

**Appeal Summaries for Cases Determined 01/04/2016 to 30/06/2016**

**Application No:** 15/00462/FUL  
**Appeal by:** Valli Forecourts  
**Proposal:** Erection of petrol service station with retail unit  
**Address:** Former Garage Site 172 Fulford Road York YO10 4DA

**Decision Level:** CMV  
**Outcome:** DISMIS

The appeal was against the refusal of a new petrol filling station and retail shop within Fulford Road Conservation Area. There were three reasons for refusal: the petrol filling station would be untypical of the grain of development within the conservation area and harmful to its character or appearance. The development would harm the setting of the adjoining listed building and affect the significance of a non-designated heritage asset; detrimental to the outlook of 19 to 22 Alma Grove to the rear of the site. The Inspector agreed with all three reasons for refusal. In the case of the harm to heritage assets the Inspector found no public benefits sufficient to outweigh the harm identified.

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**Application No:** 15/00980/FUL  
**Appeal by:** Mr R Dalby  
**Proposal:** Erection of part two storey part single storey dwelling  
**Address:** 35C Drome Road Copmanthorpe York YO23 3TG

**Decision Level:** DEL

**Outcome:** DISMIS

The application site relates to the site of a former builder's yard within the area of "washed over" Green Belt to the south east of Copmanthorpe village centred on Drome Road. There have been two previous appeals at the site including one for the erection of a bungalow in 2008 which was allowed. The site has been used as domestic curtilage and retains no evidence of its former use as a builder's yard. An application was submitted for erection of a detached three bedroom dwelling within the remaining open section of the site directly accessed from Drome Road. The proposal was justified as being "infill" development and therefore falling within one of the categories of development identified as not being inappropriate within paragraph 89 of the National Planning Policy Framework. At the same time significant weight was placed on the earlier appeal decision from 2008 and it was argued that the proposed development would have a similar impact upon the openness and purposes of designation of the Green Belt. In determining the planning application a contrary view was however taken, in that it was felt that the proposal did not fall within the standard definition of infill as being the closing of a gap within an otherwise built up frontage. At the same time it was felt that the impact of the proposal upon the open character of the Green Belt would be significant resulting in the closure of an important view from Drome Road into open countryside beyond. Planning permission was therefore refused on that basis. In determining the appeal the Inspector gave some weight to the need to provide rural housing. However, he afforded only very limited weight to the previous appeal in respect of the erection of a bungalow and endorsed the view taken by the Local Planning Authority in terms of the definition of infill development and the impact of the proposal upon the open character of the Green Belt. The appeal was therefore dismissed.

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**Application No:** 15/01223/FUL  
**Appeal by:** Mr M Paley  
**Proposal:** Erection of 1no. dwelling to rear  
**Address:** 11 Murton Way York YO19 5UW

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal was against the refusal of a house in the rear area of 11 Murton Way. The site is located within the Osbaldwick Conservation Area. The application was refused because the dwelling would disrupt the prevailing character of the conservation area (despite there being a dwelling adjoining the property in a similar location) and because of the impact of the development on the amenity of the adjacent occupiers. The Inspector agreed that the property would be at odds with the historic pattern of development and would not be representative of the grain of development in the conservation area. The siting of the adjacent dwelling did not set a precedent for allowing the appeal scheme; replicating a similar layout would only serve to exacerbate the uncharacteristic form of tandem development in this location. In relation to amenity the inspector concluded that the limited amount of traffic movements would not be sufficient to object to the development on amenity grounds.

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**Application No:** 15/01926/LBC  
**Appeal by:** Mr Oliver Peters  
**Proposal:** Internal alterations including removal of partition wall and ground floor chimney breast  
**Address:** 26 Holgate Road York YO24 4AB

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal site relates to a grade II listed two storey terraced dwelling situated in the Central Historic Core conservation area. It was originally constructed around 1840 as a house and shop. Listed building consent was submitted for internal alterations to include the removal of a dividing wall and ground floor chimney breast between the kitchen and dining room. The proposals were justified by the appellants in that there had already been a number of internal alterations to the kitchen and dining room, including non-original doors, skirting and cornicing as well as a non-original fireplace in the dining room. However in determining the application the view was taken that the removal of the partition wall and chimney breast would result in a loss of the integrity of the buildings architectural and historic interest and would alter the plan form of the separate shop and residential elements. In determining the appeal the inspector noted that the significance of the heritage asset is largely derived both from the intact frontage and its historic use which is still evident in the character of the formally commercial and domestic rooms. The removal of chimney breast would result in the loss of the original cellular form of the domestic part of the original building being one of the only remaining historic pieces of fabric in this part of the house, leading to less than substantial harm. Given that the internal alterations would have no public benefit the appeal was dismissed.

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**Application No:** 15/02256/FUL  
**Appeal by:** Mrs Thomas Holliday  
**Proposal:** Two storey side extension and single storey front and side extensions  
**Address:** 12 St Peters Grove York YO30 6AQ

**Decision Level:** DEL

**Outcome:** DISMIS

A two storey side extension and single storey front and side extensions were proposed to the Victorian dwelling house located in Clifton Conservation Area in a prominent position at the head of St. Peter's Grove cul de sac. The inspector considered that the predominant character of St. Peter's Grove is one of spacious villas of which the appeal property is a well preserved example. The inspector considered that the two storey addition would, by virtue of its size and position, distort the balanced proportions of the existing front facade. Viewed alongside the considerable mass of the single storey extensions, the addition would appear bulky and incongruous, and would lead to the loss of views through the site to Grosvenor Road. The proposals would also result in a cluttered and discordant view at the head of the cul de sac on the approach along St. Peter's Grove. The inspector considered that the extensions would fail to make a positive contribution to local distinctiveness and would have an adverse effect on the character and appearance of the conservation area. With regard to the impact of the proposals on living conditions of the residents of the adjoining Ryburn House, the two storey side extension would include a window within very close proximity to an upper floor window on the adjoining property. This would result in an unneighbourly juxtaposition and the proposal would be likely to be perceived as overbearing and intrusive when within the adjoining dwelling. The inspector considered that the proposals would have an adverse impact on the living conditions enjoyed by adjoining occupiers. The appeal was dismissed.

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**Application No:** 15/02483/FUL  
**Appeal by:** Miss Raquel Nelson  
**Proposal:** Variation of conditions 7 and 8 of permitted application 12/03270/FUL to allow caravan site to open and caravans to be occupied from 14th March in any one year to 14th January in the succeeding year  
**Address:** Country Park Pottery Lane Strensall York YO32 5TJ

**Decision Level:** DEL

**Outcome:** DISMIS

The Country Park comprises a 40 pitch touring caravan park , recently fully opened lying within the Green Belt to the north of Strensall village. The site is subject to a seasonal closure between October and March in order to reduce the impact of the development upon the open character of the Green Belt. Planning permission was applied for to vary the seasonal closure to allow the site to open into early January in order to benefit from seasonal visitors to the City. Planning permission was refused on the basis that to allow the site to open in an unrestricted fashion until early January would give rise to significant harm to the open character of the Green Belt. In determining the subsequent appeal the Inspector gave some weight to the additional revenue that would be generated for the site through the further period of opening. It was however held that the proposal would materially reduce openness and that it was of itself inappropriate development within the Green Belt that would require a case for "very special circumstances" to justify permitting. In the absence of a case for "very special circumstances" that would outweigh the clear harm to the Green Belt by reason of inappropriateness as required by paragraph 88 of the National Planning Policy Framework the appeal was dismissed.

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**Application No:** 15/02817/FUL  
**Appeal by:** Mr M Dobbin  
**Proposal:** Two storey extension to front and side and single storey rear extension and dormer (amended scheme)  
**Address:** 11 Top Lane Copmanthorpe York YO23 3UH

**Decision Level:** DEL

**Outcome:** DISMIS

The application site relates to a traditional semi-detached dwelling in Copmanthorpe which has recently been granted approval for a two storey front and side extension, a single storey rear extension and modest flat roof rear dormer. The appellant decided to construct a much larger dormer than that originally approved (assuming it to be permitted development - however the amount of previous development meant that the dormer exceeded the 50m<sup>3</sup> allowance). A subsequent retrospective application was refused on the basis that the rear dormer was of a scale and design which did not relate well to the host dwelling or neighbouring buildings. In addition its size and scale introduced a dominant and overbearing addition to the rear of the house which was considered intrusive and overpowering to neighbouring properties, in particular no. 15 Top Lane. In determining the appeal the inspector noted that due to the projection, location and scale, the dormer is likely to read as a third floor which has an overbearing impact on the outlook from the patio and gardens of no. 15. Also that whilst the dormer is not immediately obvious in public views it would be visible from neighbouring gardens and causes a limited degree of harm to the character and appearance of the host property. The appeal as dismissed.

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