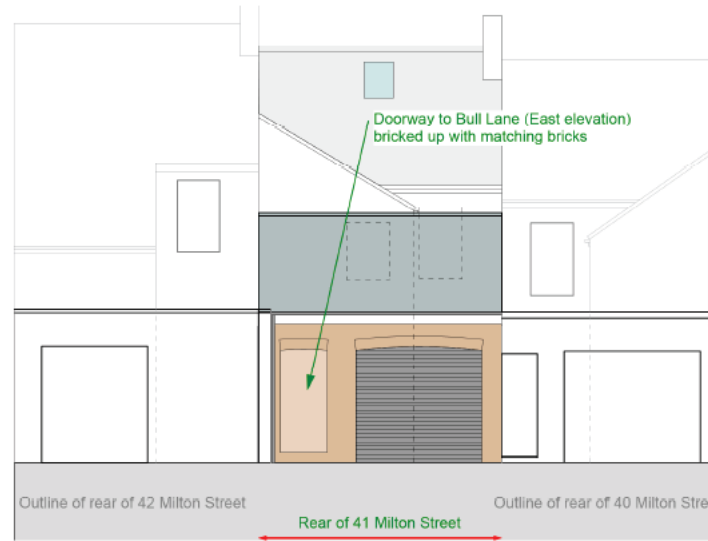


12 Proposed West Elevation  
 Scale: 1:100



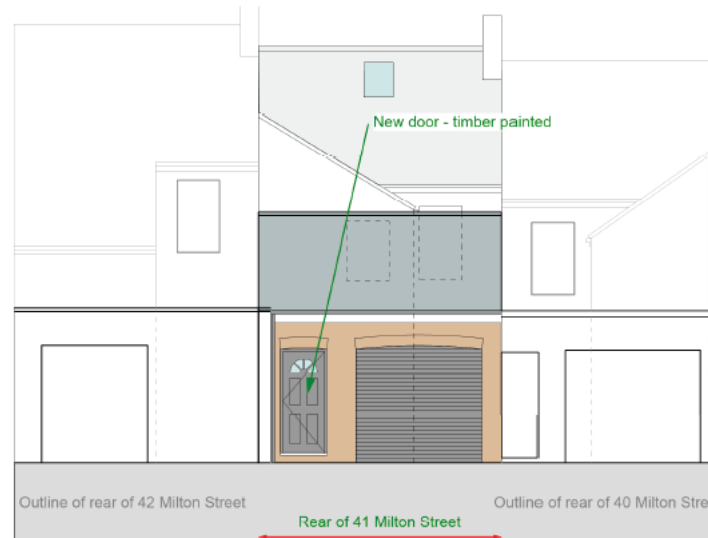
Drawing 006  
 Existing and Proposed West Elevations 1:100 @A3  
 Alterations to Rear of 41 Milton Street, York,  
 YO10 3EP

# Existing and proposed east (Bull Lane) elevations



**Existing Materials:**  
Roof: Slate at 35° with pointed verges  
Rooflight: Composite Grey PC aluminium externally  
Walls: Reclaimed multi bricks  
RWG: all black PCV  
Fasica: White PVCU  
Window: Timber painted white  
Door: timber painted white  
Heads: Shallow arched solid course  
Feature rebate: render painted  
Roller shutter: Black PC metal  
Doorway to Bull Lane (East elevation) bricked up with matching bricks

13 Existing East Elevation  
Scale: 1:100



14 Proposed East Elevation  
Scale: 1:100

Drawing 007  
Existing and Proposed East Elevations 1:100 @A3  
Alterations to Rear of 41 Milton Street, York,  
YO10 3EP