

## Appeal Summaries for Cases Determined 01/10/2015 to 31/12/2015

**Application No:** 14/02729/FUL  
**Appeal by:** Miss Raquel Nelson  
**Proposal:** 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  
**Address:** Country Park Pottery Lane Strensall York YO32 5TJ

**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal site relates to a touring caravan park first permitted in 2004 but which has been the subject of a number of further proposals by the appellant in the intervening period. It lies to the north west of Strensall village within a flat open site within the Green Belt. The appellant sought planning permission for the creation of a further 15 touring pitches above and beyond the 40 previously approved within the area of the approved landscape bund at the southern end of the site. Whilst the site is subject to a seasonal closure between October and March the proposal sought permission for the additional pitches on a year round basis. A previous proposal for usage of the site for caravan storage was refused permission and the subsequent appeal dismissed on Green Belt grounds in 2014. The proposal was again refused planning permission on the grounds of being inappropriate development within the Green Belt and harmful to its purposes of designation virtue of being an encroachment into open countryside. In a thorough examination of the case the appeal inspector considered that the proposal was inappropriate development within the Green Belt by virtue of not coming within any of the listed categories within paragraph 89 of the NPPF. She then went on to consider whether the proposal harmed any of the purposes of including land within the Green Belt and concluded that it did by virtue of being an encroachment of development into open countryside. She then considered whether the submitted justification amounted to a case for "very special circumstances" that would justify development within the Green Belt. She determined that it did not and that the development was therefore harmful to the character of the Green Belt. She concluded that any impact upon openness could be mitigated by appropriate landscaping but that did not override the fundamental harm to the Green Belt caused by inappropriateness and therefore the appeal was dismissed.

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**Application No:** 14/02765/FUL  
**Appeal by:** Mr Paul Harrison  
**Proposal:** Erection of detached dwelling and garage on land adjacent to Whinchat House  
**Address:** Whinchat House York Road Deighton York YO19 6EY

**Decision Level:** DEL

**Outcome:** DISMIS

The application was for a new dwelling within the greenbelt outside of the settlement limits of Escrick. The Inspector stated that 'Although the appeal site is relatively small, it is an undeveloped area that contains a number of mature trees. This is in keeping with the open, spacious and predominantly green character of this area. The essential characteristics of Green Belts are openness and permanence and there is little firm evidence before me to suggest that the appeal site has ever been anything but open.' The property would be built between two existing buildings but the Inspector stated that a vast area of open land extended beyond it. Given the degree of separation from the built envelope of Escrick and the predominant green spacious character of the area I consider the appeal site to have more affinity with, and to read very much as a part of, the adjoining open agricultural land form and countryside. He stated that the development would be inappropriate development within the green belt, would reduce openness and would amount to substantial harm

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**Application No:** 14/02806/FULM  
**Appeal by:** Peter And Catherine Wilkinson  
**Proposal:** Change of use of land for touring caravans with associated amenity building, gas compound and bin store  
**Address:** Naburn Lock Caravan Park Naburn Lock Track Naburn York  
**Decision Level:** CMV  
**Outcome:** DISMIS

The proposal related to the formation of a further 20 touring pitches on a field directly to the south west of Naburn village adjacent to the well established Naburn Lock Caravan Site and overlooking the River Ouse. Planning permission was refused on two grounds, the fact that it was inappropriate development in the Green Belt and therefore by definition harmful to its openness and at the same time it was felt that by virtue of its location and visual relationship to Naburn Banqueting House, a Grade II Listed Building, it was felt to be harmful to its setting. The question also arose as to whether or not "very special circumstances" exist such as to warrant the usual presumption against inappropriate development being overridden. The Inspector examined the issue of impact upon the setting of the Listed Building and concluded that whilst it would give rise to some impact it would not be such of itself as to justify refusal of planning permission in line with the Statutory duty included in Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act. The Inspector then looked at the Green Belt issue and concluded that despite the case put forward by the applicant that the development was inappropriate within the criteria identified within paragraphs 89 and 90 of the NPPF. At the same time he concluded that in view of the nature and highly prominent location of the development it would of itself be harmful to openness. In terms of the case for "very special circumstances" it was acknowledged that the case put forward by the appellant did carry some merit. However, the Inspector clearly concluded that it was not such as to fulfil the test contained within paragraph 88 of the NPPF of overcoming harm by virtue of inappropriateness and any other harm. The appeal was therefore dismissed.

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**Application No:** 15/00321/FUL  
**Appeal by:** Mr & Mrs J & L Webster  
**Proposal:** Two storey rear extension, front dormer, front porch, side extension to connect existing garage to house including the conversion of the garage space into habitable room with rear extension; and conversion of detached shed to 4no garages with associated alterations  
**Address:** Broad Oak Cottage Dauby Lane Elvington York YO41 5LJ

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

The appeal site is a residential dwelling which lies to the east of Dauby Lane situated outside the village settlement limits of Elvington and within the City Of York Green Belt. Planning permission was sought for a side and rear extension to the existing detached garage in order to create a link to the main house for the purpose of converting into habitable living space. The extension would then extend at full height of the existing garage to include a dormer style window in the existing roof space for first floor accommodation. A small porch was proposed to the front of the property. The Council refused the application on the grounds that the proposed extensions would result in disproportionate additions to the size of the original dwelling and would thus represent an inappropriate form of development in the green belt that would, by definition, be harmful to the Green Belt. In addition it was decided that the mass of the development size of the extensions, including linking the existing detached garage to the house would significantly increase the size and massing of the original building, thus harming openness. The Inspector disagreed that the extensions would be disproportionate on the grounds that the overall development constructed of matching materials would be subservient to the host dwelling. The Inspector agreed that would be some effect on the openness of the Green Belt. However, concluded that the extensions would appear as a subordinate addition and would not amount to disproportionate additions over and above the size of the original building. The Inspector allowed the appeal on the grounds that the impact on openness would be limited and would not cause material harm to the Green Belt.

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**Application No:** 15/00396/FUL  
**Appeal by:** Miss Sally Cakebread  
**Proposal:** Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4)  
**Address:** 20 Hartoft Street York YO10 4BN

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal related to the refusal of planning permission for a change of use from a dwelling house C3 to a house in multiple occupations HMO C4. The proposal was a resubmission of a previous refusal for a change of use to an HMO. The application site comprised of a two bed mid terrace, which proposed to alter the ground floor layout by providing one additional bedroom to the front and a shared communal living area, kitchen and bathroom facilities at the rear of the property. The application was refused because the number of existing houses in multiple occupation within 100 metres of the property already exceeded the 10 percent threshold set out in the draft SPD. The councils figures indicate that 19.51 percent of the homes within 100 metres of the property are HMOs. The Inspector acknowledged that the proposal would create just one additional occupant to the property, (3 occupants) however dismissed the appeal on the basis that this still formed a new HMO within a residential area of terraced housing and the already high concentration of houses in multiple occupation in the locality therefore detracted from its character and would contribute to an imbalance in the make up of the local community. There was no material change in circumstance since the previous case.

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**Application No:** 15/00514/FUL  
**Appeal by:** Ruth And Nelson McConnell  
**Proposal:** Single storey rear extension  
**Address:** 15 Norfolk Street York YO23 1JY

**Decision Level:** DEL

**Outcome:** DISMIS

Permission was sought for a 5.5m long, single storey full width extension to infill the yard to the rear of this mid-terrace dwelling along the common boundary with 17 Norfolk Street. A small courtyard would be created in the return adjacent to the kitchen, with a second larger courtyard created to the rear of the extension. There is a 1.2m land level difference in favour of the application site. It was considered that the proposed extension, by virtue of its length, relative height and proximity to the boundary would appear as an unduly dominant and overbearing feature to the detriment of the amenity and outlook of neighbouring residents. The inspector stated that the impact on the living conditions of those using the kitchen and yard area at No. 17 would be significant as the upper part of the proposed garden room would extend substantially above the existing shared boundary wall. He concluded that the resultant harm is made more severe by the difference in ground levels between the two properties.

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**Application No:** 15/00776/FUL  
**Appeal by:** Mr And Mrs Thomas Holliday  
**Proposal:** Front and side dormers  
**Address:** 12 St Peters Grove York YO30 6AQ

**Decision Level:** DEL

**Outcome:** DISMIS

Flat roof dormers were proposed to the front and side roof slopes of the Victorian dwelling house located in Clifton Conservation Area in a prominent position at the head of St. Peter's Grove cul de sac. The inspector considered that the Victorian dwelling house makes a positive contribution to the significance of the heritage asset. Two existing pitched roof gables would be removed to enable construction of the flat roof dormers. The inspector considered that the flat roof dormers would introduce additional visual bulk and dominance to the upper part and three sides of the house. The horizontal window frames of the proposed dormers would be at odds with the narrow proportions and style of the windows within the main house. All the modifications would result in an intrusive and dominant feature that would fail to respect the design and form of the existing dwelling. The inspector considered that the harm to the conservation area would be less than substantial and that the public benefits presented would not outweigh the level of harm to Clifton Conservation Area and its significance as a heritage asset. The inspector concluded that the proposal would have detrimental effect on the character and appearance of 12 St. Peter's Grove and fail to conserve the character and appearance of Clifton Conservation Area. The appeal was dismissed.

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**Application No:** 15/00818/FULM  
**Appeal by:** Mr T Allison  
**Proposal:** Removal of condition 4 of application 13/02712/FULM  
(Conversion and extensions to create 12no flats) to allow  
the use of UPVC windows and doors  
**Address:** Shepherd Group Social Club 131 Holgate Road York YO24  
4AZ  
**Decision Level:** DEL  
**Outcome:** DISMIS

Planning permission was granted to convert/extend a 3-storey pitch roofed social club in a conservation area to flats. Condition 4 required all new and replacement windows and external doors to be made of timber to protect the character of the conservation area. The applicant sought to vary condition 4 to allow the use of uPVC. The application was refused and appealed. The inspector found that the original window openings were an important part of the building's character and that their replacement with uPVC frames would appear conspicuous, overly prominent and at odds with the retained timber window frames and neighbouring properties. As such the proposal would fail to preserve the character and appearance of the conservation area. Although the harm would be relatively localised and less than substantial it would need convincing justification and be weighed against the public benefits of the proposal. uPVC is more energy efficient, requires less maintenance and provides better sound insulation than timber window frames but these benefits are not of such public benefit to outweigh the harm that would be caused to the conservation area. Appeal dismissed.

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**Application No:** 15/01576/FUL  
**Appeal by:** Miss Raquel Nelson  
**Proposal:** Variation of condition 2 of permitted application  
12/03270/FUL to allow camping pods on pitches 1-10  
**Address:** Country Park Pottery Lane Strensall York YO32 5TJ

**Decision Level:** DEL

**Outcome:** DISMIS

The application site comprises a 40 pitch touring caravan site subject to a seasonal restriction within the Green Belt to the north of Strensall village. The proposal was for the erection of 10 camping pods on existing touring pitches within the north eastern section of the site closest to Sheriff Hutton Road. The camping pods proposed for use were unusually large and had the character of static caravans which are subject to a specific proscription in the operating planning permission for the site. Planning permission was refused on the grounds of being inappropriate development within the Green Belt and harmful to its open character. The refusal was duly appealed and the Inspector agreed that the proposal did amount to inappropriate development within the Green Belt, which by virtue of the largely permanent character of the camping pods would also be harmful to its open character. The Inspector particularly noted that the pods would be significantly larger than the approved touring caravans, would be stationed on site permanently unlike the touring caravans and would be accompanied by a variety of domestic paraphernalia not normally associated with touring caravans. Notwithstanding her view that the proposal was inappropriate development within the Green Belt and also harmful to openness the Inspector took the view that it would not materially harm the visual amenity of the Green Belt and by virtue of already being within the confines of an established caravan site would not harm the purposes of designation of the land as defined by paragraph 80 of the National Planning Policy Framework. In summing up the Inspector determined that no case for very special circumstances that would outweigh harm by reason of inappropriateness or any other harm had been forthcoming and therefore dismissed the appeal.

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**Decision Level:**

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

**Outcome:**

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed