

Appeal Summaries for Cases Determined 01/07/2017 to 30/09/2017

Application No: 16/00617/FUL
Appeal by: Mr Peter Mandy
Proposal: The erection of single storey 2 bedroom dwelling to be used as a holiday let following the partial demolition of the stable building (retrospective)
Site: Holly Tree Farm Murton Way York YO19 5UN
Decision Level: DEL
Outcome: DISMIS

The applicant argues that the proposed development was the conversion of an existing stable block to a holiday let that was granted by appeal (APP/C2741/A/12/2169412/NWF). This permission had lapsed. The development was actually for the partial demolition of the stable block, a small part of the north and west walls have been retained and the erection of a single storey dwelling to be used as a holiday let. The resulting building was taller than the previous stable and had a larger footprint - 54% increase. The application was retrospective. The application was refused on green belt grounds - the proposed development did not fall within any of the exception criteria of the NPPF. The development was in Flood Zone 3 and failed the sequential and exception test. The Inspector agreed that despite the surrounding existing and proposed development the site was within the general extent of the greenbelt and therefore the proposed development was inappropriate development. The Inspector considered that the development would have a greater impact on the openness of the Green Belt. The Inspector considered that the submitted flooding information was out of date and not sufficiently robust and there was not enough information to demonstrate that the sequential and exception test could be passed, and it did not meet national policy in relation to flooding and flood risk. The appeal was dismissed.

Application No: 16/01113/FUL
Appeal by: Miss Raquel Nelson
Proposal: Replacement managers lodge and laundry building
(retrospective)
Site: Country Park Pottery Lane Strensall York YO32 5TJ
Decision Level: DEL
Outcome: ALLOW

The appeal site has a long and complex planning history having originally been first given planning permission as a touring caravan site in the Green Belt at Strensall in 2005. The appeal proposal related to the retention of a manager's lodge which had been given planning permission originally in 2012 but had not been constructed in accordance with the approved plans. Additionally a brick laundry building had also been constructed without planning permission. When the application was submitted a protracted period of negotiation took place over the extent of the additional accommodation that had been built and also the brick laundry building. The appellant appealed non-determination soon after the target period had expired but negotiations continued. It was eventually accepted that the case for "very special circumstances" in respect of the original proposal could equally apply to the as built construction and that was to be accepted by the Inspector. Shortly before the appeal was determined the appellant demolished the laundry building and cleared the site. The appeal was therefore allowed.

Application No: 16/01594/FUL
Appeal by: Mr & Mrs Chapman
Proposal: Two storey side extension, single storey side and front extensions following demolition of existing detached garage and domestic outbuilding.
Site: Chelsea Cottage York Road Deighton York YO19 6EY
Decision Level: DEL
Outcome: DISMIS

The appeal relates to the refusal of a two storey side extension, single storey side and front extensions to Chelsea Cottage, York Road, Deighton, a semi-detached dwelling situated in the green belt. Whilst the extensions would have followed the demolition of existing detached garage and domestic outbuilding, they would have represented an 86% increase in the footprint of the dwelling. The application was refused due to the scale, height and massing of the proposed extensions as they would constitute large scale additions to the house which would be disproportionate to the size of the original building. Similarly the single storey annexe would not have been in keeping with the existing simply proportioned and modest sized cottage and would have resulted in dominant additions which were not considered subservient to the existing house. The proposals would therefore constitute inappropriate development in the Green Belt which would be harmful to the openness of the green belt. No very special circumstances were identified to outweigh the harm. Harm would also be caused to the existing simple character and appearance of the cottage. The inspector agreed with the points made in the delegated report with regard to the harm to the green belt in terms of disproportionate additions and openness. However the inspector considered that the extensions would not cause harm to the character and appearance of Chelsea Cottage unlike the LPA but agreed there would be little impact on the surrounding Escrick Conservation Area due to its limited visibility outside of the site. The appeal was dismissed.

Application No: 16/01658/FUL
Appeal by: E & C Goran Ltd
Proposal: Variation of condition 2 of permitted application
 14/02990/FUL to alter approved bow windows to bay
 windows and change window material from timber to UPVC
Site: The Greyhound Inn5 York
 StreetDunningtonYorkYO19 5PN
Decision Level: DEL
Outcome: DISMIS

The appeal relates to two UPVC double glazed bay windows installed to the ground floor of the front elevation of the former Greyhound Inn, currently Dunnington Pharmacy, 5 York Street, Dunnington. The UPVC canted bay windows differ from the timber bow windows with vertical sliding sashes authorised as part of planning approval ref. 14/02990/FUL. Planning consent was refused for the variation of condition 2 of permitted application 14/02990/FUL to alter the approved bow windows to canted bay windows and change the window material from timber to UPVC, ref. 16/01658/FUL. The host building is located in Dunnington Conservation Area. The Inspector considered that whilst the host building is not architecturally distinguished, it retains a simple elegance and makes a positive contribution to the character and appearance of the conservation area. The UPVC windows that have been installed are comprised of canted bays with utilitarian cornices and friezes which are at odds with the traditional detailing of the central doorcase. The windows are constructed of non traditional materials with large profile frames, fixed lights and uncharacteristically thick dummy glazing bars between the inner and outer panes of the double glazed units. As a result the Inspector considered that the replacement windows harm the character and appearance of the host building and fail to preserve or enhance the character and appearance of the conservation area. Whilst the harm to the significance of the conservation area is less than substantial, the public benefits are not sufficient to outweigh the harm. The appeal was dismissed.

Application No: 16/02556/FUL
Appeal by: Mr Paul Waines
Proposal: First floor rear extensions including an increase in the size of existing dormer window
Site: 4 Minster Close Wigginton York YO32 2GP
Decision Level: DEL
Outcome: DISMIS

The application site is a semi-detached bungalow situated in a street of mixed bungalows and two storey dwellings. The dwelling has an ample sized garden with a detached garage situated behind the main house on the side shared boundary. The proposal for planning permission was subject to two sets of revised plans for the construction of a pitched roof first floor rear extension above an existing flat roof rear extension. The proposal would include an extension to the existing flat roof box style dormer window on the rear elevation. The Council refused the proposed development on the grounds that the amount of extension to the rear of the dwelling would not appear as a subservient addition to the host property. Officers considered that the amount of extensions would result in an incongruous, unattractive and top heavy development that would not relate to the existing house, the adjoining house and the wider street scene. The Planning Inspector agreed with the Council in that he felt that the scale and bulk of the proposed rear extension would result in an adverse impact on the character and appearance of the host dwelling, and the area.

Application No: 16/02578/FUL
Appeal by: Mr Keith Lancaster
Proposal: Two storey rear extension.
Site: 14 Pulleyn Drive York YO24 1DX
Decision Level: DEL
Outcome: DISMIS

This application sought permission for a two-storey rear extension to a detached two-storey dwelling. The design of the addition was considered to appear appropriate in relation to the host dwelling and surrounding area, and the Inspector agreed with this. The major neighbouring impact was upon adjacent residents at No. 16 White House Drive, which is sited at a slightly lower ground level than the host. No undue loss of light or overshadowing was considered to occur, and again the Inspector agreed with this view. However, due to the close proximity to the common side boundary of these two dwellings, along with the significant height and length proposed it was considered to have a detrimental and harmful impact upon the amenities of the occupiers of 16 Pulleyn Drive, by way of overdominance and a harmful increased sense of enclosure. The Inspector agreed with this stating the extension would accentuate the staggered relationship of the two houses and its bulk and scale would have an imposing, oppressive and dominating effect that would significantly harm the living conditions of the occupiers of this (neighbouring) dwelling.

Application No: 16/02677/FUL
Appeal by: Mr John Flynn
Proposal: Erection of replacement garage with accommodation in the roof
Site: Knapton Grange Main Street Knapton York YO26 6QG
Decision Level: DEL
Outcome: DISMIS

The application sought permission for the erection of a replacement garage to a property in the green belt. The application was refused on the grounds of inappropriate development. The garage would result in an increase of 127 percent in footprint. The Inspector agreed that the proposal would represent a disproportionate addition over and above the size of the original building and would result in a loss of openness. The appellant stated that the site should be considered as Previously Developed Land (PDL). However, notwithstanding the classification (or otherwise) of the land as PDL, paragraph 89 of the Framework states that development in this respect should not have a greater impact on the openness of the Green Belt than the existing development. The proposal would result in built development consisting of a large garage being introduced where there is presently only very limited built development consisting of a much smaller garage.

Application No: 16/02700/FUL
Appeal by: Mr Alex Kirby
Proposal: Variation of condition 2 of permitted application
 16/01635/FUL to amend approved drawings to include 3no.
 rooflights to front and reposition the detached garage
Site: 30 Southfield Close Rufforth York YO23 3RE
Decision Level: COMM
Outcome: ALLOW

The appeal relates to variation of condition application 16/02700/FUL to vary condition 2 (drawings) and removal of condition 5 (hours of construction) of permission 16/01635/FUL for extensions and alterations to 30 Southfield Close in Rufforth. The condition in dispute is condition 5 re. hours of construction as it was resulting in issues of neighbours reporting on noise/work outside of the specified hours, which the appellant stated was not due to building works associated with the planning permission. The variation of condition 2 was approved by committee, however the removal of the condition relating to hours of construction was refused by members on the grounds that removing the condition would result in an adverse impact on the living conditions of neighbouring occupiers with regard to noise and disturbance. The inspector noted that the appeal site was close to neighbouring properties but that the Control of Pollution Act 1974 was a reasonable and appropriate alternate means of managing noise and disturbance resulting from the approved development. He also noted that the construction informative that was added to the decision was sufficient to guide the applicant in the respect of working hours. The inspector concluded that whilst it provides some degree of legal compliance, the imposition of the disputed condition is difficult to enforce. Furthermore, it would duplicate controls which are available to the Council outside of planning legislation through the Control of Pollution Act 1974. The appeal was allowed.

Application No: 16/02729/FUL
Appeal by: Mr & Mrs M Boynton
Proposal: Hip to Gable extensions to roof and dormer window to front
Site: 35 Keith AvenueHuntingtonYorkYO32 9QH
Decision Level: DEL
Outcome: ALLOW

35 Keith Avenue - 16/02729/FULThe application was for a hipped to gable extension and front dormer, on a detached bungalowThe Inspector noted that the hip to gable would have constituted permitted development, had there not been a previous rear extension (not visible from Keith Avenue) The combined additional cubic capacity in the roof space would exceed Class B tolerance.He did not consider the hipped to gable would have a negative impact on the appearance of the bungalow and a 'gabled roof, in juxtaposition with a hipped roof would not be an unusual feature in the street-scene.He noted that front dormers are rare on Keith Avenue. However there is an example on a bungalow, opposite the application property. This is a large box dormer, which he considered suited that type of larger bungalow.He felt that the much smaller, pitched-roof, centrally positioned dormer, proposed on the application bungalow, was acceptable in visual terms.For these reasons, he allowed the appealPaul Edwards22.11.2017

Application No: 16/02844/FUL
Appeal by: Ms Victoria Jack
Proposal: Variation of conditions 2 and 3 of permitted application 16/00789/FUL to alter external materials used to dormers and walls (retrospective)
Site: 8 Badger Wood Walk York YO10 5HN
Decision Level: DEL
Outcome: DISMIS

The host dwelling is a detached property located on a cul-de-sac containing a mixture of detached and semi-detached houses and detached bungalows. The application sought permission to vary conditions to alter external materials used to dormers and walls (retrospective). The approved scheme raised the eaves of the property by 0.7m and the ridge height by 1.9m to provide accommodation in a new first floor. The ridge to the roof is at right angles to the road and the scheme included two dormers on either roof slope. As built the scheme varied from the approval in a number of ways, including:

- a. mid grey plastic cladding was used on the side elevations and gables of the property and on the faces and cheeks of the dormers instead of timber cladding
- b. 3 dormers had ridges the same height as the main ridge instead of being lower
- c. the cheeks of the dormers were higher resulting in a deeper area of cladding between the top of the window and the underside of the apex on the face of each dormer

 The Inspector noted that the higher ridges and eaves of the dormers resulted in a greater area between the top of the windows and the apex giving them a top-heavy, discordant appearance. He also felt that the contrast between the mid-grey UPVC and the tiled roof drew the eye to the dormers and emphasised their incongruous appearance. He considered that the mid-grey colouring and tone of the UPVC emphasised the extent of cladding and resulting in an incongruous appearance in relation to the host property and the streetscene. He further noted that although a variety of cladding, including UPVC and light coloured materials, had been used elsewhere in the cul-de-sac and the wider estate, this was generally contained within the apex of roofs or as a band between the windows on the front elevation and was therefore not as extensive as that on the appeal property. Furthermore, the mid-grey colour was unique to the appeal site. The appeal was dismissed.

Application No: 17/00032/FUL
Appeal by: Nigel Cook
Proposal: Single storey side extension
Site: 2 Minster View Wigginton York YO32 2GN
Decision Level: DEL
Outcome: DISMIS

The application property is a semi-detached bungalow at No.2 Minster View, which is located on a corner plot. Its front elevation faces onto Minster View and it has a side elevation facing onto Kirkcroft. The proposal was for a side extension, almost up to the boundary adjacent to Kirkcroft. The Inspector considered the principal issue to be the impact of the development on the character and appearance of the locality. He noted that the proposed extension would extend up to a short distance of the side boundary of the site. That the extended property would have a 'cramped appearance when seen from Minster View and Kirkcroft. In addition that the restricted side space would noticeably 'diminish the spacious appearance of Kirkcroft at this point' He considered that the scope for planting to 'soften' the visual appearance of the extension, would be severely limited. The Inspector considered that the benefits of providing a bedroom and bathroom for an elderly mother did not outweigh the harm arising from the proposal.

Application No: 17/00262/FUL
Appeal by: Mr And Mrs Dunn
Proposal: First floor side extension including dormers to front and rear
Site: Glen Cottage Stripe Lane Skelton York YO30 1YJ
Decision Level: DEL
Outcome: DISMIS

The application property is a two-storey detached cottage within in a large plot which has a rural character along a quiet lane, and is sited within the green belt. The application proposed a first floor side extension with front and rear dormers; this request had recently been removed from a recent planning application for multiple extensions at the host, at officer request. As the dwelling already had planning permission for significant additions which were already considered to be disproportionate to the original dwelling (albeit some existing) any further addition was considered to be inappropriate development in the green belt, this is even though the actual proposed addition was relatively small in scale. No special circumstances were demonstrated in order to outweigh this harm. The extension was also not considered to appear subservient to the original dwelling, thus not complying with CYC Supplementary Planning Guidance (2012). The Inspector agreed with all of the above and also added that whilst the addition was considered inappropriate development, this element alone would also lead to some loss of openness due to the increased height.

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