

Appendix B

Appeals summaries between 01/04/22 and 30/06/22

Appn number	Appeal by	Description	Address	Outcome
21/02264/FUL	Mr David Dawson	Variation of condition 2 of permitted application 20/01985/FUL to change roof from hipped gabled on front elevation	23 New Lane Huntington York YO32 9NR	Appeal Allowed

Notes

The appeal related to a proposal for a four bedroom bungalow within the rear garden of a suburban property. It shows rooms in the roof space with a ridge height of 5.7m. Permission had been granted for a similar scheme that had a hipped rear roof. The scheme that was refused and subject to the appeal showed the hip changed to a gable. It was considered that despite the neighbours not objecting to the scheme, the proposed buildings height (5.7m to ridge) and length (12m) and position along much of the rear garden boundary of the adjacent property meant the hip needed to be retained to avoid harm in respect to dominance and the established character. The Inspector allowed the appeal. He stated that the new dwellings roof form would be the most visible aspect to neighbours and that this would angle away from the most impacted dwelling and the ridge would be no higher than approved. He also had regard to the fact that the rear windows in the impacted house did not look straight out to the area of roof that was subject to the revision.

Appn number	Appeal by	Description	Address	Outcome
21/02110/TCMAS	CK Hutchison Networks (UK) Ltd	Erection of 16.0m Phase 8 Monopole with wraparound cabinet at base and associated ancillary works	Grass Verge Adjacent Tennis Courts Broad Highway Wheldrake	Appeal Dismissed

Notes

The appeal related to a proposal to erect a 16m telecoms mast along with associated cabinets on the verge of Broad Highway adjacent to the tennis courts north of the built up area of Wheldrake village. The application was to assess whether the development constituted permitted development and if so whether the siting and appearance of the proposal was acceptable. The application was refused for the following reason: Paragraph A.3.-3 of Part 16 of the General Permitted Development Order (GPDO) 2015 (as amended) requires the applicant to notify operators of aerodromes within 3km of the application site of the proposal before making the application required by sub-paragraph (4). The applicant has not submitted any information to indicate that this notification took place prior to submission and as such the proposal is not permitted development. Accordingly, the Local Planning Authority is not required to determine whether the prior approval of the Authority will be required as to the siting and appearance of the development. The Inspector dismissed the appeal stating that as the mast would be within 3km of Elvington Airfield, to comply with criteria that allows the mast to be permitted development, notice had to be served on the operator prior to the application being submitted. Furthermore, the Inspector stated that as the application could not be permitted development there was no purpose in assessing the acceptability of the siting and appearance of the proposal.

Case number	Appeal by	Description	Address	Outcome
21/00933/FUL	Mr Alan Dennis Morrow	Change of use of single dwelling C3 to House in Multiple Occupation C4 - retrospective	52 Cromer Street York YO30 6DL	Appeal Allowed

Notes

Permission was refused for the retrospective change of use from C3 dwelling to C4 HMO as the street level threshold was already at 10%. The property had been used as a HMO for 4no. occupants since 2013. The inspector noted that the neighbourhood level would remain low at 4.7% and concluded that whilst the neighbourhood level threshold had been exceeded that the proposal had not given rise to unacceptable harm in terms of the concentration of HMOs at street level and had not resulted in an unbalanced community overall. The inspector did not however qualify these statements but stated that the proposal would not therefore have a harmful effect on the concentration of HMOs in the interests of mixed and balanced communities. It is noted that at the time the planning decision was issued, this application was one of three HMO applications in Cromer Street, with all three being taken into account when issuing the LPA decision. The inspector quoted the cumulative percentage increase at street level of 11.5% (being the scenario if all the applications were approved) and based his decision on this higher percentage figure.

Case number	Appeal by	Description	Address	Outcome
20/02076/FUL	Graham And Deirdre Kennedy	Change of use of car park to the siting of self storage units	Car Park Wigginton Road York	Appeal Dismissed

Notes

The application was for the change of use of a car park for the siting of self-storage units. As part of the proposal, an alternative pedestrian access was proposed around the perimeter of the site, passing between the storage units and the security fencing alongside the railway line. The application was refused on four grounds: the development was considered out of character with the area; insufficient information submitted regarding the floodlighting and impact to residential amenity, ecology etc and the impact of any potential mitigation measures that may be required; insufficient information to properly assess the noise impacts and the impact of any potential mitigation measures that may be required; and the proposal had not made adequate arrangements to reduce crime and the fear of crime to ensure public safety and security with particular regard to the unlit path running between the palisade facing of the railway line and the storage containers.

The Inspector agreed that the proposal would harm the character and appearance of the area, but considered that the issues regarding noise, lighting, and ecology could be addressed by conditions. The Planning Inspector considered that the proposal would increase the fear of crime along the path, however they considered that lighting and CCTV could be sought via condition. They acknowledged that the proposal would result in modest economic benefits, however, this did not outweigh effect on the character and appearance of the area.

Case number	Appeal by	Description	Address	Outcome
21/00116/FUL	Laura Pennington	Variation of condition 2 of permitted application 19/00603/FULM seeking amendments to external appearance, landscaping, internal arrangements, substation, refuse and cycle stores	Frederick House Fulford Road York YO10 4EG	Appeal Allowed

Notes

The application related to a variation of condition 2 of permitted application 19/00603/FULM, seeking amendments to the external appearance, landscaping, internal arrangements, substation, and refuse and cycle stores in respect of the erection of 6no. purpose-built 4 storey student accommodation buildings. The proposal included an increase in the heights of blocks E, F and G. The maximum additional height for block E was 25mm at the ridge, although it was proposed to raise the eaves by 205mm. The maximum additional height for block F was 300mm at the ridge, and for block G 315mm at the ridge. Planning permission was refused at Planning Committee on the grounds that the proposed increase in height was considered to cause an unacceptable impact on the neighbouring properties at Kilburn Road due to the degree of overshadowing and loss of outlook which would harm their residential amenity. The Inspector noted that the separation distances of blocks E, F and G from the houses on Kilburn Road are 36 metres, 43 metres and 42 metres respectively. The Daylight, Sunlight and Overshadowing Assessment submitted with the application found that none of the houses on Kilburn Road lay within the extent of potential significant effect in terms of daylight, sunlight or overshadowing and that the proposal would comply with industry standard BRE guidelines. Turning to any loss of outlook, the Inspector noted that the increase in height is relatively modest when compared to the scale of the development which already has planning permission. In addition, the blocks are a substantial distance from the rear of the properties on Kilburn Road. He concluded that the proposed increased block heights would not have an unacceptable effect on the living conditions of occupiers of properties on Kilburn Road with specific regard to overshadowing and loss of outlook. The appeal was allowed.

Case number	Appeal by	Description	Address	Outcome
21/02103/FUL	Mr Vernon Janes	Two storey side extension	2 Hendon Garth York YO30 5ZB	Appeal Allowed

Notes

The scheme proposed a 2 storey side extension to a detached property, The house is located in a prominent corner plot being clearly visible from a number of streets and only having a minor off set from the surrounding boundaries. The extension was refused due to the impact on the visual amenity on the street scene. Given size of the extension and its location on top of this boundary the works would constitute a large overbearing and imposing development, eroding the space between the house its side boundary and the adjacent highway. Further to this there was a lack of subservience leading to a detrimental impact upon the house and street scene. The inspector put limited weight on the SPD policies as they were not adopted and had not yet been through examination. In their examination the inspector did not agree with the council's decision that the development was overbearing and unduly large. It was noted that the development was not set down or set back however given its small size the inspector concluded this would not cause a substantial harm. For the reasons outlined above the inspector did not think that the development would harm the street scene or be in conflict with policies and granted the appeal.

Case number	Appeal by	Description	Address	Outcome
21/02639/FUL	Mr And Mrs Bodden	Single storey rear extension, new roof to existing garage, dormer to side roofslope, and 1.6m wall/fence and gates to front and side boundaries (part retrospective)	47 Towthorpe Road York YO32 3LZ	Appeal Dismissed

Notes

The application property is a detached dwelling, located on the main road leading out from Haxby towards Towthorpe. The residential properties are set well back from the highway. The proposal was for extensions to the rear as well as a front boundary wall. The Inspector noted that the character of front boundary treatments in this locality was predominantly hedges or low brick walls with hedges above. He noted that the applicant wished to build a front boundary wall to protect the safety of his children and whilst sympathising with this, he did not consider it was a material planning consideration. He considered that a wide, high expanse of brick boundary wall and brick pillars, in an otherwise verdant street-scene would be visually incongruous and would not reflect the character of the local area. For this reason he dismissed the appeal.