

Appendix B

Summaries of Planning Appeals decided between 1 January and 31 March 2022

Case number	Description	Address	Outcome
21/00037/REF	Dormer to rear and 2no. rooflights to front	Rushbrooke 21A Holyrood Drive York YO30 5WB	Appeal Allowed

Notes

The application was refused on the grounds that the rear dormer by virtue of its size and design was detrimental to the character and appearance of the host property and the character of the area. The Inspector considered that whilst dormers are not an established feature of the rear roofscape there is a notable absence of rhythm due to the presence of mixed roof forms and differing alignment of properties which provide opportunity for alterations without causing harm to character and distinctiveness of local area. The Inspector notes that the Householder SPD does not seek to prevent rear dormers even where there are no rear dormers and considers that the dormer is not overly large or dominant and would therefore not have an unacceptable impact on the property or group of properties from public vantage points.

Case number	Description	Address	Outcome
21/00038/REF	Variation of condition 2 of permitted application 21/00199/FUL to reduce height of extension	30 Cherry Wood Crescent York YO19 4QN	Appeal Dismissed

Notes

The application was refused on the grounds of harm to visual amenity, the roof design of the proposed extension would be at odds with the form of the main roof in a prominent position within the streetscene. The extension would have an undue prominence and appear awkward, incongruous and out of keeping with the appearance of the dwelling. The extension would project beyond the building line established by nearby properties. The Inspector dismissed the appeal, agreeing with the Council as to the incongruity of the proposed extension. They did not find harm in regard to the building line on this part of Cherry Wood Crescent, as the extension would significantly exceed it and a similar projection had already been approved. They considered there to be some

variety in the building line on this part of the street.

Case number		Description	Address	Outcome
21/00041/REF		Alterations and conversion of part of first floor and all of the roofspace of the public house building to 3no. self-contained apartments and retention of public house on ground floor and altered function room on first floor (resubmission).	The Jubilee Balfour StreetYorkYO26 4YU	Appeal Allowed

Notes

Sub Committee Decision – officer recommendation to Approve. The appeal related to the refusal of the change of use of part of the vacant and dilapidated Jubilee Public House to three flats, retaining part of the function room on the first floor and the majority of the pub on the ground floor along with a beer garden. The application was refused primarily because it was considered that the loss of staff accommodation and the introduction of self contained flats would undermine the viability of the pub and lead to the loss of part of the pubs community provision. A similar proposal was refused in 2018 and dismissed at appeal. The main change between the two applications was that the current appeal scheme retained a function room on the first floor. The Inspector allowed the appeal stating that the proposed changes to the pub would not unacceptably harm what could be provided for the local community. In assessing the proposal the Inspector agreed with the previous Inspector that there was nothing compelling relating to the proposed changes that would mean that the pub could not remain viable. The Inspector included a number of conditions on the decision including the need for the pub areas to be fully restored prior to the occupation of the second flat and removing permitted development rights to subdivide the reformatted function room or use it for ancillary living accommodation.

Case number		Description	Address	Outcome
21/00044/REF		Two storey side and single storey rear extension	33 Walney RoadYorkYO31 1AH	Appeal Dismissed

Notes

The application was refused on the grounds of harm to visual amenity, with the scale and position of the proposed extension in

relation to the side boundary and the adjacent street constituting an overbearing presence and eroding the spacing within the streetscene, of specific importance given the prominence of the corner site. The design of the extension was also considered to be out of keeping with the distinctive gable ended design of the host dwelling, constituting an addition of unsympathetic design in a prominent location within the streetscene. The Inspector dismissed the appeal, finding that the proposed side extension would be a substantial addition which would unbalance the existing symmetry of the property. No examples of a similar scale were found in the surrounding area, and the scheme was considered to be highly visible given its location, serving to erode the characteristic relationship between properties and their plots that prevails in this part of the street. The Inspector fully agreed with the Council as to the incongruity of the scheme, and found that the proposed hipped roof would interact awkwardly with existing roof forms, appearing unsympathetic in relation to the host property and discordant in the wider area.

Case number		Description	Address	Outcome
21/00039/REF		Enlargement of dwellinghouse by construction of 1no. additional storey with new roof height no greater than 3.5 metres above the highest part of the existing roof under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 1, Class AA	The Lodge Westerly Lake Main StreetWheldrakeYorkYO19 6AH	Appeal Allowed

Notes

The appeal related to a prior approval application. The application was refused because the extra storey would result in a development that would visually encroach into open land around Wheldrake in contrast to the discreet and unassuming appearance of the existing dwelling. The property is located within the Green Belt, however, the prior approval process does not allow the impact on Green Belt openness to be assessed. The Inspector allowed the appeal, stating that the dwelling would be more visible in the landscape, but did not consider that this would detract from the setting of the village. In considering this, the Inspector gave regard to the existing trees that partly screened the building, its separation from agricultural land and the existence of views where the dwelling would be seen adjacent to development in the village.

Case number	Description	Address	Outcome
21/00036/REF	Erection of stable block, associated yard area and access track (resubmission)	2 Scoreby Lane Scoreby York YO41 1NW	Appeal Dismissed

Notes

The application was refused because it was inappropriate development in the Green Belt. The Planning Inspector agreed that the proposal failed to preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment and as such was inappropriate development in the Green Belt. The Inspector considered that the private benefits to the appellant and the benefits to animal welfare to have limited weight and did not outweigh the harm to the Green Belt

Case number	Description	Address	Outcome
21/00034/REF	Erection of detached dwelling with associated access, landscaping and air source/ground source heat pump.	Proposed Residential Development Site Shilton Garth Close Earswick York	Appeal Allowed

Notes

The proposal related to the erection of 1no. 4-bedroom dwelling on land within the built up area of Earswick village. Planning permission was refused due to the conflict with policies ENP1 and ENP2 of the Earswick Neighbourhood Plan, which seek to meet the needs of the parish for smaller 2 and 3 bedroom homes. Outline planning permission for the erection of two dwellings on the site had been granted in 2018. The key issue identified by the Inspector was whether the proposed development would provide adequate accommodation to meet local housing needs. The Inspector acknowledged the conflict with policies ENP1 and ENP2, but stated that the threshold would only be exceeded by one bedroom and in respect of a single dwelling. He noted that the parish council had indicated that the policy was not created with the intention of precluding the development of single dwellings. He considered that the development would deliver social and economic benefits, and the sustainable form of construction would result in environmental benefits. In addition, the Council could not demonstrate a 5-year supply of housing land. Crucially, the Inspector referred to paragraph 14 of the NPPF, which indicates that in relation to the provision of housing, a Neighbourhood Plan (NP) only carries weight if it formed part of the Development Plan for a period of two years or less prior to the decision being made. Whilst this was the case when the decision was made by the Council, the two year period had lapsed at the point the appeal was

determined, thus the NP was deemed to be out of date in this respect. In allowing the appeal, the Inspector concluded that the provision of a 4-bedroom dwelling rather than a 2 or 3 bedroom dwelling would result in limited harm, which would be outweighed by the benefits of the proposal. He concurred with the Council that the other impacts of the development were acceptable.

Case number		Description	Address	Outcome
21/00028/REF 21/00029/REF		Proposed change of use from office to residential to include demolition and replacement of existing rear extension and installation of dormer to rear Planning and Listed Building Consent applications	Mudd And Co5 Peckitt StreetYorkYO1 9SF	Appeal Dismissed

Notes

The proposal involved a change of use from office to residential, part removal and rebuild of existing substandard rear kitchen, installation of dormer to rear roof plane and internal alterations. Planning and Listed Building Consent applications were submitted. It was refused on the grounds that the existing rear extension was of important heritage and aesthetic value and demolition would result in harm to the significance. No convincing evidence had been provided to indicate that the structure was at risk of collapse. The applicant suggested that the site is at risk from flooding to justify removal but the Council's Senior Flood Risk Engineer advised that this was not the case. The existing extension adds greatly to the character of the listed building, whereas the proposed extension was notably taller and wider and would appear awkward and the proposed rear dormer would create an incongruous feature within the roofscape. The details of the proposed internal door on the ground floor were considered to be crude and the loss of an existing on the second floor would mean that the original circulation pattern could not be read. The Inspector considered that the removal of the rear extension would result in the loss of features of special interest that contributed to the overall significance of the listed building and would cause clear harm to the heritage asset. The proposed replacement would be of a greater height and width and would be conspicuous and appear as a discordant addition thereby diminishing its significance. The proposed rear dormer window was clumsy and would harm the character and appearance of the conservation area. In terms of flooding there was little evidence that the identified deficiencies could not be adequately addressed by a comprehensive scheme of repairs by a suitably qualified conservation specialist. With regard to the internal doors these were minor matters that could be dealt with via condition. No evidence presented to suggest that the property would become vacant in the event that the appeal failed

Case number	Description	Address	Outcome
21/00043/REF	Single storey rear extension	9 New Lane Bishopthorpe York YO23 2QS	Appeal Dismissed

Notes

The planning appeal related to the refusal of householder application 21/01211/FUL for a single storey rear extension. The proposed extension was considered to have a detrimental impact on the character and appearance of both the host dwelling and the row of terraced properties it forms part of. In particular, the design and length of the extension was deemed to be at odds with the main house and it was felt that the extensions overall appearance did not respect the existing dwelling or the character of the area. In addition to this, the extension was also considered to cause a detrimental impact on the amenity of the occupiers of both No.8 and No.10 New Lane with regards to loss of outlook and dominance. The extension was deemed to be overbearing and oppressive due to its length and height along the shared boundaries. The Inspector dismissed the appeal agreeing with both reasons for refusal.

Case number	Description	Address	Outcome
21/00035/REF	Rendering of Eastfield Crescent elevation	20 Eastfield Crescent York YO10 5JB	Appeal Allowed

Notes

The application was for light-brown render to be applied to the north elevation of a two storey semi-detached dwelling. The application was refused on the grounds of harm to visual amenity, the proposed render being considered incongruous and out of keeping with the brick-built character of the host dwelling, its semi-detached partner and other dwellings along Eastfield Crescent. The Inspector allowed the appeal. They acknowledged that the proposed rendering would be a change in finish to the existing brickwork of No 18 and No 20, but judged that the proposed light brown (mink) colour would be sympathetic and not dissimilar in colour to the existing brickwork of the 2 dwellings. So although different, the proposal would not be incongruous in character or

appearance and would not result in visual harm. The 'key determining factor' in the Inspector's decision was the similarity in colour between the render and the existing brickwork. Because of this, they considered the proposal not to be contrary to the expectations of the 'House Extensions and Alterations' SPD, and consistent with the NPPF's requirements for developments to be sympathetic to local character and of good design, despite the render being 'different' to the existing character.

Case number	Appeal by	Description	Address	Outcome
21/00030/REF	Mr And Mrs Cleaver	Single storey side/rear extension in connection with existing use of house as a C4 House in Multiple Occupation - resubmission	15 Yarburgh Way York YO10 5HD	Appeal Dismissed

Notes

The application was refused on the grounds that the proposal would result in a significant expansion of the HMO without properly addressing issues relating to car and cycle parking and refuse bin storage.

In dismissing the appeal the Inspector stated that the parking fell substantially short of the 3.6 metre width the Council sought to achieve and there would therefore be insufficient space to facilitate the day-to-day practicalities of loading and unloading that comes with the more intense use generated by residents of a HMO. In addition the configuration of the parking layout, was not practical, as it would be extremely difficult for vehicles to park in the manner proposed. He commented that the surrounding streets are already heavily parked and it was likely that these parking pressures would be further exacerbated at peak times of the day owing to the proximity of the nearby school and parade of shops. The proposal made no provision for secure cycle storage or parking and there was no space to the side of the property to allow for the passage of cycles and refuse bins from the rear of the property to its front. Consequently, it was likely that wheeled refuse bins, recycling boxes and cycles would be stored to the front of the property. Not only was this likely to discourage a sustainable form of transport, but this would also introduce unsightly clutter to the front of the property, impeding the proposed parking layout and harmful to the character and appearance of the area.