



Notice of a public meeting of

Planning Committee B

- To:** Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Fenton, Melly, Orrell, Vassie and Warters
- Date:** Wednesday, 13 September 2023
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

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 the attached sheet for further guidance for Members.]

2. Minutes (Pages 3 - 12)

To approve and sign the minutes of the last Planning Committee B meeting held on 16 August 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, 11 September 2023.

To register to speak please visit 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.

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) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

- a) **21A Holyrood Drive, York, YO30 5WB** (Pages 13 - 28)
[23/00864/FUL]

Members will consider a full application by Ray Thompson, for the Conversion of existing two storey side annexe to main house to form 1no. separate dwelling (part retrospective). [Rawcliffe and Clifton Without Ward]

b) 10 Church Road, Osbaldwick, York, YO10 3NW (Pages 29 - 50)
[23/01220/FUL]

Members will consider a full application by Nicholas Bell for the change of use from single dwelling (use class C3) to House in Multiple Occupation (use class C4) and single storey rear extension following removal of conservatory and alterations to garage.
[Osbaldwick and Derwent Ward]

c) 16 Northcote Avenue, York, YO24 4JD (Pages 51 - 64)
[23/00822/FUL]

Members will consider a full application by Shaun Gibbons for a two storey side and single storey front extension at the above address.
[Holgate Ward]

5. Planning Appeal Performance and Decisions (Pages 65 - 86)

Members will receive a report which provides details of the planning appeal decisions determined by the Planning Inspectorate between 1 January and 31 March 2023.

6. 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

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) OR 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) OR 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.

City of York Council

Committee Minutes

Meeting	Planning Committee B
Date	16 August 2023
Present	Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Melly, Orrell, Vassie, Warters and Waudby
Apologies	None
Officers Present	Becky Eades, Head of Planning and Development Services Lucy Yates, Principal Development Management Officer Neil Massey, Development Management Officer Victoria Bell, Development Management Officer Natalie Ramadhin, Development Management Officer Ian Stokes, Principal Development Control Engineer Sandra Branigan, Senior Solicitor

19. Declarations of Interest (4.36 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.

In relation to item 4a, 12 Sturdee Grove, YO31 8FD, Cllr Warters declared that, as he had objected to the previous application made for this site, and given his previous dealings with the applicant (Joseph Rowntree Housing Trust) in relation to his Ward, he could be considered pre-determined. He therefore chose to speak on the item, as a public speaker, and subsequently withdrew from the meeting for the duration of the item. In relation to the same item, the Chair noted, for transparency reasons, that he had worked as an officer for the City of York Council in the housing development team. He had been involved in the initial consultation process with the applicant however, he did not consider this to be a conflicting interest.

20. Minutes (4.38 pm)

Resolved: That the minutes of the last meeting held on 18 July 2023 were approved as a correct record.

21. Public Participation (4.38 pm)

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

22. Plans List (4.38 pm)

Members considered a schedule of reports of the Head of Planning and Development Services, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

2a) 12 Sturdee Grove, York, YO31 8FD [22/02349/FULM] (4.38 pm)

The committee considered a major full application by the Joseph Rowntree Housing Trust (JRHT) at 12 Sturdee Grove, York, YO31 8FD, for the erection of two storey apartment building containing 10 no. units, landscaping, vehicle access with parking.

The Head of Planning and Development Services gave a presentation on the plans and the Development Management Officer explained the additional written information provided at the meeting. This included the amended wording for recommendation (i) as follows:

The completion of an agreement made pursuant to section 111 of the Local Government Act 1972 between the Council and the developer, providing that the developer will immediately upon completion of the land transfer (or any part thereof) enter into a Section 106 Agreement(s) that covers the whole of the application land (or the land to be transferred) with the Council as local planning authority containing the planning obligations set out below:

- A contribution of £6,000 towards a Traffic Regulation Order. Unspent funds would be re-funded.
- A contribution of £2,130 towards the improvement of sports and leisure provision within 2km of the development.
- A contribution of £1,510 towards improved seating provision at King George's Field.

- Payment of the Local Planning Authority's fees associated with the preparation of the legal agreement).

There was also a change to recommended condition 4 (Boundaries), as follows:

To allow the Local Planning Authority to ensure that access gates leading to the garden area meet the needs of people pushing cycles or using mobility scooters the condition below has been changed to make reference also to details of the gates.

Notwithstanding the details shown on the approved drawings details of means of enclosure, including access gates shall be submitted to and approved in writing by the Local Planning Authority before the installation of such means of enclosure and access gates and they shall be provided in accordance with the approved details before the development is occupied. Reason: In the interests of the visual amenities of the area, the amenities of neighbouring properties and convenience of users of cycles/mobility scooters.

In response to questions from Members on the plans, it was reported that:

- Sustainable design was achievable through current building regulations. It was not possible to comment on the impact of future legislation.
- The location of the crossing had not been finalised.
- Car parking was estimated at XX
- The intention for the building and therefore the design for the accommodation was for disabled and/or elderly residents.

Public Speakers

Lynn Jones, a resident, spoke in objection to the application. She raised concerns regarding the access to parking and the overdevelopment of the space.

Elizabeth Griffiths, a resident, spoke in objection to the application. She highlighted concerns regarding the impact on wildlife as well as the disruption to residents and loss of car parking during the build.

Cllr Warters spoke in objection to the application. He outlined his concerns relating to the overdevelopment of the site, loss of green space and biodiversity as well as the loss of car parking for existing residents. He also expressed concerns regarding JRHT meeting conditions 5, 8 and 14 of the report.

[5.01 pm Cllr Warters left the meeting and took no further part in the consideration of the item.]

David Boyes-Watson, agent for the applicant, spoke in support of the application. He described the plans and highlighted the sustainable elements of the build, as well as the aim to deliver affordable housing within the city.

In response to questions from Members, he clarified residents parking, which he explained was unallocated. He confirmed that the intention was for 60% of the homes to be affordable rent and 40% shared ownership. Solar panels would be on the building rooves, so green rooves were not possible in this instance.

Officers responded to further questions from Members as follows:

- Condition 14, in relation to crossings, this could be made more detailed to include colour as well as the tactile requirements, if desired.
- The parking plan was the responsibility of JRHT. However, a condition could be added for a parking management plan to explain how the spaces would be used in future.

Following debate, Cllr Hollyer moved the officer recommendation to approve the application, subject to the changes to recommendation (i) and condition 4 (Boundaries), as outlined in the written additional information provided at the meeting, and with the additional condition for a parking management plan as referred to above. This was seconded by Cllr Waudby.

On being put to a vote, Members voted 7 in favour and 1 against, it was therefore:

Resolved: That the application be approved.

Reason: The proposal is to construct a two storey pitched roof building containing 10 one bedroom flats. It would be located on a mix of land uses including a communal garden serving two blocks of flats on Fossway, a warden's bungalow and communal off-street car parking serving JRHT homes on Sturdee Grove. The accommodation would be built to enhanced access standards to support use by the elderly and disabled people.

The applicant has indicated that the homes will be affordable and occupied by the elderly or people with disabilities, however, there is no policy requirement to provide affordable housing for a development of the size proposed. The applicant is unwilling to accept a condition restricting the 'groups' who can occupy the flats - they state that this would undermine their ability to gain a loan to develop the scheme. Although it might be likely that the property is occupied as affordable accommodation by older people and is suited for occupation by people who are elderly or disabled, it must be assessed on the basis that it is open market accommodation with no occupancy restrictions.

If approved the scheme will see the loss of most of the communal garden space associated with 16 flats on Fossway. The communal land is owned by the Council's Housing Department and they do not object to the proposals given they consider it will enable sites in different ownerships to be combined to bring forward new affordable housing. It is considered that the communal land that will be lost serves a relatively modest role in terms of meeting the day to day needs of the occupants. In terms of access to open space, King George's Field is within close proximity.

It is considered that the proposed development would sit comfortably in its surroundings and would not have an unacceptable impact on neighbours living conditions. Subject to the proposed new landscaping being conditioned it is not considered that the loss of existing trees and vegetation on the site would detract from the streetscene, or the ecological value of the site. Taking account of existing parking conditions in the vicinity and the fact that the proposed flats would contain 1 bedroom, it is considered that ten off-street parking spaces when coupled with available on-street parking provision will allow the development to be constructed without having an unacceptable impact on highway safety or local parking needs.

On balance the proposal is considered acceptable and approval is recommended subject to conclusion of a

Section 106 Agreement securing commuted payments towards off site open space and leisure improvements in the locality and funding towards a Traffic Regulation Order should it be required following occupation.

[5.25 pm The meeting adjourned to enable Cllr Warters to re-join the meeting]

2a) Pigotts Autoparts, Sheriff Hutton Road, Strensall, York YO32 5XH [21/02757/OUT] (5.33 pm)

Members considered an outline application at Pigotts Autoparts, Strensall, York, YO32 5XH for the demolition of existing structures and erection of 6no. dwellings with associated access, car parking and landscaping.

The Head of Planning and Development Services gave a presentation on the plans and the Development Management officer outlined the additional written information provided at the meeting. This included an amendment to Reason for Refusal 3 as follows:

No information has been submitted to demonstrate that the proposal would comply with the requirements of Policy EC2 (Loss of Employment Land) of the draft Local Plan (2018). On the basis of the lack of information, Officers are unable to assess whether the proposed development complies with these policies and Paragraph 81 of the NPPF.

Public Speaker

Jim Pigott, the applicant and Tim Ross, the agent for the applicant, spoke in support of the application. They provided some context for the plans and requested a deferral in order to undertake an ecological survey. They highlighted the site's proximity to shops, which they stated was a 15 minute walk, and the potential for multi-modal transport options.

In response to questions from Members, the agent for the applicant confirmed their willingness to undertake an ecological survey should the item be deferred.

Further to questions from Members, officers reported that, in accordance with paragraph 149 (g) of the National Planning Policy Framework (NPPF), the redevelopment of the previously developed land would not have a greater impact on the openness of the Green Belt than the existing development. It was therefore considered to be appropriate development within the Green Belt.

Following debate, the Chair proposed the officer recommendation to refuse the application for the reasons contained within report and in line with the update referred to above, subject to the amendment of the wording from 'these policies' to 'the policy'. This was seconded by Cllr Hollyer. A vote was taken and Members voted, 7 in favour, 1 against and 1 abstention, it was therefore:

Resolved: That the application be refused.

Reason: The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to Green Belt and habitats sites (180) indicate that permission should be refused.

The application site is located within the general extent of the York Green Belt and serves a number Green Belt purposes. The proposal is not considered to further impact on the openness of the Green Belt and proposed development is considered to fall within exceptions 149 (g) of the NPPF.

Insufficient information has been submitted with the application for the LPA, as the Competent Authority, to undertake a Habitats Regulations screening Assessment and Appropriate Assessment. On the basis of the lack of information, Officers are unable to assess whether there are any adverse effects on the integrity of the SAC, either alone or in combination with other plans or projects, or if any necessary mitigation measures may be required.

The proposed development is in an unsustainable location. It will require dependency on motorised vehicles due to the lack of sustainable transport options available. The nearest bus stop and local facilities are located 1200 metres away in Strensall village. Residents of the proposed dwellings would be entirely reliant on private cars. The proposed development fails to comply with paras 92 104, 105, 112, 124 and 130 of the NPPF.

No information has been submitted with respect of policies EC2 (Loss of Employment Land)), as such without further information officers are unable to assess whether the loss of employment land is acceptable and therefore determine if the proposed development

complies with Draft Local Plan Policy EC2 and paragraph 81 of the NPPF

It is noted that the proposal would provide additional housing, however this is not considered to outweigh the above specified harms.

[5.50 pm, Cllr Hollyer left the meeting.]

2a) Land and Buildings lying to the North West of Moor Lane and forming part of Oakwood Farm, Northfield Lane, Upper Poppleton, York [22/02605/FUL] (5.55 pm)

Members considered a full application by Mr Alastair Gill at land to the north west of Moor Lane, Upper Poppleton, York, for the change of use of 3no. existing agricultural buildings to use classes B2, B8 and E(g) to include; lighting, amendments to external materials and fenestration and additional hard standing to create new service yards, parking and access. Extension of Cropton Road to provide access to development from Northminster Business Park.

The Head of Planning and Development Services gave a presentation on the application and the Development Management Officer outlined the additional written information presented at the meeting. In response to additional comments received prior to the meeting, the travel plan condition (14) was re-worded as follows:

14. Each of the units hereby approved shall be subject to a Travel Plan.

The Travel Plan(s) shall be developed and implemented in accordance with National Planning Policy Guidance and shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of each of the units hereby approved.

The Travel Plan(s) shall be updated annually following occupation and the development shall operate in accordance with the aims, measures and outcomes of the approved Travel Plan(s).

The travel plan shall identify specific required outcomes, targets and measures for promoting sustainable modes of travel, and shall set out clear future monitoring and proportionate management arrangements. It shall also consider what additional measures may be required to offset unacceptable impacts if the targets are not met.

The annual travel surveys shall be made available to the Local Planning Authority within 5 working days of any such request. Should the targets

within the plan not be achieved, following annual review, details of further actions (to achieve such targets) shall be submitted to, and approved by the Local Planning Authority and implemented accordingly.

Reason: To reduce private car travel and promote sustainable travel in accordance with section 9 of the National Planning Policy Framework and policies DP3: Sustainable Communities and T7: Minimising and Accommodating Generated Trips of the 2018 Publication Draft Local Plan.

In response to questions from Members concerning the plans, officers confirmed the location of the site in relation to the community woodland. They reported that the public protection consultant had no objections to the plans but had been concerned about potential noise from the site, a number of conditions had been recommended and had been included in the report. It was confirmed that the Biodiversity net gain condition was missing from the report and would be added retrospectively.

Public Speaker

Kathryn Jukes, the agent for the application, spoke in support of the application. She highlighted the economic benefits, including employment opportunities, of the proposed development and the potential reduction in traffic from Moor Lane. She confirmed the aspects of the design, such as EV charging points and bike stores, that would contribute to both the city's sustainable transport and climate change objectives.

Cllr Hook, Ward Councillor for Rural West York, spoke in objection to the application. She raised concerns regarding poor signage to the business park, highway safety, noise, the operational times of the business park and intrusive lighting.

In response to Member's questions, officers confirmed that condition 22 of the report covered the reduction of intrusive lighting. Officers advised that signage to the business park could not be included within the conditions as it was not within the red line of the planning application. They also advised that the council's ecologist had considered the application and raised no concerns regarding the proximity to the community woodland.

Following debate, the Chair proposed the officer recommendation to approve the application, in line with the written additional information provided to the committee at the meeting and including the bio diversity net gain condition which had been omitted from the report. This was seconded by Cllr Melly. A vote was taken and Members voted 4 in favour of the recommendation and 4 against. The Chair therefore used his casting vote and it was:

Resolved: That the application be approved after referral to the Secretary of State.

Reason: The site is considered to remain within the general extent of the Green Belt, until the Local Plan is adopted. However, the site is identified as part of the portfolio of sites to meet identified employment needs in the city and is therefore excluded from the Green Belt in the defined Green Belt boundaries. The re-use of the buildings and associated alterations to the buildings are considered to be appropriate development within the Green Belt, however the associated external works on the site is inappropriate development in the Green Belt, which are harmful by definition. It is considered however that there are very special circumstances that would clearly outweigh any harm to the Green Belt. Further, there is no case for refusing the scheme on prematurity grounds. Matters such as design, landscaping, amenity, biodiversity, trees, drainage, sustainability, contamination, waste, access and parking are adequately addressed either within the plans or via a specific condition.

The application accords with policies within the National Planning Policy Framework, Rufforth with Knapton Neighbourhood Plan, Poppleton Neighbourhood Plan (in so far as it relates to the Business Park) and policies set out within the Draft Local Plan (2018) (as modified March 2023). Based on the merits of this case, approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as part of the development is considered to be inappropriate development in the Green Belt and the proposed 3 buildings would consist of 1931m² of floor space which is in excess of the 1000m² floor space threshold set out in the Direction.

Cllr B Burton, Chair

[The meeting started at 4.31 pm and finished at 6.31 pm].

COMMITTEE REPORT

Date: 13 September 2023 **Ward:** Rawcliffe And Clifton
Without

Team: West Area **Parish:** Rawcliffe Parish Council

Reference: 23/00864/FUL
Application at: Rushbrooke 21A Holyrood Drive York YO30 5WB
For: Conversion of existing two storey side annexe to main house to form 1no. separate dwelling (part retrospective)

By: Mr Ray Thompson
Application Type: Full Application
Target Date: 6 July 2023
Recommendation: Approve

1.0 PROPOSAL

THE SITE

1.1 The application site 21A Holyrood Drive comprises of the existing semi-detached two storey property along with a large two storey side extension which has planning permission to be used as an ancillary annexe. The site is located on the corner of Holyrood Drive and Conway Close and includes a small open plan garden to the front and an enclosed garden to the rear.

PROPOSAL

1.2 This application seeks part retrospective planning permission for the conversion of the attached annexe into 1no. separate dwelling. The proposal includes the conversion of the garage into a lounge and the introduction of a new driveway to the main dwelling along with landscaping to the front of the proposed dwelling. The conversion of the garage has already taken place without permission with the original garage door being replaced by a window. It is noted the previous permission for the annexe itself included a condition which stated the garage should be retained.

CALL-IN

1.3 The application has been called-in by Councillor Waudby on the grounds of street-view, parking and overdevelopment.

RELEVANT PLANNING HISTORY

1.4 Application 13/02346/FUL - two storey side extension to create annexe – Approved September 2013.

2.0 POLICY CONTEXT

Publication Draft Local Plan 2018

D1 - Placemaking

D11 - Extensions and Alterations to Existing Buildings

T1 - Sustainable Access

3.0 CONSULTATIONS

CYC Highway Development Control

3.1 No objections subject to conditions.

Rawcliffe Parish Council

3.2 Do not object to the application but seek careful review of the parking provision for this new dwelling, to ensure that the neighbours do not suffer from a loss of parking space(s) or amenity.

4.0 REPRESENTATIONS

4.1 None received.

5.0 APPRAISAL

KEY ISSUES:

- Principle of development
- Visual impact
- Impact on amenity
- Access and Parking

RELEVANT PLANNING POLICY:

National Planning Policy Framework

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

5.2 Paragraph 111 states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.3 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.

5.4 The NPPF also places great importance on good design. Paragraph 134 says development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design. Significant weight should be given to development which reflects 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.

Draft Local Plan

5.5 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

5.6 Policy D1 (Placemaking) seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area or the amenity of neighbours will be refused. The policy is given moderate weight in decision making as it has been subject to modifications to ensure consistency with the NPPF and to enhance clarity for decision making purposes.

5.7 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 protects and incorporates trees. The policy is given significant weight in decision making as it has been subject to full examination and no modifications are proposed.

5.8 Policy T1 (Sustainable Access) states development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport. The policy is given moderate weight in decision making as it has been subject to modifications to ensure consistency with the NPPF and to enhance clarity for decision making purposes.

PRINCIPLE OF DEVELOPMENT:

5.9 Section 5 of the NPPF seeks to address the Government's objective of significantly boosting the supply of homes. Paragraph 69 notes that small and medium sites can make an important contribution to meeting the housing requirement of areas. Local planning authorities should give great weight to the benefits of suitable sites within existing settlements for homes.

DESIGN AND VISUAL AMENITY:

5.10 Visually, the proposal does not seek to make significant changes to the existing annexe with the only proposed external change to the building being the garage door to a window and associated brickwork. This work has already taken place and apart from the fact the brick detailing above the window extends further than the opening, the final finish is considered to be acceptable with regard to its use of matching brickwork and window which mirror the appearance of the existing extension causing no visual harm to the building.

5.11 There is visual harm brought about by the existing front hardstanding which is considered to be out of keeping with the small open plan front gardens on display throughout the street. However, this is proposed to be softened by the introduction of additional landscaping at the front which will also prevent the parking of vehicles on the highway. While the proposed landscaping is not significantly large, it is considered to improve the appearance of both the proposed dwelling and the streetscene by reducing the existing concrete driveway's harsh appearance.

5.12 A proposed new driveway is to be added to the front of the host dwelling due to the existing parking area falling within the new dwelling's site. As described above, open plan front gardens are a key characteristic of the street and due to this, any additional alterations to the front garden should be minor so as not to cause any detrimental harm to the streetscene. The proposed new parking space for the host dwelling will retain a large section of the front garden with only a small section converted into paving to allow a car to be parked at the front. This proposed parking space is considered to significantly reduce the overall impact on the streetscene and through the use of conditions, it is felt an appropriate material that is in keeping with the street can be used for the driveway which will further lessen its impact. It is also noted that a new driveway could be added under permitted development and given highways have no objections to the driveway or increased dropped kerb, it is felt it would be unreasonable to refuse the proposed new driveway especially given its minimal visual impact on the street.

5.13 Overall, the visual impact associated with the conversion of the annexe to a residential dwelling in its own right is considered to improve the current annexe's frontage and none of the works are deemed to lead to any detrimental impact on the overall appearance of the streetscene.

IMPACT ON AMENITY:

5.14 The new dwelling would provide sufficient light, space and outlook. Garden space is provided to the rear which includes storage space for both bins and bicycles. There are no significant residential amenity considerations arising from the proposal.

ACCESS AND PARKING:

5.15 The proposed dwelling, retains the host dwelling's off-street parking and access which are considered acceptable for the proposed dwelling. The new landscaping to the existing concrete frontage will be conditioned to remain so as to prevent parking on the highway. The new driveway to the host dwelling and extended dropped kerb are acceptable causing no harmful highway issues and with this in mind the scheme would comply with paragraph 111 of the NPPF and draft Local Plan Policy T1. New rear access to both the host property and the proposed dwelling are provided in the form of rear gates in the existing boundary wall and allows for both bins and bicycles to be accessed and moved to and from the site.

6.0 CONCLUSION

6.1 Subject to the recommended conditions it is considered that the development will provide reasonable living accommodation in a sustainable location. The design

and form of the new dwelling reflects the general character of the immediate area. The proposal complies with draft policies D1, D11 and T1 of the draft Local Plan and with the policies contained within the NPPF.

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.

Location Plan - Drg. No: HDD/01/A

Proposed Floor Plans and Elevations - Drg. No: HDD/04

Proposed Parking Arrangement Plan - Drg. No: HDD/06/A

Proposed Secure Cycle Details Together With Locations of Bin Storage - Drg. No: RTHD/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 The newly formed driveway shall be made of porous materials or provision shall be made to direct run-off water from the hard surfaced areas to a permeable or porous area or surface within the curtilage of the dwelling house.

Reason: To avoid increasing flood risk.

4 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which will have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

5 The building shall not be occupied as a self-contained dwelling until such time as the proposed cycle stores shown on the approved drawing have been sited within the rear gardens of nos. 21a and the new dwelling and made available for use. The cycle stores shall thereafter to retained for such use.

Reason: In the interests of the amenity of future occupants of the property and the amenity of the occupants of neighbouring properties.

6 The building shall not come into use as a self-contained dwelling until the area shown on the approved Proposed Parking Arrangement Plan Drg. No: HDD/06/A as

landscaping has been installed and laid out in accordance with the approved plan, and thereafter such areas shall be retained as landscaping and used solely for such purposes.

Reason: In the interests of the visual amenities of the area and highway safety.

7 The building shall not come into use as a self-contained dwelling until the new driveway to the front of no.21a has been constructed in accordance with the approved Proposed Parking Arrangement Plan Drg. No: HDD/06/A. Notwithstanding the provisions of Article 3 Schedule 2 Part 1 Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) the driveway shall not be altered without the prior written approval of the local planning authority.

Reason: In the interests of the visual amenities of the area and highway safety.

8 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 described in Classes A, AA, B, D, E and F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenity and living conditions of neighbours and the avoidance of over-development 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.

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 advised the agent that off-street parking was required for the original dwelling given its exiting off-street parking was to be lost through the creating on the proposed dwelling. The agent addressed this through the creation of a new driveway at host property and also through this revision improved the current driveway which is now to be associated with the proposed dwelling. In addition to this, the agent was advised cycle storage was required for both properties, details of

adequate storage facilities were submitted. Due to these amendments a positive outcome was achieved.

2. You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed under the Highways Act 1980.

- Works in the highway (Section 184) - streetworks@york.gov.uk

3. Informative regarding Electric Vehicle (EV) Charge Points

The Government's Electric Vehicle Homecharge Scheme' offers a grant to reduce the cost of installing a home electric vehicle charge point. For more information see the Office for Zero Emission Vehicles' (OZEV) website at:

<https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>. All electrical circuits/installations should comply with the electrical requirements in force at the time of installation.

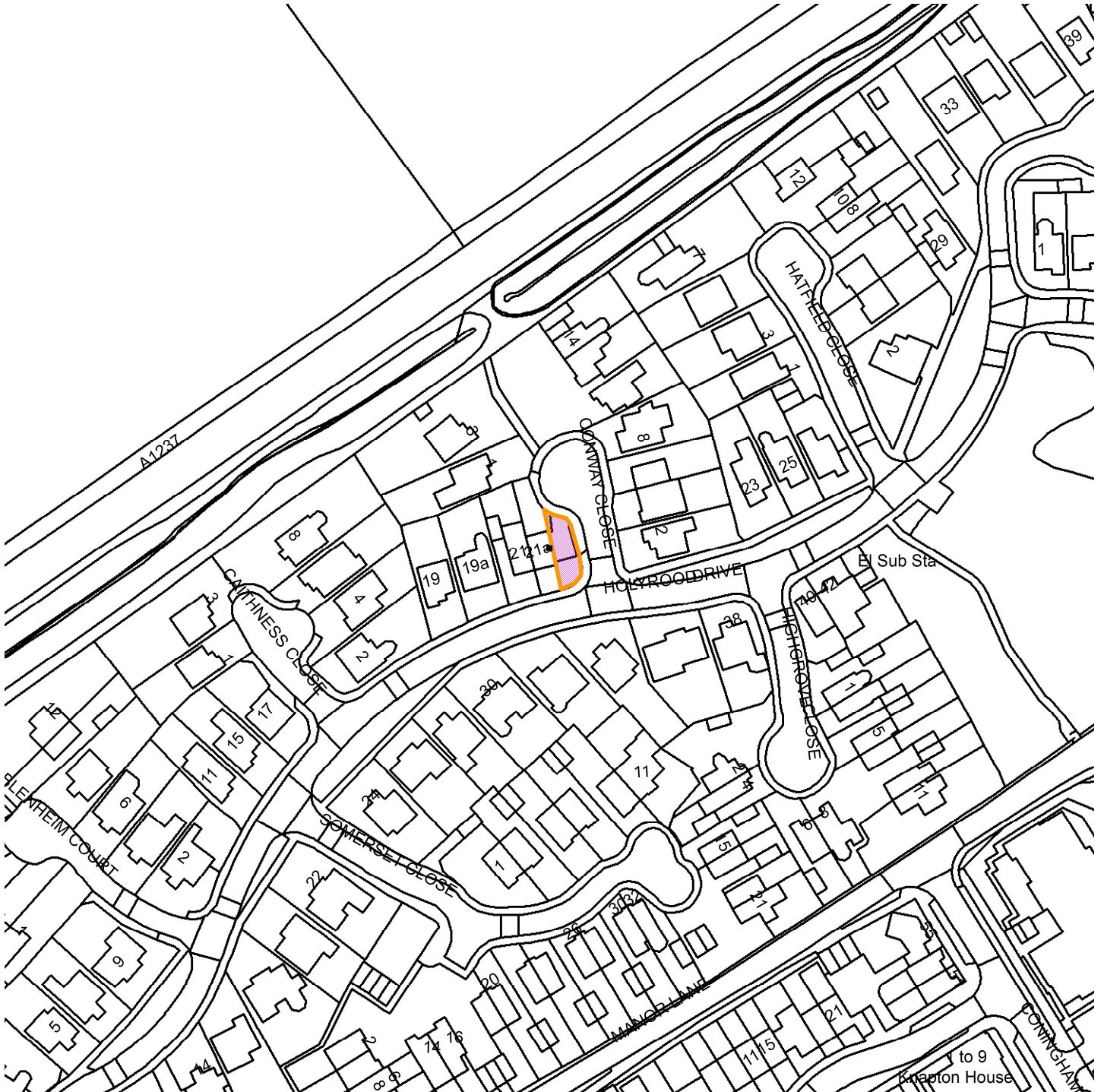
Contact details:

Case Officer: Ed Bainbridge

Tel No: 01904 554033

21A Holyrood Drive YO30 5WB

23/00864/FUL



Scale : 1:1339

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	31 August 2023
SLA Number	Not Set

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Planning Committee B

23/00864/FUL

21A Holyrood Drive

MapServe



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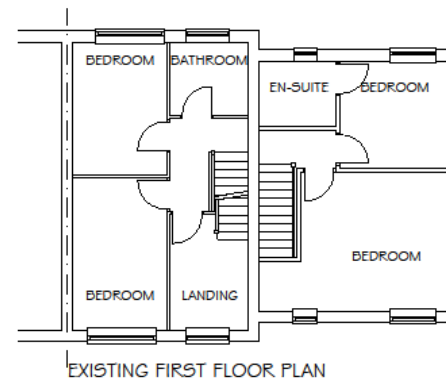
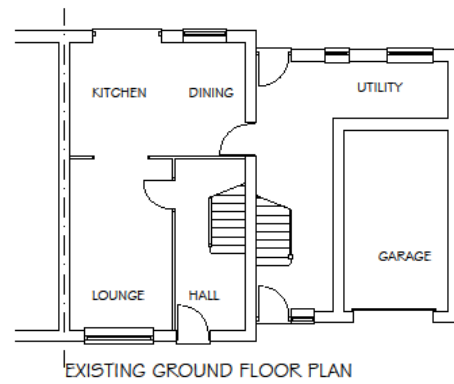
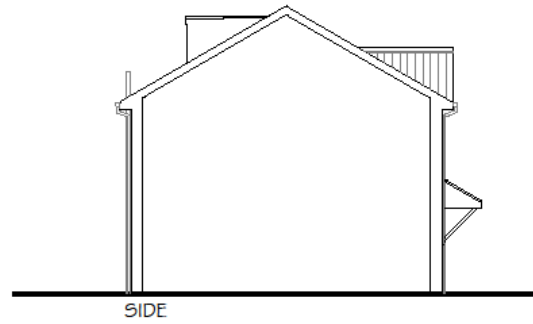
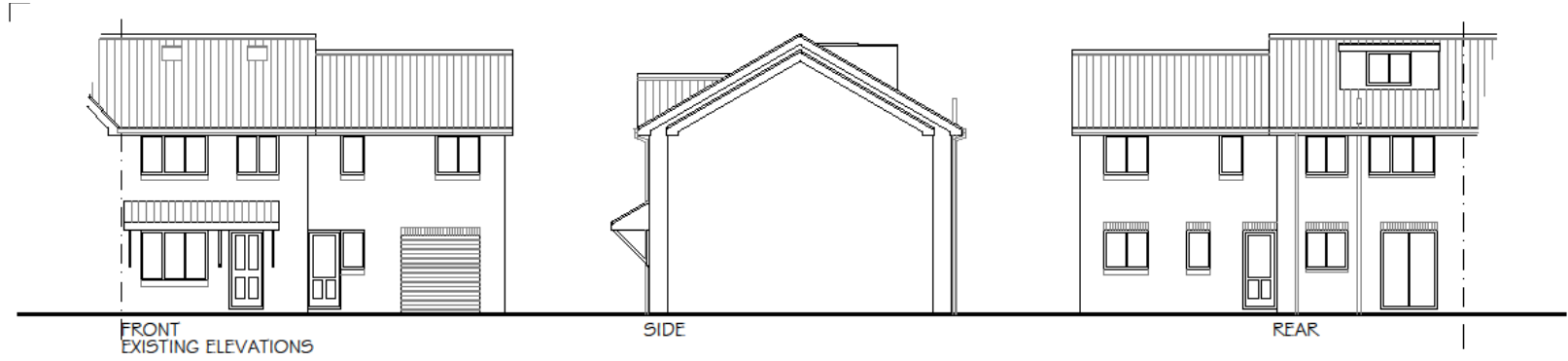
M.T.S Architectural Services
60 Burdyke Avenue
Clifton
York
YO30 6JW
Tel 01904 626394

project
PROPOSED CONVERSION OF
EXISTING APPROVED ANNEX
TO DWELLING
AT 21 a HOLYROOD DRIVE
RAWCLIFFE,
YORK.

PROPOSED SITE PLAN

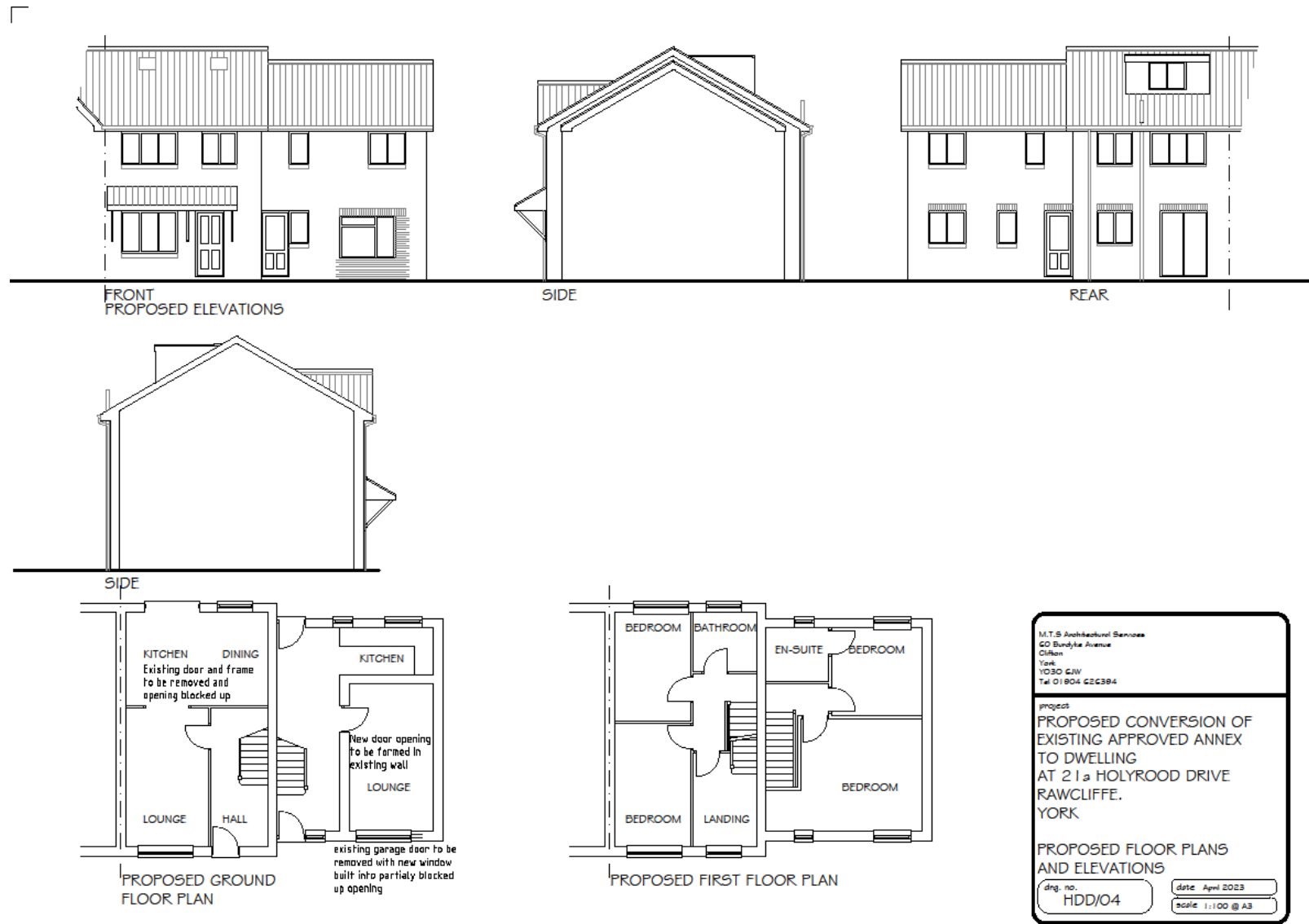
dirg. no. HDD/02	date April 2023
	scale 1:500 @A4

As existing

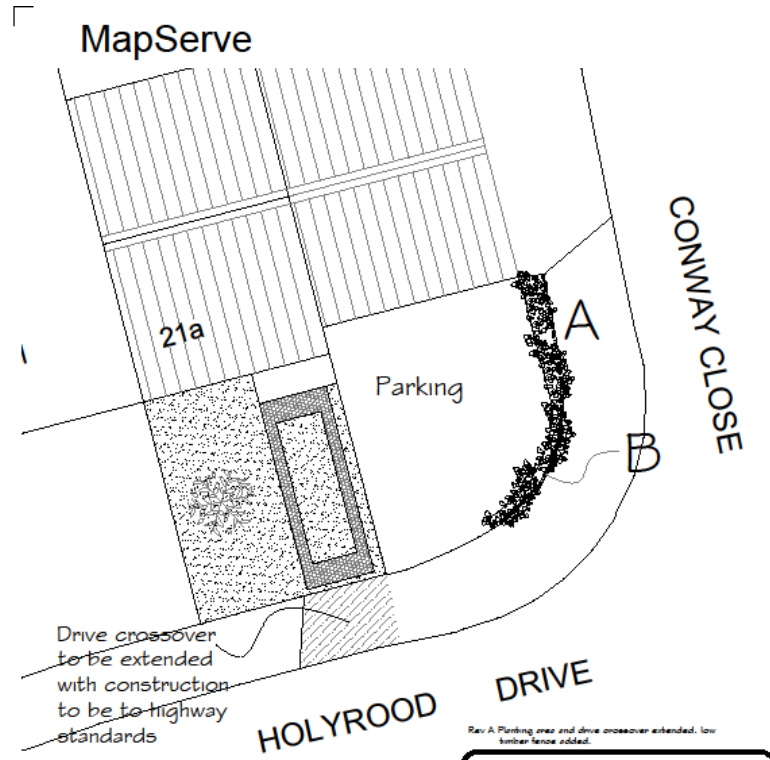


M.T.S Architectural Services 60 Burdyle Avenue Clifton York YO30 6JW Tel 01804 626384	
project PROPOSED CONVERSION OF EXISTING APPROVED ANNEX TO DWELLING AT 21a HOLYROOD DRIVE RAWCLIFFE, YORK	
EXISTING FLOOR PLANS AND ELEVATIONS	
dlg. no. HDD/03	date: April 2023 scale: 1:100 @ A3

As proposed



Proposed parking arrangements



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SHRUB PLANTING SCHEDULE
GROUPS G-12

A
Rosa Max Gof
Hydrangea Cylindrica
Cotoneaster Diemian
Viburnum Opulus
Cotoneaster Dielsii

3 species per bed planted at 450 c/s

Crossed area

Proposed concrete set paving on hardcore

B
300mm high timber fence



Rev A Planting area and drive crossover extended, low timber fence added.

M.T.S Architectural Services
60 Buryke Avenue
Clifton
York
YO30 6JW
Tel 01904 626394

project
PROPOSED CONVERSION OF
EXISTING APPROVED ANNEX
TO DWELLING
AT 21a HOLYROOD DRIVE
RAWCLIFFE,
YORK

PROPOSED PARKING
ARRANGEMENT PLAN

diag. no. **HDD/06/A** date **July 2023**
scale **1:100 @A4**

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COMMITTEE REPORT

Date: 13 September 2023 **Ward:** Osbaldwick And Derwent
Team: East Area **Parish:** Osbaldwick Parish
Council
Reference: 23/01220/FUL
Application at: 10 Church Road Osbaldwick York YO10 3NW
For: Change of use from single dwelling (use class C3) to House in Multiple Occupation (use class C4) and single storey rear extension following removal of conservatory and alterations to garage.
By: Nicholas Bell
Application Type: Full Application
Target Date: 18 September 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is two-storey semi-detached dwelling. The dwelling is set back from the pavement and has a small garden to the front, alongside a driveway and detached garage. The street scene varies in house style from two storey semi-detached dwellings to single storey bungalows. The predominant building material is brick and pantile. The majority of the dwellings have off-road parking spaces.

1.2 Planning permission is sought for the change of use of the dwelling (C3) to a four bedroom House in Multiple Occupation (C4 use). The proposal also seeks the removal of the existing conservatory and the erection of a single storey rear extension. The garage is to be shortened as a result and is to host a cycle store. Parking is proposed on the existing driveway and additional gravel is to be installed on the front. A small garden area would remain near the pavement.

1.3 The application has been called in by Councillor Warters for the following reasons;

- Loss of residential family home
- Over occupancy of property with separate households creating the issues of car parking.

- Loss of front garden space to accommodate car parking which because of the manoeuvre and narrowness of the driveway will see displaced parking in the street.
- Loss of car parking by conversion of the garage.
- Extra waste generation, storage and presentation.
- Potential for extra noise
- Concerns over the accuracy of the CYC HMO database.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 Key chapters and sections of the NPPF are as following:

Achieving sustainable development (chapter 2)

Decision-making (chapter 4)

Delivering a sufficient supply of homes (chapter 5)

Promoting healthy and safe communities (chapter 8)

Promoting sustainable transport (chapter 9)

PUBLICATION DRAFT LOCAL PLAN (2018)

2.2 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF. The following policies are relevant;

H8 – Houses in Multiple Occupation

D11 – Extensions and Alterations to Existing Buildings

ENV2 – Managing Environmental Quality

WM1 – Sustainable Waste Management

T1 – Sustainable Access

DRAFT SUPPLEMENTARY PLANNING DOCUMENT – CONTROLLING THE CONCENTRATION OF HOUSES IN MULTIPLE OCCUPANCY

2.3 This Guidance was prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of

bringing the change of use of dwellings (Class C3) to small HMO`s occupied by between 3 and 6 people (Class C4), which would otherwise be permitted development, within planning control. The SPD recognises that concentrations of HMOs can impact upon residential amenity and can, in some cases, create particular issues with regard to:

- increased levels of crime and the fear of crime;
- poorer standards of property maintenance and repair;
- littering and accumulation of rubbish;
- noises between dwellings at all times and especially at night;
- decreased demand for some local services;
- increased parking pressures; and
- lack of community integration and less commitment to maintain the quality of the local environment.

2.4 The SPD outlines that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area.

DRAFT SUPPLEMENTARY PLANNING DOCUMENT – HOUSE EXTENSIONS AND ALTERATIONS SPD

2.5 The SPD gives specific advice regarding extensions, garages and boundaries. Guidance includes standards for assessing how an application should consider:

- privacy
- overshadowing and loss of light
- dominance and outlook
- habitable rooms and side windows
- character and streetscene
- provision for storage and parking
- private amenity space
- drainage

2.6 Emphasis is on the importance of understanding the local context and how a proposal will impact on neighbours, as well as the need and benefits of sustainability.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Housing Standards

3.1 The ground floor and rear first floor bedrooms would be considered as single rooms only. The size of the amenity space is adequate.

Forward Planning

3.2 Street: currently there are 2 HMO out of 38 = 5.26% (with 10 Church Road included as an HMO, 7.89% of properties within 100m buffer would be HMOs).

3.3 Neighbourhood: currently 83 HMOs out of 1043 = 7.96% (with 10 Church Road included as an HMO, 8.05% of properties within the neighbourhood would be HMOs).

EXTERNAL CONSULTATION

OSBALDWICK PARISH COUNCIL

3.4 Object on the following grounds:

- Impact on neighbouring amenity of having another student let in close proximity to another two.
- Parking pressures
- Noise disturbance
- Impact on amenity on the attached no.12 of having a downstairs bedroom in terms of noise generation.
- Inadequate parking provision which will lead to displaced parking.
- Storage and presentation of waste from four separate households.
- Concerns over the accuracy of the HMO database.

4.0 REPRESENTATIONS

4.1 Ten third party objections received on the following grounds;

- Loss of family home
- Noise concerns
- Parking concerns

- Loss of garden
- Space concerns
- Risk of flooding due to water run off
- Concerns re accuracy of HMO database
- Scale of development unsympathetic
- Elderly residents close by
- Anti-social behaviour
- Properties overgrown
- Impact on house value
- Overlooked by extension
- Already HMO's within the street
- Enough student accommodation in the city.
- Greater traffic

4.2 The impact that a planning application may have on the value of properties is not a material planning consideration.

5.0 APPRAISAL

PRINCIPLE OF PROPOSED USE

Policy

5.1 Draft Local Plan Policy H8 states applications for the change of use from dwelling house (Use Class C3) to HMO (Use Class C4 and Sui Generis) will only be permitted where:

- i. it is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMOs; and
- ii. less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning permission or are known to the Council to be HMOs; and
- iii. the accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

5.2 The SPD expands upon Policy H8 to provide further detail and guidance when assessing proposals for new HMO's.

Assessment

5.3 Within 100m (Street level) of the application site 5.26% of properties are HMOs. At the neighbourhood level 7.96% are HMOs. Neither the street nor neighbourhood level thresholds are currently exceeded in respect of this application. The database figures comprise up to date details provided by Housing, council tax records and planning records. This figure includes all HMO properties known to the Council, and is separate from the HMO licence register which is published on the Council website. As such the proposal meets part i and part ii of Policy H8 of the Draft Local Plan and the principle of the change in use can be supported. Part iii of Policy H8 is discussed further in the report.

DESIGN AND IMPACT ON THE CHARACTER AND APPEARANCE OF THE HOST DWELLING AND STREET SCENE

Policy

5.4 Policy D11 of the Draft Local Plan (2018) states extensions to buildings should respond positively to its immediate architectural context.

Assessment

5.5 The proposal seeks to demolish the rear conservatory which is considered acceptable as this of no particular architectural merit (an informative is recommended to remind the applicant of their duties with regards to bats during demolition). In its place, it is proposed to erect a single storey rear extension. Due to its siting, the extension will not be visible within the street scene. The extension is to be constructed in brick with concrete tiles to match the existing dwelling. The extension is set in from the boundary and will project 3.7m. The extension clearly reads as a subservient addition. The overall design, scale and appearance of the extension is acceptable.

5.6 The works to reduce the size of the garage are acceptable on design grounds. The proposal seeks to install gravel and retain a small proportion of garden area to the front, which is considered acceptable. A number of dwellings within the vicinity

have hard paved their front gardens, whilst this proposal seeks a combination of both gravel and garden. Overall the works are considered to respect the character and appearance of the host dwelling and street scene in compliance with Policy D11 of the Draft Local Plan (2018).

IMPACT ON RESIDENTIAL AMENITY

5.7 Policy D11 of the Draft Local Plan (2018) seeks to ensure extensions to buildings protect the amenity of current and neighbouring occupiers. Policy ENV2 of the Draft Local Plan seeks to ensure residential amenity is protected from development which could include considerations such as overlooking, overshadowing, noise, vibrations.

Proposed occupants

5.8 In terms of the proposed occupants, the HMO is to host 4no. bedrooms which are above the minimum room sizes for HMO standards. All bedrooms are served by a habitable window. Garden amenity space is provided. There are no amenity issues arising for potential occupiers.

Impact on 12 Church Road

5.9 The neighbouring attached dwelling to the east is 12 Church Road. With regards to neighbouring impact, the extension is to project 3.7m at the rear, however it is set in from the boundary with no.12 by 1.3m. The House Extensions and Alterations SPD states in assessing proposed extensions beyond 3 and 4 metres the council will have regard to a number of factors including the impact on sunlight, the relationship to windows and the height of the structure. In this particular case, taking into account that the proposal is single storey and is set in from the boundary, the proposal is not considered to raise any amenity concerns with regards to overshadowing or being overbearing. The extension is adequately distanced from no.12. No windows are proposed facing directly towards no.12 therefore there are no overlooking concerns arising.

Impact on 8 Church Road

5.10 8 Church Road is the detached neighbour to the west. The orientation of no.8 is that its rear elevation faces towards the rear garden of no.10. The extension would be located approximately 2.4m from the shared boundary and 4m at its

closest point to the dwelling. Taking into account the distances between the buildings, the single storey nature of the proposal and the existing presence of a rear extension, it is not considered that the new single storey extension will raise any amenity concerns with regards to overshadowing or overbearing. Windows are proposed on the west elevation of the extension, facing towards no.8, however taking into account that the windows are at single storey level and that there is existing boundary treatment between the two properties (shrubby and boundary fencing), it is not considered overlooking will occur at this height.

Wider Impact

5.11 Taking into consideration the guidance within the SPD and thresholds set out, the balance of the different types of properties within Church Road and the surrounding neighbourhood is sustained in line with the Policy. The submission of a management plan can be conditioned which would seek to address issues which can arise as a result of multiple occupancy including noise and the management plan should cover information and advice to occupants about noise and consideration to neighbours. Additional measures within the plan include property maintenance and refuse management.

5.12 Objections regarding waste can be covered by condition. There is sufficient space within the site to store bins behind the front elevation of the dwelling and this can be conditioned. It would be the occupier's responsibility to move the bins to collection point on the specified collection day and back to their storage area after collection.

HIGHWAYS, ACCESS AND PARKING

Policy

5.13 Policy T1 of the Draft Local Plan relates to sustainable access and requires safe and appropriate access to the adopted highway. The Council's car parking provision were set out in appendix 2 of the Highways Design Guide and the car parking standards were set out in appendix 23 of the Highways Design Guide, however this guidance was suspended on 10th August 2023. Limited weight is given to this guidance. For reference this guidance required 2 car parking spaces for a 4 bedroom HMO. Similar guidance is provided in the appendix to the Draft 2005 Development Control Local Plan which has very limited weight. A standard car parking space is 4.8m x 2.4m, extending to 6m x 3.6m as a working space..

5.14 Paragraph 111 of the NPPF states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Assessment

5.15 The proposal will utilise the existing access to the site, part of the driveway to the front and a new gravelled area in the front garden. Many of the dwellings within the vicinity have off-street parking provision. In this case, 2no. car parking spaces would be sought for the HMO use, this requirement is given limited weight.

5.16 The existing driveway is approximately 2.4m in width with a length of 17m (from the garage to the adopted highway). The width reduces at some points due to existing vegetation. The length of the driveway from the front elevation of the dwelling to the adopted highway is approximately 6.4m. The driveway is to be extended at the front to incorporate an additional space of 5.5m x 2.5m. Officers consider that the site can adequately park 2no. vehicles off the street independently of each other, with no overhang onto the footpath as detailed on the proposed floorplan.

5.17 External access to the rear of the property will be retained. Cycle parking is to be provided at the rear in the altered garage. This is considered acceptable and adequately fits 4no. cycles. Vehicles parked on the drive closest to the dwelling would require the manoeuvring of bicycles to get from the rear of the property to the front. However, this would not result in a level of harm sufficient to warrant refusal of the proposal.

5.18 Concerns are raised within the representations regarding on-street parking within the vicinity of the property, however there is little substantive evidence to demonstrate that highway safety, congestion or significant damage to footpaths or landscaping have occurred as a result of the current levels of on-street parking, especially given that a large number of properties within the vicinity make provision for off-street parking.

5.19 It is therefore considered that 2no. parking spaces is sufficient for the proposed use and even if there were to be some increase in car ownership arising from occupiers of the property, this would not exacerbate on-street parking to the extent that there would be an unacceptable impact on highway safety. The site is

considered to be within a sustainable location close to public transport links and occupiers would not necessarily have to rely on a car for day-to-day requirements. Any visitors to the property would be similar to the current situation as the existing C3 use, where existing visitors are likely to park on the street.

5.20 It is considered there would not be an unacceptable impact on highway safety or unacceptable residual cumulative impact on the network. The proposal is therefore in line with Paragraph 111 of the NPPF and Policy T1 of the Draft Local Plan (2018).

6.0 CONCLUSION

6.1 The application property is considered to be appropriate for the needs of future occupants for a 4no. bedroom small HMO. The existing density levels of current HMO's is below the policy threshold (at both Street Level and Neighbourhood Level). The single storey rear extension is of a suitable design and scale. There are no residential amenity issues arising for either the proposed occupants and neighbouring dwellings. Acceptable provision for off-road vehicle parking has been demonstrated and secure cycle storage will be required by condition. A management plan for the site can be condition. The proposal is considered to comply with policies within the National Planning Policy Framework, Policies H8, D11, ENV2, WM1 and T1 of the Draft Local Plan and guidance set out within the Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy and House Extensions SPD.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

23P/CR/004 revision A dated 16.06.2023; 23P/CR/003 revision B dated 15.08.2023; Proposed block plan; 10 Church Road; scale 1:200; 23P/CR/005 revision A dated 18.08.2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 The external wall and roof materials in the development hereby permitted shall match those used in the existing building.

Reason: In the interests of visual amenity.

4 Prior to the development hereby approved being brought into operation, a management plan shall be submitted to and approved in writing by the Local Planning Authority and shall throughout the duration of the use hereby permitted be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants about noise and consideration to neighbours
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

5 No refuse or recycling shall be stored forward of the front elevation of the house.

Reason: In order to protect the visual amenity of the street.

6 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of motor vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety and 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 existing & proposed elevations and floorplans of the garage to demonstrate cycle storage.
- Extension of time secured to determine the application.

Contact details:

Case Officer: Natalie Ramadhin

Tel No: 01904 555848

10 Church Road, Osbaldwick YO10 3NW

23/01220/FUL



Scale : 1:1071

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Department	Directorate of Place
Comments	Site Location Plan
Date	31 August 2023
SLA Number	Not Set

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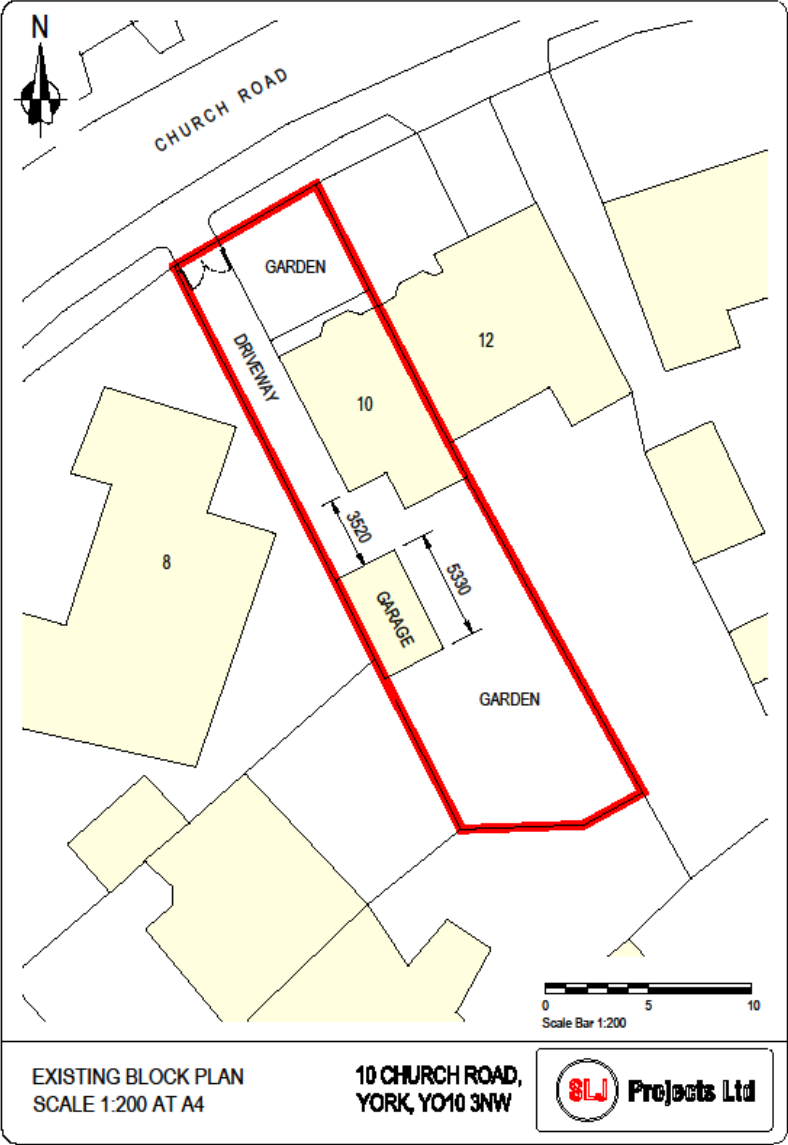


Planning Committee B

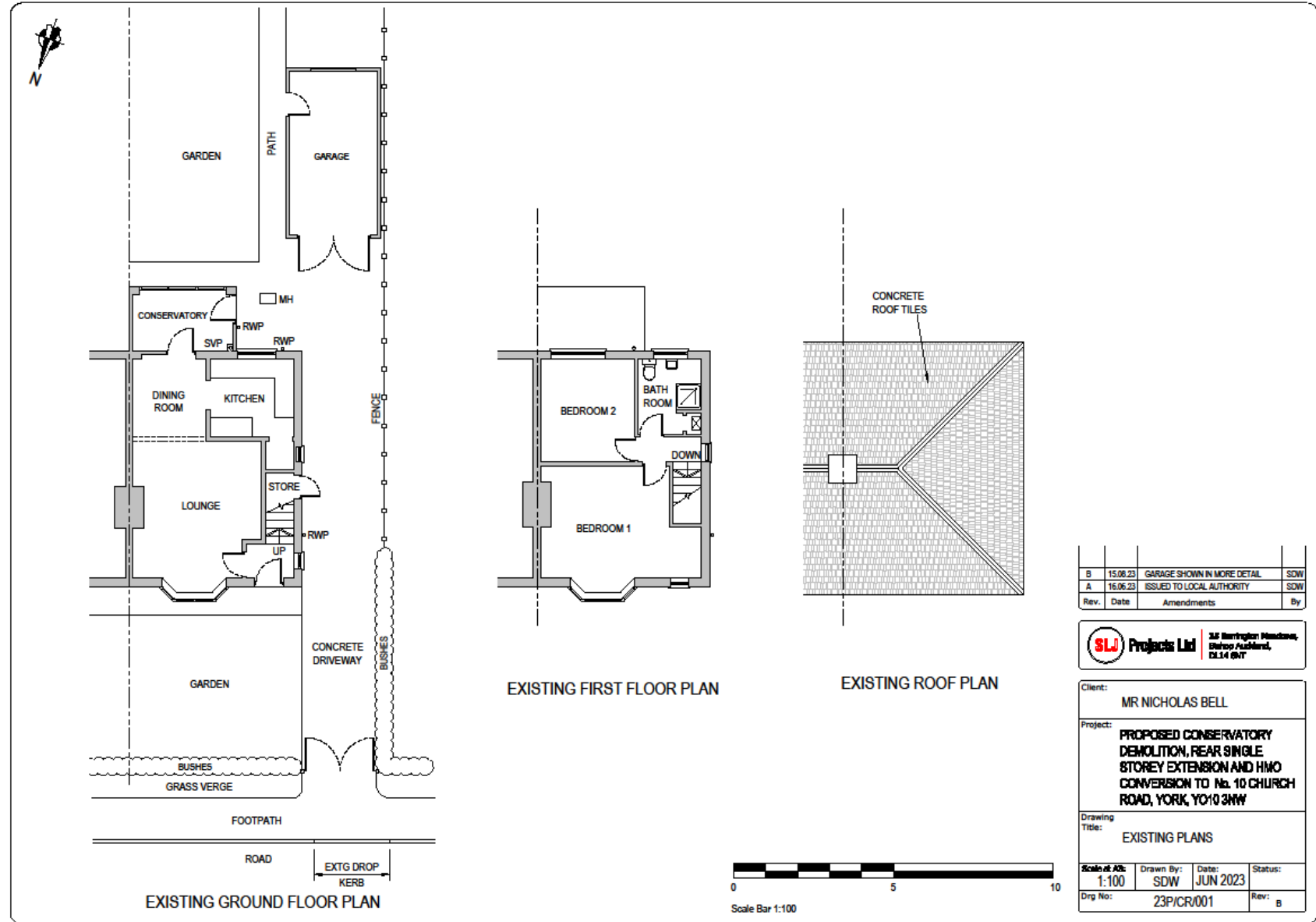
23/01220/FUL

10 Church Road Osbaldwick

Block Plan -as existing



Floor plan –
As existing

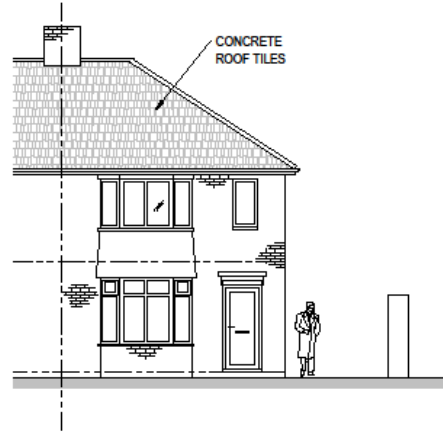


Rev.	Date	Amendments	By
B	15.08.23	GARAGE SHOWN IN MORE DETAIL	SDW
A	16.06.23	ISSUED TO LOCAL AUTHORITY	SDW

SLW Projects Ltd | 21F Harrington Meadows, Defford, Leamington, CV34 9HT

Client: MR NICHOLAS BELL			
Project: PROPOSED CONSERVATORY DEMOLITION, REAR SINGLE STOREY EXTENSION AND HMO CONVERSION TO No. 10 CHURCH ROAD, YORK, YO10 3HW			
Drawing Title: EXISTING PLANS			
Scale at A3: 1:100	Drawn By: SDW	Date: JUN 2023	Status:
Org No: 23P/CR/001		Rev: B	

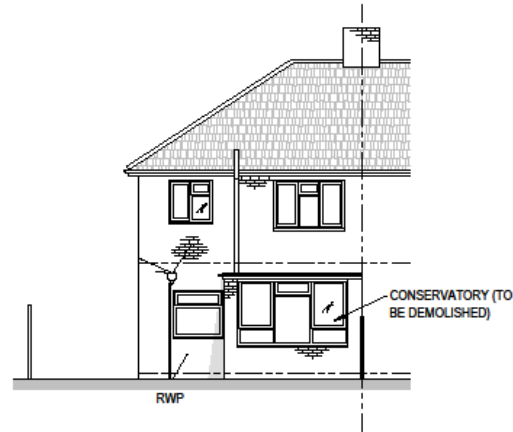
Elevations – as existing



EXISTING NORTH ELEVATION



EXISTING WEST ELEVATION



EXISTING SOUTH ELEVATION

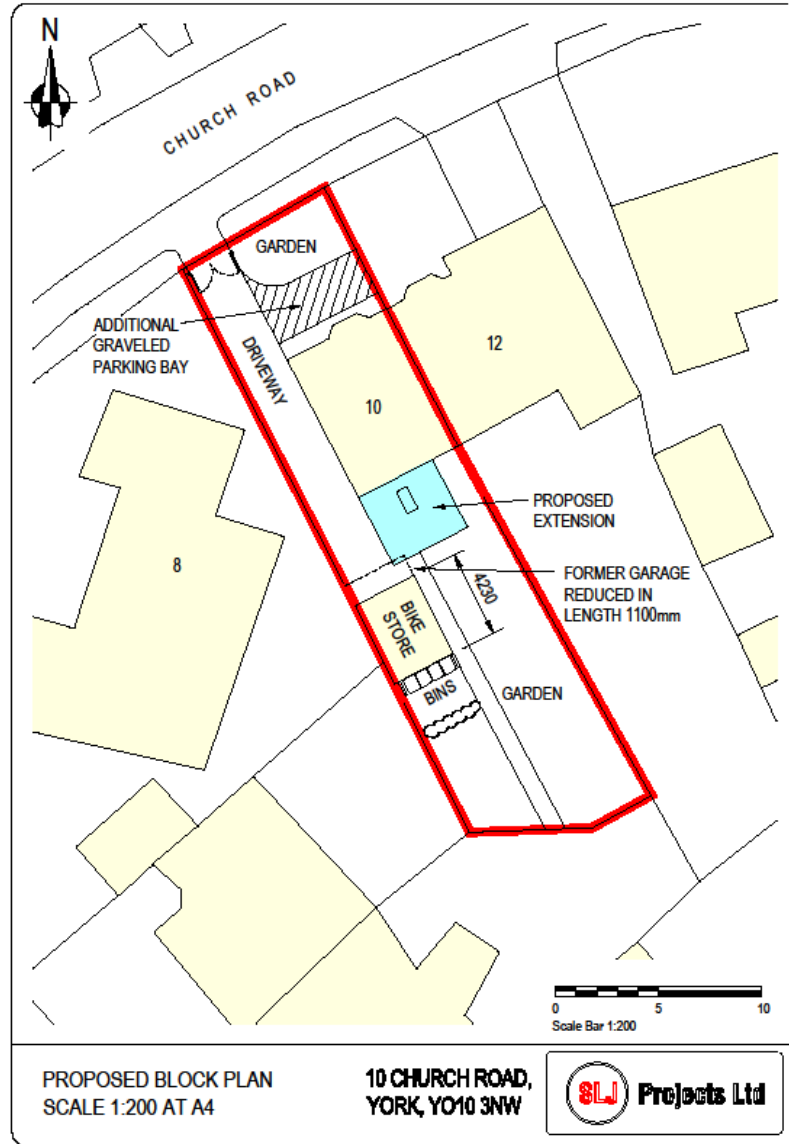


Rev.	Date	Amendments	By
A	16.06.23	ISSUED TO LOCAL AUTHORITY	SDW

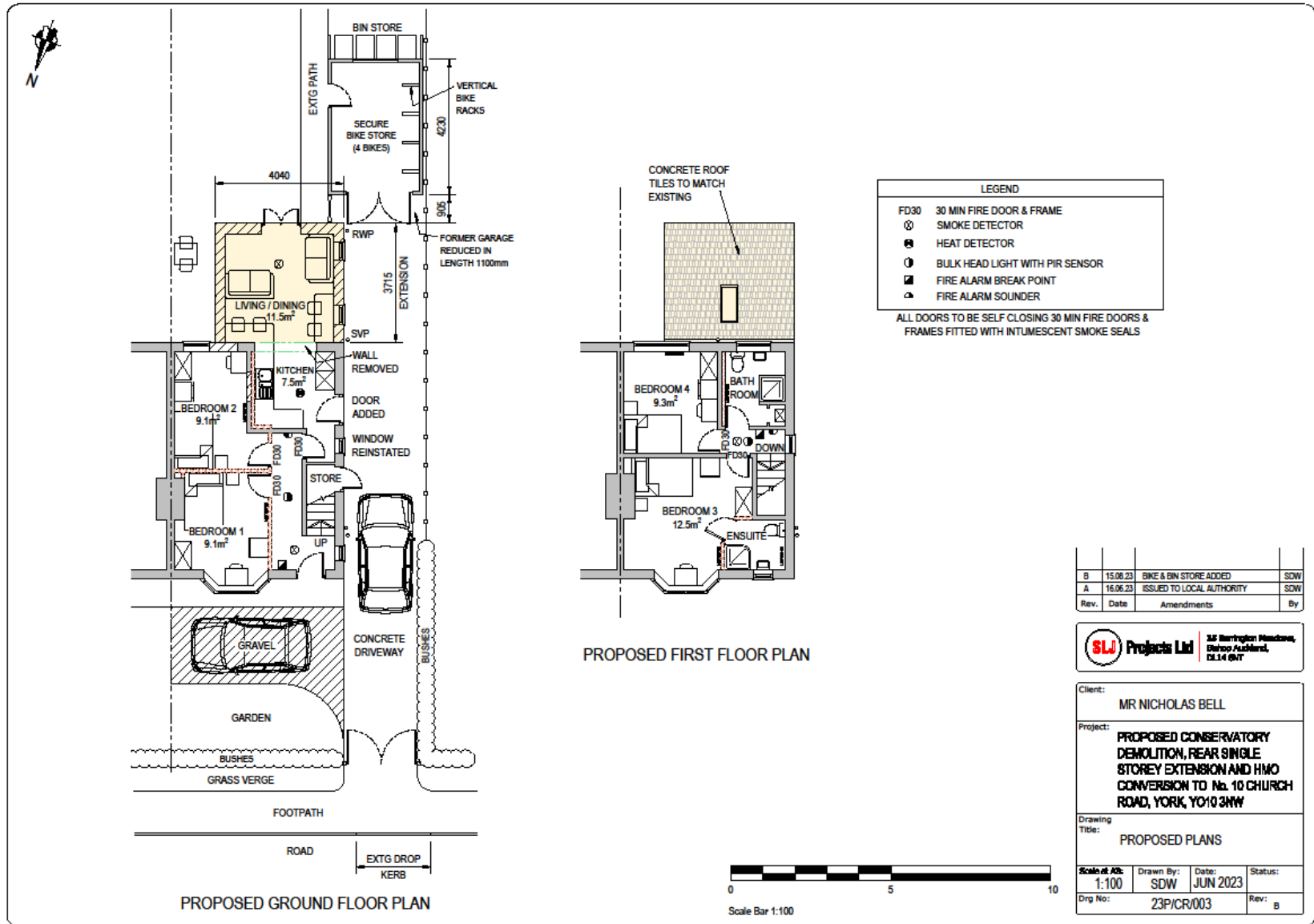


Client: MR NICHOLAS BELL			
Project: PROPOSED CONSERVATORY DEMOLITION, REAR SINGLE STOREY EXTENSION AND HMO CONVERSION TO No. 10 CHURCH ROAD, YORK, YO10 3HW			
Drawing Title: EXISTING ELEVATIONS			
Scale of A3: 1:100	Drawn By: SDW	Date: JUN 2023	Status:
Drp No: 23P/CR/002			Rev: A

Block plan – as proposed



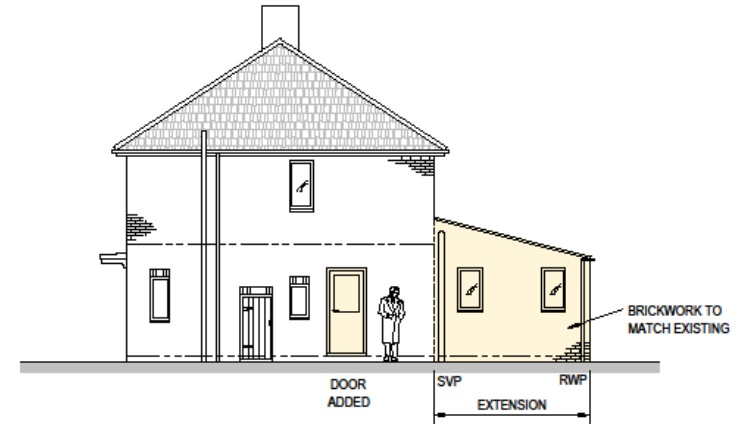
Floor plans – as proposed



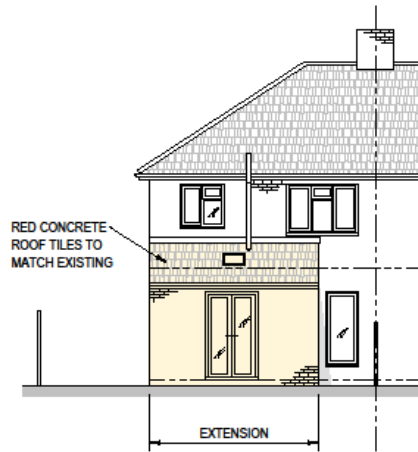
Elevations – as proposed



PROPOSED NORTH ELEVATION



PROPOSED WEST ELEVATION



PROPOSED SOUTH ELEVATION



Rev.	Date	Amendments	By
A	16.06.23	ISSUED TO LOCAL AUTHORITY	SDW



Client: MR NICHOLAS BELL

Project: PROPOSED CONSERVATORY DEMOLITION, REAR SINGLE STOREY EXTENSION AND HMO CONVERSION TO No. 10 CHURCH ROAD, YORK, YO10 3NW

Drawing Title: PROPOSED ELEVATIONS

Scale of A3:	Drawn By:	Date:	Status:
1:100	SDW	JUN 2023	
Dwg No:	23PICR/004		Rev: A

Garage – existing and proposed

EXISTING NORTH ELEVATION ON GARAGE
TIMBER DOORS

EXISTING EAST ELEVATION ON GARAGE
GREY PROFILE SHEET ROOFING
RWP

EXISTING SOUTH ELEVATION ON GARAGE

EXISTING WEST ELEVATION ON GARAGE
TOP OF FENCE

PROPOSED NORTH ELEVATION ON BIKE STORE
FRONT ELEVATION MOVED BACK 1100mm AND REBUILT
565
NEW SECURE TIMBER DOORS

PROPOSED EAST ELEVATION ON BIKE STORE
RWP
1100
BUILDING REDUCED BY 1100mm

PROPOSED SOUTH ELEVATION ON BIKE STORE

PROPOSED WEST ELEVATION ON BIKE STORE
TOP OF FENCE
BUILDING REDUCED BY 1100mm
1100

Rev.	Date	Amendments	By
A	18.08.23	ISSUED TO LOCAL AUTHORITY	SDW

SLJ Projects Ltd | 35 Berrington Meadows, Bishop Auckland, DL14 8NT

Client: MR NICHOLAS BELL

Project: PROPOSED CONSERVATORY DEMOLITION, REAR SINGLE STOREY EXTENSION AND HMO CONVERSION TO No. 10 CHURCH ROAD, YORK, YO10 3NW

Drawing Title: EXISTING PLANS & ELEVATIONS ON GARAGE, PROPOSED PLANS & ELEVATIONS ON BIKE STORE

Scale at A3:	Drawn By:	Date:	Status:
1:100	SDW	AUG 2023	
Orig No:	23P/CR/005		Rev: A

Scale Bar 1:100

COMMITTEE REPORT

Date: 13 September 2023 **Ward:** Holgate
Team: West Area **Parish:** Holgate Planning Panel
Reference: 23/00822/FUL
Application at: 16 Northcote Avenue York YO24 4JD
For: Two storey side and single storey front extension
By: Shaun Gibbons
Application Type: Full Application
Target Date: 15 September 2023
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application seeks permission for erection of a two-storey side and single storey front extension at No.16 Northcote Avenue. The host dwelling is a two-storey semi-detached property located within the Holgate ward.

2.0 POLICY CONTEXT

Publication Draft Local Plan 2018

D11 - Extensions and Alterations to Existing Buildings

3.0 CONSULTATIONS

EXTERNAL

3.1 Holgate Planning Panel - No comments received.

4.0 REPRESENTATIONS

4.1 Neighbour Consultation - No letters received.

5.0 APPRAISAL

KEY ISSUES:

- Visual impact on the dwelling and surrounding area;
- Impact on neighbouring amenity.

RELEVANT PLANNING POLICY:

5.1 The most up to date representation of key relevant policy issues for this application is the National Planning Policy Framework, July 2021 (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.2 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.

5.3 The NPPF also places great importance on good design. Paragraph 134 says development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design. Significant weight should be given to development which reflects 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.

5.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018 and has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected that the plan will be adopted in late 2023. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

5.5 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 protects and incorporates trees. This policy, and the associated Householder SPD, are not subject to modifications and therefore carry significant weight.

5.6 The draft Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 referred to in Draft Local Plan Policy D11 provides guidance on all types on domestic types of development. 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/streetscene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered, and a terracing effect should be avoided. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

The Application Property

5.7 No.16 Northcote Avenue forms a right-hand semi-detached property located to an established residential area within Holgate ward. The street and vicinity are characterised by residential properties with a variety of enlargements having resulted in variances to the appearance of dwellings over time along with small variances to front building lines. The character of the application property is typical of the street and neighbouring vicinity and is largely unaltered in its existing form.

Design and Visual Amenity

5.8 The application seeks permission for the erection of a two-storey side and single storey front extension. The works would provide an enlarged kitchen living space, utility, WC, and store to the ground floor, and additional bedroom with en-suite to the first floor. Materials indicated propose a tile roof to match the appearance of the existing dwelling along with render to front, side and rear elevations of the enlargement as well as across an existing bay window to the principal elevation of the host dwelling. The remainder of the of the existing dwelling's elevations would retain their current brick finish. UPVC windows are proposed, with white to the front and side elevations to match as existing however to be finished in grey to the rear ground floor openings.

5.9 The extension would have a width of approximately 3.4 metres from the existing side elevation and to a total depth of approximately 9.25 metres to the ground floor. The single storey portion to the front would project approximately 1.45 metres forward of the principal elevation, whilst to the rear the enlargement would be set in approximately 0.1 metres from the existing rear elevation. The first-floor front elevation would be set back approximately 0.5 metres from the principal elevation, whilst the front projecting element to the ground floor would comprise a mono pitch roof with approximately 2.4 metres eaves and 3.4 metres total height. The main roof would comprise a hipped roof form, alike to the host's roof as existing, which would adjoin the main roof, forming a flush roofscape to the rear, however set back from the principal elevation, and with the main ridge approximately 0.2 metres subservient of the host.

5.10 The works proposed are considered acceptable development at the host dwelling. The addition would comprise a proportionate scale in relation to the host and would reflect a design and character in-keeping with the appearance of and not considered to unduly dominate the existing dwelling, as per paragraph 7.1 of the draft SPD which states that extensions should normally be in-keeping with the appearance, scale, design, and character of both the existing dwelling and streetscene. Materials proposed, whilst somewhat a departure from the existing palette at the property, would reflect the general variety seen within the streetscene as existing and would subsequently not result in any undue harm to the appearance of the host or wider streetscene to an extent which is considered to warrant refusal.

5.11 Paragraph 12.3 of the draft SPD states that side extensions should normally be subservient to the main house. The enlargement proposed would be erected to a setback position from the principal elevation and would have a roof pitch and style sympathetic with and reflective to that of the original house, in compliance with paragraph 7.4(f) of the SPD. The roof form of the two-storey portion would be set down from the existing ridge in ensuring a subservient appearance with the host, also being set off the boundary to avoid adjoining a similar development at the adjacent property. To the ground floor, the front projecting enlargement would not dominate in appearance. These elements of the scheme would not cause a terracing-effect or reduce the spacing between buildings to a harmful degree.

Access and Parking

5.12 The works would see a loss to the existing pedestrian access to the rear. A small portion of space would be retained, and an integral store is proposed

accessed from the front for storage of bins and cycles, referenced as a requirement in paragraph 12.8 of the SPD where development of a two-storey extension (or first-floor extension) would result in lost access to the rear garden. The scheme would retain approximately 5.5 metres depth from the front boundary to the proposed front extension for parking. A condition is recommended, requiring that the store door should be of a roller shutter/vertical opening to enable the door to be operated when a vehicle is parked on the front drive. The proposal is similar in its arrangement to other developments on the street and as such is deemed to be in keeping with the streetscene and would not have an undue negative impact on the character of the area.

Neighbour Amenity

5.13 The extension would be situated in closest proximity to No.14 Northcote Avenue, spanning adjacent with this site boundary. However, the addition would be positioned largely alongside a recently developed two-storey enlargement at No.14. As such, there would be little amenity impact to this property. A small degree of overshadowing may be caused to 2no. openings to the rear ground floor at No.14, due to the form of the neighbouring enlargement, comprising a small recess to its rear to which the extension proposed would develop beyond. However, these serve a WC and garage, and in any case, it is not considered that an unduly harmful impact would be caused. The rear amenity space and other openings at No.14 would not be impacted by siting of the proposal with regard to dominance or lost light or outlook. New openings proposed would not cause any loss of privacy over the existing openings present at the host.

5.14 Properties to the front and rear of the application site would not be adversely impacted by the proposal. The enlargement would be subservient to the original dwelling and would be separated adequately by amenity spaces and the highway to the front, and by amenity spaces and largely established and mature hedging and vegetation to the rear, being appropriately distanced from adjacent windows and openings in any case. The design is seen to be typical of existing arrangements on the street and, as such, there would be little harm with regard to outlook, dominance, and loss of light over the property's existing arrangement or with what can be reasonably expected in a residential setting such as this.

6.0 CONCLUSION

6.1 The works proposed will respect the general character of the building and area and the impact on the amenity of neighbouring residents would be acceptable. It is considered it complies with national planning guidance, as contained in the National Planning Policy Framework, City of York Council Draft Local Plan 2018, and the City of York Council's draft Supplementary Planning Document (House Extensions and Alterations).

7.0 RECOMMENDATION: Householder Approval

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Proposed Plans and Elevations - Dwg. No:

Location and Block Plan - Dwg. No:

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

3 Notwithstanding the provisions of Article 3 (Schedule 2, Part 1) of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any Order revoking or re-enacting that Order) the store as shown on the approved plans shall not be externally altered or converted to living accommodation.

Reason: To ensure that there is adequate on-site cycle parking/storage space at the property which has a shallow frontage with limited external access to the rear and where external storage to the front may be harmful to the appearance of the streetscene. Thus, any proposals to increase living accommodation can be assessed on its merits.

4 The garage shall be fitted with doors which shall at no time, even whilst being open or shut, protrude forward of the position of the face of the garage door whilst in the closed position.

Reason: To prevent cars projecting into the public highway and obstructing the free passage of road users.

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. Conditions were imposed to ensure satisfactory cycle and car parking and storage areas.

Contact details:

Case Officer: Owen Richards

Tel No: 01904 552275

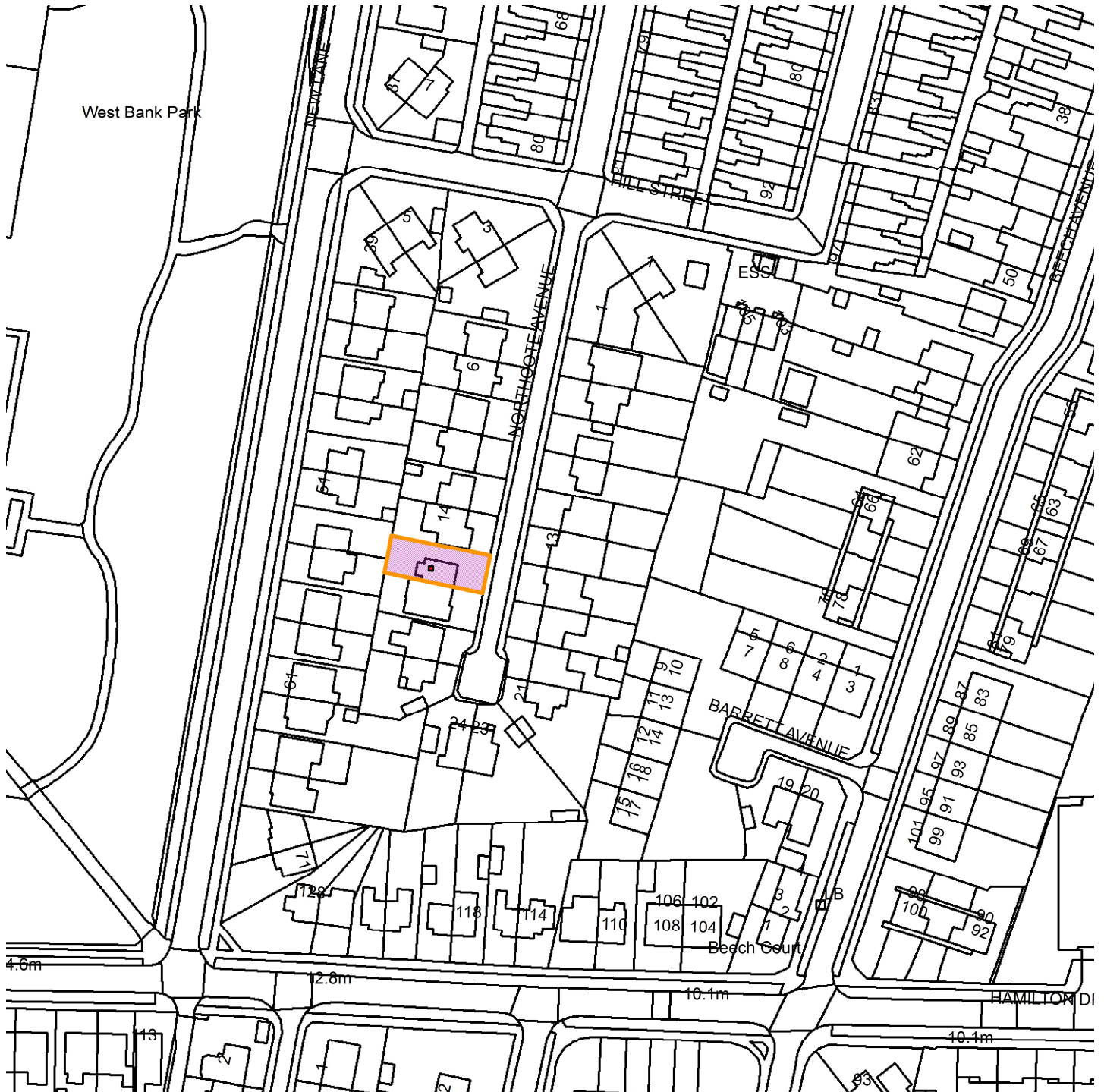
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16 Northcote Avenue YO24 4JD

23/00822/FUL



GIS by ESRI (UK)



Scale : 1:1339

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	31 August 2023
SLA Number	Not Set

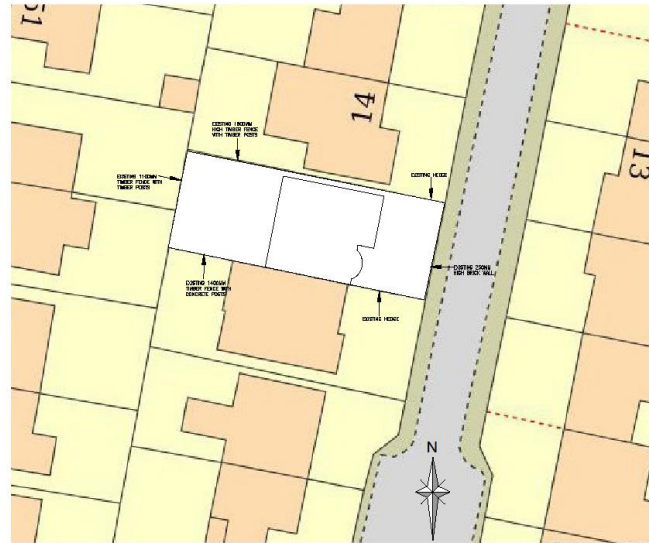
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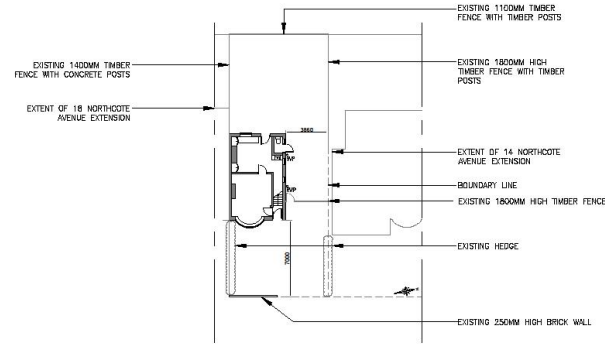
Planning Committee B

23/00822/FUL

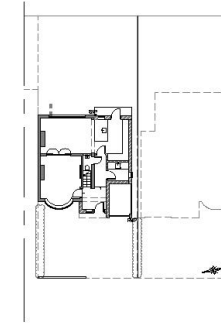
16 Northcote Avenue



01 PROPOSED BLOCK PLAN
SCALE 1:200



02 EXISTING SITE PLAN
SCALE 1:200



03 PROPOSED SITE PLAN
SCALE 1:200



04 LOCATION PLAN
SCALE 1:1250

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Rev.	Description	Issue Date
B	SCALE UPDATED	13.09.23
A	SCALE & NOTES UPDATED	21.05.23
Drawing Type		
PLANNING		
Project		
16 NORTHCOTE AVENUE, HOLGATE YORK, YO24 4JD		
Drawing		
LOCATION PLAN AND BLOCK PLAN		
Issue Date	Scale	
23.04.23	1:1,250,200,100 @ A1	
Drawing Number	Rev.	Issue Status
1000	1	P
<small>This drawing is to be read in conjunction with all related drawings. Do not scale from this drawing. All dimensions should be checked and verified on site before construction and any such variations should be reported to the engineer. The engineer should be notified immediately of any discrepancies.</small>		

As existing



A		SCALE UPDATED	13.08.23
Rev.	Description	Issue Date	
Drawing Type			
PLANNING			
Project			
16 NORTHCOTE AVENUE, HOLGATE YORK, YO24 4JD			
Drawing			
EXISTING PLANS AND ELEVATIONS			
Issue Date	Scale		
23.04.23	1:50 @ A1		
Drawing Number	Rev.	Issue	Author
1001	1	P	

This drawing is to be used in conjunction with all related drawings. Do not order from this drawing as drawings made for approval are valid for the entire construction process and for providing other drawings. The engineer should be notified immediately of any discrepancy.

As proposed





Planning Committee B

13 September 2023

Planning Appeal Performance and Decisions

- 1 This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 January and 31 March 2023. Appendix A is a list of the appeals decided, a summary of each decision is provided in appendix B and a list of outstanding planning appeals in appendix C.
- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly and annual basis. The Government use the statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this is based on the total number of decisions made by the Local Planning Authorities that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on major, non-major and "county-matter" (generally minerals and waste proposals) applications made during the assessment period being overturned at appeal.
- 3 Table 1 shows results of planning appeals decided by the Planning Inspectorate for the quarter 1 January to 31 March 2023 for all types of planning appeals such as those against the refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. In the corresponding quarter the Planning Inspectorate allowed 29% of appeals determined in England.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/01/23 to 31/03/23
Allowed	6
Split decision	0
Dismissed	8
Total Decided	14
% Allowed	42%

- 4 There was one appeal decision received during the quarter relating to an application for a “major” development; the erection of 70 extra care apartments and decked car park at Chocolate Works Residents Parking, Bishopthorpe Road which was dismissed.
- 5 For the 12 months period 1 April 2022 to 31 March 2023, 36% of CYC appeals decided were allowed. In England 29% of appeals were allowed over the same period. The CYC figure includes appeal decisions that would not be used in Planning Inspectorate returns.

Table 2: CYC Planning Appeals 12-month Performance

	01/04/22 to 31/03/23	01/04/22 to 31/03/22
Allowed	17*	8
Split decision	0	1
Dismissed	30	30
Total Decided	47*	39
% Allowed	36%*	21%

*includes appeal decisions relating to an Approval of Details application. These appeals are not used by PINs when collating their statistics.

- 6 The latest available figures from the Department of Levelling Up Housing and Communities (the assessment criteria set out in paragraph 2 above) show that over the 2-year rolling assessment period that 0.5% of the total CYC decisions made in respect of non-major applications and 0% of total decisions made in respect of major applications were overturned at appeal. The comparison figures for England are 1% and 0.9% respectively. There were no appeals in respect of “county-matter” applications during the period.
- 7 A list of the planning appeals determined between 1 January and 31 March 2023 are included in Appendix A. Summaries of the decisions are included in Appendix B. None of the appeals determined followed a decision to refuse permission made by the Planning Committees.
- 8 The list of current appeals is attached at Appendix C. There are 25 appeals of all types awaiting determination, 14 of which relate to BT Street-hub proposals in and around the city centre. There is one decision pending relating to a Major development.

Consultation

- 9 This is an information report for Members and therefore no consultation has taken place regarding its content.

Council Plan

- 10 The report is relevant to the “Well-paid jobs and an inclusive economy,” “Creating homes and World-class Infrastructure,” “A Greener and cleaner city,” “Getting around sustainably” and “Good Health and Wellbeing” city outcomes of the Council Plan.

Implications

- 11 Financial – There are no financial implications directly arising from the report.
- 12 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 13 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 14 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 15 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 16 That Members note the content of this report.

Reason

- 17 To inform Members of the current position in relation to planning appeals against the Council’s decisions as determined by the Planning Inspectorate.

Contact Details

Author:

Gareth Arnold
Development Manager,
Development Management

Chief Officer Responsible for the report:

Becky Eades
Head of Planning and Development
Services

Report
Approved



Date 01.09.2023

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Appendices

- Appendix A Planning Appeals decided between 1 Jan and 31 March 2023
- Appendix B Summaries of Planning Appeals decided between 1 Jan and 31 March 2023
- Appendix C Outstanding Planning Appeals at 29 August 2023

Abbreviations

PINs Planning Inspectorate

Appendix A
Appeal Decisions received 1 January to 31 March 2023

Ward	Appn number	Proposal	Address	Decision Type	Decision
Bishopthorpe	22/00886/FUL	Replacement of 1m high gates with 1.8m high gates	28 Lakeside Acaster Malbis York YO23 2TY	Del	Dismissed
Copmanthorpe	22/00349/FUL	Two storey front extension	18 Weavers Park Copmanthorpe York YO23 3XA	Del	Dismissed
Dringhouses And Woodthorpe	22/00990/OUT	Outline application for 1no. dwelling with associated garden and 1no. parking spaces, with only access being considered	Land Adjacent Electricity Sub Station Eason View York	Del	Dismissed
Fulford And Heslington	22/01197/FUL	Alteration of attached garage to habitable room including addition of mono-pitched roof.	23 Fordlands Road York YO19 4QG	Del	Allowed
Guildhall	20/01406/FUL	Third floor roof extension to form 1no. apartment with balcony and dormers to front and rear, alterations to first and second floors in association with change of use from office (use class B1) to residential (use class C3) to form 2no. apartments	Barry Crux20 Castlegate York YO1 9RP	Del	Allowed

Ward	Appn number	Proposal	Address	Decision Type	Decision
Guildhall	20/01407/LBC	Internal and external alterations including third floor extension to roof to form 1 no. apartment with balcony and dormers to front and rear, alterations to first and second floors in association with change of use from office to residential to form 2 no. apartments	Barry Crux 20 Castlegate York YO1 9RP	Del	Allowed
Heworth	22/01062/FUL	Single storey garage and store to rear	71 Fourth Avenue York	Del	Dismissed
	22/00740/FUL	Variation of conditions 3 only of application 21/01923/FUL to alter permitted opening times of hair salon from 09:00 hours to 16:00 hours to 09:00 hours to 18:00 hours Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays.	3 Malham Grove York YO31 0QG	Del	Allowed
Micklegate	20/02517/FULM	Erection of extra care accommodation including no.70 apartments and decked car park with associated private amenity space, landscaping, substation and vehicular access alterations	Chocolate Works Residents Parking Bishopthorpe Road York	Non-det	Dismissed
Rural West York	21/02214/CPD	Erection of a detached pool house and gym with associated plant room	Village Farm Bungalow Main Street Askham Richard York YO23 3NY	Del	Dismissed

Ward	Appn number	Proposal	Address	Decision Type	Decision
Strensall	22/00116/FUL	Single storey rear and side extension, change window colour throughout	6 The Village Strensall York YO32 5XS	Del	Dismissed
	22/00129/FUL	Removal of condition 4 of permitted application 18/01979/FUL to allow use of caravans by persons not engaged in equestrian based holidays	Hall Farm Strensall Road York YO32 9SW	Del	Allowed
Westfield	22/00740/FUL	Single storey rear extension and hip to gable with dormer to rear	45 Queenswood Grove York YO24 4PW	Del	Dismissed
	22/01531/FUL	Single storey extension to side of existing detached garage	38 Tennent Road York YO24 3HF	Del	Allowed

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Appendix B

Appeal decision summaries between 01/01/23 and 31/03/23

Case number	Description	Address	Outcome
22/00039/REF	Variation of conditions 3 only of application 21/01923/FUL to alter permitted opening times of hair salon from 09:00 hours to 16:00 hours to 09:00 hours to 18:00 hours Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays.	3 Malham Grove York YO31 0QG	Appeal Allowed

Notes

The appeal related to an application that was refused to vary a condition at a hairdressers that had been approved retrospectively. The hairdresser operates from an outbuilding in a domestic garden in a suburban cul-de-sac. The original permission was subject to a number of conditions including noise details, maximum of 6 customers per day, operation only by the owner and that it should only operate between 09:00 and 16:00 Monday to Friday. The variation sought to extend the hours condition to allow one customer at a time to be present until 18:00. It was refused because it was considered that the extended hours would create a likelihood that disruption, including from car parking, would take place at a time when it would have a greater ability to cause disruption in the residential cul-de-sac. The appeal was allowed. The Inspector considered that the other conditions in place were sufficient to ensure that there would be no additional harm to amenity. Reference was also made to the ability to park 3 cars on the drive of the property.

Case number	Description	Address	Outcome
22/00048/REF	Single storey rear extension and hip to gable with dormer to rear	45 Queenswood Grove York YO24 4PW	Appeal Dismissed

Notes

The development relates to a hip to gable roof extension with dormer to the rear and single storey rear extension to the semi-detached two storey dwelling. Located in a prominent position in Queenswood Grove, the house has previously been extended to the side and rear with a two storey hipped roof extension to echo the roof form of the original house. The application was refused

consent as it was considered that the hip to gable roof extension would appear incongruous and at odds with the hipped roof form of the two storey side and rear extension and the prevailing hipped roof form of surrounding houses in Queenswood Grove. The large scale, flat roof rear dormer, with a standing seam cladding finish, would further dominate the extended dwelling house and clash with its appearance, resulting in harm to the host dwelling and the wider streetscene. The appeal inspector considered that the proposed development would notably alter the property's scale and appearance. The design of the gable roof extension would not be sympathetic to the form and distinctive features of the existing dwelling and would look harmfully out of place, undermining the balanced appearance of the semi-detached pair of houses. The proposed wide flat roof rear dormer would extend across the entire width of the gabled roof and would dominate the host building. The external materials and large scale windows would not integrate well with the roof and would further accentuate the size of the dormer. The inspector considered that the size and design of the dormer would dominate the rear elevation, overwhelm the roof and appear as an incongruous feature. Overall the proposed development would harm the character and appearance of the host property and the area and would be contrary to paragraphs 130 and 134 of the NPPF. On this basis, the appeal was dismissed.

Case number	Description	Address	Outcome
22/00042/REF	Single storey rear and side extension, change window colour throughout	6 The Village Strensall York YO32 5XS	Appeal Dismissed

Notes

This application was for a single storey rear and side extension to a two storey detached dwelling in the Strensall Village conservation area. Also proposed were replacement windows, with grey frames and in a significantly different style, as well as black flashing/fascias and concrete tiles to the roof, to replace the existing timber/slate. The application was refused on the grounds of failing to preserve or enhance the character and appearance of the conservation area, resulting in harm to the significance of a designated heritage asset, specifically with regard to the design/colour of the windows, and the replacement roofing materials. The proposed extensions did not form part of the reasons for refusal. The inspector agreed that the dwelling is relatively prominent within the street scene, and that the use of traditional building materials (including natural slate roofing and white window frames) provides a unity to the character and appearance of the conservation area. In terms of the roof, they found that the proposed black fascia had a neutral impact, but that the concrete roof tiles could not be considered to be like-for-like replacements for the natural slates, and that they were visually discordant and did not reflect the specific context of the site, causing Conservation Area harm. The dark grey window frame colour was found to emphasise the bulky proportions of the proposed openings, again failing to preserve the character or appearance of the Conservation Area. The inspector did not consider the private benefits of the renovation to outweigh the less than substantial Conservation Area harm.

Case number	Description	Address	Outcome
22/00030/REF	Erection of a detached pool house and gym with associated plant room	Village Farm Bungalow Main Street Askham Richard York YO23 3NY	Appeal Dismissed

Notes

A Lawful Development Certificate was refused for a detached pool house and gym with associated plant room in the curtilage of a detached dormer bungalow situated outside Askham Richard village within the Green Belt. The application was refused as despite its accordance with Classes E.1, E.2 and E.3 it was not considered incidental to the enjoyment of the dwellinghouse by virtue of the footprint relative to that of the host property and the intended uses had not been demonstrated to be reasonably required for purposes incidental to the enjoyment of the dwellinghouse. In dismissing the appeal the Inspector noted that in principle a pool house, gym and plant room could be considered incidental. He stated that it is however a matter of fact and degree as to whether the nature and scale of the proposed uses are reasonably required for incidental purposes. The Inspector shared the Council's view that the poolside area was excessive, being larger than the pool itself and this had not been justified as being reasonably and necessarily required for the incidental enjoyment of the dwelling. In addition the Inspector agreed that the plant room seemed oversized and its use was rather vague, imprecise and ambiguous. He therefore confirmed that the overall size of the proposal is excessive and therefore unreasonable in terms of being incidental to the enjoyment of the main dwellinghouse. He concluded that the development is therefore not permitted development under the terms of Class E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended and the appeal was dismissed.

Case number	Description	Address	Outcome
22/00045/REF	Removal of condition 4 of permitted application 18/01979/FUL to allow use of caravans by persons not engaged in equestrian based holidays	Hall Farm Strensall Road York YO32 9SW	Appeal Allowed

Notes

The scheme was for seasonal touring caravan pitches. It was approved by members (officers recommended refusal). A condition of permission was that the pitches were only used for persons engaged in equestrian based holidays. The appeal was to remove the condition. The appeal was allowed. However, the inspector found it necessary to retain a link between the caravan site and the equestrian facilities, to avoid conflict with Green Belt policy of maintaining openness. An alternative condition was imposed; that the use would cease if the livery stables ceased to operate.

Case number	Description	Address	Outcome
22/00040/REF	Third floor roof extension to form 1no. apartment with balcony and dormers to front and rear, alterations to first and second floors in association with change of use from office (use class B1) to residential (use class C3) to form 2no. apartments	Barry Crux20 CastlegateYorkYO1 9RP	Appeal Allowed

Notes

The application was refused because the works which would re-instate a tiled gambrel roof to the building included a modern design of dormer zinc cladding and glazed balustrade that were considered to be out of character with the historic fabric of the listed building. In addition internal partitioning to form lobbies on the first and second floors would mean the loss of integral parts of the historic layout resulting in significant harm to the character of the building. The Inspector considered that the proposed roof extension would appear generally proportionate and that the materials would not be at odds and also that it would reinforce the former grandeur and enhance historic legibility and the significance and enhance the character and appearance of the conservation area. She considered the internal partitions would adversely affect the spatial quality of the landings and erode the historic layout detracting from internal architectural features and that removal of the door and wall on the second floor would result in loss of historic fabric. However she felt that three residential units would contribute to housing land supply and would be of modest public benefit. On balance she considered that the public benefits outweighed the harm and concluded that the proposal overall would preserve the special interest of the listed building and enhance the significance of the conservation area and the settings of the nearby listed buildings

Case number	Description	Address	Outcome
22/00043/REF	Outline application for 1no. dwelling with associated garden and 1no. parking spaces, with only access being considered	Land Adjacent Electricity Sub Station Eason View York	Appeal Dismissed

Notes

The application was for outline planning permission for the principle of a two-storey detached dwelling. The dwelling was to be sited on directly to the rear of nos.2 and 4 Gower Road, with a frontage on to Eason View. The scheme included the means of access being the only reserved matter for consideration, which involved the submission of revised plans to improve the access into the site. The proposal was refused because the introduction of a detached dwelling would lack the same sense of scale,

proportion, and rhythm evident of dwellings located on Eason View in so far it would sit awkwardly to the rear boundaries of Gower Road. Also, would result in a loss of openness and a form of development that is uncharacteristic of the established layout and pattern of development of the locality and a two-storey property situated near the boundary of the neighbouring houses would appear unduly oppressive, resulting in a loss of openness and outlook to the garden/amenity space of surrounding property. Also, there would likely be inadequate outlook for future occupants. The Inspector agreed in terms of the impact to street scene and concluded that the development would not be sympathetic to character of the area and local environment. In the planning balance the Inspector did not consider the benefits of providing a housing provision would outweigh the matters of that the scheme would be contrary to Chapter 12 of NPPF and Local Plan Policies contained in the DLP 2018. However, The Inspector disagreed that there would be any harm to neighbour amenity on grounds there would be ample separation and screening provided by future boundary treatments to avoid issues of outlook. Also, the Inspector concluded the relationship and placement of windows would impact on future privacy and overlooking.

Case number		Description	Address	Outcome
22/00051/REF		Single storey extension to side of existing detached garage	38 Tennent Road York YO24 3HF	Appeal Allowed

Notes

The application was refused on the grounds that the development was poorly designed in relation to the host dwelling the surrounding area. With the development being contrary to policies D11 and Policies GP1 and H7 The inspector stated that the as the policies had not been adopted only limited weight would be afforded to the policies in line with paragraph 48 of the NPPF. The Inspector did not agree with the council's position and reasons for refusal. The inspector stated that the garage would be subservient to the host dwelling although they did agree that the industrial style door would be out of context. It was determined that the proposed location of the garage with it being set away from the street and the high boundary wall reduced the impact that the development would have on the street and surrounding character of the area. The inspector said the scheme would contradict paragraph 15.2 of the SPD due to loss of the driveway. As the submitted scheme demonstrated that it would include a number of parking spaces the inspector was satisfied that there would be adequate parking at the property. It was decided that the scheme was compliant with paragraphs 130 and 134 of the NPPF and Policy D11 of the PDLP and Policies GP1 and H7 of the DCLP. The highways department objected on highways safety concerns however the Inspector did not agree that the scheme would have an impact on highways safety.

Case number	Description	Address	Outcome
21/00045/NON	Erection of extra care accommodation including no.70 apartments and decked car park with associated private amenity space, landscaping, substation and vehicular access alterations	Chocolate Works Residents Parking Bishopthorpe Road York	Appeal Dismissed

Notes

The site comprises the former car park to the Terry's Chocolate Works on the south side of Bishopthorpe Road. It was in the Green Belt in the 2005 Plan but due to be taken out in the most recent iteration of the plan in which it is a Strategic Housing allocation for a notional quantum of 33 dwellings. Despite pre-application advice, a proposal to develop the site for 73 Extra Care Apartments for the over 70s was submitted. There then proceeded a protracted period of negotiation involving several minor design alterations to make the development more acceptable in terms of its relationship with the adjoining properties, in highway terms and also to re-route two surface water sewers crossing the site. The size of the development was reduced by three units but design objections on the grounds of its scale, massing and failure to address its wider context remained. There was a further issue as to whether it was C3 Housing and needing to make commuted sum payments in respect of affordable housing etc or C2 Residential Institution. The applicant appealed non-determination rather than continue negotiation and the Use Class issue was resolved subject to safeguards within a Section 106 Agreement. The local CCG also objected on the grounds of impact upon the local medical practices although that was not defended at the inquiry. The Inspector duly considered the appeal and accepted a significant element of the design harm in relation to harm to the wider context on the grounds that the development was orientated in on itself and failed to relate properly in terms of its frontage to Bishopthorpe Road which made it appear highly alien and harmful to the form and character of the street scene. The appeal was duly dismissed.

Case number	Description	Address	Outcome
22/00038/REF	Single storey garage and store to rear	71 Fourth Avenue York	Appeal Dismissed

Notes

The appeal is regarding a proposed single storey garage and store which would extend almost across the full width and length of the rear yard area. The Inspector concluded that it would be a dominant form of development that would have a significant adverse effect on the character and appearance of the area when viewed from the rear lane and nearby properties. There is a two-storey building is contained within the rear area of the neighbouring property (no.69), however, the Inspector concluded that each case

falls to be assessed primarily on its own merits and that outbuildings in that form are not so prevalent in the locality as to be a characteristic of it, and by reason of its scale does not provide a justification for other harmful development.

Case number	Description	Address	Outcome
02/00047/REF	Replacement of 1m high gates with 1.8m high gates	28 LakesideAcaster MalbisYorkYO23 2TY	Appeal Dismissed

Notes

The planning appeal related to the refusal of householder application 22/00886/FUL for the replacement of 1m high gates with 1.8m high gates. As means of background, the current design of the front boundary wall and gate were influenced following an enforcement case after the erection of a brick boundary wall with railings, which had a total height of 1.6m. For the same reasons as this application the council could not support the changes that had been made to the front boundary and subsequently the applicant fell back on permit development rights. The application was refused on the grounds that the proposals would be at odds with the predominantly landscaped front boundary treatment in the locality, which is an important and distinctive visual characteristic. The gates would have appear incongruous and out of keeping with the key visual elements of Lakeside and thus would be harmful to the streetscene. The Inspector dismissed the appeal agreeing the proposal would appear incongruous and at odds with the breaks in the hedges formed by open driveway entrances that are characteristic of the streetscene. They also went on to say they appreciate the Councils concerns that approval of this proposal could be used in support of similar schemes and that this is was not a generalised fear of precedent, but a realistic and specific concern given the likely similarity of the frontages of properties here. Allowing this appeal would make it more difficult to resist further planning applications for such developments which would gradually erode the existing character.

Case number	Description	Address	Outcome
22/00037/REF	Two storey front extension	18 Weavers Park Copmanthorpe York YO23 3XA	Appeal Dismissed

Notes

The planning appeal related to the refusal of householder application 22/00349/FUL for a Two storey front extension. The application was refused on the grounds that the extension by virtue of its scale, design and excessive length would appear at odds with the form and appearance of the host dwelling. The eaves of the extension compared to the existing house, and the introduction of a front facing dormer, would also result in a jumbled and awkward relationship with the main house. Overall the

development would result in an incongruous and incoherent form of development that fails to relate to the existing house or to the layout and form of the streetscene. The Inspector dismissed the appeal agreeing the proposal would be of a significant scale and a dominant and bulky structure on the street. Its excessive scale and incorporation of a dormer window in the most visible roofslope would also ensure that the proposed extension would appear as a prominent and incongruous addition to the streetscene that would be poorly related to its surroundings. The applicant had claimed that due to the building line and location of the dwelling within a corner on a cul-de-sac, the extension would not cause any harm to the street. The Inspector stated that whilst they accept that the dwelling is located in a corner of the cul-de-sac, it is nonetheless still visible from it and the proposed two storey extension would easily be seen by those using the turning head and is therefore unacceptable.

Case number		Description	Address	Outcome
22/00052/REF		Alteration of attached garage to habitable room including addition of mono-pitched roof.	23 Fordlands Road York YO19 4QG	Appeal Allowed

Notes

The application property is a red-brick, semi-detached dwelling at No.23 Fordlands Road, Fulford. It lies on a prominent corner plot. The proposal was to convert an attached garage into a habitable room and incorporate a mono-pitched, sedum roof. The sole issue was that of visual impact on the application property and wider street-scene. The Inspector noted the use of white render or two other nearby residential properties and also on properties at the newly built development of Germany Beck. She did not consider the sedum roof would result in harm to the character of the area and considered that the environmental benefits cited by the appellant to be persuasive. She also noted that the replacement materials would result in insulation benefits. She did not consider there was any evidence that the roof would not be well maintained and become unkempt in appearance. She noted that the existing boundary hedges, which provide screening, could be reduced in height, or removed by the owner, should they so wish. The Inspector gave limited weight to the Draft Local Plan, unless it was in accordance with the NPPF.

Appendix C
Appeal decisions outstanding at 29 August 2023

Ward	PINS Appeal number	Proposal	Address	Date appeal lodged	Officer name
Dringhouses And Woodthorpe	APP/C2741/W/23/3319070	Reserved matters application for appearance, layout and scale pursuant to outline planning permission 21/00121/OUT	Site To The Rear Of 5 Cherry Lane York	22/03/23	Sharon Jackson
Guildhall	APP/C2741/W/22/3311643	Installation of BT Street Hub	Proposed BT Street Hub Opposite 4 St Helens SquareYork	21/11/22	Sam Baker
	APP/C2741/Z/22/3311644	Display of 2no. digital 75 inch LCD display screens, one either side of proposed BT Street Hub unit	Proposed BT Street Hub Opposite 4 St Helens SquareYork	21/11/22	Sam Baker
	APP/C2741/Z/22/3311630	Display of 2no. digital 75 inch LCD display screens, one on each side of Street Hub unit	Proposed BT Street HubSt Sampsons SquareYork	21/11/22	Sam Baker
	APP/C2741/W/22/3311613	Installation of BT Street Hub	Proposed BT Street Hub Fronting 47Parliament Street York	21/11/22	Sam Baker

Ward	PINS Appeal number	Proposal	Address	Date appeal lodged	Officer name
Guildhall	APP/C2741/Z/22/3311615	Display of 2no. digital 75 inch LCD display screens, one either side of proposed BT Street Hub unit	Proposed BT Street Hub Fronting 47Parliament StreetYork	21/11/22	Sam Baker
	APP/C2741/W/22/3311641	Installation of BT Street Hub	BT Street Hub Opposite HSBC Bank Parliament Stree tYork	21/11/22	Sam Baker
	APP/C2741/Z/22/3311642	Display of 2no. digital 75 inch LCD display screens, one either side of proposed BT Street Hub unit	BT Street Hub Opposite HSBC Bank Parliament Street York	21/11/22	Sam Baker
	APP/C2741/W/22/3311620	Installation of BT Street Hub	Proposed BT Street Hub Fronting Stonebow House The Stonebow York	21/11/22	Sam Baker
	APP/C2741/Z/22/3311629	Display of 2no. digital 75 inch LCD display screens, one either side of proposed BT Street Hub unit	Proposed BT Street Hub Fronting Stonebow House The Stonebow York	21/11/22	Sam Baker
	APP/C2741/W/22/3311624	Installation of BT Street Hub	Proposed BT Street Hub St Sampsons Square York	21/11/22	Sam Baker

Ward	PINS Appeal number	Proposal	Address	Date appeal lodged	Officer name
Guildhall	APP/C2741/X/23/3323894	Certificate of lawfulness for use as a House in Multiple Occupation	3 Stanley Street York YO31 8NW	10/06/23	Sam Baker
	APP/C2741/W/23/3320896	Roofing over of rear yard to create extension (retrospective)	Burgsys9 Castlegate York YO1 9RN	24/04/23	David Johnson
	APP/C2741/Y/23/3320899	Roofing over of rear yard to create extension (retrospective)	Burgsys9 Castlegate York YO1 9RN	24/04/23	David Johnson
	APP/C2741/W/23/3319893	Installation of drop-down awning to front	Burgsys9 Castlegate York YO1 9RN	05/04/23	David Johnson
	APP/C2741/Y/23/3319892	Installation of drop-down awning to front	Burgsys9 Castlegate York YO1 9RN	05/04/23	David Johnson
Haxby And Wigginton	APP/C2741/X/22/3311380	Certificate of lawfulness for proposed use of land as car park to serve allotments	Part Os Field 1882 Usher Lane Haxby York	17/11/22	Matthew Parkinson
Heworth	APP/C2741/X/22/3303954	Certificate of lawfulness for use of building as a dwelling within Use Class C3	20B Asquith Avenue York YO31 0PZ	26/07/22	Neil Massey

Ward	PINS Appeal number	Proposal	Address	Date appeal lodged	Officer name
Huntington/New Earswick	APP/C2741/W/21/3282598	Outline planning permission with all matters reserved except access, for circa 300 residential dwellings, associated landscaping, public open space, and the formation of two new vehicle accesses from New Lane	Huntington South Moor New Lane Huntington York	09/09/21	Jonathan Kenyon
Micklegate	APP/C2741/W/22/3311604	Installation of BT Street Hub	BT Street Hub Bishophorpe Road York	21/11/22	Sam Baker
	APP/C2741/Z/22/3311605	Display of 2no. digital 75 inch LCD display screens, one on each side of Street Hub unit	Proposed BT Street Hub Bishophorpe Road York	21/11/22	Sam Baker
	APP/C2741/W/22/3311611	Installation of BT Street Hub following removal of 2no. telephone boxes	BT Telephone Box Blossom Street York	21/11/22	Sam Baker
	APP/C2741/Z/22/3311614	Display of 2no. digital 75 inch LCD display screens, one either side of proposed BT Street Hub unit	BT Telephone Box Blossom Street York	21/11/22	Sam Baker

Ward	PINS Appeal number	Proposal	Address	Date appeal lodged	Officer name
Rural West York	APP/C2741/X/22/3297054	Certificate of lawfulness of proposed development comprising: removal of existing railway carriage; erection of workshop/wood store, potting shed and boundary fencing; and construction of swimming pool	Cherry Tree Cottage Millfield Lane Nether PoppletonYorkYO26 6NX	14/04/22	Matthew Parkinson
	APP/C2741/D/23/3322266	Dormer roof extension and 2no. rooflights to rear roofslope	4 Church Lane Nether PoppletonYorkYO26 6LB	17/05/23	Ed Bainbridge

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