

## Appeal Summaries for Cases Determined 01/07/2016 to 30/09/2016

**Application No:** 15/01531/FUL  
**Appeal by:** Mr Harley Knight  
**Proposal:** Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4)  
**Address:** 13 Ingleton Walk York YO31 0PU

**Decision Level:** DEL

**Outcome:** DISMIS

Current Street Level - 10% HMO's - Neighbourhood Level - 10.91% HMO's  
The Planning Inspector considered that although he could only give 'very limited weight' to the SPD (Given there is no adopted Local Plan) it would still be a material consideration. The Inspector noted that Ingleton Walk is a quiet residential cul-de-sac, with no passing traffic, little 'on street' activity and that the predominant character is that of single family dwellings. He recognised that the cumulative effect of increased 'comings and goings' would result in a noticeable change in the character of the quiet cul-de-sac and would therefore have a materially harmful effect on the character of the immediate area.

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**Application No:** 15/01853/FUL  
**Appeal by:** Mr Ian McManaman  
**Proposal:** Extension to roof to create 1 no. apartment  
**Address:** Coalters Ltd 2 Low Ousegate York YO1 9QU

**Decision Level:** DEL

**Outcome:** DISMIS

The application was to add a top floor to the mid C20 office block on Low Ousegate which overlooks the River Ouse. Redundant structures on the roof would be replaced by an extra floor of a far larger foot-print than the structures to be replaced. Historic England were in principle ok with the application and raised no objection to the scheme. The building is stone clad and with a horizontal emphasis. Surrounding older, and mostly listed, buildings are consistently of brick with pitched roof and have a strong vertical emphasis. The host building is slightly higher than its neighbours currently. The inspector decided the extra storey proposed would "substantially increase the height difference". The inspector referred to the Central Historic Core Conservation Area and the management strategy within it, notably in reference to scale and skyline. The building is identified as a detractor in the conservation area appraisal (due to its form, materials, prominence). Although the extension proposed would be harmonious with the building itself, the host building would subsequently become more prominent, in "stark" contrast to the surrounding skyline. It was agreed the extension would harm the conservation area. The harm was regarded to be less than substantial. In establishing the weight to give this harm in assessment of the application, the inspector referred to the requirements of the act (section 72) and para 132 of the NPPF. The benefit of providing 1 extra dwelling was regarded to be extremely modest, which could be given very limited weight.

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**Application No:** 15/02064/FUL  
**Appeal by:** Mrs Alifnoor Iqbal  
**Proposal:** Change of use of dwellinghouse (use class C3) to a house in multiple occupation (use class C4)  
**Address:** 46 Heslington Road York YO10 5AU

**Decision Level:** DEL

**Outcome:** ALLOW

The property is a large terraced house over three floors and is located on a busy road into the city centre. It has a small garden frontage and a small rear yard. Two wide gates access the rear ginnel. Existing density levels of 37.7 percent at street and 23.3 percent at neighbourhood both exceed policy thresholds. The Inspector attached only moderate weight to the Local Plan and SPD. The Inspector considered the backyard provided only minimal private external amenity space and would not be suited to family occupation, or a starter home. The majority of houses on the road were not HMO's so there would still be enough activity and natural surveillance out of term time. The Inspector considered that as a large family house or HMO, the potential for noise exists. He stated that no existence of noise complaints along the road associated with HMO's had been provided. The Inspector did not see any problems with littering and refuse in the area. He argued that the Council's view that the neighbourhood was already imbalanced given the figures was not backed up by his own observations which showed no evidence that the community is not inclusive and mixed.

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**Application No:** 15/02396/FUL  
**Appeal by:** Mr Stephen Oliver  
**Proposal:** Two storey side and rear extensions, single storey rear extensions and dormer to rear  
**Address:** 34 Broadway West York YO10 4JJ

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal site is a semi-detached dwelling situated on the junction of Broadway West and Danesmead Close. The property has a detached garage positioned on the side driveway. Permission was sought for the construction of a two storey side extension, which would extend beyond the rear building line by approx 3.3 metres at first floor height. The proposal included a side and rear extension to the existing detached garage 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 application was refused on two grounds relating to the size of the proposed side extension and impact on a Cherry Tree located on the public grass verge. It was considered that the massing of the two storey side would represent an unduly large and prominent addition to the house resulting in an incongruous development which would dominate the existing house and unbalance its appearance, causing harm to both the house and the wider street scene. The resultant width of the extension would impact on the health of a Cherry Tree situated outside the site on the public highway. The Landscape Architect considered that it would be worthy of a TPO. The Inspector agreed with The Council and dismissed the appeal on the grounds that the increase of the extension to the side would erode the spacious quality of the area. However, he did not consider the loss of the tree would be unacceptable, and considered that there would remain a significant number of trees in the public domain.

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**Application No:** 15/02505/FUL  
**Appeal by:** Mandale Homes Ltd  
**Proposal:** Variation of condition 2 of permitted application 13/00034/FUL to alter approved plans to add a single storey side extension to plot 1  
**Address:** Manor Farm Towthorpe Road York YO32 9SP

**Decision Level:** DEL

**Outcome:** DISMIS

Planning permission had been granted for the conversion of redundant agricultural buildings to three dwellings. Planning permission was then sought under s.73 to replace the approved plans in order to erect a single-storey pitch-roofed side extension to one of the approved dwellings. Consent was refused due to impact on the Green Belt and on Towthorpe Conservation Area. The inspector found that whilst the extension would only be 30 per cent greater than the existing building it would be 63 per cent larger than the original building due to extensions allowed under the planning permission to convert. As a result the proposal was a disproportion addition and therefore inappropriate development in the Green Belt. It would also have some impact on openness. As for impact on the conservation area the inspector found that the extension would read as a well-proportioned and subservient addition to the main building and although the building would be larger, it would not be inherently harmful. The appeal was dismissed.

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**Application No:** 15/02637/FUL  
**Appeal by:** Sullivan Student Properties Ltd  
**Proposal:** Change of use from dwelling (use class C3) to House of Multiple Occupation (use class C4)  
**Address:** 105 Newland Park Drive York YO10 3HR

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal related to the retrospective change of use from a dwelling to a House in Multiple Occupation (HMO). The inspector dismissed the appeal. He made reference to the National Planning Policy Framework and HMO Concentrations Supplementary Planning Document. He considered that the quiet nature of the street was such that approving a HMO, when the threshold figures had already been significantly breached, would detract unduly from the streets character and neighbours amenity.

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**Application No:** 15/02833/FULM  
**Appeal by:** Clarence Union Developments  
**Proposal:** Change of use of existing building with internal and external alterations to form convenience store at ground floor, 2no. flats at first floor and erection of four storey extension to rear to accommodate 14no. flats with associated car and cycle parking  
**Address:** Groves Chapel Union Terrace York YO31 7WS

**Decision Level:** COMM  
**Outcome:** ALLOW

The appeal was against condition 6 of the approved planning permission for a supermarket and 16 flats at Groves chapel. Condition 6 restricted delivery times to 6pm Monday to Saturday. The applicant had sought to undertake deliveries up until 11pm. The appeal was allowed, but with delivery times restricted to 8.30pm. In allowing the appeal the Inspector made reference to the noise assessment indicating the existence of relatively high background noise levels up until 9pm. He felt that a 8.30pm delivery restriction was a reasonable compromise in regard to giving greater flexibility in the operation of the store whilst also having consideration to neighbours expectations for quiet later in the evening.

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**Application No:** 16/00224/FUL  
**Appeal by:** Mr Ashleigh Walters  
**Proposal:** Change of use from dwelling (use class C3) to House of Multiple Occupation (use class C4)  
**Address:** 6 Lamel Street York YO10 3LL

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

Density Levels - Street Level - 54.17% - Neighbourhood Level 32.28% - The application property is a mid-terrace, with no vehicular access from Hull Road. The Inspector considered the appeal property to be 'distinctly residential in character' whilst noting the existence of a supermarket and other commercial business on the opposite side of the road. He was not convinced by the the argument that the properties on either side are currently HMO's, that it would be thus unattractive for non-HMO occupiers and could remain un-occupied.

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**Application No:** 16/00255/FUL  
**Appeal by:** Mr Paul Kind  
**Proposal:** Two storey side extension  
**Address:** 12 Wheatlands Grove York YO26 5NG

**Decision Level:** DEL

**Outcome:** ALLOW

The host site forms part of a pair of two-storey semi-detached dwellings, sited on a corner plot. Planning permission was sought for the erection of a two-storey side extension, flush with the rear elevation of the original dwelling. The host dwelling is sited at right angles with the neighbouring dwelling at No. 10 Wheatlands Road. This neighbouring dwelling has a small triangular shaped rear garden, and the application was refused on the grounds of increased overshadowing to this rear garden area. The inspector agreed that this rear garden would suffer additional overshadowing but not so great so as to be detrimental to the enjoyment of this neighbouring garden.

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**Application No:** 16/00277/FUL  
**Appeal by:** Mr Michael Cox  
**Proposal:** Dormer to front  
**Address:** 16 Silverdale Court York YO24 2SL

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal site relates to a semi-detached bungalow situated in a small cul-de-sac of similar bungalows in Woodthorpe. Permission was sought for a large flat roof front dormer clad in white uPVC to match a similarly sized rear dormer. The dormer would occupy a large proportion of the roof slope, extending to the height of the ridge, with no other front dormers being evident in Silverdale Court or in neighbouring streets. Given the simple, unaltered character of the roofscape in the street it was considered that the design, scale, location and materials of the dormer would result in a dominant, prominent and incongruous feature which would detract from the otherwise simple and unspoilt appearance of the dwelling, neighbouring dwellings and the wider streetscene. In determining the appeal the inspector noted that the dormer would form an unacceptably dominant and prominent feature in the roof slope, although the materials would not cause demonstrable harm to the character of the area given that uPVC is predominantly used in most of the fenestration elements of properties around the cul-de-sac. Additionally the scale and mass of the dormer would appear as an incongruous and bulky addition to the front of the property. The appeal was dismissed.

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**Application No:** 16/00303/FUL  
**Appeal by:** Mr Jason Knight  
**Proposal:** Erection of detached garage and conversion of existing garage into habitable room  
**Address:** 1 Hardwicke Close York YO26 5FB

**Decision Level:** DEL

**Outcome:** PAD

Planning permission was sought for the conversion of the integral garage to habitable accommodation and the construction of a detached garage to the front of the property to include additional hardstanding, the erection of a 1.8m high boundary fence and creation of bin store area. The property is a new build detached dwelling situated towards the entrance to the site, fronting onto a small Green/LEAP area within a new development of 57 houses situated off Boroughbridge Road. The application was refused due to the visual impact on the open setting of the development as it was considered that the location and forward projection of the proposed garage would have been such that it would have appeared visually prominent and incongruous within the setting at the entrance to the development. The inspector allowed the conversion of the integral garage, which could be carried out under permitted development allowances but dismissed the construction of a new garage with associated hardstanding and fencing. It was concluded that this element of the proposal would significantly erode the sense of openness, constituting disruptive and uncharacteristic intrusions into a largely undeveloped space, causing significant harm to the character and appearance of the area. The appeal was therefore part allowed/part dismissed.

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**Application No:** 16/00436/FUL  
**Appeal by:** Mr A Sullivan  
**Proposal:** Change of use from small House in Multiple Occupation (use Class C4) to large House in Multiple Occupation (Sui Generis) and two storey side and single storey side and rear extension with dormer to side  
**Address:** 32 Hull Road York YO10 3LP

**Decision Level:** DEL

**Outcome:** DISMIS

Planning permission was sought for change of use from small House in Multiple Occupation (use Class C4) to large House in Multiple Occupation (Sui Generis) and erection of a two storey side and a single storey side extension together with a rear extension with dormer to side. Consent was refused on the grounds that due to their massing, scale and location the proposed extensions would not be subservient and would have an unduly dominant and overbearing impact on their surroundings and the proposed single storey rear extension would have an adverse impact on the amenity of the occupants of the adjoining property no.34 Hull Road. The Inspector found that the angular design of the dormer would appear as an awkward and incongruous feature, increasing the bulk of the two storey extension at its most prominent point and significantly detracting from the subservient nature of the extension. The single storey side extension would significantly increase the bulk and massing of the extensions when viewed from the front of the property from Hull Road, further detracting from their subservience to the host dwelling. The extensions to the side of the property, when combined with the single storey extension to the rear, would increase the bulk of the proposal in views from Green Dykes Lane and the nearby junction. He concluded that the proposal would harm the character and appearance of the area. He considered that the single storey extension to the rear would present a significant area of the flank wall in close proximity to the boundary of no.34 and give rise to a significant overbearing effect and a sense of enclosure for the occupiers of this adjoining dwelling. He advised that he had given regard to the benefits arising from the proposal, including the provision of an HMO which could provide accommodation for students in a sustainable and convenient location and support to local services but these did not overcome the identified harm. The appeal was dismissed.

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**Application No:** 16/00489/FUL  
**Appeal by:** Ms Angela Smith  
**Proposal:** Two storey rear extension (re-submission)  
**Address:** 9 Prestwick Court York YO26 5RS

**Decision Level:** DEL

**Outcome:** DISMIS

The host dwelling forms one of a pair of modest two-storey semi-detached dwellings. The application sought permission for a pitched roof two-storey rear extension, across the full width of the rear elevation, and being sited along the common side boundary with the attached neighbouring dwelling at No. 7 Prestwick Court. Due to the location of the extension, along with the height to the eaves of approx. 5m, officers considered that it would seriously harm the outlook and light to the neighbouring kitchen diner. The Inspector agreed and also considered that the enjoyment of the neighbouring garden would also be affected due to the dominant and rather oppressive feature caused by the mass of plain brickwork proposed.

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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