

Appeal Summaries for Cases Determined 01/10/2019 to 31/12/2019

Application No: 14/02979/FULM
Appeal by: Miller Homes Ltd
Proposal: Residential development of 266 dwellings with associated access, public open space, landscaping and infrastructure
Site: Former Civil Service Club And Agricultural Land To The NorthBoroughbridge RoadYork

Decision Level:

Outcome: ALLOW

In the 2005 DLP the site is within the Green Belt. It is allocated for housing in the emerging plan. It was accepted by both parties that the site is within general extent of the green belt. The inspector shared the view that the site is within the general extent of the Green Belt; the lack of defined boundaries being insufficient justification to arbitrarily exclude sites from being within the general extent of the Green Belt. Whether the development would be inappropriate / effect on openness - the inspector concluded the development would be inappropriate and there would be a considerable loss of openness. Together these amounted to substantial weight against the proposal. Purposes of including land within the Green Belt - the site is mostly surrounded by built form. The inspector found that the development would not conflict with any of the purposes of the Green Belt. This view was consistent with the evidence base in the emerging local plan. This was given significant weight. The weight given to the allocation in the emerging local plan was considered to be moderate, given the (limited) outstanding objections. Housing provision weighed significantly in support of the proposal. The inspector gave little weight to the ministerial statement of December 2015 which indicates that unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. S106 / Conditions- A contribution towards gypsy / traveller pitches was omitted. The obligation was found to be unreasonable because there was no indication of where the pitches would be located, when they would be provided and how they would be delivered. - Sustainability - conditions in accordance with policies CC1, CC2, CC3 were supported. - Custom build and requirement for accessible dwellings - these conditions were deleted due to a lack of evidence.

Application No: 16/00862/FUL
Appeal by: Mr Dominic Woodward
Proposal: Conversion of first and second floor of public house building to 4no. self-contained apartments and retention of reduced size public house on part of the ground floor.
Site: The JubileeBalfour StreetYorkYO26 4YU
Decision Level: DEL
Outcome: DISMIS

The appeal related to the proposed change of use of the two upper-floors of a public house in the Leeman Road area of the city to 4 flats. The application as originally submitted was to change the whole building to 6 flats but was revised in response to objections to the loss of the pub. The application was refused in May 2018 for the following reason: The change of use of a large part of the internal and external areas of the building/site from public house use to four flats is considered to be an unnecessary loss of valued and important social, recreational and cultural facilities. Furthermore the loss of such space would not be a modernisation that is considered necessary or beneficial to sustain the public house use for the local community. The proposal conflicts with guidance in the National Planning Policy Framework with particular regard to promoting healthy communities Paragraph 70, relevant guidance in the City of York Publication Draft Local Plan 2018 Policies D3, HW1 and DP3 and policy C3 in the City of York Draft Local Plan 2005. The appeal was considered at a Hearing. Local residents, two councillors, a representative of CAMRA and two prospective purchasers of the pub were at the hearing to oppose the scheme. The Inspector dismissed the appeal on the grounds that it was an unacceptable loss of a community facility contrary to the aims of paragraph 92 of the NPPF revised 2019. In coming to his conclusion he made reference to the island character of the Leeman Road area and the limited alternative community facilities there. Particular reference was made to the loss of the existing first floor function room and outdoor drinking area that would result from the changes. He also noted that the marketing had indicated that there was interest in opening the pub from at least two people and the evidence available indicated that with investment and a new business model free of tie the pub in its existing layout could be a viable business.

Application No: 16/01813/FULM
Appeal by: H Barker And Son Ltd
Proposal: Erection of poultry farm comprising 3 no poultry sheds with ancillary buildings, access road and landscaped embankments (resubmission)
Site: Land At Grid Reference 458205 449925 West OfBradley LaneRufforthYork
Decision Level: COMM
Outcome: DISMIS

Planning permission was refused in 2018 for the erection of a poultry farm comprising 3 poultry sheds and associated development. It was common ground between the parties that the development was not inappropriate in the Green Belt. Subsequent to the refusal, the Rufforth with Knapton Neighbourhood Plan was made and became part of the development plan. The Inspector considered the main issues to be the effect of the proposal on the safety of aircraft and gliders taking off and landing at Rufforth West Airfield and if the effect were found to be harmful, how would this affect the capacity to operate and maintain the airfield. There are two runways at the airfield and the shorter of the two runways extends towards the appeal site. After hearing from the Councils and appellants aviation witnesses and from the Gliding Club, the Inspector concluded that the appellants assessment upon aviation safety was flawed being reliant on CAP168 guidance that is applicable to mainly commercial airfields. With regard to risk from unforeseen pre-cursor events specifically engine failure after take-off the Inspector applied a precautionary approach given the severity of consequences of a collision and considered that the proposal would result in a harmful increase in risk to the safety of aircraft and gliders taking off from the airfield. The Inspector further concluded that the evidence presented by the Gliding Club in terms of curtailing their operating practices if the buildings were erected and the resultant reduction of income would be contrary to Policy RwK11 and paragraph 104f of the NPPF. In the planning balance the inspector attached considerable weight to the economic benefits of the scheme but these did not outweigh the adverse impacts regarding aviation safety and the gliding club as a community facility. The appeal was therefore dismissed.

Application No: 18/00282/LBC
Appeal by: Troia (UK) Restaurants Ltd
Proposal: Reinstatement of original entrance doors and insertion of glazed entrance screen
Site: Blacks2 St Helens Square York YO1 8QP
Decision Level: DEL
Outcome: DISMIS

The application was refused on the grounds that the screen would appear as an anomalous modern addition with a reflective quality and door handle that would draw further attention and be at odds with the historic character of the building. The inspector noted that the existing lobby was a recent approved feature but commented that the introduction of an additional modern glazed element immediately adjacent to the threshold would complicate access arrangements and draw further attention to these recent alterations. He considered the glazed screen would be visible from outside and be visually prominent and the reflective quality would draw further unwanted attention. He felt that the applicants suggestion of anti-glare film may also draw additional attention and appear as a poor quality afterthought. He felt the hinges and handle would not be overly large or prominent but considered their proximity to the entrance would add to the obtrusive appearance of the modern alien feature. He found the proposal would fail to preserve the special interest of the listed building and it could not reasonably be argued that it would preserve or enhance the character or appearance of the conservation area. He found the harm to be less than substantial but nevertheless of considerable importance and weight. In terms of public benefits the appellant argued the proposal would provide some protection from weather conditions and benefit staff working in the lobby but the inspector did not consider this would outweigh the harm. In the application report it had been pointed out that other premises in the city have addressed the issue with the strategic positioning of non-intrusive furnishings or screens. It was argued the proposal was reversible but the inspector considered there would be an immediate harmful effect with no suggestion that it would be temporary.

Application No: 18/01044/FUL
Appeal by: Mr And Mrs O'Neill
Proposal: Dropped kerb and formation of vehicular access and erection of timber entrance gates.
Site: Rufforth Hall Wetherby Road Rufforth York YO23 3QB
Decision Level: DEL
Outcome: DISMIS

The proposals relate to a new vehicular crossover and access drive from Mill Lane to Rufforth Hall. The application site is located in the Green Belt. The proposals include the formation of a dropped kerb together with vehicular access and the erection of timber gates. The Inspector considered that the proposals would amount to substantial engineering operations to form a new access drive. Along Mill Lane there are currently a limited number of access points. The proposed development would be visible from the highway and would result in the removal of mature trees, grass verge and part of the garden. The Inspector considered that the development would cause spatial and visual harm to the openness of the Green Belt. Consequently the proposals would not preserve the openness of the Green Belt and would represent encroachment of development into the countryside, which is contrary to the third purposes of including land within the Green Belt as set out at paragraph 134 of the NPPF. The proposals would therefore be considered inappropriate development and would conflict with the Framework. In terms of character and appearance, the Inspector considered that the impact of the gates would be limited as they would be stepped in from the boundary, largely screened by the existing tree belt and would not be a prominent feature in the streetscene. Although the proposals would result in a break in the tree belt, the trees proposed to be removed are of less significance as they are of a lower quality compared to others in the tree belt. Therefore, the loss of the trees would not have a detrimental visual impact on the character and appearance of the area and the proposed development would accord with the Framework in this respect. The Inspector concluded that the development constitutes inappropriate development, a matter which is given substantial weight. The very special circumstances necessary to justify the development do not exist. The appeal was dismissed.

Application No: 18/01602/FUL
Appeal by: Mr Chris Bird
Proposal: Change of use of ground floor from retail (use class A1) to 3no. letting bedrooms and the application of self adhesive window film to ground floor windows. (Resubmission - 18/00791/FUL).
Site: Bartizan House Lord Mayors Walk York
Decision Level: DEL
Outcome: DISMIS

The appeal relates to the change of use of the ground floor from A1 retail to 3no. letting bedrooms and the application of self adhesive window film to the ground floor windows. The property is Grade II listed and located on a secondary shopping street in the Central Historic Core Conservation Area. Planning permission was refused for reasons relating to the dilution of the commercial function of the street and the impact on the historic character of the building through the creation of a dead frontage, and refused listed building consent for the reason that the window film (in situ) erodes the shop units communal value and appears incongruous with the historic character of the buildings, damaging their historic integrity and diminishing the contribution they make to the historic context. The Inspector agreed that the loss of this retail unit would dilute the retail and wider commercial functioning of the street and would have a harmful effect on general activity levels and footfall and agreed that the window film creates a dead frontage during normal trading hours by eliminating visible ground floor activity. He considered that insufficient evidence had been provided that the property had been marketed for alternative A1 uses and concluded that it had not been demonstrated that the proposed use is the only potentially viable alternative use. In relation to the historic environment, the Inspector agreed that the adhesive (privacy) film compromises the character of the shopfront by being highly visible, distracting and incongruous additions that are at odds with the building frontage and draws attention away from important historic features of the building. The public benefits identified by the appellant of the proposal providing a new viable use to the vacant properties attracting visitors to the city, were deemed to be limited when balanced against those benefits which may be lost as a consequence of the loss of this ground floor commercial unit.

Application No: 18/01605/LBC
Appeal by: Mr Chris Bird
Proposal: Internal and external alterations associated with the change of use of ground floor from retail (use class A1) to 3no. letting bedrooms. (Resubmission - 18/00792/LBC)
Site: Bartizan House Lord Mayors Walk York
Decision Level: DEL
Outcome: DISMIS

The appeal relates to the change of use of the ground floor from A1 retail to 3no. letting bedrooms and the application of self adhesive window film to the ground floor windows. The property is Grade II listed and located on a secondary shopping street in the Central Historic Core Conservation Area. Planning permission was refused for reasons relating to the dilution of the commercial function of the street and the impact on the historic character of the building through the creation of a dead frontage, and refused listed building consent for the reason that the window film (in situ) erodes the shop units communal value and appears incongruous with the historic character of the buildings, damaging their historic integrity and diminishing the contribution they make to the historic context. The Inspector agreed that the loss of this retail unit would dilute the retail and wider commercial functioning of the street and would have a harmful effect on general activity levels and footfall and agreed that the window film creates a dead frontage during normal trading hours by eliminating visible ground floor activity. He considered that insufficient evidence had been provided that the property had been marketed for alternative A1 uses and concluded that it had not been demonstrated that the proposed use is the only potentially viable alternative use. In relation to the historic environment, the Inspector agreed that the adhesive (privacy) film compromises the character of the shopfront by being highly visible, distracting and incongruous additions that are at odds with the building frontage and draws attention away from important historic features of the building. The public benefits identified by the appellant of the proposal providing a new viable use to the vacant properties attracting visitors to the city, were deemed to be limited when balanced against those benefits which may be lost as a consequence of the loss of this ground floor commercial unit.

Application No: 18/02057/FUL
Appeal by: JD Wetherspoon Plc
Proposal: Two storey and single storey extensions with roof terrace garden following the demolition of existing single storey rear extensions and fire escape (resubmission)
Site: The Punch Bowl 9 Blossom Street York YO24 1AU
Decision Level: DEL
Outcome: DISMIS

The main issues relate to (1) the effect on the proposal on heritage assets and (2) whether the proposal would provide acceptable living conditions for adjoining residential occupiers. (1) The single storey addition would alter the character of the existing rear yard, however the inspector remarked that the space has none of its original historic character and is not obvious to the general observer that the space would formally have contributed to the character of the building. In terms of views, a small proportion of the addition would be seen from the main facade and in wider street scene views resulting in a neutral effect on the setting of Micklegate Bar and city walls. Flat roofs are a common feature to the rear of buildings and in the very glimpsed views, the proposed extensions would not appear intrusive or alter the prevailing character of this part of the wider conservation area. The works would constitute limited harm to the significance of the asset and the economic benefits (providing enlarged business premises, employment and an enhanced facility for residents and tourists), were considered to outweigh the identified harm in this case. (2) The noise effects of a large group of patrons on licensed premises even in daytime is likely to be unpredictable and perceptions of intrusion arising from noise associated with such activity will differ from traffic noise. A window contained within Flat 13, which would have a direct view of the beer garden serves a small open plan kitchen which opens directly onto the living area of the flat was not identified in the noise survey. The Inspector could not be assured that the living conditions would be maintained, failing to maintain a high standard of amenity for existing residential occupiers contrary to paragraph 127 of the Framework and local plan policies ENV2 and D11 which carries some further limited weight. The Inspector gives more weight to the harm that would occur on the living conditions of adjoining

Application No: 18/02058/LBC
Appeal by: JD Wetherspoon Plc
Proposal: Internal and external alterations including demolition of rear extensions and fire escape, erection of two storey and single storey extensions with roof terrace, refurbishment of customer areas and relocation of customer toilets to first-floor (resubmission).
Site: The Punch Bowl 9 Blossom Street York YO24 1AU
Decision Level: DEL
Outcome: DISMIS

The main issues relate to (1) the effect on the proposal on heritage assets and (2) whether the proposal would provide acceptable living conditions for adjoining residential occupiers. (1) The single storey addition would alter the character of the existing rear yard, however the inspector remarked that the space has none of its original historic character and is not obvious to the general observer that the space would formally have contributed to the character of the building. In terms of views, a small proportion of the addition would be seen from the main facade and in wider street scene views resulting in a neutral effect on the setting of Micklegate Bar and city walls. Flat roofs are a common feature to the rear of buildings and in the very glimpsed views, the proposed extensions would not appear intrusive or alter the prevailing character of this part of the wider conservation area. The works would constitute limited harm to the significance of the asset and the economic benefits (providing enlarged business premises, employment and an enhanced facility for residents and tourists), were considered to outweigh the identified harm in this case. (2) The noise effects of a large group of patrons on licensed premises even in daytime is likely to be unpredictable and perceptions of intrusion arising from noise associated with such activity will differ from traffic noise. A window contained within Flat 13, which would have a direct view of the beer garden serves a small open plan kitchen which opens directly onto the living area of the flat was not identified in the noise survey. The Inspector could not be assured that the living conditions would be maintained, failing to maintain a high standard of amenity for existing residential occupiers contrary to paragraph 127 of the Framework and local plan policies ENV2 and D11 which carries some further limited weight. The Inspector gives more weight to the harm that would occur on the living conditions of adjoining

Application No: 18/02490/FUL
Appeal by: Daniel Thwaites PLC
Proposal: Temporary change of use of courtyard for holding of annual Christmas market during St Nicholas Fair (approx 6 weeks during November and December).
Site: The Judges Lodging9 LendalYorkYO1 8AQ
Decision Level: DEL
Outcome: DISMIS

The development proposed is a temporary change of use to hold a Christmas Market over specified dates on an annual basis. The main issues is whether the proposal would preserve the setting of the grade I listed Judges Lodging and the grade II listed entrance gates, wall and railings. A number of timber structures would be placed around the sweeping carriage drive and semi circular forecourt to the front of the Judges Lodging. The Inspector considers that the four sheds on the left hand side of the sweeping entrance would be an incongruous and conspicuously formal and regimented arrangement, paying little regard to the sweeping curve of the carriage drive. Two other sheds would partially obscure the staircase. Cumulatively the structures would significantly impinge upon views and a full understanding and appreciation of, the carriage drives form and function. The structure encircling the tree would result in a larger and bulky structure, completely obscure any views of the symmetrical position of the front steps within the buildings facade. Other paraphernalia (tables and chairs) were considered to be less obtrusive to the buildings setting and are transient features, whilst the protected tree contributes to the character and setting of the surrounding listed buildings. The Inspector contends that the appreciation of the building is not time or season specific and its location and the period of use and structures are such that the full appreciation and understanding of the building would be harmed for a large number of people. As such the Inspector concluded that the proposal would cause harm to the setting of the grade I listed building and structures. Moderate weight was given by the Inspector in respect to the social, economic and cultural public benefits set out. As great weight was given to the heritage assets conservation, the public benefits were not considered to outweigh the less than substantial harm that would arise.

Application No: 18/02510/FUL
Appeal by: Mr & Mrs Cleaver
Proposal: Two storey and single storey side and rear extension and detached cycle and bin storage building to rear in connection with use of house as a C4 HMO.
Site: 15 Yarburgh Way York YO10 5HD
Decision Level: DEL
Outcome: DISMIS

This a semi-detached dwellinghouse already operating as an HMO. The application for 2 storey and single storey side and rear extensions was refused on grounds of inadequate car parking provision, blocking of access from front to the rear by the proposed parking which when combined with failure to leave a 0.9m gap at the side of the house, would lead to bins and cycles being stored in the front garden creating a cluttered appearance and discourage cycle use. The replacement of front garden by a hard surface and occupation by cars would have an adverse visual impact. The extensions would also result in over dominant additions that would block light to the neighbour and impact adversely on their outlook. The inspector considered that although the 2.5m wide parking spaces would fall significantly short of the 3.6m the Council is seeking but compliance with the larger space would limit the off-street parking provision to 2 spaces, whereas 3 are necessary. The inadequate provision would lead to increased on-street parking exacerbating existing parking problems for residents. Also if the proposed parking was implemented, it was unlikely occupants would park as tightly as indicated on the plan but would park across the entire frontage to gain circulation space making the passage of bins or cycles difficult, if not impossible. This combined with a substandard gap at the side would lead to the storage of refuse bins and cycles to the front of the property creating clutter. The loss of front garden, extent of hard surfacing, parking across the frontage and widening of dropped kerb with removal of verge would lead to a stark and barren appearance detracting from the suburban character of the property and the wider street scene. He did not consider that the proposed extensions would be over dominant but felt that the imposing blank elevation of the 2 storey extension would be overbearing, restricting outlook and significantly increase the level of shadowing to the rear of no.17.

Application No: 18/02829/FUL
Appeal by: Mr Andrew Blackburn
Proposal: Extension of garden curtilage onto land at the rear
(retrospective resubmission)
Site: 3 Hawthorne Mews Strensall York YO32 5RR
Decision Level: DEL
Outcome: DISMIS

The proposal was for the extension of garden curtilage to the rear of the property and was retrospective in nature. A previous application had been dismissed at appeal as had those at two adjoining properties. The reason for refusal related to the impact on local biodiversity. The proposal significantly reduced the amount of land available for wildlife along the river bank. The enclosure of the land also acted as a barrier to free movement. An ecology survey was submitted with the application but was undertaken outside the optimum survey season and did not conclusively prove that protected species or their habitats had not been harmed as a result of the development. The impact of domestic activities on wildlife and the difficulties in enforcing wildlife friendly management of the garden were also acknowledged. The inspector dismissed the appeal finding that insufficient evidence had been provided to categorically determine that protected species or their habitats would not be harmed.

Application No: 19/00146/FUL
Appeal by: Mrs Deborah Watson
Proposal: Two storey side extension
Site: Church View 57 Main Street Askham Bryan York YO23 3QU
Decision Level: DEL
Outcome: DISMIS

The proposals relate to a two storey side extension to a semi-detached two storey dwelling house, Church View, 57 Main Street, Askham Bryan. The application site is located in Askham Bryan Conservation Area. The village is washed over by the Green Belt. The proposals were considered as infill development in a village and as a result would not be considered inappropriate development in the Green Belt. The main issue is the effect of the proposals on the character and appearance of the host dwelling and the Conservation Area. The Inspector considered the rural character of Askham Bryan village, with linear development along Main Street, properties set back, generously spaced and typically set within large plots. The group of dwellings located around the site have not generally been built up to the boundary of their plots. This contributes to the open rural character of the streetscene and the Conservation Area. The proposed extension would be greater than half the width of the host dwelling and would not appear subservient given the extension would develop almost the full width of the plot. The inclusion of a car port on the ground floor of the extension, with three openings to the side elevation overlooking 59 Main Street, would represent an odd design choice and an uncharacteristic feature that would detract from its external appearance. The retention of an undeveloped gap between properties is a common feature in the village that helps to maintain the open and rural character of the Conservation Area. Whilst the car port would permit views through the site, the first floor extension would be almost the full width of the plot and would fail to preserve the characteristic gap between the properties. The Inspector concluded that due to the size, scale and design of the extension, the proposals would not appear subordinate to the host dwelling and would fail to preserve or enhance the character and appearance of the Conservation Area. The appeal was dismissed.

Application No: 19/00512/FUL
Appeal by: Dr. Graham Dykes
Proposal: First floor rear extension (resubmission).
Site: 4 Farrar Street York YO10 3BZ
Decision Level: DEL
Outcome: DISMIS

The application was refused on the grounds that the depth and height of the proposed first floor rear projection would be out of proportion to the space around it and would harm the amenity of adjoining residents being over-dominant and oppressive when viewed from these houses and resulting in a loss of outlook from their rear windows and yards. The Inspector concluded that the proposal would create a tall dominant expanse of built development when viewed from the windows of the neighbours and would have an unavoidable and overbearing presence that would dominate their outlook and harm living conditions.

Application No: 19/00613/FUL
Appeal by: Miss Raquel Nelson
Proposal: Erection of porch to front and conservatory to side
Site: The New England Lodge Country Park Pottery
Lane Strensall York YO32 5TJ
Decision Level:
Outcome: ALLOW

The appeal site has a long and complicated planning history and relates to a touring caravan site in the Green Belt to the north of Strensall. The proposal related to the erection of a conservatory and storm porch extension to a timber framed building previously permitted on appeal to provide site manager's accommodation for the site. The previous permission had been subject a condition requiring the removal of the building in the event that it was no longer required in connection with the site. This creates a legally complex situation in terms of any extensions and whilst that was in the process of resolution the applicant appealed non-determination. The Inspector examined the case in the light of paragraph 145 c) of the NPPF and held that the proposed extensions were not disproportionate and not therefore inappropriate within the Green Belt. The appeal was therefore allowed subject to specific conditions in respect of the building itself and the extensions in the event of the premises not being needed for the purposes of managing the wider site.

Application No: 19/00638/FUL
Appeal by: Mr And Mrs K Gash
Proposal: Two storey side extension
Site: 142 Water Lane York YO30 6PN
Decision Level: DEL
Outcome: DISMIS

The application site related to the end house of a block of four terraced properties located in an area of similar properties, set behind a defined building line. Planning permission was refused for the erection of a part pitched and part flat roof two storey side extension to be located on the side driveway, adjacent to the joint boundary with 144 Water Lane. The Council refused the extension on the grounds of its size and scale would represent an incongruous extension to a block of uniformly designed and well-proportioned terraced properties. Officers considered that it would not respect or relate to the uniformity of spacing between the blocks of terraces on this section of Water Lane eroding what is a largely intact and important spacious characteristic of the street and would create an unacceptable terracing effect which would harm the character and appearance of the street scene. Another issues was the flat roof section which would be visible from the rear of the dwelling. Officers considered its design would create a discordant feature which does not relate well to the host or the uniformity of the rear of the dwellings and overall the proposal represents poor design. The Inspector dismissed the appeal on the grounds that the proposal would remove a significant proportion of the gap that exists with the neighbouring terrace. This is exacerbated due to the proposal being for two storeys, where it is evident in the surrounding properties that single storey extensions to the side do not erode the openness or spaciousness to the same extent. Such gaps between terraces are a key feature of the surrounding area. The current proposal could set a precedent for similar developments in surrounding terraces that would erode these features to the detriment of the character of the area. It could also lead to the impression of the terracing of the front elevation of adjoining properties and the erosion of the areas spaciousness and character.

Application No: 19/00779/LBC
Appeal by: Stonegate Pub Company
Proposal: Display of 1no. internally illuminated panel sign
Site: Missoula Montana 1 Bridge Street York YO1 6DD
Decision Level: DEL
Outcome: DISMIS

The appeals (LBC and ADV) relates to the display of a tile-effect timber fascia panel with individually halo-illuminated affixed letter and positioned on the riverside elevation of Merchant Exchange, a modern link between two listed structures, No. 1 Bridge Street and Varvils Warehouse. This modern section of the building has considerable significance in its own right having been carefully designed and detailed to sit alongside the historic character of No. 1 Bridge Street and Varvils Warehouse and due to its prominence in the downstream view from Ouse Bridge, identified as a key view in the YCHCCA Appraisal and Management Strategy. Although not overly large in the context of the building to which it would be attached, the use of illumination would make the sign appear prominent during darkness and at all times it would detract from the character of the listed buildings. The Inspector also agreed that the tile-effect design would be at odds with the palette of materials used on the existing building. The Inspector concludes that the proposed sign would cause less than substantial harm to the significance of the listed buildings and it has not been shown that public benefits would outweigh this harm and the sign is harmful to visual amenity.

Application No: 19/00780/ADV
Appeal by: Stonegate Pub Company
Proposal: Display of 1no. internally illuminated panel sign
Site: Missoula Montana 1 Bridge Street York YO1 6DD
Decision Level: DEL
Outcome: DISMIS

The appeals (LBC and ADV) relates to the display of a tile-effect timber fascia panel with individually halo-illuminated affixed letter and positioned on the riverside elevation of Merchant Exchange, a modern link between two listed structures, No. 1 Bridge Street and Varvils Warehouse. This modern section of the building has considerable significance in its own right having been carefully designed and detailed to sit alongside the historic character of No. 1 Bridge Street and Varvils Warehouse and due to its prominence in the downstream view from Ouse Bridge, identified as a key view in the YCHCCA Appraisal and Management Strategy. Although not overly large in the context of the building to which it would be attached, the use of illumination would make the sign appear prominent during darkness and at all times it would detract from the character of the listed buildings. The Inspector also agreed that the tile-effect design would be at odds with the palette of materials used on the existing building. The Inspector concludes that the proposed sign would cause less than substantial harm to the significance of the listed buildings and it has not been shown that public benefits would outweigh this harm and the sign is harmful to visual amenity.

Application No: 19/00969/FUL
Appeal by: Mr & Mrs J Neill
Proposal: Two storey and single storey rear extensions (amended scheme).
Site: Dexter House The Fold Hessay York YO26 8LF
Decision Level: DEL
Outcome: DISMIS

Permission was sought to amend a previously approved one and two storey rear extension projecting 4m to a detached dwelling in the green belt. Proposals sought to increase the single storey element by 2m in length and by 0.5m to the first floor extension. The scheme was similar to the original proposals which were subsequently reduced in scale as part of the previous consent. Officers considered that the increase in volume of the dwelling to 34% was disproportionate to the original dwelling and therefore would have resulted in inappropriate development in the green belt and would be harmful to the openness of the green belt. An LHE application for a 8m long rear extension was submitted and approved resulting in a 40% increase which the applicants argued would be more harmful and an even larger volume increase than that proposed. However the LHE application related to ground floor development only and the construction of the LHE extension would have prevented the first floor of the extension from being constructed. The inspector agreed with officers that the extension would appear disproportionate to the dwelling resulting in inappropriate development in the greenbelt as well as harm to its openness. Limited weight was given to the fallback position provided by the LHE application as it did not provide a comparable scheme and there was no certainty that this extension would be built. None of the points raised by the applicants overcame the harm identified and no very special circumstances were put forward.

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