



**Notice of a public meeting of
Area Planning Sub-Committee**

- To:** Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Derbyshire, Gillies, Hunter, Cannon, Looker, Mercer and Orrell
- Date:** Thursday, 6 August 2015
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of agenda item 7 (Planning Enforcement Cases Update) on the grounds that it is classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

3. Minutes

(Pages 3 - 8)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 9 July 2015.

4. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officers on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 5 August 2015 at 5.00 pm.**

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf

5. Plans List

To determine the following planning applications:

- a) **33 Upper Newborough Street, York. YO30 (Pages 9 - 16)
7AR (15/01033/CLU)**

Use as a House in Multiple Occupation for up to 4 occupants within use class C4.[Clifton]

**b) 17 Tadcaster Road, Copmanthorpe, York. (Pages 17 - 26)
YO23 3UL (15/01287/FUL)**

Two storey front and rear extensions, first floor side extensions and erection of garage block to front (resubmission)[Copmanthorpe] **[Site Visit]**

**6. Appeals Performance and Decision (Pages 27 - 48)
Summaries**

This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 30 June 2015, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

7. Planning Enforcement Cases Update (Pages 49 - 52)

The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.

8. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Louise Cook/Catherine Clarke (job-share)

Contact Details:

- Telephone – (01904) 551031
- E-mail louise.cook@york.gov.uk/catherine.clarke@york.gov.uk

(When emailing please send to both email addresses)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 5 August 2015**

There will be no mini-bus for this visit. Members of the sub-committee should meet at the site.

TIME (Approx)	SITE	ITEM
10.00	17 Tadcaster Road Copmanthorpe	

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	9 July 2015
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Derbyshire, Gillies, Hunter, Looker, Mercer and Orrell
Apologies	Councillors S Barnes

Site Visited	Visited by	Reason for visit
292 Tadcaster Road	Councillors Carr, Galvin, Gillies, Hunter, Mercer, Orrell and Shepherd.	At the request of Councillor Reid

5. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests not included on the Register of Interests, that they might have in the business on the agenda. No interests were declared.

6. Minutes

Resolved: That the minutes of the meeting of the Area Planning Sub Committee held on 11 June 2015 be signed and approved by the Chair as a correct record subject to Minute 4j (8 Pinewood Hill, York) being amended to state that Councillor Carr moved the motion to refuse the application and that Councillor Craghill seconded this.

7. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

8. Plans List

Members considered a schedule of reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

8a) Omnicom Engineering, 292 Tadcaster Road, York, YO24 1ET (14/02421/FUL)

Members considered a full application from Mr and Mrs Forsyth for two storey side and rear extensions, single storey rear extension and detached annexe to rear.

Officers provided an update to the committee. They advised that three letters of objection had been received from neighbouring residents which raised the following issues:

- Generally supports the scheme and the change of use.
- Some concerns in connection with the revised design of the annex
- The increase in eaves height of the annex will make the building more imposing and result in the loss of a view.
- The annex would result in the loss of possible access to an existing telecom pole.
- The addition of the two roof lights and window to the rear gable end may result in the loss of privacy.
- The two storey side extension comes very close to the property.
- The ground level at 292 Tadcaster Road is higher and as such is acting as a retaining wall.
- New foundations for the extension would be very close to the boundary and could affect the foundations of the apartment.

Officers advised that the applicant's agent had also submitted three letters of support that they have received from neighbouring residents which raised the following points:

- The way the architect has designed and proposed this development without spoiling its facade is fantastic and is to be applauded
- we strongly support the application and the principle of 292 being returned into a fine family home , enhancing the neighbourhood
- a sympathetic and tasteful restoration, bringing a dowdy former office into a grand Villa as it would have been when originally built
- The transformation from Commercial to a Period feature family home will be an asset to the neighbourhood as it stands proud and faces east across the Knavesmire.

Officers advised the committee that their main concern was the impact of the side extension which it was considered would harm the character and appearance of the conservation area and the special interest of the listed building.

Ms Janet O'Neill, the applicant's agent, addressed the committee in support of the both the full and listed building consent applications. She circulated a document to members which showed photographs and plans of the proposals which she explained in detail. She stated that the proposals were the best option for bringing the historic building back into active use while retaining the most important features of the building. She advised that neighbours were supportive of restoration of the building to a family home and that the only point of issue was the narrow two storey side extension which she explained would be set back and hidden by trees. In respect of the National Planning Policy Framework 2012 (NPPF) test, officers had not advised that substantial harm would occur, therefore any harm must be weighed against the public benefit.

Members questioned the necessity of the side extension and asked whether it would be possible to reconfigure the internal layout so that there would not be a need for the side extension. The agent explained that this side extension allowed for ensuite bathrooms without having to make the bedrooms L shaped to allow space for bathrooms. This option would best preserve the historic proportions of the house and enable the house to retain its square shaped rooms as when it was built.

Officers advised the committee that the starting point for consideration of the application was the Planning (Listed

Buildings and Conservation Areas) Act rather than the NPPF, and that balancing the NPPF followed on from the Act. While the conservation officer had determined that it constituted less than substantial harm, this still had to be clearly weighed against the public benefit of the proposals and Members must consider whether the proposals were necessary and whether they outweighed the harm to the conservation area and listed building.

Some members felt that, while the proposed side extension was not ideal, any harm was outweighed by the resulting restoration of the building to a family home. Councillor Carr moved and Councillor Gillies seconded a motion to approve the application. On being put to the vote, this motion was lost.

Other members, while welcoming many aspects of the proposals, felt that the side extension was out of place and would cause harm to the listed building and the street scene and would have a detrimental effect on the conservation area. They did not agree that the harm was outweighed by bringing the building back in active use as a family home and noted that the application could be resubmitted without the side extension if the applicants wished.

Resolved: That the application be refused.

Reason It is considered that the proposed two storey side extension, by reason of its roof design and blank side elevation, would constitute a discordant addition which would appear at odds with the design of this attractive detached dwelling. It is further considered that the extension would infill an important gap between the host dwelling and the neighbours property and would have a detrimental impact upon the street scene and the character and appearance of the Tadcaster Road Conservation Area. It is considered therefore that the two storey side extension fails to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act and conflicts with national guidance on good design in the NPPF, Policy H7 (criterion a and e), HE2 and HE3 of the 2005 City of York draft Development Control Local Plan.

8b) Omnicom Engineering, 292 Tadcaster Road, York, YO24 1ET (14/02422/LBC)

Members considered an application for listed building consent from Mr and Mrs Forsyth for two storey side and rear extensions, a single storey rear extension and detached annexe to the rear, new roof lights to the rear and internal alterations.

Members considered this application alongside the full application. The officer's update and discussion on this application is detailed at minute 8a.

Resolved: That the application be refused.

Reason: It is considered that the proposed two storey side extension would result in the loss of an original window and would present a blank elevation which detracts from the architectural design of this elevation and the listed building as a whole. Furthermore, the extension would result in the unacceptable loss of the open space between the application site and the neighbouring property at 290 Tadcaster Road which in turn would have a harmful impact upon the setting of the listed building. The proposal would therefore harm the significance of the listed building and would fail to preserve the character of the building as one of special architectural or historic interest. There is inadequate justification for this harm and there are no discernible public benefits from the implemented works. As such the proposal would conflict with paragraphs 129, 131, 132 and 134 of the National Planning Policy Framework, Policy HE4 of the City of York Development Control Local Plan (2005) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Councillor J Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.15 pm].

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3.0 CONSULTATIONS

Publicity and Neighbour Notifications

3.1 No comments have been received

Clifton Planning Panel

3.3 No comments have been received.

4.0 APPRAISAL

KEY ISSUES

4.1 On 20 April 2012 an Article 4 Direction revoking permitted development rights for the change of use of a Use Class C3 (Dwellinghouse) to Use Class C4 (House in Multiple Occupation) came into force for the City of York Council area. The only issue in the determination of this application is whether the applicant has demonstrated, on the balance of probability that the existing use of the site as a House in Multiple Occupation commenced at a point prior to 20 April 2012 and has continued in such use until the present date.

4.2 National Planning Policy Framework (NPPF) Planning Practice Guidance relating to lawful development certificates (Paragraph 006) states that, in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

EVIDENCE IN SUPPORT OF THE APPLICATION

Council Tax Records

4.3 Council Tax has advised that the property has been tenanted since at least 2005 but their records do not confirm that there have been at least 3 unrelated tenants in continuous occupation.

Tenancy Agreements

4.4 The applicant has submitted extracts from copies of 40 tenancy agreements where names of tenants and their signatures are supplied. These cover the period between August 2001 and February 2012, but there are gaps in the evidence in respect of physical occupation.

One of the extracts (i.e. the final one) is for 4 tenants and covers the period for 6 months from 1 September 2011 (i.e. it is assumed until the end of February 2012). All the others are single person tenancy agreements. From 2001 to 2003 the tenancy agreements were between 11 and 12 months duration. From 2004 onwards they reverted to a 6 month agreement.

4.5 The agreements indicate that the property has been used as an HMO by seemingly unrelated persons since 2001 and that there was at least 3 tenants living together between August 2002 and July 2003 and potentially between June 2005 and December 2006 and August 2009 and March 2010. However, they do not show that it has been occupied by at least 3 unrelated persons for the rest of this period.

4.6 There is also a gap in the documentation with no agreement covering the period between 31 July 2003 and 8 October 2004. In addition, there are only 2 agreements that cover the period between 8 October 2004 and 20 June 2005; 1 for 1 tenant from 8 October 2004 to 8 April 2005 and the other for 1 tenant from 1 January 2005 to 30 June 2005.

Sworn Affidavits

4.7 The applicant has provided a sworn affidavit in which he states the following. He commenced renting out the property on a room by room basis in 2000. For several years it was let to 3 or 4 York St John University students until 2005. From this point on it was let to groups of 3 or 4 young people working or claiming benefits with never less than 3 or 4 sharers at any time. The property was empty for a short period between July and September 2011 when refurbishment was undertaken and then occupied by 4 tenants until April 2012. In June 2012 he entered into a 6 year tenancy agreement for 3 to 4 individuals to use the property as a shared house with a charity which provides residential accommodation.

4.8 The applicant's agent (brother-in law of the applicant) has provided a sworn affidavit in which he states the following. His brother-in law purchased the property in 2000 and let it to 3 or 4 students at a time until 2005 when it was let to groups of 3 or 4 young people working or claiming benefits with never less than 3 or 4 sharers at any time. He also confirms the applicant's statements regarding refurbishment of the property, use by 4 tenants after this and the details of the June 2012 tenancy agreement.

Non Payment of Rent Correspondence

4.9 Three letters pertaining to non payment of rent by tenants have been supplied these date from 27 July 2004, 22 July 2009 and the third has no date.

Statement by the Charity

4.10 The Chairman of the charity has submitted a letter confirming the charity has entered into a tenancy agreement with the applicant and that the property has been continuously used as an HMO since the lease was agreed. He advises that it was clear to him on first inspection that the property had been used as an HMO prior to 2012.

Council Tax Notice

4.11 This notice outlines that a 25% discount was awarded for single occupancy of the property between 30 June 2011 and 13 July 2011 and that it was unoccupied between 14 July 2011 and 1 September 2011.

Yorkshire Water Bill

4.12 This bill outlines payments that were made to Yorkshire Water between 1 April 2012 and 1 January 2013.

EVIDENCE AGAINST THE APPLICATION

4.13 No.33 Upper Newborough Street is not currently listed as being an HMO on the Council's HMO database. There is an evidential gap in respect of the periods of occupation.

ASSESSMENT

4.14 The submitted evidence indicates that the property has had sitting tenants for a considerable number of years and since at least 2001. The tenancy agreement documents do not show that it has been occupied continuously over the years and both this and Council Tax records indicate short periods of non-occupation have occurred. In addition the applicant advises that the property was vacated sometime in April 2012 and not re-occupied until June of that year (Paragraph 4.7 above), so there is no definite confirmation that the property was occupied by tenants on 20 April 2012.

4.15 Whilst there is no direct evidence to show beyond reasonable doubt that the property was continuously occupied as an HMO for the relevant period, this is not the appropriate evidential test. The evidential test is a lesser burden, that of the balance of probability. It is clear that the property has had use as an HMO for many years and the both the applicant and the applicant's agent have provided sworn affidavits which state that there has never been less than 3 tenants at any time apart from the short periods between July and September 2011 and April and June 2012.

4.16 Applying the evidential test, on a balance of probability it is considered that the evidence supplied in the form of affidavits with the application establishes that an HMO occupied by up to 4 occupants within the C4 Use Class was established at the property on the key date of 20th April 2012 and had continued until the date of the application.

5.0 CONCLUSION

5.1 The Council is satisfied that, on a balance of probability, the property was in use as a House in Multiple Occupation within use class C4 by up to 4 occupants on 20 April 2012, prior to the introduction of the Article 4 Directive removing permitted development rights for changes of use between Use Class C3 (Dwellinghouse) and Use Class C4 (House in Multiple Occupation), and that the use continued as such at the date of this application. A Certificate of Lawful Development for this use is therefore justified.

6.0 RECOMMENDATION: Grant

Contact details:

Author: David Johnson Development Management Assistant

Tel No: 01904 551665

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15/01033/CLU

33 Upper Newborough Street



Scale : 1:529

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	29 July 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date:	6 August 2015	Ward:	Copmanthorpe
Team:	Householder and Small Scale Team	Parish:	Copmanthorpe Parish Council

Reference: 15/01287/FUL
Application at: 17 Tadcaster Road Copmanthorpe York YO23 3UL
For: Two storey front and rear extensions, first floor side extensions and erection of garage block to front (resubmission)
By: Mr and Mrs Jennings
Application Type: Full Application
Target Date: 31 July 2015
Recommendation: Delegated Authority to Refuse

1.0 PROPOSAL

1.1 This application seeks permission for extension and alteration including two-storey front and side extensions; first floor side extension; single storey front extension and detached garage block within front garden. A render finish is proposed.

1.2 This large two-storey detached dwelling is sited within a very large plot and fronts the main highway into Copmanthorpe village; with the A64 highway beyond. A large garden abuts the dwelling to the front as well as a very large garden to the rear which includes swimming pool, tennis court and lake.

1.3 The application is brought to committee for decision at the request of Councillor Carr who recommends that the benefits of remodelling and upgrading this significant family home should be considered by members.

1.4 RELEVANT PLANNING HISTORY AT HOST

- 14/02938/FUL Two storey side extensions and two storey front extension and erection of garage block to front. Withdrawn due to officer concern with regards harm to the character of the area, further to the scale and siting of the proposed garage block to the front, along with the proximity of the two-storey element close to the side boundary with no. 19 Tadcaster Road.
- 8/87/65/PA Two storey extension. Approved 28.10.76
- 8/87/65A/PA Single storey flat roofed extension. Approved 30.03.77

- 8/87/65B/PA Erection of an extension to form a conservatory. Approved 21.02.79
- 8/87/65C/PA Erection of double garage. Approved 21.02.79
- 8/87/65D/PA Erection of an extension. Approved 13.02.80
- 8/87/65E/PA Erection of an extension. Approved 18.06.80
- 8/87/65F/PA Erection of porch and dressing area. Approved 07.11.80
- 8/87/65G/PA Erection of pitched roof to garage and outbuildings and erection of single storey enclosure with pitched roof to swimming pool Approved 22.12.82
- 8/87/65H/PA Alterations and extension to existing dwelling to provide two storey side extension Approved 18.09.89
- 8/87/65J/PA Erection of an extension to and conversion of part of existing dwelling to use as separate living accommodation. Approved 18.09.89

1.5 RECENT RELEVANT NEIGHBOURING PLANNING HISTORY

No. 7 Tadcaster Road - Application No. 13/02290/FUL - First floor side and single storey rear extensions and detached garage to front. Approved 27.08.2013

No. 9 Tadcaster Road - Application No. 09/00611/FUL - First floor side extension; single storey pitched roof front and rear extensions and 2 no. rear dormers with balconies (revised scheme). Approved 02.06.2009

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

ENVIRONMENTAL PROTECTION UNIT

3.1 No objection in principle, but suggest condition to require electrical socket within garages for future re-charging facility; along with informatives re appropriate demolition and construction methods and contaminated land watching brief.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.2 As the site lies along the line of a roman road an archaeological watching brief should be sought by condition.

COPMANTHORPE PARISH COUNCIL

3.3 No objection in principle, but seek further clarification with regards proposed garage provision. Further to receipt of this comment it was clarified with the parish that a detached garage block, as well as an attached garage block, is proposed, but no further comment has been received.

NEIGHBOUR NOTIFICATION/PUBLICITY

3.4 No responses received up to date of writing. Delegated authority to refuse is requested further to the expiry date for additional neighbouring consultations at 10-18 Weavers Park and 3 and 4 Drapers Croft.

4.0 APPRAISAL

Key Issues:

- Impact on the dwelling and upon the character and appearance of the surrounding area;
- Impact on neighbouring amenity

POLICY CONTEXT

4.1 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.2 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Para 17 – Core Planning Principles – bullet point 4, advises that high quality design and a good standard of amenity for all existing and future occupants of land and buildings should always be sought; Para 56 advises that good design is a key aspect of sustainable development and should contribute positively to making places better for people; and Para 64 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.4 Draft Development Control Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.5 Draft Development Control Local Plan Policy GP1 refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity.

4.6 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and overshadowing as well as advice which is specific to particular types of extensions or alterations. Advice in the document is consistent with local and national planning policies and is a material consideration when making planning decisions. The document advises inter alia that side extensions should be subservient to the original dwelling, with the ridge height being lower than the original and the front elevation should be set behind the building line. The character of spacing within the street should be considered and a terracing effect should be avoided. Advice in paragraph 7.5 states that extensions should respect the appearance of the house and street unless a justification can be given showing how the development will enhance the streetscene. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing/loss of light or over-dominance/loss of light. Para 12.6 advises that where spacing between houses is a very important intact characteristic of the street it may be the case that a clear gap will need to be retained between the side of the extension and the side boundary. Paragraph 15.1 advises that garages and other outbuildings, wherever possible, should reflect the style, shape and architectural features of the original building and not be detrimental to the space around it and that outbuildings should clearly be smaller in scale to the house. Paragraph 15.3 advises that garages and other outbuildings must not have a detrimental impact on the residential amenity of neighbours. Paragraph 3.4 of this document advises that balconies will normally only be acceptable where they overlook public or communal areas or areas of neighbouring gardens which are not used for sitting out or might have a low level of privacy.

4.7 Copmanthorpe Village Design Statement aims to preserve and enhance the character and distinctiveness of the village by promoting appropriate standards of design, and that extensions should retain neighbours right to light and privacy, avoid locations which link one house to another, should be set back from plot boundaries and use materials to compliment the main building.

ASSESSMENT

IMPACT ON THE DWELLING AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

4.8 The existing dwelling has already been significantly extended, as detailed above, which has resulted in a rather ad-hoc appearance, particularly the very wide single storey side extension, close to the common boundary with No. 15 Tadcaster Road. Significant space above ground floor level, however, still remains to both side boundaries, in keeping with the character of dwellings within this row. Nos. 1-19 Tadcaster Road are all substantial detached two-storey dwellings, sited within large plots, and many have been significantly altered and extended, and all of which vary in design. Dwellings from No. 89 Top Lane and beyond are then of traditional post-war semi-detached nature, though still set within substantial plots.

4.9 As mentioned above, a recent submission at the host was withdrawn due to officer concern that the scale, massing and design of extensions to the dwelling and of the large garage block to the front would harm the character and appearance of the area, particular due to the two-storey element proposed along the common boundary with No. 19 Tadcaster Road and also due to the principle of such a large garage block being proposed within the front garden, at some distance from the dwelling.

4.10 The current proposal has been significantly re-designed and its appearance now adds more interest to the front elevation than the previous scheme. It is acknowledged that the plot size is large, and the principle of two-storey front, side and rear extensions may gain support. However, this revised scheme still proposes to have a two-storey side extension being sited along the common boundary with No. 19 Tadcaster Road, and this element is considered to harm the spacious character of the dwelling within the plot, thus causing harm to the character of the area. Amended plans were sought but not received, in order to reduce the massing of the proposal to this side of the dwelling. The previous scheme incorporated a two-storey element close to the side boundary with No. 15 Tadcaster Road, which was not of concern, though this element has now been reduced in mass; this element is more open to public view however, and it does create some space at first floor level to the side boundary.

4.11 A large two-storey front extension is proposed, forming entrance hall and landing above, which does create the appearance of a set-back to the two-storey side element close to No. 19 Tadcaster Road, however, overall, the scale and massing of the dwelling as a whole is still considered to be overly large and will result in a loss of openness between the host and No. 19 Tadcaster Road. The contemporary design, with render finish and aluminium windows is acceptable in principle and the principle of re-developing the existing dwelling as opposed to demolishing and rebuilding, along with improving the thermal performance of the dwelling is of merit.

4.12 The supporting statement advises that extension to the rear of the dwelling is not possible due to the siting of a large combined sewer that crosses the site.

4.13 An existing garage is currently sited to the front of the dwelling, and this element is to be slightly increased in footprint further forward, and this element is acceptable. The proposed structure within the front garden, however, is considered to be inappropriate due to its siting, footprint and significant height to approx. 5.8 metres. Whilst it is acknowledged that some detached double garages have been approved along this row of dwellings, these are smaller in scale and have more of a relationship with the host dwelling. Though very high hedging is in place to the front boundary providing significant screening, views will still be gained from Top Lane. Adequate car and cycle parking levels would still be available without the addition of this structure within the proposed attached garage and large driveway areas, though not for a significant car collection that is sought by the applicant. It was suggested that further garage space could be accommodated within the main body of the dwelling.

4.14 Taking all of the above into account, it is considered that the proposed additions will harm the spacious character of the dwelling within the surrounding area.

IMPACT ON NEIGHBOURING AMENITY

4.15 The additional front projection and first floor area proposed close to the common boundary with No. 15 Tadcaster Road is considered to incorporate an adequate separation distance of appropriate design so as to avoid loss of amenity further to outlook/light/overshadowing/privacy. The appearance of the garage structure would be an alien feature when viewed from principal windows at this neighbouring dwelling, however, due to the adequate separation distance in place, it is not considered to seriously harm neighbouring amenity.

4.16 The two-storey side element proposed along the common boundary with No. 19 Tadcaster Road would impact upon outlook for these neighbouring residents.

However, due to the siting of a very large tree within this neighbouring garden, this element is not considered to be so detrimental so as to justify refusal on these grounds nor further to the impact with regards overshadowing/loss of light. The significant high side boundary treatment in place would avoid loss of privacy further to the proposed rear balconies. The proposed detached garage block to the front, however, would appear unduly dominant to these neighbouring residents, due to its location about 7m from the neighbouring dwelling, its footprint and height.

4.17 Due to the location of the proposed extensions, high shrubbery and trees to the rear there would be no impact upon residential amenity at the adjacent houses at 10-18 Weavers Park (even) and 3 and 4 Drapers Croft.

5.0 CONCLUSION

5.1 The proposals are considered to harm the character and appearance of the area and neighbouring residential amenity. As such they conflict with the National Planning Policy Framework, draft Development Control Local Plan Policies H7 and GP1, the Supplementary Planning Document for House Extensions and Alterations and the Copmanthorpe Village Design Statement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegated Authority to Refuse for the following reasons, after the expiry of the consultation period on 13 August 2015:

1 It is considered that the width of the proposed extensions to the main dwelling, at two-storey level, would reduce the existing visual gap between the host and No. 19 Tadcaster Road which is an important characteristic of the style of properties in the area. The scale and design of the proposed detached garage block to the front would harm the character of the area. The proposal would, therefore, conflict with national planning advice in relation to design contained within the National Planning Policy Framework (Paragraph 17 - Core Planning Principles - bullet point 4, and paragraphs 56 and 64), Policies GP1 (a and b) and H7 (a, b, e and g) of the City of York Draft Local Plan (April 2005), and with paragraphs 7.5, 12.6, 15.1 and 15.3 of the City of York Council House Extensions and Alterations Draft Supplementary Planning Document (December 2012).

2 Due to its footprint and height and siting within the front garden, the proposed detached garage would significantly harm the outlook from both ground and first floor habitable rooms at No. 19 Tadcaster Road. The proposal would therefore conflict with the National Planning Policy Framework (Paragraph 17 - Core Planning Principles - bullet point 4); policy H7 (a, b, e and g) of the City of York Draft Local Plan (April 2005), and with paragraph 15.3 of the City of York Council House Extensions and Alterations Draft Supplementary Planning Document (December 2012).

**7.0 INFORMATIVES:
Notes to Applicant**

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

However, the applicant/agent was unwilling to further amend the application in line with recommendations, resulting in planning permission being refused for the reasons stated.

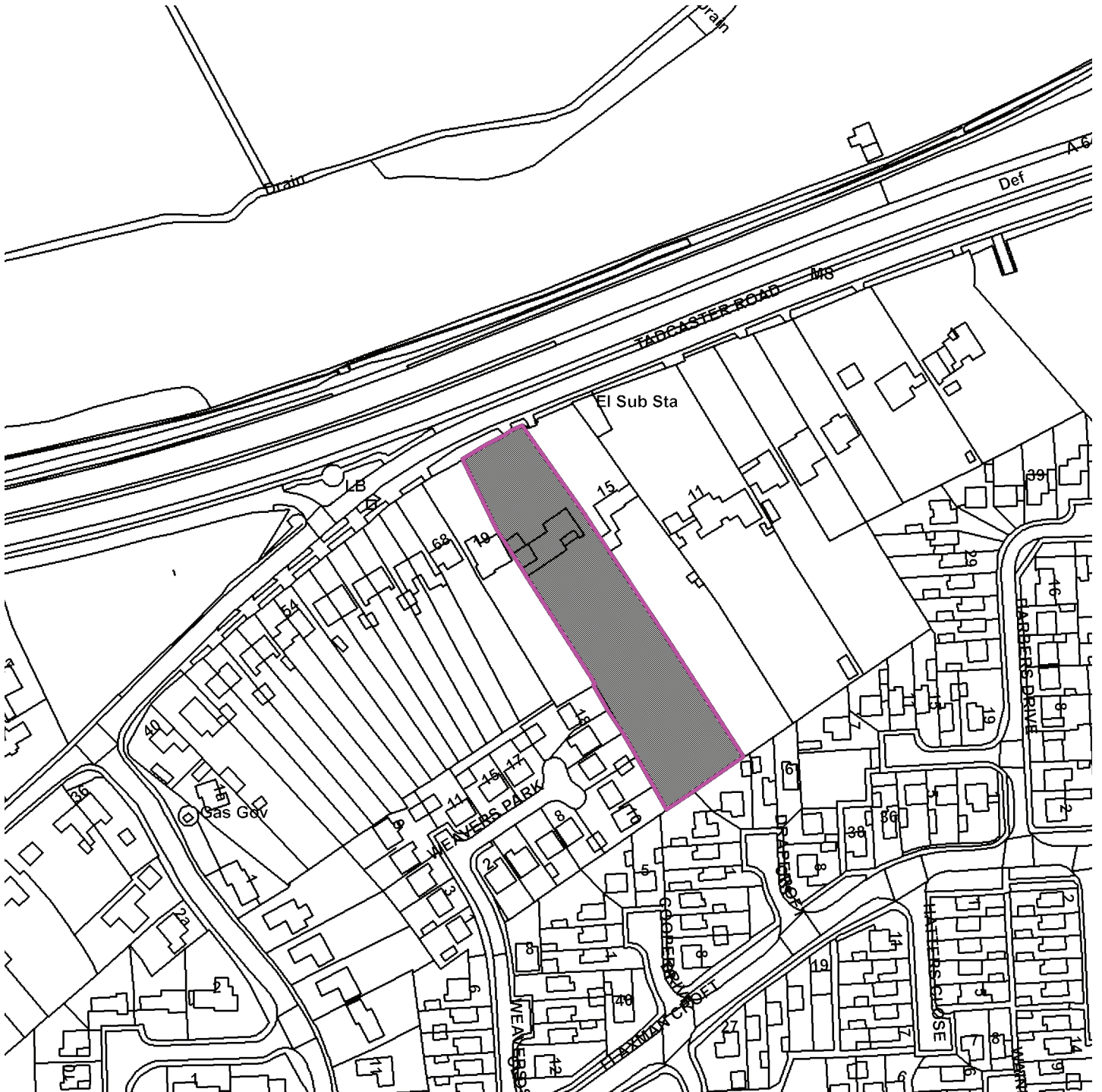
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15/01287/FUL

17 Tadcaster Road



Scale : 1:2119

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	29 July 2015
SLA Number	Not Set

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**Area Planning Sub Committee
Planning Committee**

**6 August 2015
20 August 2015**

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 30 June 2015, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included. This report is normally presented on a quarterly basis, however due to the cancellation of the May Sub-Committee meeting and the amount of business considered at the June Sub-Committee meeting it has been held over to this meeting in order to present a full 6 month period of decisions.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, the Government will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 60% of appeals against refusal of permission for major applications are allowed.
- 3 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, for the last six months 1 January to 30 June 2015, and for the 12 months 1 July 2014 to 30 June 2015.

Fig 1: CYC Planning Appeals Performance

	01/01/15 to 30/06/15 (Last 6 months)	01/07/14 to 30/06/15 (Last 12 months)
Allowed	3	10
Part Allowed	2	2
Dismissed	17	26
Total Decided	22	38
% Allowed	13%	26%
% Part Allowed	9%	5%

Analysis

- 5 The table shows that between 1 January and 30 June 2015, a total of 22 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 3 were allowed. At 13% the rate of appeals allowed is significantly below the national annual average of appeals allowed which is around 34%. By comparison, for the same period last year, out of 23 appeals 7 were allowed (30%), 2 were part allowed (9%). None of the appeals allowed between 1 January and 30 June 2015 related to “major” applications.
- 6 For the 12 months between 1 July 2014 and 30 June 2015, 26% of appeals decided were allowed, again below the national average, and similar to the previous corresponding 12 month period of 27%.
- 7 The summaries of appeals determined between 1 January and 30 June 2015 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered two appeals were determined following refusals at sub-committee.

Fig 2: Appeals Decided 01/01/2015 to 30/06/2015 following Refusal by Committee

Ref No	Site	Proposal	Outcome	Officer Recom.
14/01777/FUL	6 Westlands Grove	Two storey detached dwelling	Dismissed	Approve
14/00447/FUL	Holmedene, Intake Lane, Acaster Malbis	Two storey front, first floor side, single storey front extensions and balcony to side	Dismissed	Refuse

- 8 The list of current appeals is attached at Annex B. There are 9 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals).
- 9 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the NPPF and draft Development Control Local Plan Policy.
 - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.
 - iii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

- 10 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

Council Plan

- 11 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

Implications

- 12 Financial – There are no financial implications directly arising from the report.
- 13 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 14 Legal – There are no known legal implications associated with this report or the recommendations within it.

- 15 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 16 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 17 That Members note the content of this report.

Reason

- 18 To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

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**Report
Approved**



Date 28 July 2015

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1 January and 30 June 2015

Annex B – Outstanding Appeals at 29 July 2015

Appeal Summaries for Cases Determined 01/01/2015 to 30/06/2015

Application No: 14/00447/FUL
Appeal by: Mr Michael Meek
Proposal: Two storey front, first floor side, single storey front extensions and balcony to side
Address: Holmedene Intake Lane Acaster Malbis York YO23 2PY

Decision Level: CMV
Outcome: DISMIS

Householder application to increase the ridge height of a previous first floor side extension to a full two storey extension running flush with the ridge of the host dwelling. In addition a two storey front extension and large balcony to the side were proposed. The property is located within the open greenbelt, outside of any settlement limits. Members refused the application on design and green belt grounds. The Inspector agreed with the council in that the extensions amounted to inappropriate development which would harm the openness of the Green Belt and detract from the character and appearance of the host dwelling. The applicant argued that the extension was to be used as additional accommodation for elderly relatives. The Inspector stated that the extensions and alterations proposed are 'likely to remain long after this ceases to be a material consideration' and as such attached only limited weight to this factor in determining the appeal.

Application No: 14/00476/FUL
Appeal by: Mrs Sheila Cronin
Proposal: Erection of two storey dwelling on adjacent land with associated detached garage and front driveway
Address: 4 Cornborough Avenue York YO31 1SH

Decision Level: DEL
Outcome: DISMIS

Planning permission was refused for the erection of a detached house in the rear garden of a suburban semi-detached house due to impact on the adjacent occupiers. Access would be via an existing drive down the side of the host house (No.4). The Inspector concluded that although the amount of traffic generated would be low, the comings and goings of vehicles and pedestrians, who would pass within 3.5m of the living/dining room window of No.4, would compromise the privacy of the occupiers. Noise from coming and going would compound this harm especially when windows were open. Lights would also be intrusive. A fence or planting would not address these concerns in any meaningful way. No other neighbouring occupiers would be significantly affected. There were no other planning issues.

Application No: 14/00515/FUL
Appeal by: Mr John Brassington
Proposal: Change of use from residential (use class C3) flexible use house in multiple occupation and residential (use class C3/C4)
Address: Apartment 4 Neptune House Olympian Court York YO10 3UD
Decision Level: DEL
Outcome: ALLOW

The appeal site is a two-bedroom flat on the first floor of a four-storey block within a modern residential development. Permission was refused for the change of use to a HMO because both the neighbourhood (20.59%) and street level (25.53%) thresholds had been breached. The Inspector gave considerable weight to Council's SPD "Controlling the Concentration of Houses in MultipleOccupation" and accepted that high concentrations of HMOs can lead to imbalanced communities and affect the character of an area. However in this case she considered that the apartment block appeared to be well-managed with no evidence of harm to the appearance of the area arising from litter, proliferation of letting boards or other issues commonly associated with HMOs. It is different in character from the larger and older properties in the area where the housing mix has changed as a result of their use as HMOs. In respect of noise and disturbance, she noted that there were no other flats within the internal communal areas that would have to be passed to get to the property. Outside the block, the noise and disturbance from the limited additional number of occupants going to and from the property would not be perceptible above existing levels.

Application No: 14/00525/FUL
Appeal by: Mr Andrew Gibson
Proposal: Erection of detached dwelling
Address: 9 Fawkes Drive York YO26 5QE

Decision Level: DEL

Outcome: DISMIS

The application was for a dwelling within a large side/rear garden. Pre-application advice had been given stating the application would not be supported. The application was refused on 2 no. grounds. By virtue of its backland location, it was considered to result in an incongruous form of development that would appear cramped and overdeveloped and would be out of keeping with the character and appearance of the street scene and surrounding area. Secondly, the proposed access would be to the front and side of 9 Fawkes Drive, which has primary rooms fronting onto the access and the parking area (of the proposed dwelling). The proposed comings and goings so close to the host dwelling were considered to result in a loss of amenity to the occupants. The appeal was dismissed. The Inspector agreed with the first reason for refusal but not the second. The Inspector did not consider that the number of comings and goings from the proposed dwelling would be sufficient to cause a disturbance.

Application No: 14/00579/OUT
Appeal by: G Blades & Sons Ltd
Proposal: Outline application for 9no. dwellings with associated garages and parking
Address: Blue Coat Farm Murton Lane Murton York YO19 5UF

Decision Level: DEL

Outcome: DISMIS

The appeal related to the erection of 9 dwellings on an area of paddock accessed from Blue Coat, Murton. The site is beyond the settlement limits for Murton and adjacent to Murton Conservation Area. The reasons for refusal were inappropriate development in the Green Belt (paragraph 87 to 89 of NPPF) and adverse impact on the setting of the Murton Conservation Area. The Inspector in dismissing the appeal concluded that the openness of the site and its appreciation would be severely compromised by the appeal scheme. Development of the site would extend the built envelope of the village into the open countryside, utilising agricultural land. This would be significantly harmful to the character and appearance of the area. The adverse effects on the setting of the Conservation Area attracted considerable weight against the appeal scheme. The other considerations put forward by the applicant including the lack of a five year housing land supply; the site not being rejected on Green Belt or Conservation grounds at preferred options stage of the local plan (rejected for lack of local services) and development would be infill, did not amount to 'very special circumstances' to outweigh the harm identified to the Green Belt.

Application No: 14/00928/ADV
Appeal by: Mr Mark Davison
Proposal: Display of halo- illuminated fascia sign, internally illuminated hanging sign, menu box and canopy sign
Address: Gourmet Burger Kitchen Limited 7 Lendal York YO1 8AQ

Decision Level: DEL

Outcome: PAD

Consent was refused for a fascia sign, brickwork painting and a hanging sign at The Gourmet Burger King, 7 Lendal, which forms part of a modern terrace within the Conservation Area. The proposed fascia sign comprised backlit, halo effect lettering in black perspex material with tracks below and above the lettering. It was proposed to add paint to the brickwork to extend across most of the property to give a backdrop to the lettering. Officers considered that the tracks above and below the fascia lettering would create a strong horizontal element to the fascia text, which would detract from the simple and uncluttered appearance of the principal elevation of the building and that the painting of the brickwork would not be characteristic of the area and would detract from the appearance of the building and wider streetscene. The Inspector commented that the fascia sign would have a more horizontal emphasis than is characteristic of the building and area and the painting of the brickwork would further emphasise the harmful visual effect of the sign and would introduce an element of clutter. This part of the appeal was dismissed. The hanging sign was refused for the reason that the proposal involved internal and external illumination with both trough lights and directional LED lighting, which would be considered to detract from the character and appearance of the building and that of the Central Historic Core Conservation Area. The Inspector considered that the removal of the directional LED signage could be secured by condition and that the proposed trough lighting would be acceptable for the reason that it would be positioned on and would be in proportion with the hanging sign. This part of the appeal was allowed.

Application No: 14/00939/FUL
Appeal by: Mr Robert Rhodes
Proposal: Erection of a detached dwelling
Address: Land To The South Of 20 Garden Flats Lane Dunnington
York
Decision Level: DEL
Outcome: DISMIS

Consent was sought for the erection of a detached house on an overgrown vacant plot in a suburban street. The plot was characterised by a range of mature trees, some of which contributed to the character of the area. Of lesser value was a row of mature conifers near and parallel to the boundary with the adjacent house. These conifers would be felled. The new house would have extended well beyond the rear elevation of the adjacent house. Planning permission was refused mainly due to the proposed house having an overbearing and intrusive impact on the occupiers of the adjacent house. This was the main issue for the inspector. He found that the scale and proximity of the two storey elevation facing the adjacent house would appear over-dominant and oppressive when viewed from the adjacent conservatory and garden. He accepted that the current outlook was dominated to a certain extent by the row of conifers but found that this could not reasonably be considered equivalent to the harsh and uncompromising lines of a new dwelling.

Application No: 14/01088/FUL
Appeal by: Mr G Singh
Proposal: Change of use from residential (use Class C3) to large house in multiple occupation (Sui Generis) (retrospective)
Address: 15 Green Dykes Lane York YO10 3HB
Decision Level: DEL
Outcome: ALLOW

The application was retrospective. The application was refused as the percentage of HMOs in the 100m catchment was 49% and 28% for the neighbourhood (the threshold maximums in the SPD were 10% and 20% respectively). In the officers conclusions it was stated that, the SPD sets out some of the issues of concern related to high concentrations of HMO's. It was mentioned that some can be visible such as poor property maintenance, however, others that impact on community well being are not readily apparent. These can include a decline in community integration and decreased demand for some local services, particularly outside term time. The Inspector stated that the Council had provided no evidence of how harm from the use had manifested itself such as in falling school rolls or closing shops. She also stated that having less HMOs close to the University would increase travel costs for students. The appeal was allowed.

Application No: 14/01197/FUL
Appeal by: Raglan HA
Proposal: Replace existing windows and doors to various different properties at Margaret Philipson Court and Aldwark, York
Address: 13 Margaret Philipson Court York YO1 7BT

Decision Level: DEL

Outcome: DISMIS

The appeal related to the replacement of the existing timber windows and doors with UPVC double glazed units to 32 flats within four three storey blocks built in the 1980s that comprise Margaret Philipson Court, Aldwark. The appeal site is located in York Central Historic Core Conservation Area, Character Area 8 Aldwark, and within the setting of the Merchant Taylors Hall, a grade I listed building and the City Walls, a grade I listed building and scheduled ancient monument. The Inspector stated that the proposed windows would be of a more bulky appearance than the existing windows and the texture and grain of their finish would not encapsulate the traditional qualities of wood to any significant extent. The Inspector considered that within the context of Aldwark the proposed replacement windows and doors would appear obtrusive and visually prominent. The substantial bulky form and non traditional materials of the proposed replacement windows would stand out as unsympathetic additions that would detract from the appearance of Margaret Philipson Court and the established residential character of the area, which are of significance to the areas heritage. In dismissing the appeal, the Inspector concluded that the proposal would fail to preserve or enhance the character or appearance of York Central Historic Core Conservation Area. The Inspector considered that the proposed replacement windows, due to their unsympathetic design and inappropriate materials would appear at odds with the traditional historic appearance of the adjacent Merchant Taylors Hall and City Walls. In dismissing the appeal, the Inspector concluded that the proposal would be harmful to the settings of the listed buildings and scheduled ancient monument and would adversely affect the significance of these designated heritage assets.

Application No: 14/01333/ADV
Appeal by: Sainsbury's Supermarkets Limited
Proposal: Display of 1no. externally illuminated timber fascia sign
Address: Swan Court Piccadilly York

Decision Level: DEL

Outcome: DISMIS

The appeal was against refusal for a non-illuminated fascia sign positioned on a brick panel, above the shop front fascia. The inspector referred to the rhythm and architectural design of the building; its shop fronts, with horizontal emphasis and the upper floor facade. Signs on the building were consistently located immediately above the shop front. The inspector considered the advertisement was poorly located. It visually interfered with the design of the upper floor facade and subsequently had an adverse effect on the appearance of the host building and the conservation area.

Application No: 14/01345/FUL
Appeal by: Mr Richard Haxby
Proposal: Change of use from retail (use class A1) to residential dwelling (use class C3) with associated works including removing shop front and replacement with new entrance door and windows
Address: Fantasy World 25 Main Street Fulford York YO10 4PJ

Decision Level: DEL
Outcome: DISMIS

Planning permission was granted for the change of use of a retail unit occupying the whole building to a single dwelling house. The building is within the Fulford Air Quality Management Area. The approval required a scheme of ventilation and extraction to include non opening windows to habitable rooms on the front elevation and the installation of a continuous supply and extract ventilation system. The appellant appealed on the basis that the condition was not necessary and reasonable. He supported his case with his own evidence showing that there had been an improvement in air quality in recent years. The Council defended its position that the condition met the tests set out in Planning Policy Guidance and evidence was provided by the Environmental Health Air Quality Officer demonstrating that, whilst the overall trend for Nitrogen Dioxide levels had been declining in the vicinity, the levels at the two closest stations fell only very marginally and remained above acceptable levels. The Inspector considered that the underlying principle of the condition was sound given the AQMA and the aims of the NPPF. She concluded that, on the basis of the current evidence and in the absence of site specific data, the levels at the appeal site did not presently fall within acceptable levels. As such, the condition was reasonable and necessary in the interests of the health of future occupants. She expressed considerable sympathy with appellant's contention that many homes in the AQMA were not subject to such conditions, but noted that they cannot be applied retrospectively and are confined to new development proposals.

Application No: 14/01535/FUL
Appeal by: Palladian (York) Ltd
Proposal: Erection of 5no. dwellings with associated parking and access (resubmission)
Address: Land To The North Of Twinam Court Intake Lane
Dunnington York
Decision Level: DEL
Outcome: DISMIS

The appeal related to the erection of 5 no. detached, Passivhaus energy efficient homes on a pasture field located north of Intake Lane. The site lies within the general extent of Green Belt and outside, though adjacent to, the defined settlement limit of Dunnington village. The Inspector agreed that the proposal was inappropriate development that would result in a considerable loss of openness - confirmed as being, an absence of built development. Furthermore, it would introduce a significant row of residential development that would encroach into the countryside, causing significant harm to the character and appearance of the surrounding countryside. In assessing the other considerations stated by the appellant, the Inspector concurred with the LPA that the Passivhaus features were not uncommon, ground breaking in design or innovative in nature nor would act as an exemplar due to their remote location. She gave some weight to minimising energy consumption, but saw no reason why Passivhaus requirements gave rise to a Green Belt location. Whilst attributing a limited amount of weight to the construction of dwellings in an area where a 5 year housing supply cannot be demonstrated, she noted that the NPPF advises that unmet housing need is unlikely to outweigh harm to the Green Belt. She concluded that the other considerations did not amount to the very special circumstances necessary to clearly outweigh the identified harm to Green Belt. The appeal was, therefore, dismissed.

Application No: 14/01642/FUL
Appeal by: Mr John Slemore
Proposal: Installation of dormer windows to front and rear of granny annexe (resubmission)
Address: Holme Lea 57 Temple Lane Copmanthorpe York YO23 3TD

Decision Level: DEL

Outcome: DISMIS

The host site is located in an area 'washed over' by green belt. The submission proposed front and rear dormers to an existing detached 'granny annexe' building, to the rear of a dormer bungalow, which benefited from planning permission for this use (though for which permitted development rights were removed); the accommodation is used for an elderly relative. It was considered that the further extension of this building would result in it appearing as a separate dwelling as opposed to it appearing as an annexe and being subservient to the original dwelling, thus the application was refused on the grounds that it caused harm to the character and appearance of the surrounding area. The Inspector agreed, and further to the supporting statement by the applicant, added that no compelling explanation as to why carers for the elderly relative could not stay overnight in the main house had been provided, and in any event this positive aspect of the scheme did not outweigh the visual harm which would be caused by the proposed dormers. The appeal was dismissed.

Application No: 14/01694/FUL
Appeal by: Mr Paul Hodgson
Proposal: Dormer window to rear
Address: 9 Church Street Copmanthorpe York YO23 3SA

Decision Level: DEL

Outcome: DISMIS

The host site is a traditional cottage within Copmanthorpe Conservation Area, opposite the Church. This application proposed a large wrap around box style dormer to the rear of the dwelling, which included having to raise the ridge height of an existing two-storey rear extension. Only very limited views to towards the dormer would be gained from Church Street to the front. Amended plans were sought but not received to reduce the scale of the dormer, thus it was refused on the grounds of harm to the character of the Conservation Area. The Inspector agreed and considered that views from the small rear residential development of Stakers Yard, would cause sufficient harm to the character of the Conservation to dismiss the appeal.

Application No: 14/01777/FUL
Appeal by: Mr Nigel Travis
Proposal: Erection of two storey detached dwelling including alterations to existing dwelling
Address: 6 Westlands Grove York YO31 1DR

Decision Level: CMV
Outcome: DISMIS

Planning permission was refused by Committee against officer recommendation, for the erection of a detached two-storey house in the garden of an existing detached two-storey house. The existing house is situated on a large corner plot at the junction of Westlands Road and Elmlands Grove, with elevations facing towards both Westlands Grove and Elmlands Grove. The proposed house was to be built in line with the elevation fronting Elmlands Grove, but forward of the Westlands Grove elevation. The grounds for refusal were based on the loss of openness on a prominent corner site, which is an important gap within the surrounding development, and the detrimental harm this would have to the character and amenity of the local environment. In dismissing the appeal, the Inspector commented that the plot is markedly larger than other nearby corner plots and the openness of the front garden makes a positive contribution to the spacious character of the area. Whilst the proposed dwelling would have projected no farther forward than the host property and would echo the building line of 4 Westlands Grove, the introduction of a detached dwelling would erode the sense of openness on this prominent corner plot and would result in an uncharacteristic form of development in relation to the semi-detached properties on the corner plots on the opposite side of Elmlands Grove.

Application No: 14/01781/FUL
Appeal by: Mr N Thompson And Mrs D Davies
Proposal: Two storey and single storey rear extension
Address: 6 Northfield Lane Upper Poppleton York YO26 6QF

Decision Level: DEL
Outcome: DISMIS

The appeal site is an end of terrace property located within the Green Belt. The application sought permission for the erection of a large single storey rear extension and a first floor rear extension. In dismissing the appeal the inspector agreed with the Council in that the extension would constitute inappropriate development and that it could not be considered as being 'limited' or 'small scale', thus being contrary to policies GB1 and GB4. The Inspector noted that the neighbouring properties had existing large single storey rear extensions but that these were not visible at long range unlike the proposed first floor element of the scheme. The first floor element would therefore be harmful to both the openness and character of the Green Belt.

Application No: 14/01803/FUL
Appeal by: Mr Owen Legg
Proposal: Single storey front, side and rear extensions
Address: 2 Westholme Drive York YO30 5TH

Decision Level: DEL
Outcome: PAD

A planning application was submitted for single storey front, side and rear extensions to this bungalow. It was refused because the the front extension was considered to be harmful to the appearance of the dwelling and to the street scene as it would project forward of an established building line and would have been an overly prominent addition in relation to the existing dwelling and the streetscene. The Inspector agreed that there was a consistency of form and layout to the bungalows in the street and the small front extensions evident in the street did not alter the consistant relationship between the bungalows and gardens. This extension would introduce a bulky, conspicuous and incongruous addition to the host dwelling. The side extension would add further bulk to the property which when allayed to its front projection would cause further harm to the character and appearance of the dwelling and the streetscene. The Inspector dismissed the appeal on those areas on which the Council had refused planning permission and agreed with the Council that there was no harm form the rear extension and thus granted permission for that aspect of the scheme (something an Inspector can do but the Council can't).

Application No: 14/02249/FUL
Appeal by: Mr Ian Smales
Proposal: Loft conversion with 4no. dormers to front, side and rear and the increase in the height and front extension to, the roof to existing rear projection
Address: 8 Sherwood Grove York YO26 5RD

Decision Level: DEL
Outcome: DISMIS

The host site forms a detached bungalow which has previously been extended by a large rear/side extension, and it was proposed to now increase the living space by providing additional rooms within the roof, by way of front, side and rear dormers, and raising and extending forward the roof to the extension. The element of the existing extension sited along the common boundary with No. 6 Sherwood Grove already was considered to harm the outlook for these neighbouring residents, thus any further front dormers or increase/change in the height and further front projection of this roof was considered inappropriate and the application was refused on these grounds. The Inspector agreed and stated that the current proposal would increase the oppressive sense of enclosure along the side boundary.

Application No: 14/02301/FUL
Appeal by: Mr Peter Broadley
Proposal: Erection of replacement garage
Address: Sycamore Cottage Main Street Holtby York YO19 5UD

Decision Level: DEL

Outcome: ALLOW

The application was refused because the replacement garage was determined to have an inappropriate impact on the openness of the Green Belt as it was considered to be materially larger than the building it was replacing in terms of the combined mass, footprint and height and that it would be unduly prominent in this location. In allowing the Appeal, the Inspector however found that the replacement building was not materially larger than the existing garage in terms of overall volume because it had a slightly smaller footprint which offset against the increased height. As there would be no material increase in the volume of the building there would be no material loss in the openness of the Green Belt and therefore no conflict with the purposes of including land within it. Further, the building would be largely screened by the laurel hedge and high gates. The building would appear sympathetic with other buildings in the vicinity on the edge of the settlement. An application for an award of costs was refused.

Application No: 14/02381/FUL
Appeal by: Lisa Parker
Proposal: Two storey rear extension and erection of detached garage (resubmission)
Address: 32 Campleshon Road York YO23 1EY

Decision Level: DEL

Outcome: DISMIS

Permission was refused for part two storey and part single storey rear extensions to this semi-detached house on the grounds that the size, scale and massing was harmful to neighbouring amenity, in particular being oppressive and overbearing when viewed from the adjoining property. The rear of these properties are north facing and the Inspector considered that even a small loss of natural sunlight, as would be the case as a result of this proposal, would be harmful to the living conditions of this neighbour. The Inspector also agreed that a 3m deep 2 storey extension so close to the boundary would have an oppressive and overbearing impact on the nearest ground floor room (dining kitchen) of the adjoining house. The personal circumstances behind the extension i.e. to meet the needs of the applicant's disabled son were taken into consideration but did not outweigh the harm caused to the neighbour.

Application No: 14/02456/ADV
Appeal by: Mr JD Sports
Proposal: Display of 2no. externally illuminated fascia signs and 2no. non-illuminated hanging signs
Address: Stylo Barratt Shoes Ltd 1 - 2 St Sampsons Square York YO1 8RL
Decision Level: DEL
Outcome: DISMIS

Advertisement consent was refused for the retention of the signs currently displayed at 1 to 2 Feasegate. The signs comprise 3 externally illuminated fascia signs on light grey coloured, patterned panel backgrounds and 2 non-illuminated hanging signs. The 3 buildings which form the retail premises are listed in Grade 2 , have 20th Century shopfronts, and the existing advertisements are at a prominent corner seen from St Sampsons Square, Parliament Street, Davygate, Feasgate and Church Street. The Inspector supported the Council's view that the modern design and materials, the contrast between the black faced lettering and the shiny light coloured and patterned panels, results in bright gaudy and distinctly out- of- character signage in this part of the City. He noted that the streetscape in the area is generally appropriately restrained in relation to signage, colouring and signage illumination. The overtly modern signs result in visual harm to the buildings themselves and to the character and appearance of the conservation area. Although the hanging signs in terms of their size and the brackets used were acceptable the shiny light coloured background results in signage that detracts from, rather than enhancing the appearance of this part of the City. He also noted that the painted out first floor windows in green which are not part of the appeal, exacerbate the overall impact and the green, light grey and black colour scheme is garish and stark.

Application No: 14/02768/FUL
Appeal by: Mr David Harper
Proposal: Second floor rear extension (resubmission)
Address: 1 Longfield Terrace York YO30 7DJ

Decision Level: DEL

Outcome: DISMIS

1 Longfield Terrace is the first house in a row of three storey terraced dwellings, situated behind original brick walls to the principal elevations and incorporating small enclosed rear courtyards. The appeal related to the refusal of planning permission for an extension of approx 4.7 metres in length to an original second floor projection. The Council considered that the proposed extension would by virtue of its massing and total height create an oppressive, dominant and overbearing impact on the attached dwelling at 2 Longfield Terrace. Furthermore, it was considered that the extension would further decrease the light levels into this property and views of the sky when looking from the side of this property. The Inspector agreed with The Council and dismissed the appeal on the basis that the additional expanse of wall above the existing eaves level of the rear projection would further increase the height, bulk and massing would have an oppressive and overbearing effect which would worsen the outlook from the rear facing habitable room windows and outdoor space to 2 Longfield Terrace.

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

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Outstanding appeals

Officer: Erik Matthews					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
10/07/2015	15/00023/REF	APP/C2741/W/15/3129586	W	Country Park Pottery Lane Strensall York YO32 5TJ	Variation of conditions 2, 7 and 8 of permitted application 12/03270/FUL to allow an increase in number of caravans from 40 to 55 and allow use of part of the site (15 caravans) all year
Officer: Esther Priestley					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15
Officer: Heather Fairy					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
27/05/2015	15/00020/REF	APP/C2741/W/15/3049419	W	Whinchat House York Road Deighton York YO19 6EY	Erection of detached dwelling and garage on land adjacent to Whinchat House
Officer: Matthew Parkinson					Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice
Officer: Neil Massey					Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
15/01/2015	15/00006/EN	APP/C2741/C/15/3002821	W	105 Newland Park Drive York YO10 3HR	Appeal against Enforcement Notice dated 21 November 2014
02/04/2015	15/00015/NON	APP/C2741/X/15/3011874	W	The Annexe 20 Asquith Avenue York YO31 0PZ	Use of detached garden building as separate dwelling

Officer: Paul Edwards						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
07/04/2015	15/00019/REF	APP/C2741/D/15/3013718	W	75 Heslington Road York YO10 5AX	Change of use from dwelling (use Class C3) to house in multiple occupation (use Class C4)	
Officer: Rachel Tyas						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
22/05/2015	15/00022/REFL	APP/C2741/Y/15/3039087	W	Flat 1 9 Bootham Terrace York YO30 7DH	Conversion of basement and ground floor flats into 1 no. residential dwelling with associated works including blocking up existing window, opening existing staircase from basement to ground and installing partition wall between ground floor and first floor	
Officer: Sandra Duffill						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
12/05/2015	15/00021/REF	APP/C2741/D/15/3033300	H	Burlands Farm Burlands Lane Upper Poppleton York	Single storey side extension attaching the main house to existing detached garage	
Officer: Sharon Jackson						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
21/07/2015	15/00024/REF	APP/C2741/D/15/3095239	H	17 Derwent Road York YO10 4HQ	Two storey side and single storey rear extensions	
Total number of appeals: 11						



Area Planning Sub-Committee

6 August 2015

Planning Enforcement Cases - Update

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process for the period 1 May 2015 to 28 July 2015.
3. The lists of enforcement cases are no longer attached as an annex to this report. The relevant cases for their Ward will be sent to each Councillor by email as agreed by the Chair of the Planning Committee.
4. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position.

5. Across the Council area 147 new investigation cases were received in the period 1 May to 28 July 2015. During the same period 82 cases were closed. A total of 539 investigations remain open.

Consultation.

6. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

7. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

The Council Plan 2011-2015

8. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

9. Implications

- Financial - *None*
- Human Resources (HR) - *None*
- Equalities - *None*
- Legal - *None*
- Crime and Disorder - *None*
- Information Technology (IT) - *None*
- Property - *None*
- Other - *None*

Risk Management

10. There are no known risks.

Recommendations.

11. That Members note the content of the report.

The individual case reports are updated as necessary but it is not always possible to do this straight away. Therefore if Members have any additional queries or questions about cases on the emailed list of cases then please e-mail or telephone the relevant planning enforcement officer.

Reason: To update Members on the number of outstanding planning enforcement cases.

Contact Details

Author:

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Development Manager

Tel. No: 551320

Dept Name: **City and
Environmental Services.**

**Chief Officer Responsible for the
report:**

Michael Slater

Assistant Director (Planning and
Sustainable Development)

**Report
Approved**

Date 28/07/2015

Specialist Implications Officer(s) *List information for all
Implications:*

Financial

Patrick Looker

Legal:

Andrew Docherty

Wards Affected: *All Wards*

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