

Appeal Summaries for Cases Determined 01/10/2016 to 31/12/2016

Application No: 15/02343/FULM
Appeal by: Mr Gary Cooper
Proposal: Siting of 6no. holiday lodges, car park and wildlife pond together with landscaping works following change of use of agricultural land (resubmission)
Address: Cockey Hill Farm Wheldrake Lane Cockey Hill York YO19 4SN
Decision Level: CMV
Outcome: DISMIS

The appeal application related to an open area of agricultural land lying within the general extent of Green Belt, located on the south side of Wheldrake Lane between a disused quarry, a collection of farm buildings and a pair of semi-detached houses. The proposal was to site 6 no. holiday lodges (12m x 6m) around a central created pond with associated parking, access paths and landscaping. The proposal was refused on the basis that it constituted inappropriate development that, by definition, would harm openness of the Green Belt and the purposes of including land within it, and for which no very special circumstances existed that clearly outweighed the identified harm. The Inspector agreed that the site was in Green Belt and that the lodges were inappropriate development. Further, the additional hard surfacing would allow the parking of vehicles, which would fail to preserve openness and would conflict with Green Belt purposes. He concurred that the new pond would preserve openness. He attributed substantial weight to the harm due to significant loss of openness from the six holiday lodges and moderate weight to the harm due to erosion of the rural character and coalescence of development. Whilst he acknowledged that the proposal would improve the range of tourist facilities serving York and encourage the development of land-based rural businesses, the Inspector did not consider that these or other considerations put forward by the applicant (claimed biodiversity improvements, improvement of damaged or derelict land and creation of a community focal point) were sufficient to clearly outweigh the considerable harm identified and the fundamental conflict with the NPPF and draft Local Plan Policy GB1. The appeal was dismissed.

Application No: 15/02353/OUTM
Appeal by: Shirethorn Limited
Proposal: Outline application for erection of 11 no. dwellings including approval of means of access (resubmission)
Address: Site Lying Between 92 And 100 The Village Strensall York

Decision Level: CMV

Outcome: DISMIS

The site is greenfield land between The Village and the York to Scarborough railway line. Outline planning permission for 11 houses was refused by Sub-Committee in January 2016. The refusal reasons were that the proposal was inappropriate development in the Green Belt, that it had not been demonstrated that the access could safely accommodate the proposed number of houses and that insufficient compensatory habitat was proposed to mitigate the impact on Great Crested Newts. The Inspector concluded that the site should be considered to be within the general extent of the Green Belt and as fulfilling a number of Green Belt purposes. He agreed that the proposal was inappropriate development which would reduce openness. He ascribed substantial weight to this harm. He did not find harm in respect of highway and pedestrian safety or visual amenity and that because of the submission of a unilateral undertaking no detriment to nature conservation would arise. He attached modest weight to unmet housing need and limited weight to the economic and environmental benefits of the scheme. The Inspector concluded that these matters did not outweigh the substantial weight to be attached to the protection of the site and that very special circumstances necessary to justify inappropriate development in the Green Belt had not been identified.

Application No: 15/02535/FUL
Appeal by: Mr R Pulleyn
Proposal: Variation of condition 2 of permitted application
11/03409/FUL to alter plans to include 5 additional no.
rooflights
Address: The Coachouse 38 Church Lane Nether Poppleton York
YO26 6LB
Decision Level: DEL
Outcome: DISMIS

Greystones Barn or the Coach House 38 Church Lane Nether Poppleton comprises a medium sized brick built Grade II Listed former threshing barn of mid 18th Century date lying in a prominent location within the Nether Poppleton Conservation Area. Planning permission and Listed Building Consent had previously been given for an extensive conversion scheme to transform the building into a dwelling for occupation by the appellant. The eastern street facing elevation of the property had retained its pleasant low key agricultural character with the majority of new intervention taking place within the western inward facing elevation. Consent was initially given for two Conservation style rooflights within the western roof slope. The appellant however came forward with alternative schemes for an additional three or an additional five roof lights within the rear roof slope justified on the grounds of amenity and the lack of visible harm to a key elevation. After some detailed consideration Consent was given for the three light scheme and refused for the five light scheme on the grounds of serious harm to the simple functional agricultural character of the site. The refusal was dually appealed. The Inspector agreed that the additional five lights would give rise to unacceptable harm to the simple agricultural character of the Listed Building notwithstanding their proposed location and duly dismissed the appeal.

Application No: 15/02920/FUL
Appeal by: Mr And Mrs Sean Stick
Proposal: Erection of part two/part single storey side/rear extension following demolition of existing garage and outbuildings
Address: 228 Bishopthorpe Road York YO23 1LG

Decision Level: DEL

Outcome: DISMIS

228 Bishopthorpe Road is a detached house which lies at the junction with Beresford Terrace. Planning permission was sought for the demolition of an existing garage and outbuildings and erection of a two storey side extension. Consent was refused on the grounds that by virtue of its massing, size, form and design the proposed extension would be an unacceptable addition to the application property and the streetscene. It would not be subservient and would fail to respect or harmonise with the host building or adjacent terraced house. It was considered that it would ultimately create an awkward and incongruous junction between the two properties and have an adverse impact on its surroundings. The Inspector found that the strong use of regular lines and resulting square and rectangular forms would give the extension a contemporary appearance, very different to that of the main dwelling and terrace. Though the extension would be set back from the main forward projecting element of the building frontage, it would be greater in width. The use of timber cladding and blue brickwork would not be characteristic of materials in the wider street scene. The form and appearance would lack subservience to the main dwelling and would visually jar both with it and the adjacent terrace, thereby appearing incongruous with its surroundings and drawing attention to the interruption in visual rhythm along the street scene. In addition, its flat roof design would appear at odds with the hipped roof of the dwelling and the gable end of the adjacent terrace. The appeal was dismissed.

Application No: 16/00074/LBC
Appeal by: Mr Robert Pulleyn
Proposal: Installation of 5no. roof lights
Address: The Coachouse 38 Church Lane Nether Poppleton York
YO26 6LB
Decision Level: DEL
Outcome: DISMIS

Greystones Barn or the Coach House 38 Church Lane Nether Poppleton comprises a medium sized brick built Grade II Listed former threshing barn of mid 18th Century date lying in a prominent location within the Nether Poppleton Conservation Area. Planning permission and Listed Building Consent had previously been given for an extensive conversion scheme to transform the building into a dwelling for occupation by the appellant. The eastern street facing elevation of the property had retained its pleasant low key agricultural character with the majority of new intervention taking place within the western inward facing elevation. Consent was initially given for two Conservation style rooflights within the western roof slope. The appellant however came forward with alternative schemes for an additional three or an additional five roof lights within the rear roof slope justified on the grounds of amenity and the lack of visible harm to a key elevation. After some detailed consideration Consent was given for the three light scheme and refused for the five light scheme on the grounds of serious harm to the simple functional agricultural character of the site. The refusal was dually appealed. The Inspector agreed that the additional five lights would give rise to unacceptable harm to the simple agricultural character of the Listed Building notwithstanding their proposed location and duly dismissed the appeal.

Application No: 16/00336/ADV
Appeal by: Jamie's Italian Ltd
Proposal: Display of illuminated and non-illuminated signs
Address: Jamies Italian Restaurant 26 Lendal York YO1 8AA

Decision Level: DEL

Outcome: PAD

A split decision was issued for an advertisement application for the display of signs at Jamies restaurant off Lendal with consent refused for (1) an archway structure with two planters at the base and a double sided hanging sign at the top, approximately 20 metres from St. Helens Square and (2) a fascia entrance sign. In view of the high number of existing signs, Officers considered that the archway structure would add visual clutter and draw the eye away from the special character of the building and its setting, thereby causing harm to the visual amenity of the area. Due to the simplicity of the design and the framing of the courtyard and listed buildings beyond that the arch would provide, the Inspector did not consider that it would cause clutter or harm to the amenity of the streetscene and allowed this part of the appeal. Consent was also refused for the display of a fascia sign as the size of the lettering, the stand off of the lettering from the back-plate and the means of illumination would not respect the special qualities of the building or its quiet, non commercial setting thereby causing harm to the significance of this heritage asset. Little weight was attached to the justification/public benefit on the basis of the sign being required to attract more business to the restaurant as the sign would not be seen directly from the approach lane. The Inspector agreed that the sheer number and size of the letters, exacerbated by the illumination, would dominate the frontage of the building and adversely affect the character of the host listed building and the character of the conservation area and given the presence of other existing signs, did not consider this to represent a public benefit sufficient to outweigh the harm. This part of the appeal was dismissed.

Application No: 16/00341/LBC
Appeal by: Jamie's Italian Ltd
Proposal: Display of illuminated and non-illuminated signs
Address: Jamies Italian Restaurant 26 Lendal York YO1 8AA

Decision Level: DEL

Outcome: PAD

Listed Building Consent was refused for the display of a fascia sign as the size of the lettering, the stand off of the lettering from the back-plate and the means of illumination would not respect the special qualities of the building or its quiet, non commercial setting thereby causing harm to the significance of this heritage asset. Little weight was attached to the justification/public benefit on the basis of the sign being required to attract more business to the restaurant as the sign would not be seen directly from the approach lane. The Inspector agreed that the sheer number and size of the letters, exacerbated by the illumination, would dominate the frontage of the building and adversely affect the character of the host listed building and the character of the conservation area and given the presence of other existing signs, did not consider this to represent a public benefit sufficient to outweigh the harm. The appeal was dismissed.

Application No: 16/00396/FUL
Appeal by: Mr D Ward
Proposal: Two storey side extension and single storey rear extensions
Address: 2 Hambleton Avenue Osbaldwick York YO10 3PP

Decision Level: CMV

Outcome: DISMIS

The appeal related to the refusal at Committee of a first floor side extension and single storey rear extension to a semi detached dwelling in a relatively uniform suburban street in Osbaldwick. The property is in use as a HMO. The officer recommendation was to approve, however it was refused due to harm to the neighbours living conditions and the negative impact that the hard surfacing of the front garden and the erection of a first floor side extension would have on the streetscene. The Inspector dismissed the appeal. He considered that despite the side extension being set down and set back in accordance with the Councils SPD on extensions, the existing spacing between homes in the street was an important characteristic that should be protected and that the extension at the appeal site would be particularly prominent due to the homes location close to the junction with Osbaldwick Lane.

Application No: 16/00641/FUL
Appeal by: Mr Karl Hetherington
Proposal: Two storey side and rear extension and single storey front and rear extensions
Address: 5 Water Lane Dunnington York YO19 5NW

Decision Level: DEL

Outcome: DISMIS

The application property is a two storey semi - detached house situated on the boundary of the Dunnington Conservation Area. Planning permission was sought for the erection of a two storey side to continue the existing ridge height and width of the principal elevation, flat roof two storey rear extension and flat roof dormer to be constructed on the extended roof slope. The application was subject to two sets of revised plans, the final lowered the ridge height and set the extension back from the principal elevation by 300mm . The two storey rear extension was reduced to a part two storey and part single on the shared boundary. The appeal was made against a failure to give notice within the prescribed Period of a decision on an application for planning permission. The Council recommended refusal of this application on the grounds that the two storey side extension would dominate and unbalance the appearance of the host dwelling and street on the boundary of Conservation area. It was considered that by building close to the shared boundary would erode the natural space between houses which is an important characteristic of the street and it would lead to a terracing effect which would add further harm to the character and appearance of the street. The length of the flat roof two storey rear extension and flat roof dormer would dominate the existing house and unbalance its appearance creating a somewhat jumbled, incoherent design. The Council considered that this additional massing would result in an oppressive, unduly dominant and overbearing impact which would materially harm the amenity and outlook that the occupiers of this adjacent residential properties. The Inspector dismissed the appeal and agreed with Council in so far that the extensions would harm the character and appearance /setting of the CA because of its impact on openness. He did not consider that the proposal would harm the neighbouring dwellings.

Application No: 16/00912/FUL
Appeal by: Mrs J A Featherstone
Proposal: Erection of 1no. dwelling to rear of 22 Copmanthorpe Lane
Address: 22 Copmanthorpe Lane Bishopthorpe York YO23 2QR

Decision Level: DEL

Outcome: DISMIS

Planning permission was refused for the erection of a prefabricated, 2 bedroom, bungalow in the narrow rear garden of a Victorian house. The garden ran alongside a quiet private lane in a leafy residential area. The bungalow would have covered most of the width of the narrow plot. Reasons for refusal were (1) cramped and incongruous feature in the street scene (2) impact on village character and (3) impact on neighbouring occupiers. The inspector found that the bungalow would be an incongruous and bulky addition at odds with the character of the area. Also, that the extent and bulk of the dwelling, so close to the boundary, would have a dominant and overbearing impact on the neighbours enjoyment of their garden. The bungalow was to be for a person suffering from disability. The Equality Act 2010 required the inspector to consider the appellants disability in his assessment, though it did not follow that the appeal would necessarily succeed. The inspector gave significant weight to the needs of the appellant in this respect but found that the harm he identified also carried great weight in the balance that he was required to strike. His judgement was that the planning harm and conflict with local and national policy carried the greatest weight. The appeal was dismissed.

Application No: 16/01054/FUL
Appeal by: Mr Duncan Harper
Proposal: Two storey side and single storey rear extension and bin and cycle store to front (revised scheme)
Address: 33 Woodlands Grove York YO31 1DS

Decision Level: DEL

Outcome: ALLOW

This application was resubmission of approved application (ref: 16/00156/FUL) for the construction of a two storey side and single storey rear extension. This application sought planning permission to install two detached timber storage sheds to accommodate bin and cycle storage within the front garden in order to provide more ground floor living accommodation. The application was refused on the grounds that the position of the sheds in the front garden would appear incongruous, unduly prominent and uncharacteristic of the area when viewed from the surrounding dwellings and gardens, would be harmful to the street scene and would have the potential to significantly alter the character of these residential front gardens. The Inspector allowed the appeal on the grounds that the proposed storage sheds would be relatively small, narrow and squat, the sheds substantially screened by hedge planting that is present around part of the perimeter of the garden and would also be finished in a recessive green colour. The Inspector agreed that they would appear bulkier, but considered they would not appear incongruous or unacceptably prominent when viewed. He concluded that the units would occupy a relatively small proportion of the garden area and by allowing for contained storage would help to protect the uncluttered appearance of the front of the property.

Application No: 16/01246/FUL
Appeal by: Mr Edward Barnes
Proposal: Two storey side extension (revised scheme)
Address: 102 Millfield Lane York YO10 3AL

Decision Level: DEL

Outcome: DISMIS

The appeal relates to the refusal of a two storey side extension to a semi-detached dwelling situated on the corner of Millfield Lane and Waynefleet Grove. The plot is a larger than average corner plot. The extension measured more than half the width of the existing dwelling and would have extended significantly beyond the established building line of properties in the neighbouring Waynefleet Grove, being a much narrower street. The application was refused as the extension would have resulted in a prominent feature that would have appeared overbearing and dominant which would have unbalanced the entrance to the neighbouring narrow cul-de-sac eroding the existing spaciousness. The inspector agreed and the appeal was dismissed.

Application No: 16/01525/FUL
Appeal by: Mr And Mrs C Bloomfield
Proposal: Two storey side extension
Address: 59 Thirkleby Way Osbaldwick York YO10 3QA

Decision Level: DEL

Outcome: DISMIS

The application site is a semi- detached dwelling located on the junction of Thirkleby Way and Lyndale Avenue. The property is set back from the public highway and has vehicle access and detached garage leading from Lyndale Avenue. Planning permission was sought for the construction of a two storey side extension for the proposed of creating an additional bedroom and extended ground floor living space. The Council refused the application on the grounds that the proposed extension, by virtue of its height, massing and proximity to Lynwood Grove, would appear as an unduly prominent and incongruous feature which would adversely affect the appearance of the street scene. This would constitute as an over dominant addition, resulting in an incongruous development causing harm to the appearance of the residential area. The Inspector dismissed the appeal and agreed with Council stating that the extension would create a bulky, dominant feature in the street scene, visible from a number of directions.

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