

## Appendix B - Appeal summaries between 01/10/22 and 31/12/22

Date report run: 21-Mar-2023

Case number	Appeal by	Description	Address	Outcome
22/00027/REF	Mr Roy Walker	Porch to front	Heworth Conservative Club 16 East Parade York YO31 7YJ	Appeal Dismissed

### Notes

This application was for a porch to the front of Heworth Conservative Club, on East Parade in the Heworth Green/East Parade conservation area. A previous application proposed a timber porch and was resisted on grounds of harm to the conservation area character. This updated application proposed a brick-built structure of a similar scale, and was again refused on grounds of harm to the visual amenity of the host building and wider terrace, and to the character and appearance of the conservation area. The inspector agreed that the proposed porch would appear as an incongruous and unduly decorative feature projecting beyond the strong building line. They observed that porches are not a common feature within the streetscape, adding to the jarring appearance of the proposal, and that the boundary treatment to the front of the building and the means of enclosure and planting to residential properties in the terrace did not establish a context which would justify the proposal. The Inspector therefore found that the proposal would result in less than substantial harm to the character and appearance of the host building, and would fail to preserve or enhance the character or appearance of the conservation area. It was noted that the shelter provided by the proposed porch could be achieved through the construction of an internal vestibule, and therefore this did not weigh in favour of the proposal as a public benefit; no other benefits which would outweigh the significant weight given to the identified harm were identified, and the appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
22/00035/REF	Elaine Lynch	Condition 3 (Materials - Roof) of planning permission 19/01262/FUL	Copperfield Lords Moor Lane Strensall York YO32 5XF	Appeal Allowed

### Notes

The appellant had gained planning approval for a replacement dwelling. During the application process officers had negotiated a change of materials to the roof from metal sheeting to a tiled roof and this was detailed in the approved plans. An Approval of Details application was submitted for the roof materials proposing a metal roof. The application was refused as it was considered that a metal clad roof was not appropriate in this location. It was considered that the tiled roof (as the approved plans) would be more visually cohesive in this context. The Planning Inspector noted that the planning permission was of contemporary design that would mark a change in appearance from the existing dwellings on the street. They also noted that recently constructed dwellings neighbouring this site which was also of a contemporary design with a sedum roof. The Planning Inspector considered that the contemporary design of these two dwellings would add to the variety of design already visible along the road and that the introduction of the proposed metal roof would not harm the character or appearance of the area. Whilst the roofing material would not be traditional as advocated by the draft Strensall Neighbourhood Plan, the design itself is not traditional, and the proposed building material would be sympathetic to the replacement dwelling and to the neighbouring property, as required by the Neighbourhood Plan. The appeal was allowed.

Case number	Appeal by	Description	Address	Outcome
22/00033/REF	Mr John Crompton	Erection of 1no. dwelling on land adjacent to 21 Main Street	Land To The North Of 21 Main Street Copmanthorpe York	Appeal Allowed

**Notes**

The application was refused by the Planning Committee because it was considered the new house appeared cramped, out of character and harmful to the character and appearance of Copmanthorpe Conservation Area, on a narrow plot. The application was recommended for approval by officers. The Inspector considered the proposal by referencing the main characteristics of the Copmanthorpe Conservation area and the Copmanthorpe Village Design Statement. The main Conservation area characteristics on Main Street were viewed to be tight knit two storey houses and cottages extending back into narrow plots. He also noted a number of outbuildings and that consequently open spaces between buildings are generally limited to narrow accesses leading to the rear of plots. In assessing the proposal against this character, he concluded that although filling much of the width of the plot, the house would still leave sizable gaps to the buildings on either side, gaps he considered to be typical of the character of the Conservation area. This, allied to the relatively low height of the dwelling, which was considered proportionate to the width of the plot, would be reflective of the outbuildings in the area, and the variation in rooflines and building lines, which was also reflective of the Conservation area and the wider village. He noted the significant depth but concluded this was in accordance with the adjacent Methodist Chapel and overall he concluded that the proposal did preserve the character and appearance of the Copmanthorpe Conservation, subject to conditions including materials to be agreed and retention of a hedge to the front. He considered neighbour amenity, inc. impact on the use of the adjacent Methodist Church but concluded there was no material harm due to the low profile of the proposed building and its relationships with windows and other spaces, subject to conditions to control existing and future openings. The appeal was therefore allowed.

Case number	Appeal by	Description	Address	Outcome
22/00028/REF	Mr J Waudby	Conversion of the existing agricultural building (located in field to the north east of Highborn) to form 1no. dwelling with associated works and infrastructure; and change of use agricultural land to domestic curtilage. Alteration and widening of the vehicle access from Stamford Bridge Road	Highborn Stamford Bridge RoadDunningtonYorkYO19 5LN	Appeal Dismissed

**Notes**

The application was for the conversion of a barn together with a large domestic curtilage. The development was refused on Green Belt grounds and harm to the character and appearance of the area. The Planning Inspector stated that the proposal would involve extensive works, including re-cladding, re-roofing with a new finish, a new external frame to provide for the cladding, and a new internal steel structure to support a mezzanine and that these operations would amount to either a complete or substantial re-build of the pre-existing building, in effect leading to the creation of a new building. As such the scheme was inappropriate development in the Green Belt. The Planning Inspector agreed that the removal of silage bails and rubble was not considered be material enhancement in respect of openness. The Planning Inspector set out that the extensive curtilage proposed would represent the obvious enclosure of this area of land, with great harm to the openness of this area of the Green Belt. This would be the case even if permitted development rights were withdrawn for structures within the curtilage of the proposal, as the domestication of this extent of land would still be apparent. Adding that the enclosure of the access track and the change in the extent of hardstanding at the site entrance would also be detrimental to the openness of the agricultural field, as would the increase in vehicle movements along the track. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
21/00033/NON	Lindsay Ramsden	Outline planning application with full details of means of access for residential development of circa 970 dwellings with associated demolition, infrastructure works, open space, primary school, community facilities and convenience store on land west of Monks Cross Link Road and a country park with drainage infrastructure east of Monks Cross Link Road	Site To The West Of The A1237 And South Of North Lane Huntingdon York	Appeal Allowed

**Notes**

The appeal related to an outline application to erect 970 homes on land north of Monks Cross retail park. All matters were reserved with the exception of the means of access. The application included an illustrative master plan showing a primary school, playing field and play areas. The application site also included the provision of a country park to the east of Monks Cross Link Road. The site is allocated for residential development and a country park in the Emerging Local Plan. The appeal was against the non-determination of the application, the Planning Committee decided to support the proposal subject to certain matters of detail. During the Public Inquiry the only significant disagreement between the LPA and the appellant was whether two additional pedestrian/cycling routes from the site should be provided. One via Alpha Court linking with Monks Cross and one via Garth Road which forms a link to North Huntingdon, including the existing surgery and library. Both routes were in private ownership and a Compulsory Purchase Order may have been required to allow the development to access these routes. At the Inquiry the appellant argued that the two additional routes were nice to have, but not essential to achieve sustainable development. The LPA argued that they would have a significant impact in reducing travel times and create more attractive routes for residents than those beside main roads. Furthermore, it was argued that the provision of good quality cycling and walking routes was fully aligned with NPPF advice on promoting sustainable travel. The Inspector recommended that planning permission be granted for the development. The Secretary of State agreed with this decision. Neither the Inspector or Secretary of State considered that the Garth Road and Alpha Court links were necessary. The Secretary of State considered whether the harm to the Green Belt, and the other harm identified were clearly outweighed by other considerations. Overall, the Secretary of State considered that the benefits of the proposal (delivery of housing and affordable housing, which each attract significant weight; the provision of a new primary school and early years facility which attracts significant weight; provision of a new country park which attracts moderate weight, and the fact the site is identified in the emerging Local Plan as suitable in principle for strategic development which attracts limited weight) were collectively sufficient to clearly outweigh the harm to the Green Belt and other harm such that very special circumstances exist to justify permitting the development.

Case number	Appeal by	Description	Address	Outcome
22/00009/REF	Mr & Mrs Brittenden	Change of Use from Class C3 Dwellinghouse to Serviced Holiday Apartment and installation of new external door to rear elevation at basement level	75 The MountYorkYO24 1AX	Appeal Dismissed

**Notes**

The application site comprises a substantial Georgian Town House which was in use as a furnished holiday let for up to 14 people. The application was for its retention in that use following complaints about harm to the amenity of neighbouring properties arising from the use. As part of the facilities on offer a hot tub had been fitted within a light well to the rear at basement level which became a particular area of concern in terms of harm. There was a protracted period of negotiation with the appellant submitting a management plan, agreeing to have a concierge on site and also agreeing to hiring a private security firm to deal with issues of anti-social behaviour. It was however felt that this failed to address the fundamental issue in terms of harm to amenity through intensity of use, increased comings and goings including at anti-social hours and rowdy activities taking place in the open in close proximity to neighbouring residential properties. Planning permission was refused and an appeal submitted. The Inspector noted the high volumes of people using the property with regular turnover and the likelihood of sometimes rowdy gatherings associated with the hot tub to the rear. He concluded that the use was fundamentally different from a conventional residential one and was also different from a hotel use with which it had been compared by the appellant. He identified the proposed management plan as laudable along with the employment of a concierge but he felt that, that would not in practice result in lessening of anti-social behaviour and the employment of a security company would be a clear admission of unacceptable harm to amenity. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
22/00034/REF	Mr Ben Tulk	Two storey side extension	3 Constantine AvenueYorkYO10 3SY	Appeal Dismissed

**Notes**

The proposed development was refused because the width of the side extension would result in it projecting beyond the building line to the north of the site, which is formed by the principal elevations of the neighbouring dwellings. The Inspector agreed that the site is located in a prominent position on a corner plot at the junction of Constantine Avenue and Melrosegate, and that the original building line on Constantine Avenue is strong and well-preserved. The inspector found that the proposed side extension would sit forward of this building line and would be located close to the pavement, and as a result would appear prominent, incongruous, dominant and overbearing in the streetscene, while also eroding the openness at the entrance to Constantine Avenue. The increase in size of the dwelling would primarily be a private benefit and limited evidence has been provided towards the claims that the development would result in environmental or social benefits. The Inspector concluded that the proposal would be harmful to the character and appearance of the area, in conflict with the NPPF and local policies and design guidance.

Case number	Appeal by	Description	Address	Outcome
22/00036/REFADV	Warren Milroy	The erection and display of two freestanding 48-sheet sized digital LED advertising units, facing opposite directions in a back-to-back position	Motoplex Ltd Former Bumper Castle Site Wigginton Road York	Appeal Dismissed

**Notes**

The proposed advertisement screens were refused due to the impact that their size, design, level of illumination and location would have on the visual amenity of the area and also on the safety of highway users, who could be distracted by them, resulting in a higher risk of collisions and conflict between road users. The Inspector found that due to the size of the advertisement screens, they are up to 5.9m above ground level and 6.4m wide, their size, height, illumination and changing static images would be appreciated by passers-by as a dominant and incongruous addition in the locality and they would detract unacceptably from the more rural and open character of the environment that prevails. Given the significant increase in the size of the advertisements compared to the two smaller signage boards which they would replace, as well as the image being illuminated and non-static, the Inspector was not convinced by the appellants argument that the development would reduce advertisement clutter. Overall, the inspector concluded that the proposal would cause material harm to the more open and rural character of the area, including during periods of darkness. On the topic of public safety the Inspector disagreed with the appellant and found that the size, illumination and design would have the effect of unacceptably distracting motorists in an area where their attention needs to be focussed given the potential for motorists to need to take a number of actions including accelerating, slowing, stopping and changing direction. The inspector concluded that the advertisements would result in conflict between road users and would be detrimental to public safety.

Case number	Appeal by	Description	Address	Outcome
22/00032/REF	Mr Andrew Tullie	Erection of stables to the rear of 5 Laburnum Farm Close	Mapplefields 5 Laburnum Farm Close Hessay York YO26 8LG	Appeal Dismissed

**Notes**

Planning permission was refused due to the stable block being inappropriate development in the Green Belt, failing to preserve the openness of the Green Belt and conflicting with the purposes of including land within the Green Belt. The building was considered against paragraph 149 of the NPPF and in particular, sub-section b) which says that the provision of buildings in connection with outdoor sport and recreation can be appropriate development in the Green Belt as long as they preserve openness and do not conflict with the purposes of including land within it. The building would occupy a paddock type area of land set beyond the boundaries of the gardens of the nearby houses. The area is undeveloped and, the Inspector noted, would sit beyond the settlement limit of the village, as defined by the end of the gardens. The Inspector concluded that the size of the building was significant in terms of floor area and mass and, being separated from the dwelling and set away from development, would represent an intrusion into open countryside land. The proposal would therefore harm openness and would fail to preserve the countryside from encroachment, concluding therefore, inappropriate development in the green belt. No very special circumstances had been put forward that outweighed this harm, and the appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
22/00026/REF	Mr And Mrs B Cleaver	Change of use of house in multiple occupation (use class C4) to large house in multiple occupation (sui generis) with erection of bin and cycle store to rear	41 Deramore DriveYorkYO10 5HL	Appeal Dismissed

**Notes**

This is another case where the Inspectorate supports the LPAs position that HMOs require larger than normal car parking spaces. The application was refused because the layout failed to provide the appropriate number of car parking spaces and their dimensions were not of the standard required. It was considered that there would be insufficient manoeuvring space and maintenance areas for vehicles thereby increasing the pressure for on street parking to occur. Furthermore parked cars would block access to the rear of the plot on the left hand side of the property making it impossible to move bicycles or bins from the rear curtilage and the narrowness of access on the right hand side combined a range of narrow steps would make the movement of the same items on this side difficult if not impossible. These factors would discourage the use of bicycles in conflict with government and local plan policies for the use of sustainable transport modes and create problems for bin storage and collection. It was also considered it would result in bins and bicycles being stored at the front of the property creating clutter and conflicting with parking arrangements. The Inspector considered the proposal was unacceptable because it failed to provide parking spaces of suitable size and cycle parking of a standard sufficient to promote cycle usage. He asserted that the insufficient space had been left between parking spaces to enable cars to manoeuvre in and out of the site and that damage to grass verges would occur as a result of tightness of access. He considered that parked cars would block or unduly restrict access to cycle and bin storage and agreed that level differences would aggravate this thereby deterring the use of cycles to the detriment of sustainable transport.

Case number	Appeal by	Description	Address	Outcome
21/00051/HH	Anthony Bryce	High hedge investigation	Field House2 St Georges PlaceYorkYO24 1DR	Appeal Dismissed

**Notes**

The planning appeal related to a high hedge application at 2 St Georges Place (21/00001/HH). The high hedge complaint was in relation to an evergreen hedge that stands alongside the front boundary between the hedge owner and the complainant's properties. A decision was taken not to issue a Remedial Notice. As part of the assessment, the front driveway was not taken into account as part of the front garden. The Inspector agreed with this, stating it is not an area of the curtilage that contributes meaningfully to the appellants reasonable enjoyment of their property. Following the Inspector's calculations of the site, they confirmed that a Remedial Notice to require the height of the hedge to be reduced was not necessary. Furthermore, none of the other issues raised by the complainant were deemed to carry any significant weight, even when combined, to justify serving a Remedial Notice and in summary, the Inspector concluded that on the basis of the evidence available, it was reasonable for the Council to take no action.

Case number	Appeal by	Description	Address	Outcome
22/00031/REF	Mr M Simsek	Variation of condition 6 of permitted application 21/01832/FUL to allow the installation of a retractable canopy and associated powder coated aluminium frame	Trio Mezze Tapas Bar5 Whip-Ma-Whop-Ma-GateYorkYO1 8BL	Appeal Dismissed

**Notes**

The application was for a retractable canopy (with associated structure) on a 1st floor flat roof. The site is in the central historic core conservation area. The council opposed the application as the structure would be prominent and out of keeping with the surrounding historic roofscape. Both parties referred to the conservation area appraisal; the appellant argued that key views would not be adversely affected. The appeal was dismissed. The inspector found harm - that the development would be a discordant addition, at odds with the character and appearance of the wider area including the historic roofscape. In respect of key views (identified in the conservation area appraisal), the Inspector determined it is unlikely that all valued views will have been included, given the rich and varied nature of the townscape. Other views are also important in terms of understanding and appreciating the significance of the Conservation Area. Furthermore, its character derives from the buildings, layout and surrounding spaces as a whole, regardless of whether particular elements are open to public view. Its significance does not therefore rely only on the elements that can readily be seen.

Case number	Appeal by	Description	Address	Outcome
22/00021/REF	ACT York Ltd	Erection of 2no. dwellings on land to the rear of the Lord Nelson public house (resubmission)	The Lord Nelson 9 Main StreetNether PoppletonYorkYO26 6HS	Appeal Allowed

**Notes**

Two detached dwellings were refused at committee due to the scale/height of plot 1 (two storey), the contemporary design of plot 2 and the subdivision of the plot which was considered to harm the appearance of the conservation area and the setting of Poppleton House adjacent (grade II listed). Officers had recommended approval. The Inspector noted that the scheme, to a degree, followed the traditional form of plot development in the conservation area, however the introduction of 2 large dwellings and the subdivision of the plot would be at odds with the historic character of the site. Such development would result in harm. The Inspector considered that the harm was at the lower end of the spectrum of less than substantial harm. In addition the Inspector agreed that Plot 1 would have an adverse impact on the spacious setting of Poppleton House. In assessing the proposals, the Inspector gave considerable weight to the fact that the Council could not demonstrate a five year housing supply and concluded that whilst the scheme was only for two houses, this would nevertheless help with providing much needed additional housing and that this need would outweigh the harm to the conservation area and the setting of the listed building.