

## **Appeal Summaries for Cases Determined 01/01/2018 to 31/03/2018**

**Application No:** 16/02663/FUL  
**Appeal by:** Mr Richard Fowler  
**Proposal:** Erection of 1 no. dwelling  
**Site:** The Ridings 95 York Street Dunnington York YO19 5QW  
**Decision Level:** CMV  
**Outcome:** ALLOW

The above application related to the erection of a two-bedroom bungalow in a relatively large side/rear garden towards the edge of Dunnington. There had been much recent residential development in the vicinity of the plot. The application was recommended for approval but overturned at sub-committee. It was refused because:...it would overdevelop the site and be out of character with the established form of the local area. It would appear shoe-horned into the garden of the host property and provide a poor level of amenity for future occupants. In addition, the parking and vehicle manoeuvring arrangements would create the potential for conflict between occupants of the host dwelling and the proposed dwelling. The Inspector allowed the appeal. In justifying his decision he had regard to the landscaped street frontage, the distance the proposed bungalow would be from the street, the low height of the building and falling ground level, the communal space for vehicle manoeuvring, the similar amount of development that had been undertaken at the attached property and the separation from windows serving habitable rooms in nearby homes. He considered the proposal would not amount to over-development, would be acceptable in the context and any limited harm to issues of planning concern would be outweighed by the benefits of the scheme.

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**Application No:** 17/00845/FUL  
**Appeal by:** Mr Spencer Knowles  
**Proposal:** One and two storey rear extension, rear dormer and raised eaves height to the front roof slope (amended scheme)  
**Site:** 68 Russell Street York YO23 1NW  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to the refusal of a one and two storey rear extension, rear dormer and raised eaves to the front roof slope at 68 Russell Street - a mid-terraced dwelling. The application was refused due to design, scale, mass and location of the rear extension which would have resulted in significant harm to the appearance and rhythm of the rear section of terrace and would have failed to relate to the existing dwelling. Raising the eaves of the front roof slope was also considered to appear incongruous in the street and would have been at odds with the houses either side resulting in harm to the appearance of the terrace. In addition the application was also refused due to impact on residential amenity, specifically with regard to dominance, outlook and overshadowing. There was no objection to the rear dormer as it could have been constructed under permitted development allowances. The Inspector agreed with the harmful impact the rear extensions would have on the adjoining residents at both no. 66 and 70, with regard to dominance, outlook and loss of light. However with regard to the impact on the character of the area, the Inspector found that due to the varied rear roofscape that the proposed rear extensions would not harm the character and appearance of the host property or the area. The raised eaves height was considered however to have an incongruous appearance that would result in an awkward arrangement. The appeal was dismissed with regard to the one and two storey rear extension and raised eaves height, however the rear dormer, by virtue of the permitted development fallback position was allowed.

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**Application No:** 17/01022/FUL  
**Appeal by:** Mr G Harrison  
**Proposal:** Erection of 4no. detached dwellings with integral garages  
(resubmission)  
**Site:** Land Adjacent To 141 Broadway York  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal application proposed the erection of four two storey detached family houses on an undeveloped triangular piece of land north of the junction of Heslington Lane and Broadway. The proposal was refused permission on the grounds that it would fail to integrate with the local environment, would adversely impact on the character and appearance of the local environment and would provide inadequate amenity space for one of the properties. In dismissing the appeal, the Inspector considered that the proposal would not reflect the prevailing pattern of development and would be out of keeping with the overall grain of development. As such, it would have a significant detrimental effect on the character and appearance of the surrounding area. Further, he felt that the proposed scheme would result in an inadequate level of private outdoor amenity space for dwellings 1 and 2 and would therefore harm living conditions of future residents. He concluded that the balance of harm would outweigh the benefits of the scheme, being the creation of four family sized dwellings in an accessible and sustainable location.

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**Application No:** 17/01034/FUL  
**Appeal by:** Mr Graham Barker  
**Proposal:** Two storey side extension with dormer to front and single storey rear extension  
**Site:** 13 Burn EstateHuntingtonYorkYO32 9PZ  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application site is a detached extended bungalow on Burn Estate. The dwelling is located in an area of detached bungalows which host various styles of dormer front windows, roof extensions and rear projections. These dwellings host large rear gardens onto the river Foss. Planning permission was sought for a two storey side continuing the height of the host dwelling and the full width of the driveway. The proposal included a single storey rear extension. The application was refused on the grounds that the lack of set down and scale of the development would dominate the existing house and erode the natural space between houses which is an important characteristic of the street. It was considered that this mass would lead to a terracing effect which would add further harm to the character and appearance of the street. The Council did not consider that the extended dwellings in close proximity of the site has set a precedence for this type of development. The Council requested revised plans which did not address the concerns raised by the Council. The appellant produced revised plans for the Inspector which were dismissed. The Inspector agreed with the Council dismissed the appeal on the grounds that would be unduly dominant,lacking in subservience and which would result in a cramped appearance to the street scene. The Inspector also stated that other extensions nearby did not represent comparable circumstances resulting in the appeal being dismissed.

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**Application No:** 17/01269/FUL  
**Appeal by:** Mr Duncan Lewis  
**Proposal:** Two storey side and single storey rear extensions, porch to front and 2no. dormers to rear (resubmission)  
**Site:** 6 Rawcliffe Drive York YO30 6PE  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal site is a semi-detached dwelling located on the junction of Rawcliffe Drive and Saville Grove. Planning permission was sought for a wide two storey side extension, including a porch to the principal elevation and two large flat roof dormer windows covering the full rear roof slope. This application was a re-submission of a previously withdrawn proposal and which was subject to a pre-planning enquiry. The Council refused the application on the grounds that the size and scale of the two storey extension was considered to lack the subservience normally associated with two storey extensions. In addition would introduce an unduly prominent development which would adversely affect the corner location of this house and wider street scene. It was considered that the size and scale of the dormer extensions to the rear roof slope would represent an unduly large addition which would dominate and overwhelm the existing house and street scene. The Council offered advice on achieving appropriate extensions in connection with the guidance of the SPD and other national and local policies of which were forwarded to the applicant. However, the applicant was unwilling to revise the application on the grounds that he felt that there were other similar types of extensions within the vicinity. The Council did not agree that existing extensions were compatible with the application. The Inspector agreed with the Council and dismissed the development on the grounds that overall bulk and scale and design of the proposed development would be harmful to the character and appearance of the appeal site and the surrounding area. The Inspector agreed that the extension partly reflected the nearby extensions but this extension was much wider and more prominent.

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**Application No:** 17/01624/FUL  
**Appeal by:** Mr Matthew Hendry  
**Proposal:** Dropped kerb to form access to front and creation of driveway  
**Site:** 71 Main Street Bishopthorpe York YO23 2RA  
**Decision Level:** DEL  
**Outcome:** DISMIS

This application sought permission for a dropped kerb to the front of the site to create vehicle access to an existing area of hardstanding. This two-storey mid-terraced cottage is sited along the Main Street serving Bishopthorpe, and is located within the conservation area. It was considered that the proposed conversion of the front garden of this cottage to a parking space via the insertion of a dropped kerb would have a significantly detrimental effect on the immediate setting of the historic cottage, the terraced row it sits within and the wider conservation area by the erosion of the largely undeveloped front garden character of the historic streetscape and asset. This would be open to public view within the conservation area. The Inspector agreed and considered the need for family parking and noted that whilst there were other examples of dropped kerbs within the area, they were within a different context to the host, and whilst the works were less than substantial the public and private benefits identified by the appellant do not outweigh the harm to the conservation area.

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**Application No:** 17/01705/FUL  
**Appeal by:** Mr Nader Siabi  
**Proposal:** Conversion of 5no. flats to 9no. flats and four storey rear extension  
**Site:** 8 Wenlock Terrace York  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was for a four storey rear extension to a four-storey mid-terraced property on Wenlock Terrace, Fishergate. The site is in the Fulford Road Conservation Area and the distinctive rear elevations of the terrace are highly visible in the public domain from various points around the site. The property is subdivided into five flats over five floors and the proposed extension would provide nine flats over five floors. The application was refused as it caused harm to the conservation area and to neighbour amenity and there were no public benefits that outweighed such harm. The Inspector agreed that the terrace has a prominent, highly visible and imposing presence in the local area. The proposed extension would obscure and remove much of the original features of the property and redefine its building line on its rear elevation. It would diminish the character of the original property and its principal design features. The proposed development would have a significant harmful effect on the property and its surrounding area and would neither conserve nor enhance the character and appearance of the CA as a designated heritage asset. The Inspector also agreed there was harm to neighbour amenity at No.9 Wenlock Terrace as a result of the full height, full width extension. It would create an unacceptable sense of enclosure and a material loss of daylight to the rear windows at first and second floor level to No.9, and a loss of outlook through creating a tunnel effect from the rear windows. In the planning balance, the Inspector considered the provision of additional housing in a central and sustainable location to be of limited benefit and that the significant harm identified to the conservation area and neighbour amenity clearly outweighed it. The Appeal was dismissed.

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**Application No:** 17/01846/FUL  
**Appeal by:** Mr Mark Druery  
**Proposal:** First floor rear extension and alterations to existing single storey rear extension  
**Site:** 63 St Pauls Terrace York YO24 4BJ  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to the refusal of a first floor rear extension and alterations to the existing single storey rear extension to a mid-terraced dwelling. Permission had previously been granted for a replacement single storey rear extension. The extension would have had a flat roof set down from the eaves of the existing dwelling and would have been finished in slate grey boards. The application was refused due to its design, height and materials that would have resulted in a dominant and uncharacteristic form of development that would appear incongruous and out of keeping with the traditional surrounding development. As such the extension would result in significant harm to the appearance of the dwelling and rear section of terrace. The inspector agreed with the points made in the delegated report with regard to design, materials and height. It was also noted that the use of aluminium doors and windows would not reflect the typical fenestration of the area and that it would introduce a markedly contemporary feature in an area characterised by traditional design. In addition the Inspector also felt that the extensions would appear dominant and incongruous when viewed from the adjoining St Pauls Square/Holgate Road Conservation Area and as a result would fail to preserve the setting of the conservation area. The appeal was dismissed.

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**Application No:** 17/01887/FUL  
**Appeal by:** Mr Russell  
**Proposal:** Single storey extension to south elevation  
**Site:** Park Cottage Askham Park Jacksons Walk Askham  
Richard York YO23 3QP  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to proposals for a single storey flat roof garden room extension of a contemporary design to the south elevation of Park Cottage, Askham Park, Askham Richard, the former estate manager's house at Askham Park and now one of five dwellings formed from the former stables and coach house set around a courtyard. The complex is located in open countryside in the green belt. The proposals were refused permission on the grounds that the extension was of an inappropriate design and a disproportionate addition to the original dwelling that would be inappropriate development in the green belt. The Inspector considered that the extension would not be a disproportionate addition in line with paragraph 89 of the NPPF, therefore the proposals would not be inappropriate development in the green belt. However, within the context of the sensitively converted group of former farm buildings, the contemporary design of the extension would read as a discordant addition that would detract from the distinctive Edwardian period architecture of the group of buildings. The flat roof design of the extension would be at odds with the architectural design and character. The extension would project forward of the south elevation's consistent building line, thus detracting from the unified form of the building complex, which was sensitively converted to respect its origins as part of a rural estate. The full height glazing and the aluminium finish of the flat roof fail to take cues from the palette of external materials used in the host dwelling and those adjoining. The strong horizontal emphasis would also jar with the vertical emphasis of the existing fenestration. The Inspector concluded that the proposed extension would materially harm the character and appearance of the host dwelling and the group of former estate buildings and on this basis the appeal was dismissed.

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**Application No:** 17/01895/FUL  
**Appeal by:** Mr & Mrs Orange  
**Proposal:** Retention of existing rooflights to side roofslope.  
**Site:** 35 The Cranbrooks Wheldrake York YO19 6AZ  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal site related to the retention of five roof lights to the north side roof slope. The windows have been installed following the conversion of the loft space and the construction of flat roof box style side dormer windows to the other south side of the roof. The dormers are permitted development because the windows are obscure - glazed and non-opening. The loft conversion has provided two bedrooms separated by a bathroom and landing areas. The roof lights are positioned in pairs of two to each bedroom and one serving the bathroom. The Council refused the application on the grounds of the potential material impact on the adjacent occupiers at 37 The Cranbrooks, particularly in terms of overlooking and loss of privacy. The objections received from these residents related to concerns regarding the loss of privacy and overlooking into their lounge and kitchen areas and front and rear gardens. The Council inspected the internal rooms of this dwelling and the upper floor of the appeal site. It was evident that having viewed this relationship by standing within these roof openings serving the bedrooms across no.37, they would affect the neighbour's privacy especially the windows overlooking into principal living rooms. The Council offered advice to on the scheme. However, the applicant was unwilling to revise the application. The Inspector agreed with The Council on the grounds that the occupiers of No 37 would be conscious of the possibility of rooms being overlooked, and this would affect the sense of privacy they would reasonably expect to enjoy in a main living room and front garden.

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**Application No:** 17/01926/FUL  
**Appeal by:** Mr & Mrs Howard  
**Proposal:** Use of house as a large 8 bed House in Multiple Occupation, two storey side and single storey rear extensions and bike store to rear.  
**Site:** 34 Deramore Drive York YO10 5HL  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application property is a detached dwellinghouse located on a corner site. It is already operating as an HMO and it is likely that if an application for CLU was applied for it would be successful. The application subject of the appeal was refused on grounds of the number of HMO's in the locality was already causing problems for residents, lack of household, the required expansion of car parking into the front/side garden areas would have an adverse impact on the visual amenity of the streetscene and the first floor side extension would be a large, dominant and incongruous addition that would harm the character and appearance of the streetscene. Inspectors Decision: Dismissed on grounds that the proposed two storey extension would be an incongruent and over-dominant addition. On other issues he was not satisfied that an additional two bedrooms would lead to a significant exacerbation of the problems that residents were nor did he feel that lack of household storage was an issue. He considered that only an extremely small area of grass would be lost and that the parking would be extended to an area that already had a hard standing, which would largely be screened by an existing hedge, that parking of vehicles is not uncommon at the front and the side of nearby dwellings and a significant area of lawn would still be retained at the front of the appeal property.

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**Application No:** 17/01949/OUT  
**Appeal by:** Mr Nikolai Krasnov  
**Proposal:** Outline application for erection of 1 no. dwelling  
**Site:** 44 Tranby Avenue Osbaldwick York YO10 3NJ  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application sought outline consent for the erection of a detached three bedroom house on the side garden of the existing semi-detached house, a triangular shaped corner plot at the junction of Tranby Avenue and Baysdale Avenue. It was refused under delegated powers due to the harm to the character and amenity of the streetscene and surrounding area. Whilst the application was outline with indicative details only of access, siting, layout and appearance, the limited space to the side of the existing dwelling would mean that any three bedroom dwelling would sit in close proximity to the existing semi-detached pair of houses 44-46 Tranby Avenue and forward of properties on Baysdale Avenue. This would result in a cramped and constrained arrangement and an incongruous addition within the existing pattern of development. In dismissing the appeal, the Inspector concurred with the Authority's assessment and concluded that the proposal would have a significant detrimental effect on the street scene and would diminish the prevailing character and appearance of the surrounding area, contrary to Local Plan policies GP1 and GP10 and relevant sections of the NPPF.

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**Application No:** 17/01966/FUL  
**Appeal by:** Mrs Beverley Shipley  
**Proposal:** Erection of 1.8m fence to side and rear boundaries and 1.2m fence to front (retrospective)  
**Site:** 9 Manor Park Road York YO30 5UB  
**Decision Level:** DEL  
**Outcome:** DISMIS

9 Manor Park Road occupies a corner site at the junction with Manor Park Grove, which is a small cul-de-sac. The appeal relates to a 1.8m high fence constructed along the side and rear boundary which reduces to circa 1.2m along the front boundary. The fence construction consists of a concrete plinth and concrete posts with close boarded fence panels (see attached photo). Planning permission for a two storey side extension to the property was approved in February 2017 subject to a condition that an existing mature hedge on the side and rear boundaries was to be protected during construction. Although the extension has not been built, the hedge has been removed and a fence has been erected with no planning application being submitted for its construction. The application which is the subject of this appeal is therefore retrospective. The Inspector considered the fence to be a solid, stark and imposing feature and noted that as it immediately abutted the pavement there was no opportunity to soften its appearance with planting. He considered that the height and materials of the fence were entirely at odds with the low boundary brick walls, fences and hedges of the surrounding properties and that the development was an incongruous addition which conflicts with the open, spacious character and appearance of the area. He also noted that although the appellant had offered to paint the fence a different colour, this would not address the height of the fence or the incongruous nature of the concrete plinth and posts. It would not, therefore, address the harm to the character and appearance of the area that arose from the development.

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**Application No:** 17/02048/FUL  
**Appeal by:** Mr And Mrs Parker  
**Proposal:** Construction of 2no. dormers to rear to replace 5no. existing dormers  
**Site:** Highfield HouseBad Bargain LaneYorkYO19 5XE  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal related to proposals to change 5 small vertical proportioned pitched roof dormers on the rear of a dwelling in the countryside to two large pitched roof dormers. The appeal property is relatively isolated and sits in substantial grounds with large industrial style buildings immediately to the rear. It is located in the Green Belt. The Inspector dismissed the appeal. The property had previously been enlarged to be at least twice the size of the building that sat on the site prior to the 1960s. She considered the proposed additions to the roof would be cumulatively disproportionate to the size of the original home. This would conflict with NPPF advice requiring extensions to not result in disproportionate additions over the size of the original building. She considered there would be a moderate impact on openness. She felt that the design of the dormers and the context was such that the large dormers would not harm visual appearance.

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**Application No:** 17/02078/FUL  
**Appeal by:** Mr Nigel Watson  
**Proposal:** Erection of attached dwelling (revised scheme)  
**Site:** 36 Danesfort AvenueYorkYO24 3AW  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to a proposed two-bedroom self-contained dwelling attached to a semi-detached home on a corner plot in suburban York. In 2016 (16/01496/FUL) an application was submitted for a detached dwelling to the side of the home. This was considered unacceptable. Following negotiations a scheme was approved for an attached dwelling that in appearance would appear as a subservient two-storey side extension. The appeal relates to a revised scheme submitted several months later seeking to widen the approved dwelling by around 1m and simplify the fenestration. It was refused because it was considered that the proposed development would neither replicate the form of the attached dwelling nor appear as a subservient addition to it and as such would not harmonise with the adjacent dwellings and would appear as an incongruous, awkward and prominent addition to the streetscene. The Inspector dismissed the appeal. She stated that the scheme was unacceptable because the enlarged dwelling would appear over wide relative to the host, would be unduly prominent and the shape and location of the proposed windows would be out of character.

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**Application No:** 17/02088/ADV  
**Appeal by:** Mr dale harrison  
**Proposal:** Display of 1no. LED internally illuminated fascia sign, 5no. non illuminated 3mm aluminium panels, 6no. cut dibond panels, 1no. double sided totem sign with illuminated graphics and 1no. non illuminated double sided post mounted sign  
**Site:** Smith Brothers Ltd Osbaldwick Link RoadOsbaldwickYorkYO10 3JA  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application site is a two storey warehouse previously occupied by Smith Brothers kitchen showroom and warehouse. The building is located on Osbaldwick Link Road and outside Osbaldwick village settlement limits and within the CYC Green Belt. This application sought advertisement consent for 10. internally and non- illuminated signs to the principal and side elevation of the building and one free standing post mounted directional sign and one internally illuminated totem to be positioned on the grass verge outside the site. The Council refused the internally illuminated totem sign on its prominent position, size, appearance would constitute unnecessary clutter, to the detriment of the semi-rural character of the area and the openness of the green belt. The Council did not consider that the other two noticeable non- illuminated totem signs along the grass verge were similar to this application. The Inspector agreed with the Council and concluded that the asserted effect of the totem sign on the economic viability of the business would not outweigh the amenity of the location.

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**Application No:** 17/02452/FUL  
**Appeal by:** Ms Carol Edwards  
**Proposal:** Erection of boundary fence to front, side and rear boundaries and new area of hardstanding to front (retrospective)  
**Site:** 1 The Link Fulford York YO10 4LB  
**Decision Level:** DEL  
**Outcome:** DISMIS

This application sought permission (retrospectively, further to the removal of high hedging) for the erection of a timber close boarded front, side and rear boundary fencing, to a height of 1.85 metres. The fencing was above an existing low brick boundary wall to the front and one side boundary. The host site lies within a residential area on a prominent corner location, and the overall character and appearance of the surrounding area is open with low front boundary walls and soft landscaping. It was therefore considered that the boundary fence, by reason of its design, height, appearance and use of materials on a prominent corner location constituted an incongruous and unduly imposing feature in the streetscene, to the detriment of visual amenity, resulting in a stark, solid and harsh feature in this area, to which the Inspector agreed. Whilst the applicant suggested that the fence appeared tidier and was safer for passers by, the Inspector considered that these supposed benefits did not outweigh the harm to the visual appearance of the surrounding area.

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<b>Decision Level:</b>	<b>Outcome:</b>
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed