

## Appeal Summaries for Cases Determined 01/07/2019 to 30/09/2019

**Application No:** 17/00925/CLU  
**Appeal by:** Mr P Daggett  
**Proposal:** Certificate of lawfulness for use of land as residential garden  
**Site:** Aspen House61 The VillageStockton On The ForestYorkYO32 9UF  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal related to an acre of land that has been historically used as a paddock, but for at least 15 years has been maintained as a lawn. In the last 15 years the lands appearance was a closely mown lawn enclosed by a hedge on all sides with a pedestrian access from the front garden of Aspen House, which was located around 15 metres to the side. Aspen House had its own large garden, but the appellant stated that the paddock had over the years been used for family games. The LPA did not question that on the balance of probabilities that the paddock has been maintained as a lawn for over 10 years, but considered that in the absence of any evidence of typical garden uses taking place it did not form part of the planning unit of Aspen House. In 2015 most of the front garden of Aspen House was developed with 2 large detached houses. The paddock was then without consent integrated into the rear garden of one of the homes and the dividing hedgerow removed. It was agreed that from this period the land formed part of the planning unit of a dwelling, however as this had not continued for 10 years did not enable a lawful development certificate to be issued. The Inspector dismissed the appeal stating that the onus is on the appellant to provide evidence of use and that inadequate information had been provided indicating continuous recreational use. He stated that mowing the land and its lawn like appearance was not sufficient to confirm its use as a garden.

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**Application No:** 17/01917/FUL  
**Appeal by:** Mr Sinan Altun  
**Proposal:** Variation of condition 3 of permitted application 04/01687/FUL to extend opening hours to 0800 hours to 0400 hours on the following day on each day of operation  
**Site:** Pizza Kebab House York Limited3 Matmer HouseHull RoadYorkYO10 3JW  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application site is a hot food takeaway in Matmer House, on Hull Road. The application was to vary condition 3 of permitted application 04/01687/FUL to extend the opening hours from 0800 hours to 0400 hours on the following day on each day of operation. The upper floor of Matmer House is in residential use, there is a car park at the rear for use by the commercial premises and there are other dwellings nearby. Whilst the application was supported by a noise report it did not assess noise from the kitchen and despite requests for this information, and a longer monitoring period, it was not provided. Officers had concerns that the noise from the premises and general use of the car park at the rear until 4am would have unacceptable impact on neighbouring residential amenity and the applicant had failed to provide sufficient evidence to prove otherwise. The Inspector agreed that the noise assessment was insufficient and did not take into account the comings and goings of customers and the noise associated with them including car engines, radios, slamming of doors, people conversing at such close proximity to neighbouring residential properties which would inevitably increase noise levels in the early hours of the morning, when residents would reasonably expect a certain degree of peace and quiet. Neighbouring takeaways were similarly restricted to closing at 2300 hours. Therefore in the absence of evidence to demonstrate otherwise it was concluded that the opening hours should not be varied and the Appeal was dismissed.

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**Application No:** 18/00712/FUL  
**Appeal by:** Mr Craig Russell  
**Proposal:** Erection of stable block, formation of manege and new access track.  
**Site:** Park Cottage Askham Park Jacksons Walk Askham  
Richard York YO23 3QP  
**Decision Level:** DEL  
**Outcome:** DISMIS

This appeal relates to the erection of a stable block, an unfenced manege and an access track to the south of the group of residential properties at Askham Park which includes the host dwelling, Park Cottage. Askham Park is located to the north east of Askham Richard in an open agricultural setting in the green belt. Main issues:- whether the proposal would be inappropriate development in the green belt- the effect of the proposal on the character and appearance of the area and landscape setting of Askham Park- whether very special circumstances outweigh the harm. The inspector considered that while the manege would be unfenced and only slightly raised above surrounding land, its silica and rubber surface would be apparent, the access track would increase the visual impact and the stable would not be an insubstantial structure such that the scheme would have an adverse impact and fail to preserve openness. Therefore, the development would constitute inappropriate development in the green belt. Askham Park is set within an attractive landscape setting. The access track would run the full length of the southern boundary of the host dwelling and adjoining property and the stable block and manege would be located outside the defined boundaries of existing development. In views from the south west, the scheme would be conspicuous in the undeveloped countryside. The inspector concluded that the development would have a harmful effect on the character and appearance of the area and landscape setting of Askham Park. The inspector found that there were no very special circumstances necessary to justify the development. For these reasons, the scheme was considered contrary to the green belt policies of the National Planning Policy Framework 2019 and the appeal was dismissed. The concurrent appeal relating to ref. 18/01877/FUL for a stable block and yard located in woodland to the west of Askham Park was also dismissed.

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**Application No:** 18/01168/LBC  
**Appeal by:** Mrs Beverley Taylor  
**Proposal:** Alterations to shopfront including 3no. swan neck lights (retrospective)  
**Site:** Kafeneion39 GoodramgateYorkYO1 7LS  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal relates to retrospective proposals for alterations to the shopfront with the installation of three swan neck light fittings to the front elevation of no. 39 Goodramgate, York, a grade II listed building located in York Central Historic Core Conservation Area, Character Area 10: The Medieval Streets. The adjoining properties at no. s 41, 43 and 45 Goodramgate are grade I listed buildings and opposite, the Cross Keys Public House, no. 34 Goodramgate and no. s 36, 38 and 40 Goodramgate are grade II listed buildings. The host listed building is currently in use as a cafe/restaurant and has a fascia sign, signage on the large glazed area of the shopfront and a projecting sign suspended from a metal bracket at first floor level to the front elevation. Three swan neck lights with a black coloured finish have been fixed to the painted band below the three first floor windows and above the shopfront. The inspector considered that the fittings are relatively bulky additions to the frontage of the listed building that protrude conspicuously forward and overlap the moulded cornice above the shop fascia which is considered an attractive and visually important historic and architectural feature. As such the inspector considered that given their bulk, design and protrusion, the light fittings are prominent, intrusive features which detract from public views along the frontage of Goodramgate and the wider conservation area. The inspector concluded that in the absence of any significant public benefit, the proposal would fail to preserve the special interest of the grade II listed building, the character and appearance of the conservation area and the setting of nearby listed buildings. The appeal was dismissed.

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**Application No:** 18/01422/FUL  
**Appeal by:** Whitbread PLC  
**Proposal:** Two storey side extension to existing hotel to provide 16no. additional bedrooms, alterations to the existing internal layout to provide an additional 2no. bedrooms and associated alterations to existing car park (resubmission)  
**Site:** Premier Inn Clifton Park Avenue York YO30 5PA  
**Decision Level:** DEL  
**Outcome:** DISMIS

Planning permission was sought for a two storey extension to an existing hotel building located on the former Clifton Hospital site within the general extent of York's Green Belt. Trees adjacent to the hotel and within its car park are protected by a Tree Preservation Order. The appeal application was refused on two grounds: 1. inappropriate development in the Green Belt because it constituted a disproportionate addition over and above the size of the original building in a highly visible location within the Green Belt and historic green wedge, and 2. harm to protected trees from the introduction of additional parking spaces. The Inspector considered that the appeal proposal would have a harmful effect on protected trees. On the issue of Green Belt policy, the Inspector disagreed that the extension would result in a disproportionate addition and found it to not be inappropriate development in the Green Belt. Relatively limited weight was given to the benefits of further tourist accommodation and the social and economic benefits that the development would bring. Appeal dismissed.

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**Application No:** 18/01571/FUL  
**Appeal by:** Ms Angela Serino  
**Proposal:** Change of use of land for the temporary siting for 2 years of a static caravan, construction of earth bunding and associated facilities for use as a combined animal hospital/accommodation and living accommodation for the owner's family and construction of earth bunding (retrospective)  
**Site:** Beetle Bank Farm And Wildlife Sanctuary Moor Lane Murton York YO19 5XD  
**Decision Level:** DEL  
**Outcome:** DISMIS

An application was submitted for the retention of a static caravan with associated earth bunding on land at the Beetle Bank Farm visitor farm Murton. The static caravan was to provide living accommodation as well as serving as an animal hospital and storage area for restricted animals in association with the attraction. It was physically separate from the main site and partially landscaped. The area of bunding was however highly visible from the north and east. The development was refused planning permission because of the degree of landscape harm, the lack of a surface water drainage scheme and the fact that the development was inappropriate within the Green Belt as well as harmful to its openness. The applicant appealed and the Inspector considered the proposal against the relevant paragraphs of the NPPF in terms of Green Belt impact. It was considered that the proposal did not fall within the partial exclusion in terms of changes of use in paragraph 146 and was therefore inappropriate. In terms of a case for very special circumstances that outweighed any harm by reason of inappropriateness and any other harm, it was found that no functional need for the caravan had been established and no evidence had been put forward that if the need for the accommodation were justified that it could not be accommodated within the existing complex of buildings. The appeal was therefore dismissed.

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**Application No:** 18/01811/FUL  
**Appeal by:** Mr Killian Gallagher  
**Proposal:** Demolition and conversion of warehouse to 1 no. dwelling with associated alterations and new build  
**Site:** York Beer And Wine Shop28 Sandringham StreetYorkYO10 4BA  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was for conversion and extension of a warehouse into a three storey dwelling at No.28 Sandringham Street, Fishergate. The site borders the New Walk Terry Avenue Conservation Area. Historically the warehouse provided ancillary storage for the commercial properties at Nos. 114 to 120 Fishergate which was the primary urban relationship. The proposed dwelling was to be constructed at the back of the pavement, with front and rear balconies and followed the ridgeline of the terraces on Sandringham Street. Planning permission was refused on the grounds of over development of the site and poor design which failed to preserve the historic urban form, infilled the gap and which did not respond to the established and desirable characteristics of the street and setting of the conservation area. There was harm to neighbour amenity from the balconies and the removal of all refuse storage for the neighbouring cafe (since addressed).The Inspector agreed that the dwelling would appear as an imposing and prominent addition to the residential street and would be harmfully at odds with the uniform pattern of the terraces on Sandringham Street. It would be overly large from the front and rear, the balconies would appear anomalous in the street scene and the three storeys together with the large amount of glazing would be unsympathetic with the more traditional residential terraces. Harm to the character and appearance of the area and also significant harm to character and setting of the conservation area was identified. Although this harm was less than substantial it was given considerable weight and there were very little public benefits to outweigh the harm identified. The rear balcony, whilst having privacy screening would be overly dominant on the neighbours rear amenity space and would cause additional noise and disturbance. The Appeal was dismissed.

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**Application No:** 18/01822/FUL  
**Appeal by:** Mr I Furby  
**Proposal:** Two storey side and rear extension and single storey side extension and detached bin/bike store to rear in association with use of the house as an HMO.  
**Site:** 57 Tang Hall Lane York YO31 0SL  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was refused because the layout failed to provide the number of car parking spaces to the standard required and would block access from the front to the rear of the plot restricting the movement of bicycles and bins. It would discourage the use of bicycles, create problems for bin storage and collection and lead to bins and cycles being stored at the front creating a cluttered and unsightly appearance. The replacement of the front garden by a parking area would also have an adverse impact on the streetscene. Also the proposed extensions were of poor design and over dominant additions that would block natural light to the adjoining properties and their harm outlook from the rear. The inspector felt that the parking proposals were acceptable. He also felt that because the two storey extension was set back it would appear subordinate, however, because it would result in a an extensive blank wall with the neighbour (no.55) he considered it would be overbearing and cause loss of outlook from a side bedroom window. He also felt that the loss of the front wall and hedge would detract from the character and appearance of the area.

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**Application No:** 18/01877/FUL  
**Appeal by:** Mr Craig Russell  
**Proposal:** Erection of stable block.  
**Site:** Park Cottage Askham Park Jacksons Walk Askham  
Richard York YO23 3QP  
**Decision Level:** DEL  
**Outcome:** DISMIS

This appeal relates to the erection of a stable block and yard located within woodland to the west of the group of residential properties that comprise Askham Park and includes the host dwelling, Park Cottage. Askham Park is located to the north east of Askham Richard in an open countryside setting in the green belt. Main issues:- whether the proposal would be inappropriate development in the green belt- the effect of the proposal on the character and appearance of the area and landscape setting of Askham Park- whether very special circumstances outweigh the harm. The proposed timber stable building and yard would be located in woodland next to the western access road serving Askham Park, close to the formal gated entrance. From the road there are views across the adjacent paddock through the trees to the appeal site. Although the proposals would be in a visually contained location, the inspector considered that the proposed development would be conspicuously sited and would introduce development within an area of woodland that is largely undeveloped. As a result there would be a loss of openness which would result in harm to the green belt and constitute inappropriate development in the green belt. The inspector considered that the west woodland forms an important component of the landscape setting of Askham Park. Although siting the proposal in the woodland would reduce the scheme's wider visual impact, located at the side of the access road it would appear incongruous and have a harmful effect on the landscape setting of Askham Park and the character and appearance of the area. The inspector found that there were no very special circumstances to justify the development. The scheme was considered contrary to the green belt policies of the National Planning Policy Framework 2019 and the appeal was dismissed. The concurrent appeal relating to ref. 18/00712/FUL for a stable block, manege and access track to the south of Park Cottage was also dismissed.

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**Application No:** 18/02056/FUL  
**Appeal by:** Mr Mark Ware  
**Proposal:** Erection of first floor side extension and single storey rear extension.  
**Site:** 51 Bad Bargain Lane York YO31 0QX  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal property is an end terraced property in a short two storey residential terrace built around the mid twentieth century. It fronts Bad Bargain Lane with the side elevation facing Gerard Avenue. It was proposed to erect a large two storey side extension that projected beyond the rear elevation. The angle of the side garden is such that the front corner of the extension would be around 8.2m from the boundary with Gerard Avenue, however, the rear corner would be only 3.2m away. The homes fronting Gerard Avenue are set back around 5m from the footpath. The Inspector agreed with the Councils decision that the scale and location of the proposed two storey extension was unacceptable as it would erode the generous openness that was characteristic of the area and be clearly forward of the established building line.

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**Application No:** 18/02260/FUL  
**Appeal by:** Mrs Michelle Bruce  
**Proposal:** Dormer window to rear.  
**Site:** 30 Harden Close York YO30 4WE  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application property is a modern semi-detached house, located within a coherently laid out estate, which is comprised of dwellings with shared design features. In micro terms, the Inspector considered the proposed dormer to be a large box-like structure, extending almost the full width of the roof and would be top heavy and unbalanced in appearance. The scale and design would not respect the host dwelling, or its adjoining twin neighbour. In addition, the structure would form an incongruous structure on the roof scape and harm the visual amenity of the wider neighbourhood. The Inspector noted that the original consent for 87 dwellings (approved in 1994) removed Permitted Development Rights and sited the reason being to ensure the area was not prejudiced by the introduction of inappropriate materials or structures of unacceptable design. She noted the existence of a large rear dormer on a nearby property at Stubden Grove, but also noted that Permitted Development Rights had not been removed from that property. So a large dormer could have been built there without the need for consent. Finally, she stated that a more limited scale of additional living space could be achieved through roof-lights, or a smaller scale dormer (or dormers) and that the benefits to the applicant, in terms of the proposal as submitted, did not outweigh the harm it would cause to the host dwelling and surrounding area.

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**Application No:** 18/02489/FUL  
**Appeal by:** Mrs Sarah Poole  
**Proposal:** Change of use from C4 House in Multiple Occupation to 9 bed House in Multiple Occupation, two storey side and rear extension, single storey rear extension and dormer to rear (resubmission).  
**Site:** 3 Fourth Avenue York YO31 0UY  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was refused on the grounds that the layout failed to provide a workable on-site car parking arrangement with inadequate turning areas and that car parking in the rear garden would cause significant noise and disturbance for neighbours. The proposed parking space in the front garden would also be difficult if not impossible to manoeuvre into and out of and the substandard parking spaces would mean that occupants would have to park outside of bays to undertake maintenance preventing other vehicles from being able to access spaces. In view of the above, the Council considered that on street parking would occur in a location where the residents were already experiencing problems and there were concerns about the proximity of a telegraph pole and poor visibility at the access. The two storey side and rear extension and rear dormer were also considered to be over dominant and incongruous additions to the townscape. The inspector considered that the side and rear extensions would be overly dominant and that parking in the rear garden would be harmful and out of character. He considered the car parking spaces were unsuitable in their layout and would result in reversing along a long driveway, which he thought would be dangerous.

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**Application No:** 18/02511/FUL  
**Appeal by:** Mr & Mrs Cleaver  
**Proposal:** Use of house as a large 7 bed HMO (Sui Generis) with detached bike and bin store to rear.  
**Site:** 41 Deramore Drive York YO10 5HL  
**Decision Level:** DEL  
**Outcome:** DISMIS

The proposal sought a change of use from a 6 bed detached HMO to a 7 bed one. It was refused on inadequate car and cycle parking and refuse bin provision that would lead to on street parking and cycles and bins being stored in the front curtilage creating a cluttered and unsightly appearance. The Inspector considered that the proposed 3 off-street parking spaces to the front of the property, 2 of them in parallel and the third on an angle in front of the bay window, would be substandard in size, providing little or no circulation space around the vehicles for unloading, maintenance, washing, etc. The front bay window space would be difficult to access and egress and unusable due to its oblique position in relation to the other spaces. The parking layout would also make the passage of pedestrians with wheeled bins or cycles difficult if not impossible and the narrow side access coupled with stepped levels to side and rear would hinder the movement of bins and cycles. The Council requires 4 off-street parking spaces, proposal offers only 3. This would mean parking on the highway in an area where there are already existing parking pressures. There is a Respark zone 8am and 5pm Mon to Fri but demand is likely to be highest in the evening and at weekends and so it would do little to mitigate the additional parking created. Also HMO residents are not eligible for parking permits, so this emphasises the need for adequate off-street parking provision. In addition the number of parked vehicles and restricted access would result in refuse bins and cycles being stored to the front of the property or displaced onto the highway verge, cluttering the frontage and creating an unattractive appearance that would detract from the overall quality of the street scene.

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**Application No:** 18/02813/FUL  
**Appeal by:** Mr Wayne Dixon  
**Proposal:** Change of use of paddock to domestic garden  
(retrospective resubmission)  
**Site:** 2 Hawthorne Mews Strensall York YO32 5RR  
**Decision Level:** DEL  
**Outcome:** DISMIS

2 Hawthorne Mews lies in the village of Strensall in a small mews development. The appeal focused upon a patch of uncultivated scrub land that met the riverbank to the north, beyond modest rear gardens. The appellant together with neighbours at Nos 3 and 4 has purchased and transformed this area of land into domestic gardens. A previous application for the same development was refused and subsequently dismissed on appeal because insufficient ecological survey information has been provided to assess the impact of the development on protected species. The Inspector notes that the survey deals with the site as a whole (including 3 adjacent properties at 3, 4 and 5 Hawthorne Mews) rather than discretely, and thus not all of its findings were applicable to the present appeal site. Whilst it was reported that no evidence of water vole was noted during the walkover survey and the development in its present form may mean that harm to otters or their habitat is unlikely, because of the uncertainties arising from the timing of the walkover survey (the ecological survey was carried out in October 2018, a time of year that is not within the optimum survey season for water voles), the restricted views (from further vegetation) encountered and reliance on existing management measures, the Inspector could not be satisfied that protected species or their habitats would not be harmed as a result of the proposals. The appeal is dismissed.

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**Application No:** 18/02834/FUL  
**Appeal by:** Mr Dennis Wright  
**Proposal:** Extension of garden curtilage onto land at the rear (resubmission).  
**Site:** 4 Hawthorne Mews Strensall York YO32 5RR  
**Decision Level:** DEL  
**Outcome:** DISMIS

4 Hawthorne Mews lies in the village of Strensall in a small mews development. The appeal focused upon a patch of uncultivated scrub land that met the riverbank to the north, beyond modest rear gardens. The appellant together with neighbours at Nos 2 and 3 has purchased and transformed this area of land into domestic gardens. A previous application for the same development was refused and subsequently dismissed on appeal because insufficient ecological survey information has been provided to assess the impact of the development on protected species. A Preliminary Ecological Appraisal Report (PEAR) concludes that the site comprised low ecological value, that the current management of the site is considered to have little impact on commuting otters and that no sign of water vole were noted. The Inspector notes that the evidence concerning the effect that the development has had on the protected species of otters and water voles is inconclusive because the site was not surveyed prior to the removal of the natural vegetation and the change of use of the land. The appeal site is located close to the northern boundary of the Strensall Village Conservation Area and is closely adjacent to Strensall Bridge, a grade II listed structure. The Inspector considers that the development has a neutral effect which preserves the character and appearance of the conservation area and setting of adjacent listed buildings and structures causing no harm to their significance. The appeal is dismissed.

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**Application No:** 18/02877/OUT  
**Appeal by:** Mr & Mrs Handley  
**Proposal:** Outline application for erection of 2no. single storey detached dwellings with details of access, layout and scale submitted for approval (appearance and landscaping reserved)  
**Site:** Disused Mod Camp SiteWheldrake LaneElvingtonYork  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal application sought outline planning permission, with access, layout and scale not reserved, for the erection of two single storey detached dwellings on land to the south of Elvington village. The site consists of a rectangular piece of land with large concrete slab and part undergrounds bunkers lying outside of the defined settlement limit and within the general extent of York's Green Belt. Planning permission was refused on two grounds: 1. inappropriate development in Green Belt due to greater impact on openness, and 2. insufficient information regarding protected species. Pre-application advice had been given which advised that the proposal was contrary to Green Belt policy and that information would be required about protected species to allow proper assessment. Limited weight was given by the Inspector to local planning policies. It was agreed that the proposal would constitute inappropriate development in the Green Belt and that insufficient survey work on potential impact upon protected species had been provided. The claimed benefits of the scheme, being the mix and supply of housing in the area and properties for family members with local businesses, were afforded limited weight. The Inspector concluded that no very special circumstances necessary to justify inappropriate development in the Green Belt had been identified and that the appellant had failed to adequately assess the proposal in relation to protected species. Appeal dismissed.

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**Application No:** 18/02892/FUL  
**Appeal by:** Mr E King  
**Proposal:** Two storey side extension and two storey and single storey rear extensions after demolition of existing single storey outbuilding.  
**Site:** 5 Hull Road Kexby York YO41 5LA  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal property is a semi-detached cottage located within an open setting in the Green Belt. The dwelling has already been significantly extended and has two large detached outbuildings and a greenhouse to the side. The Inspector agreed that although the increase in footprint would be minimal, the increased height, bulk and massing of the development would clearly result in disproportionate additions over and above the size of the original building, and emphasised that the NPPF refers to size rather than footprint when describing inappropriate development. In terms of openness, the Inspector considered that the proposals, together with the previous extensions, would reduce the open area surrounding the original building, and made clear that openness has a spatial element and is not limited to the visual effect of the scheme. Although she felt that the impact on openness would be limited, substantial weight was given to this harm, in accordance with paragraph 144 of the NPPF. Finally, it was considered that the development would be of poor quality design. Although the extensions would somewhat replicate alterations already made to the existing cottage and its neighbour, the Inspector considered these to be unsympathetic alterations, and by replicating them rather than reflecting original features the scheme would not constitute high quality design. She felt that the proposed two-storey extension would appear over-dominant and further unbalance what were originally a pair of modest cottages, and that the changes proposed at roof level would be completely out of character with the styles typically observed in such a rural location. The Inspector dismissed the appeal, concluding that the scheme would constitute inappropriate development in the Green Belt, would cause harm to the openness of the Green Belt, and would harm the character and appearance of the area. She identified no very special circumstances that would have justified the development.

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**Application No:** 18/02950/FUL  
**Appeal by:** Mr D Fuller And Ms C Watson  
**Proposal:** Dormer roof extensions to rear (revised scheme to approval 17/02409/FUL) and front dormer.  
**Site:** 10 Thorpe Street York YO23 1NL  
**Decision Level:** DEL  
**Outcome:** DISMIS

This application sought permission for the siting of a pitched roof front dormer to this mid-terraced two-storey dwelling. The application was refused on the grounds that any front dormer in this location was considered to harm the simple rooflines of the row of dwellings by disrupting the sense of rhythm, thus would harm the character and appearance of the area. In this instance the design of the actual proposed dormer, failed to respect the vertical proportions of the building was thus also considered to harm the appearance of the dwelling. The inspector agreed with these points and also noted that the presence of other front dormers in the street was not a reason, on its own, to allow unacceptable development.

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**Application No:** 19/00032/FUL  
**Appeal by:** Mr Osman Doganozu  
**Proposal:** Installation of external strip light and planter feature above shop front, external planters and change of use of public highway to provide outdoor seating area  
**Site:** Cut And Craft 8 St Sampsons Square York YO1 8RN  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was refused on the grounds that the provision of an outdoor seating area would constitute an obstruction within the highway and the introduction of foliage, a planting box and LED lighting above the cornice of the shop front would constitute harmful introductions and detract from the architectural and historic character of the wider conservation area and the setting of adjacent listed buildings. The inspector agreed with the LPA on the issue of obstruction. He also considered the planter feature and external planters would be out of keeping and harmful. He found it difficult to judge the external strip light because it was behind the planter feature but because the property already had an illuminated projecting sign at high level and wall mounted lanterns he considered it already had an appropriate level of external lighting. As a result he considered it would be harmful.

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**Application No:** 19/00082/FUL  
**Appeal by:** Blinch (UK) Limited  
**Proposal:** Erection of 2no. roof dormers on the Friargate elevation.  
**Site:** Yh Training Services Ltd York House 15 Clifford Street York YO1 9RG  
**Decision Level:** DEL  
**Outcome:** ALLOW

The appeal was against refusal of permission for 2 dormers on the side (Friargate facing) elevation of 15 Clifford Street. The appeal was allowed on the grounds that there was variety in the existing roofscape in the locality and as the dormers proposed would be discreet due to their location, on a side elevation along a narrow street and positioned between a turret and chimney. He also noted the dormers were of subservient scale compared to other features on the roof of the host building.

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**Application No:** 19/00561/FUL  
**Appeal by:** Mr Martin Reynolds  
**Proposal:** Variation of condition 5 of permitted application 16/00093/FUL to increase the maximum length of stay from 28 days per annum to 56 days per annum, and use pitch 1 as a warden's pitch for eight months of the year.  
**Site:** Cherry Tree Cottage Millfield Lane Nether Poppleton York YO26 6NX  
**Decision Level:** DEL  
**Outcome:** ALLOW

Planning permission was refused for the variation of an occupancy condition at Cherry Tree Cottage caravan site in Nether Poppleton to increase the maximum stay from 28 days to 56 days in a calendar year and to allow for the siting of a warden caravan for up to 8 months a year. The main issue was impact on the openness of the Green Belt. During the appeal process the appellant clarified that they sought to increase the total number of days that a caravan could be on site in any calendar year while retaining the maximum length of any one stay at 28 days and requiring the caravan to be removed from the site for a minimum of two days. The Council accepted this and so did the Inspector. With regard to the warden caravan, the Inspector agreed that this would lead to a significant element of permanence that would impact on the openness of the Green Belt. The Inspector found that this would be contrary to Policy GB1 of the 2018 Draft Plan and PNP1 of the Upper Poppleton and Nether Poppleton Neighbourhood Plan. The appeal was allowed to increase the total occupancy period but not to include a warden caravan.

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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