Appeal Summaries for Cases Determined 01/10/2018 to 31/12/2018

Application No: 16/02532/FUL
Appeal by: Mr Kevin Mapplebeck
Proposal: Erection 2no. dwellings and detached garage following demolition of existing dwelling
Site: The New HouseYork RoadNaburnYorkYO19 4PP
Decision Level: DEL
Outcome: DISMIS

Planning permission was refused for the erection of two detached dwellings in place of a single detached dwelling on a site within Naburn village, on the grounds that the proposed development was inappropriate development in the Green Belt and further harm to openness and purposes due to the higher and denser form of development. In dismissing the appeal, the Inspector agreed that the proposal was for redevelopment of the site rather than infilling, having regard to the definition provided by the Council being 'the filling of a small gap in an otherwise built up frontage', and did not therefore gall within paragraph 145(e) of the NPPF. He further concluded that the proposal did fall within paragraph 145(g) of the NPPF, because the proposed development would have an adverse impact on the openness of the village and the contribution it makes to the openness of the Green Belt despite being located within the main body of the village; the replacement of the existing detached house with two would be cumulatively larger in bulk, mass and developed footprint and would reduce the spacing between buildings and increase density. Other considerations, being the additional of further housing and modern energy efficient and flood resilient homes, were not considered to clearly outweigh the substantial harm that would arise. He considered that the proposal would conflict with Policy GB1 of the 2005 Draft Local Plan and Policy GB1 of the 2018 Publication Draft Local Plan.

Application No: 17/02263/FUL
Appeal by: Miss Awa Sarr
Proposal: Provision of additional 26no. serviced all-weather pitches accessed by new tarmac road and installation of new service point with bin store, water and drainage pump
Site: Beechwood Grange Caravan Club Site Malton RoadHuntingtonYorkYO32 9TH
Decision Level: CMV
Outcome: DISMIS

The site is an all weather recreational caravan park in the Green Belt with pitches for 112 touring caravans. The application would provide 26 extra pitches in an adjacent paddock used for dog walking. Consent was refused due to conflict with green belt policy.The inspector found that the proposed scheme would be inappropriate development, encroach visually upon the countryside and have an unacceptable, negative impact on openness. He did not accept the appellants argument that the accessible location, economic benefits of the scheme, unmet demand and planning approval for other caravan sites in the area amounted to the very special circumstances necessary to justify the development. The application was contrary to the RSS, which seeks to protect the Green Belt. He gave the emerging local plan little weight because it is at an early stage towards adoption and he could not be confident that the policy relied on would be adopted in its current form.

Application No: 17/02277/FUL
Appeal by: Mr S Roberts
Proposal: Erection of replacement dwelling
Site: Bracken Hill North LaneHuntingtonYorkYO32 9SU
Decision Level: DEL
Outcome: DISMIS

The appeal property is a modest detached bungalow with detached garage located in the open countryside fronting onto North Lane. The site is situated in the general extent of the green belt.Proposals to replace the dwelling were refused on the grounds of inappropriate development in the green belt as the replacement building would have been materially larger than the original dwelling thereby causing harm to the openness of the green belt. There were no very special circumstances to outweigh this harm.The Inspector agreed that the new dwelling would be materially larger than the original, that the suburban design and associated hard landscaping and garage would not sit comfortably within the countryside setting and that the resultant building would appear prominent and incongruous in views along North Lane and the surrounding area.In conclusion the Inspector dismissed the appeal due to the harm to the green belt as well as the character and appearance of the area.

Application No: 17/02454/LBC
Appeal by: Mr Paul Beattie
Proposal: Dormer window to rear, installation of 2no. rooflights to front and 1no. rooflight to rear, and second floor window to rear
Site: 10 Spen LaneYorkYO1 7BS
Decision Level: DEL
Outcome: DISMIS

The proposals included a dormer window to the rear roof plane, the installation of a roof light to the front roof plane, roof lights to the front and rear roof plane located at the apex of the roof and the insertion of a second floor window opening to the rear elevation of the grade II listed building. The end of terrace four storey host dwelling house is attached to grade II listed buildings at no. s 33 and 35 St. Saviourgate. The proposals for the roof lights and roof dormer were refused due to the identified harm to the significance of the listed building and its setting.The Inspector noted that the host listed building, dating from around 1770, has a relatively well preserved appearance. The steep pitched tiled roof extending across the building, punctuated by chimney stacks, contributes to the significance of the listed buildings, with the parts of the roof slope closest to the Spen Lane gable appearing plain and unbroken. Previous alterations have been made to the front and rear roof slopes of the adjoining listed buildings. However, the visual effect of these roof alterations is contained to a degree by their situation between chimney stacks and the relatively central position of the existing rear dormer.In this context, the proposed roof lights and dormer would be prominent additions and appear as incongruous insertions, with the rear dormer appearing cramped and awkward between the chimney stack and prominent side gable. The apex location of the roof lights would emphasis their prominence and visually break up the roof adjacent to the ridge on both sides. Considered together, the proposals would contribute to a clutter of roof alterations on the listed building, unbalance its composition at roof level and would erode its significance. The works would fail to preserve the special architectural or historic interest of the listed building and there are no identified public benefits that outweigh this harm. The appeal was dismissed.

Application No: 17/02491/ADV
Appeal by: Bharat Patel
Proposal: Display of 5no. internally illuminated fascia signs, 2no. non-illuminated vinyl signs, 3no. internally illuminated freestanding signs, internally illuminated totem sign, internally illuminated menu board and 2 non illuminated banner signs.
Site: Herbert Todd And Sons LtdHerbert Todd HouseMonks Cross DriveHuntingtonYorkYO32 9GZ
Decision Level: DEL
Outcome: DISMIS

The proposal was for a totem sign at a drive-through restaurant to the rear of the Monks Cross Retail Park. A totem sign of similar dimensions but in a slightly different location to the plans is in situ.The sign was refused express consent as a result of its scale and the consequent impact on visual amenity.The inspector noted that despite the commercial character of the area, signs are predominantly positioned on buildings and do not form dominant features. The proposed sign would appear larger that the building it serves and would therefore be particularly prominent in the streetscene. The lighting proposed would ensure this effect continued in to the hours of darkness. The current buildings and landscaping have created a place with a positive character and appearance and the sign would result in harm to this visual amenity.The appeal was dismissed.

Application No:	17/02869/FUL
Appeal by:	Mr And Mrs Blacker
Proposal:	Erection of detached two storey dwelling following the demolition of existing dwelling
Site:	Haygarth Hull RoadDunningtonYorkYO19 5LR
Decision Level:	DEL
Outcome:	DISMIS

Planning permission was refused for a replacement dwelling in the general extent of Green Belt. The new two storey dwelling was of greater mass and located on open field to the north of the agricultural buildings behind the existing farmhouse. Refusal was twofold - firstly, Green Belt policy grounds from inappropriate development harm to openness that were not outweighed by other considerations, and secondly, harm to character and appearance of the local area due to the proposed position of the dwelling within the site. The Inspector found that the proposal was materially larger in both footprint and volume and therefore fell outside exception 145d of the NPPF and dismissed the appeallant's claim that the site was previously developed land falling within exception 145g as the proposed site was an open agricultural field. The development was found to be inappropriate by definition. He noted the fundamental aim of Green Belt was to prevent urban sprawl by keeping land permanently open and noted the proposed location in the open field with clear views from Hagg Lane and Common Road and encroachment into undeveloped space. He concluded that there would be harm to the open, rural character and appearance of the area and would conflict with the aims of the Framework in this regard. In the planning balance, the Inspector found that the moderate weight given to the benefits to living conditions from moving the dwelling away from Hull Road and the limited weight to security on the farm, energy efficient and lifetime homes, and the argued fallback position of permitted development rights for the existing farm house, did not clearly outweigh the harm caused by the scheme. Consequently, no very special circumstances existed to justify inappropriate development in the Green Belt and the appeal was dismissed.

Application No: 18/00029/FUL
Appeal by: Mr P Patel
Proposal: Two storey rear extension, single storey side/rear extension and dormer to rear in order to increase size of C4 HMO from 4 bed to 6 bed.
Site: 42 CrosswaysYorkYO10 5JQ
Decision Level: DEL
Outcome: DISMIS

The application subject of the appeal was refused because the expansion of the number of HMOs in the locality was already causing problems for residents and the proposals would intensify the adverse impact; the loss of the existing garage and utility room without adequate suitable replacement space and inadequate car parking.The Inspector concluded that there was no evidence of particular problems in respect of noise and disturbance and did not envisage that two additional bedrooms would lead to an unacceptable intensification of the existing HMO use. In terms of storage she noted there were no specific size thresholds for internal storage and that given the generous size of bedrooms and significant communal area at ground floor she did not find against this issue. The Inspector considered that the two tandem parking spaces would render passage of bins or cycles very difficult leading to storage of cycles bins at the front creating a cluttered and unsightly appearance. She noted the bin and cycle storage requirements of 6 unrelated occupants would be greater than those of a single family. The access path at the side was below the Councils minimum standard of 0.9m and would not be convenient to move bins and bikes down. The parking space at the side of the house was substandard and the parking arrangement would be difficult to manage leading to on-street parking.

Application No: 18/00188/FUL
Appeal by: Mr James Maule
Proposal: Two storey and single storey side extension, single storey rear extension and porch to front.
Site: 11 Cayley CloseYorkYO30 5PT
Decision Level: DEL
Outcome: DISMIS

The appeal site is a traditional hipped roof end terraced dwelling with side and rear garden. Planning permission was sought for a two and single storey development with front porch. The development was similar to a previous refused application(ref: 17/00640/FUL).The Council refused the application on the grounds of its width, massing and proximity immediately up against the side boundary of the application site would appear as an unduly prominent and over-dominant addition which would harm the appearance of the street scene and have an overbearing impact on pedestrians using the footpath. The Council also considered that its massing would significantly erode the space to the side of the house and increase the degree of enclosure to the street to a harmful degree and adversely affect the character and appearance of the street scene. The Inspector dismissed the appeal on the grounds that the width of the side extension is significant, not only in relation to the existing dwelling but also because the extension would fill the full width of the side garden and immediately abut the adjacent footpath. The Inspector considered the extension was of an appropriate design, but its position would dominate the appeal property and create a prominent and visually

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Application No: 18/00234/FUL
Appeal by: Mr Christopher Ives
Proposal: Three storey and two storey side extension, single storey rear extension and dormer to rear.
Site: Ellerton House Sandy LaneStockton On The ForestYorkYO32 9UT
Decision Level: DEL
Outcome: DISMIS

The appeal site is a detached dwelling located within the village but outside of the Conservation Area. Planning permission was sought for the construction of a three and two storey side extension, single storey rear and rear dormer window. The application was refused on the grounds that its design, height, size and scale would represent an incongruous form of development which would not be subservient to, or relate well to the host property and would dominate and unbalance the appearance of the existing dwelling and the street scene.The Inspector dismissed the appeal on the grounds that the proposed tower feature would appear as an anomalous feature in the street and completely out of context both with the host dwelling and surrounding properties. The Inspector concluded on the main issue that the proposal would fail to satisfactorily integrate with the host dwelling and wider character and appearance of the area.

Application No: 18/00354/FUL
Appeal by: Mrs D England
Proposal: Two storey rear extension, single storey side and rear extensions and detached cycle and bin store to rear.
Site: 36 Vanbrugh DriveYorkYO10 5HE
Decision Level: DEL
Outcome: DISMIS

The application was refused on the grounds that the number of HMOs in the locality was already causing problems for residents and the proposals would intensify the adverse impact; the loss of the existing garage and storage space with no adequate provision for suitable replacement space; inadequate car parking which inhibited external access to the rear of the site. The appeal Inspector concluded that a single additional bedroom would materially increase noise levels or lead to an unacceptable intensification of the existing HMO use. She further concluded that as no specific internal storage standards were brought to her attention the generous size of bedrooms and significant communal area at ground floor were acceptable. However the two tandem parking spaces would render passage of pedestrians with bins or cycles very difficult leading to storage of cycles and bins at the front of the property creating a cluttered and unsightly appearance especially pertinent as the bin cycle storage requirements of 5 unrelated occupants would be greater than those of a single family. She considered that there was sufficient space around parked cars for access to and from the vehicles but tandem spaces and one in the front garden would be difficult to manage likely leading to on-street parking. She noted the restricted carriageway width and parking on the grass.

Application No: 18/00719/FUL
Appeal by: Dr Graham Dykes
Proposal: First floor rear extension.
Site: 4 Farrar StreetYorkYO10 3BZ
Decision Level: DEL
Outcome: DISMIS

The appeal site is an end terrace dwelling. Planning permission was sought for a two storey rear extension in the small courtyard serving the dwelling. An appeal was made against the failure to give notice of a decision within the prescribed period. The LPA determined that the application would have been refused on the grounds that its projection and height would harm the amenity of adjoining residential properties by over-dominance and loss of outlook. The Inspector agreed with the Council and dismissed the development on the grounds that the proposed extension would harm the living conditions of residents of nearby properties due to an overbearing and un neighbourly impact.

Application No: 18/00867/FUL
Appeal by: Mr And Mrs Brown
Proposal: Two storey side extension, single storey side and front extension, formation of new driveway and new entrance to Grange Close, rendering of existing house and replacement windows (revised scheme).
Site: 17 Grange CloseSkeltonYorkYO30 1YR
Decision Level: DEL
Outcome: ALLOW

The appeal site is a two storey detached property located on a corner plot. Planning permission was sought for the whole dwelling and extended areas to be covered in an off white render. The application was a resubmission of an approved application to extend at two and single storey height, the approval was subject to revised plans which required the development to be constructed using matching materials, rather than the original proposed render. The application was refused on the grounds that because the house occupies a visually prominent position in the street the off-white render would appear as an incongruous alteration to this property resulting in the dwelling becoming visually dominant causing harm to the character and appearance of the wider street scene.The Inspector disagreed and allowed the appeal considering that the overall design and composition of the already approved development would not represent intrinsically poor design. The Inspector considered that the proposed render treatment of the elevations and windows, together with the cedar clad ground floor addition, would provide greater design interest and would uplift its appearance. The Inspector concluded that the that the works would represent the type of innovation and change that is encouraged by paragraph 127(c) of the NPPF

Application No: 18/01014/FUL
Appeal by: Mr Graeme Kyle
Proposal: First floor side and rear extension.
Site: 66 Grantham DriveYorkYO26 4TZ
Decision Level: DEL
Outcome: DISMIS

The appeal relates to a two storey semi-detached dwelling which along with the attached dwelling, has a distinctive design with a hipped mansard roof which varies from the majority of more uniform dwellings in the street. It is also set well back from the street frontage compared with the majority of neighbouring properties. Permission was sought for a two storey side and rear extension, however the flat roof design, scale and location were considered to result in a dominant, imposing and non-subservient form of development that would significantly detract from the appearance of the dwelling, unbalancing the pair of semi detached dwellings. In addiiton the application was also refused due to the significant detrimental impact on the residents of 68 (dominance, overbearing and loss of privacy to the rear garden).The Inspector did not consider the extension to be so dominant as to unbalance the appearance of the two dwellings and that it would still appear subservient in scale. However the Inspector recognised that despite this the extension would be clearly visible particularly when approaching from St Swithins Walk. Given the lack of architectural interest, the extension would be at odds with the character of the dwelling and as such the appeal was dismissed on character and appearance alone.The Inspector did acknowledge that there would be some harm to residential amenity however it was considered that the impact was not significant enough to warrent refusal in this instance.The appeal was dismissed.

Application No: 18/01187/FUL
Appeal by: Mr & Mrs Charlton
Proposal: First storey side extension and conversion of garage into living accommodation (resubmission).
Site: 86 Tedder RoadYorkYO24 3JF
Decision Level: DEL
Outcome: DISMIS

The appeal relates to a detached gable fronted property in a street of varied housing forms, although the host dwelling in located within a small section of dwellings with similar appearance/spacing.Proposals sought permission for an enlarged first floor side extension (permission previously granted for a smaller, hipped first floor extension set 2m back from the front elevation) however the revised scheme was refused due to its scale, mass, design and location which would have resulted in a cramped form of development which would have eroded the spacing between dwellings harming the character and spaciousness of the street.The Inspector gave little weight to the emerging Local Plan as it is in the early stages of adoption and as such determined the appeal in accordance with the relevant sections of the NPPF. Despite this, the Inspector agreed with the LPA's assessment and concluded that the proposal would not add to the overall quality of the area or be sympathetic to the local character. In addition, the Inspector also considered that the proposal would have an adverse impact on the living conditions of those residing in no. 88 by virtue of creating an overbearing and oppressive outlook from the side window adjacent to the extension.The appeal was dismissed.

Decision Level:
DEL = Delegated Decision
COMM = Sub-Committee Decison
COMP = Main Committee Decision

Outcome:
ALLOW = Appeal Allowed
DISMIS = Appeal Dismissed
PAD = Appeal part dismissed/part allowed