



Appeal Decision

Site Visit made on 13 February 2006

by **Peter F Davies BSc(Hons) Dip TP MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
400 Kings Wing
Trafalgar Square House
2 The Square
London WC2A 4LJ
Telephone 020 7 991 8111
Fax 020 7 991 8372
e-mail enquiries@planning-
inspectorate.gov.uk

Date

17 FEB 2006

Appeal Ref: APP/C2741/A/05/1191270

21 The Copper Beeches, Dunnington, York YO19 5PU

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs P Flack against the Decision of the City of York Council.
- The application, Ref: 05/00458/FUL, dated 1 March 2005, was refused by notice dated 13 May 2005.
- The development proposed is a flat roofed dormer to the rear - together with a rear, pitched roof extension.

Decision

1. I dismiss the appeal.

Reasons

2. While the submitted planning application describes the proposal as a rear dormer, it is more appropriately described as that set out above. The Council has no objection to the latter, and limited, element of the proposal (extension) and I have no reason to disagree. My determination of the appeal proceeds accordingly.
3. The Copper Beeches is within the built-up area of Dunnington and comprises a variety of building styles - detached houses and detached and semi-detached bungalows (the latter including the site) in a variety of styles and with varying alignment to the frontage. The dormer element of the proposal would be to the rear of No 21. I saw no front dormers to the bungalows at the frontage, albeit they are a feature of those on Church Lane reflecting their built design. The dormer, to the rear, would have no material adverse effect on The Copper Beeches frontage.
4. To the rear, however, 2 matters arise. Firstly, in the rear garden of the appeal site I did not see any rear dormers about but, bearing in mind the varied character and appearance in this part of Dunnington, I do not take that as an objection in principle to the proposal. Secondly, however, the size and extent of the dormer does raise concern. While sited below the ridge line, it would extend across most of its width with 2 large windows. Its scale and massing would, overall, be unacceptably intrusive. It would also unacceptably unbalance the rear of Nos 19 and 21.
5. In addition to the above, an occupant of the house at No 3 Church Lane is concerned that the proposal would have a dominating visual impact on his property and adversely affect privacy there - a similar concern arising at No 5. On the former, the dormer would be set

SCANNED

into the roof of No 21 and seen against that background, not resulting in any material harm. As to the latter, the rear - first floor elevation - at No 3 has 2 bedroom windows one, I was told, used as a study. They would face the 2 dormer windows at the site, these lighting dressing-room and bedroom accommodation. I share the view in the Officer Report to Committee that there would be an acceptable separation distance to the windows and the relationship between the 2 properties in that respect is not unusual in an urban area where the rear elevations of dwellings face each other. Taking the above into account, as well as the boundary treatment between the 2 properties and the low ridge-line of the appeal site bungalow, I am not persuaded (on the basis of my site observations) that there would be any unacceptable reduction in privacy at the rear garden at No 3. That garden already experiences a degree of overlooking from the first floor level at an adjacent property. It follows, therefore, that I should come to a similar view in respect of No 5 and also No 19 where it and No 21 are separated by a low boundary fence that already enables mutual overlooking into, and from, rear gardens.

6. Further, I give little weight to the view of the owner of No 19 that the proposal at the adjoining bungalow would result in structural problems at his property. That is a matter for control under the Building Regulations. I have to determine the land-use implications of the proposal.
7. Bringing all these matters together, the proposal is acceptable when assessed against the living conditions of the occupants of Nos 3 and 5 Church Lane, as well as the occupant at No 19. Further, taking into account the existing character and appearance of the area and for the reasons set out above, the **principle** (my emphasis) of a rear dormer at this property is also acceptable. The proposal must fail, however, on its design. Its scale and appearance is excessive at this property. It is not for me to redesign the proposal, but I note from the Officer Report to the Council's Committee that the Case Officer sought to achieve a reduction in size of the proposal, not accepted by the appellants. I have some sympathy with that Case Officer's view.
8. Nonetheless, the development should not proceed - not least on the basis of conflict with Policy H7 a) and b) of the City of York Draft Local Plan [Incorporating the 4th Set of Changes(2005)]. While I understand, and sympathize with, the wish of Mr and Mrs Flack to accommodate the needs of a growing family, the specific detail of their proposal would represent a permanent development that would remain long after that personal circumstance had ceased to be material. Concern over their discussions with the Council on their proposal, as well as the manner in which it dealt with the application, are a matter between them and it. I have also taken into account the view of the Dunnington Parish Council that it had no objection at application stage, but added to at Appeal stage through its Village Design Statement. None of these matters, or any other raised, outweigh my balance of conclusion that the appeal should be dismissed.


INSPECTOR