

**Appeal Summaries for Cases Determined 01/01/2017 to 31/03/2017**

**Application No:** 16/00384/FUL  
**Appeal by:** Mr Shaun Yeomans  
**Proposal:** Conversion of existing garage into 1 no. self contained residential unit (retrospective)  
**Address:** 30 Monkton Road York YO31 9AX

**Decision Level:** DEL  
**Outcome:** ALLOW

The application site is located in a short cul-de-sac which runs between no.30 Monkton Road and St Paulinus Church. The surrounding area is residential. The application sought retrospective permission for the conversion of a detached garage into a self-contained dwelling unit. The application building was approved as a domestic garage in September 2014. The application was refused on the grounds that it represented overdevelopment, which provided a poor level of amenity and space for the occupants of the new unit and substantially diminished that of the occupants of no.30 Monkton Road. In addition the division of the rear curtilage of no.30 into two separate gardens resulted in substandard external curtilages and detracted from the character of the area. It also potentially set an unacceptable precedent for the potential severe erosion of the character of residential areas throughout the city. The Inspector noted there were no concerns over internal living standards. He considered that the garden area of the appeal building was proportionate in size and would not preclude the undertaking of a normal range of activities. Although the front curtilage would not meet parking standards he felt it could accommodate refuse/recycling and a small car. He felt the garden left for 30 Monkton Road was of a reasonable size. He dismissed the LPA's concerns over the sub-division into two curtilages stating that the building had already been permitted and there was 'no impact in this respect thereof'. The only other significant works were the erection of fencing which he considered was not uncharacteristic. In terms of precedent he did not consider the specifics of the appeal site to be particularly commonplace, that a genuinely comparable scheme would be likely to be acceptable and that the LPA would be able to resist any development which could be shown to be likely to cause demonstrable harm. The appeal was allowed.

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**Application No:** 16/00601/ADV  
**Appeal by:** Mr Paul Harris  
**Proposal:** Display of 2 no. internally illuminated signs (retrospective) and programmable message board  
**Address:** The Acomb Kingsway West York YO24 3BA

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal related to the display of two large internally illuminated fascia signs and a programmable message board. The inspector agreed that the fascia signs were of a substantial size being approximately 0.7 metres in height and a combined width of 8.5 metres in length resulted in an overly dominant visual impact on both the existing building and the wider area. The colour and illumination exacerbated the visual impact. The message board appeared as an incongruous addition to the building and the Inspector agreed that it would be a distraction to highway users when approaching the adjacent roundabout due to the generally small size of the text, the extent and detail of information being provided, and the animated and moving format of the message board.

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**Application No:** 16/00952/FUL  
**Appeal by:** Derwent Valley Glamping  
**Proposal:** Erection of four seasonal tents utilising existing access, the creation and maintaining of a footpath link, and the incorporation of a habitat enhancement plan (resubmission)  
**Address:** Land At Grid Reference 469030 444830 Church Lane Wheldrake York

**Decision Level:** CMV

**Outcome:** DISMIS

The proposal related to a small scale camping proposal in close proximity to the Lower Derwent Valley National Nature Reserve and its associated viewing platform. It was a re-submission of an earlier scheme that had previously been refused permission on Green Belt grounds. The re-submitted proposal included a detailed habitat enhancement scheme and a footpath link to the National Nature Reserve. It was however considered that notwithstanding the nature of the revisions an appropriate case for "very special circumstances" as required under paragraphs 87 and 88 of the NPPF had not been forthcoming and planning permission was refused once again. The appellant contended that the proposed tents by virtue of their substantial nature and degree of annexation to the ground were buildings and that they benefitted from partial exclusion from the definition of inappropriate development within paragraph 89 covering appropriate buildings for sport and recreation purposes. The Inspector strongly disagreed with this line of reasoning and indicated his view that the proposal was for a change of use which was by definition inappropriate development and that the curtilage which would accommodate the tents and associated activity would in any case be harmful to the open character of the Green Belt. The appeal was therefore dismissed.

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**Application No:** 16/01251/FUL  
**Appeal by:** Mr James Edwards  
**Proposal:** Change of use of part of car park to a car wash facility including the siting of a storage container and the erection of a free-standing canopy, and fence and screening to boundary. (Part retrospective)  
**Address:** Poppleton Garden Centre Northfield Lane Upper Poppleton York YO26 6QF  
**Decision Level:** COMPV  
**Outcome:** DISMIS

The application was for the change of use of part of car park to a car wash facility including the siting of a storage container and the erection of a free-standing canopy, and fence and screening to boundary. With the exception of the fence and screening the application was retrospective. The application was refused on harm to the greenbelt and harm to visual amenity and character. The Inspector agreed with the council regarding the harm to the visual amenity: stating that due to the design, colour and temporary appearance together with their siting in a prominent location on a main approach into York, the container and canopy are incongruous and visually intrusive features which have a harmful effect on the character and appearance of the area. The economic benefits of the proposal were not considered to outweigh the harm. The Inspector questioned the green belt status of the site, given that the site may be allocated for housing in the emerging local Plan. The Inspector stated that if the appeal was not being refused on the harm to the visual amenity and character of the area they would have sought a hearing in order to discuss the green belt issues in detail.

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**Application No:** 16/01291/FUL  
**Appeal by:** Mr Urbanski  
**Proposal:** Single storey front porch extension and installation of bay window to front and replacement window to first floor  
**Address:** 12 Church Lane Bishopthorpe York YO23 2QG

**Decision Level:** DEL

**Outcome:** ALLOW

The application site is situated on the south side of Church Lane, Bishopthorpe. The proposals included a single storey front porch extension, the installation of a bay window and a replacement window to the front elevation of the host mid terraced, two storey dwelling house dating from the late nineteenth century and located in Bishopthorpe Conservation Area. The application was refused on the grounds that the single storey front porch extension would obscure one of the pair of front entrance doors at nos 12 and 14 Church Lane in public views, would detract from the symmetry and rhythm of the openings of this part of the principal elevation of the terrace, and would fail to preserve the character and appearance of this part of the conservation area. The inspector considered that there is some variation in the appearance of the front elevations of individual properties within the terrace and that taken as a whole, the terrace does not have a strong rhythm and that the individual properties do not have a significant appearance of symmetry. Due to the variation in the appearance of the host property and its neighbours, the inspector considered that the proposed porch would not detract from the character of the terrace or the wider conservation area. With regard to living conditions, the inspector concluded that the front porch would not harm the living conditions of residents at no. 14 Church Lane with regard to light and outlook. The appeal was allowed.

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**Application No:** 16/01666/FUL  
**Appeal by:** Mr John MCGarry  
**Proposal:** Single storey side extension (resubmission) and alterations to roof of existing single storey rear extension  
**Address:** 43 West Thorpe York YO24 2PP

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal property is a semi-detached dwelling set at the junction between West Thorpe and Chaloners Road within a largely residential area. This application sought permission for a mono-pitched roof single-storey side extension (to the side of an existing two-storey side extension) to form additional living space; along with alterations to the roof of an existing single storey rear extension. The host dwelling had already been extended by the addition of a two-storey side and rear extension, single storey rear extension and detached garage. The alterations to the roof of the existing single storey rear extension was considered acceptable, but the application was refused on the grounds that due to the prominent corner location of the site, the appearance of the proposed side extension, when viewed together with the existing extensions, would not appear subservient to the host dwelling and would represent a disproportionate further addition that would have an adverse impact on the character and appearance of this dwelling and it would further erode space to the side boundary which is characteristic of the area and would project beyond the building line of Chaloners Road which is considered detrimental to the streetscene in general. The inspector considered that existing extensions already exacerbated the visual prominence of the dwelling within the street scene and upon the building line with Chaloners Road, thus agreed that this further extension would result in an adverse impact on the character and appearance of the host dwelling and the area. The appeal was dismissed.

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**Application No:** 16/01740/FUL  
**Appeal by:** Mrs Christine Gray  
**Proposal:** Change of use of dwelling (use class C3) to House in Multiple Occupation (use class C4)  
**Address:** 52 Heslington Road York YO10 5AU

**Decision Level:** DEL

**Outcome:** DISMIS

The application was for the change of use of a dwellinghouse within use class C3 to a House in Multiple Occupation (class C4). The existing density levels for HMOs were 35% at street level and 23% at neighbourhood level. The Inspector noted a difference in character, between existing HMO's in the immediate neighbourhood and properties which are family dwellings. He did not accept the applicant's argument that the property could not be successfully marketed as a family home. The Inspector gave moderate weight to CYC policies where they were consistent with the NPPF. He concluded that the proposal would, if implemented, add to the imbalance within the community.

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**Application No:** 16/01892/FUL  
**Appeal by:** Mr D Rose  
**Proposal:** Two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear  
**Address:** 4 Heathfield Road York YO10 3AE

**Decision Level:** CMV

**Outcome:** ALLOW

The application sought permission for a two storey and single storey side and rear extensions, hip to gable roof extension and dormer to rear. The existing property was a 4 bed HMO. Officers considered that there would not be an unacceptable impact on the amenities of nearby residents or the streetscene and the application was recommended for approval. Sub-Committee refused the application on the grounds of overdevelopment that would result in significant harm to no.3 Heathfield Road and also because the closing of the gap between dwellings would result in significant harm to the appearance of the streetscene. In allowing the appeal the Inspector considered that a significant gap would be retained between the application property and no.3 Heathfield Road and did not consider that the proposal would give rise to any unacceptable overbearing effects. Whilst the proposed development would have some effect on light for the flank wall windows of no.3, he did not consider that any such loss of light would give rise to significant harm to the living conditions of the occupiers. In respect of car parking and access issues, he observed the narrow width of the street but considered that the proposed provision of 2 off-street parking spaces and cycle parking to be adequate to meet the needs of the proposal.

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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