

Appeal Summaries for Cases Determined 01/07/2011 to 30/09/2011

Application No: 10/01359/FULM
Appeal by: Blacklion Ltd
Proposal: Erection of 6no. blocks for student accommodation after demolition of existing car showroom (resubmission)
Address: 32 Lawrence Street York

Decision Level: COMP

Outcome: DISMIS

Planning permission was refused by Committee for the erection of six blocks of student accommodation on land which was the former Reg Vardy garage site on Lawrence Street because of the developments impact on the Central Historic Core Conservation Area and the setting of adjacent listed buildings and because of the impact of the development on adjacent residential properties. The appeal was dealt with by written representations. The Inspector, in relation to the impact of the development on the setting of listed buildings and impact on the Central Historic Core Conservation Area, concluded that the block proposed adjacent to the St Lawrence's Church was not well enough designed or sited and would have a negative impact on the setting of the church. Further more he concluded that the amount of development along the southern boundary of the site would further detract from the setting of the church. In respect of the rest of the development he concluded that the height and massing of the blocks would not undermine the character of the conservation area or adjacent listed buildings. In terms of the impact of the development on residential amenity the Inspector concluded that the development proposed on the southern boundary of the site would result in a dominant and unneighbourly development which would be detrimental to adjacent residential properties on Barbican Mews. In respect of properties within Tannery Mews and Ellen Wilson Alms Houses the Inspector considered the development to provide an acceptable relationship to these residential properties. Overall the appeal was dismissed as being in conflict with GP1, HE2 and HE4 which the Inspector considered he could attach significant weight to because the policies followed the general thrust of PPS1, PPS3 and PPS5.

Application No: 10/01870/ADV
Appeal by: Sainsbury's Supermarkets Limited
Proposal: Display of non illuminated fascia sign to front, non illuminated lettering sign to the rear, non illuminated signs at both store entrances, totem sign and various car park signs to rear
Address: Somerfield Haxby Shopping Centre The Village Haxby York YO32 2HU
Decision Level: CMV
Outcome: DISMIS

The application was for 16 no. adverts to the front and rear elevation of Sainsburys supermarket within the Haxby Conservation Area. The application was refused on the following grounds: 1) The proposed fascia to the front elevation, by virtue of a combination of its scale, appearance, protruding forward of the existing fascia, its proportion in relation to the adjoining signage and setting, and being displayed in a prominent location in the heart of Haxby Conservation Area, would be visually intrusive and result in harm to the visual amenity and character of the host building, the streetscene, and the historic merits of the Haxby Conservation Area, and the setting of the listed building immediately opposite (48 The Village). 2) The proposal, by virtue of the number of signs and their excessive scale, their location and consequent cumulative impact would be unduly prominent and create a cluttered appearance that would be harmful to the visual amenity of the host building, the street scene, and the character and appearance of the conservation area, and the setting of the listed building immediately opposite (48 The Village). The Inspector agreed with these findings. The Inspector considered that the lettering to the fascia would further increase the discordant feature of the streetscene. In addition the other adverts to this elevation were considered to give the building an over-advertised appearance at odds with the generally restrained advertising that is a contributory factor to the historic village character of the Conservation Area. The Inspector considered that the area to the rear of the building is less sensitive in terms of the character of the Conservation Area, but it is primarily a residential location where there are few advertisements. They were considered to impart an unduly cluttered and over-advertised appearance to area, detrimental to visual amenity.

Application No: 10/01986/FUL
Appeal by: Mr And Mrs Dockerty
Proposal: Detached dormer bungalow to side of 2 Wheatlands Grove
(resubmission)
Address: 2 Wheatlands Grove York YO26 5NG

Decision Level: DEL

Outcome: DISMIS

Appeal Dismissed. The site accommodates a detached 2-storey house with garden. Proposed was a dwelling that would take the majority of the garden area. The house would be single storey, but with accommodation within the roof served by dormer windows. The inspector considered the garden area is well landscaped, characteristic of the area. The proposed dwelling would lead to the loss of the majority of the garden, the house would appear cramped and its design was out of keeping with the house types in the street. There would be harm to the amenity value and character of the area, contrary to PPS1, PPS3 and Local Plan policies - GP1, GP10, H4a, and H5a.

Application No: 10/02092/FUL
Appeal by: RWG Securities
Proposal: Sub-division of retail unit (use class A1) and use as 2no. hot food takeaways (use class A5). Alterations to shopfront
Address: 75 York Road Acomb York

Decision Level: DEL

Outcome: ALLOW

The application was for the change of use of a retail unit. The application is for the subdivision of the unit and the use of the units for use class A5. The existing unit fronts onto York Road and Front Street. The unit is situated in Acomb District Centre (ADC) as specified by the Local Plan. The application was refused on the grounds that the proposed subdivision of 75 York Road and change of use from one retail unit (use class A1) to provide two hot food takeaways (use class A5) would harm the viability, vitality and shopping function of the defined ADC. The proposed use would further extend the non-retailing uses in the ADC, such that 51.8% of the street frontage would comprise non-retail uses, over the 35% threshold set down in Policy S3a. For these reasons the proposal failed to accord with Policy S3a or PPS4. The figures provided to Development Management on which the decision was based were incorrect. Although revised figures did show that the proposed change of use would be over the 35% threshold. The Inspector agreed with the appellant that it would be more appropriate to consider the number of units rather than the frontage-based method of calculation, but agreed that the frontage-based method of calculation was a commonly used approach. The Inspector felt that the unit was separated from the main retail activity on the opposite side of Front Street and the retail parade on the north side. The premises had been marketed for over 18 months with interest from short term retailers only. The Inspector felt that in the current economic climate the unit in use rather than vacant would help the vitality and viability of the street. The implementation of the proposal was not considered to materially erode the retail character of the part of the ADC. The Inspector made the point that in allowing the appeal it does not result in the abandonment of Policy S3a, or set a precedent to justify the introduction of other non-retail uses into the ADC.

Application No: 10/02153/ADV
Appeal by: York St John University
Proposal: Display of 1no. fascia sign
Address: St Johns College Clarence Street York YO31 7EW

Decision Level: DEL

Outcome: DISMIS

Officers recommended refusal for the display of a non illuminated sign measuring 2.6 metres wide by 1.5 metres high positioned at high level on the curved elevation of the York St. John University's De Grey Court building, which lies at the junction of Lord Mayor's Walk and Clarence Street just outside the Conservation Area. The sign comprised black painted metal letters and green logo attached directly to the brickwork. The fascia sign was refused by virtue of its scale, the colour of the logo and its siting, which is at high level and unrelated to an entrance. It was considered to relate poorly to the design of the building and would be overly intrusive in views from Gillygate to the detriment of the character and appearance of the Conservation Area. The Inspector, in dismissing the appeal, agreed with the Council and stated that the sign due to its overall scale, elevated position and the incorporation of a large logo would relate poorly to the building and detract from the integrity of its design and would appear as an unacceptably dominant and intrusive feature in the street scene.

Application No: 11/00200/FUL
Appeal by: Mr James Seavers
Proposal: Two storey side and rear extension
Address: 61 Maple Grove York YO10 4EJ

Decision Level: DEL

Outcome: DISMIS

The application property is a semi-detached house in a suburban part of Fulford. It was proposed to erect a two-storey side extension that projected past the rear of the existing building line by around 2.5m. The extension bordered the garden boundary of the adjoining property (59). It was refused permission as it was considered that it would be unduly dominant and cut out late afternoon sunlight from the rear patio area of number 59. The Inspector dismissed the appeal. She did not feel that the impact on sunlight would be unduly harmful, however, felt that the proximity and height of the proposed brick side elevation would be extremely dominant and overbearing when viewed from the amenity area at the rear of 59.

Application No: 11/00237/FUL
Appeal by: Mr Barry Green
Proposal: Single storey extension to front
Address: 11 Summerfield Road York YO24 2RU

Decision Level: DEL

Outcome: DISMIS

The application sought permission for a 5.2m long front extension with a width of 6.3m. the property is a detached dwelling within a row of similar properties, all slightly staggered. All the properties have open plan front gardens. In dismissing the appeal the Inspector stated that the extension would appear very bulky and incongruous in the open streetscene. He noted that other properties had front extension but none projected as far forward as the proposal. He also stated that the scale of the extension would be further accentuated by the open front gardens, with no solid boundary treatments such as fences or walls. It was noted that the extension would not have any detrimental impact upon the living conditions of the neighbours.

Application No: 11/00567/FUL
Appeal by: Mr C Gilham
Proposal: Carport to side
Address: 11 Church Street Dunnington York YO19 5PP

Decision Level: DEL

Outcome: DISMIS

Planning permission was sort for a car port using a polycarbonate roof, white uPVC fascia boarding and wooden frames to be attached to a single storey detached dormer bungalow, located on Church Street within the Dunnington Conservation area. Its position would be set back from the front elevation of the host building by approx 4.7 metres, projecting approx 6.0 metres forward from the detached garage. The maximum height would be in the region 3.0 metres with a width of approx 4.6 metres to provide a covered parking area. The application was refused on the basis that the visual impact of the polycarbonate roof accentuated by the width of the car port and would have a negative visual impact on the character and appearance of the conservation area. The Inspector dismissed the appeal on the basis that the polycarbonate roof and uPVC fascia would contrast unfavourably with the traditional roofing materials and would appear at odds with the character and appearance with the Conservation area, contrary to P.P.S 5 and local plan policy HE3 and H7.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed