

Appendix B - Summaries of Planning Appeals decided between 1 April 2025 and 31 March 2026

Date report run: 18-Jun-2026

Case number	Appeal by	Description	Address	Outcome
24/00054/REF	Mr R Boardman	Two storey side and rear extension following demolition of existing garage	12 Glebe AvenueYorkYO26 5HJ	Appeal Dismissed

Notes

The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the site and the surrounding area, and living conditions of occupants of the appeal site, with reference to car parking and cycle storage. The LPA had stated that the principle of the two-storey extension was acceptable, the issue being the lack of bin and cycle space within the envelop of the extension. Such storage was to be provided in a purpose-built bin store to the front of the property and a cycle shed to the rear. The Inspector noted that no similar permanent structure was present elsewhere in the street and found that there would be a harmful effect on the character and appearance of the street scene contrary to D1 of the Local Plan. The Inspector concluded that the single car parking space provides an adequate level of car parking, considering bus links to the city centre and that local facilities would be accessible by bike and on foot, but that this raised the importance of providing adequate and convenient cycle storage. The Inspector concluded that the rear cycle store requiring cycles to be taken through the house to be inconvenient and unacceptable, also considering future occupiers of the house, and would be contrary to D1 and T1. .

Case number	Appeal by	Description	Address	Outcome
25/00018/REF	Mr Ian Wray	Single storey side extension after removal of garage	26 Ferguson WayHuntingtonYorkYO32 9YG	Appeal Dismissed

Notes

The application proposed the addition of a single storey side extension, following the removal of an existing attached garage. The application was refused for harm to the character and design of the property and street scene by virtue of its unsympathetic scale and detailing. The inspector determined that the proposed extension would dominate the side elevation of the property, as result of its width, height and position beyond the front elevation of the property. The additional garage door to the principal elevation would create a visually awkward addition and undermine the balanced proportions of the host property. The overall bulk and massing of the proposed extension would increase the visual enclosure of the space to the side of the dwelling, further eroding the open appearance of the street. It was concluded that although the existing garage does not contribute positively to the visual appearance of the area, the proposed development would cause further harm as a result of its scale and prominence within the street scene. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00062/REF	Mr T Parry	Erection of a two storey dwellinghouse to the side of the existing house, with associated parking.	350 Thanet RoadYorkYO24 2PL	Appeal Allowed

Notes

The application was for a two-storey dwelling to the side of 250 Thanet Road, a corner house on the junction of Turnmire Road in a mixed area of similar dwellings comprising of both semi-detached houses and terrace blocks with gardens and driveways fronting the highway. The LPA refused the application on grounds of design and visual appearance. This was because the proposal would be over-development of a constricted plot, which was considered to lack sufficient the space for a new dwelling and garden without a loss to the transitional open appearance between houses which was noted as a positive attribute of the street and pattern of development. In was concluded to represent a poor design which failed to comply with policy D1 (Placemaking) of the City of York Local Plan 2018 and Section 12 of the National Planning Policy Framework (NPPF).The Inspector disagreed with the LPA and stated the proposal would be a continuation of a terrace row, like other houses in the street with similar materials and architectural detailing to that of the adjoining terrace. Also, it would facilitate its integration with the surrounding built environment. The Inspector also pointed out that a modest gap, reflective of that between the surrounding groups of dwellings would be retained between the side elevation of the proposal and adjacent dwelling along Turnmire Road. This would preserve the existing open character of this section of the street scene and the important gap between dwellings, particularly on such a prominent corner plot. The Inspector concluded the proposal would not have a harmful effect on the character and appearance of the area and raised no conflict with the relevant provisions of policy D1 of the Local Plan. The Appeal was allowed.

Case number	Appeal by	Description	Address	Outcome
24/00024/REFCPD	Mr James Metcalfe	Certificate of lawfulness for proposed development of an outbuilding to rear and an in-ground swimming pool	The Old Vicarage Main Street Askham RichardYorkYO23 3PT	Appeal Dismissed

Notes

Proposed development constituted an outdoor pool and pool house building to the rear garden of The Vicarage. The Council considered that the proposal was incidental to the dwelling, however the location was not deemed to be within the curtilage of the dwelling and was refused accordingly. The Inspector concluded that the land in question did form part of the curtilage, however that the scale of development was such that it was not incidental to the use of the dwelling.

Case number	Appeal by	Description	Address	Outcome
25/00015/REF	Mr Andy Firth	Display of 2no. pictorial signs to existing hanging gibbets, halo illuminated lettering, door plaque, external display board, window vinyl, and menu board	Keystones4 MonkgateYorkYO31 7PE	Appeal Dismissed

Notes

This appeal related to the display of advertisements, including halo illuminated fascia signage, replacement hanging signs, and other display boards and vinyls at Keystones, a Grade II listed public house on Monkgate (adjacent to Monkgate Bar). The applications (ADV and LBC) were refused on the grounds that the proposals would, as a result of their amount, design, and illumination, present as disproportionate, incongruous interventions which would adversely affect the significance of the Grade II Listed building and the character and appearance of the Conservation Area, particularly so through the use of modern materials and levels of illumination. The Inspector noted the building as of a handsome three storey, symmetrical design, and its prominence in close proximity to a number of other listed buildings. Although the surroundings were identified as primarily commercial with signage

on most of the nearby buildings, the proposals were considered to be prolific and, for the most part, unsympathetic in their design and use of materials. In particular the illumination of the lettering above the door and to the two hanging signs was viewed to represent an incongruous and unnecessary addition to the proposals. The Inspector found the harm to be less than substantial, with a lack of evidence that the signage's supporting of the long-term vitality and viability of the public house would achieve these aims to an extent that they would represent public benefits sufficient to outweigh the harm identified. It was agreed with the Council that the advertisements did not adversely affect public safety, although it was concluded that the proposal conflicted with paragraph 141 of the NPPF as a result of their poor siting and design's negative impact on the quality and character of the area, and their failing to satisfy the requirements of the Listed Buildings and Conservation Areas Act, paragraph 210 of the NPPF, and the aims of policies D4, D5 and D13 of the Local Plan

Case number	Appeal by	Description	Address	Outcome
25/00021/REF	Mr And Mrs Mick Cooper	Single storey rear extension and 4no. rooflights to front roofslope	The Old School House Shirbutt LaneHessayYorkYO26 8JT	Appeal Dismissed
Notes				
The application proposed a single storey rear extension. The host is a detached property in Hessay, within the Green Belt. The property has been previously extended with side and first floor extensions - a 51 percent increase in footprint from its original form. The scheme was refused on Green Belt grounds. Whilst the extension proposed within this application was minimal in scale, when viewed cumulatively with the previous extensions it would amount to a 55 percent increase in footprint from the original property, which was concluded to be a disproportionate addition, constituting inappropriate development in the Green Belt. The extension would also harm the openness of the Green Belt by virtue of its position and scale. No special circumstances were identified. The inspector agreed that a 51 percent increase in footprint represents a significant addition over and above the size of the original building. It was concluded that in combination with the existing extensions, the scheme would be disproportionate in the Green Belt. It was also noted that the construction of a large detached gazebo was considered to increase the scale of the building, further adding to the inspectors concern. The increased spread of development would also reduce openness. The land was agreed as previously developed land, however, did not fall to be considered as grey belt. The inspector concluded that the proposal would be inappropriate development in the Green Belt, and no very special circumstances existed which outweighed the harm. The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
24/00047/REF	Mr Simon Mullier	First floor side extension with external staircase and external balcony platform area at first floor	20 Manor LaneYorkYO30 5TX	Appeal Dismissed

Notes

The application proposed a first floor side rear extension with a balcony and external staircase to the rear. The host is a semi detached dwelling in Rawcliffe. The scheme was refused on design and neighbouring amenity concerns. The scheme was unsympathetic to the host and streetscene, with the staircase and proposed materials particularly out of keeping of the area. The extension and external structure were also overbearing for the neighbouring property, with significantly increased levels of overlooking due to the platform's height and position. The inspector agreed that the extension would unbalance the appearance of the host and street scene, diminishing the visual separation between the property and its neighbour. The external staircase was also agreed to be an incongruous addition. Whilst the inspector concluded there would be neutral harm in terms of overlooking the neighbours garden space, harmful direct views into the rear windows of the property were a concern. Due to the relationship of the properties and existing extension, no harm to outlook was concluded by the inspector. However, due to a loss of privacy, the Inspector agreed the scheme would harm the living conditions of the neighbouring property.

Case number	Appeal by	Description	Address	Outcome
25/00005/REF	P Cooper	Conversion of detached garage to self-contained annexe living accommodation	85 Crombie AvenueYorkYO30 6DW	Appeal Dismissed

Notes

The building is a garage in the garden of a house in use as an HMO. The appellant contended that the proposal would be ancillary to the existing HMO. The Inspector stated that the main issue was whether or not the proposal represents annexe accommodation that is ancillary in function and amounts to living accommodation suitable for future occupants. They noted that the proposals were effectively self-contained because any future occupant would not be reliant on the main dwelling for any aspects of day to day living, such as cooking, watching television or using the bathroom. The Inspector noted that the route from the annexe to the main house would be convoluted and unattractive to residents and would be a disincentive to use the facilities of the main house. The Inspector concluded that the lack of a clear functional link between the two meant that the proposal was for a separate dwelling unit. The floor area of the building was well below the Nationally Described Space Standard for a 1 person dwelling, the Inspector noting that whilst guidance only it was a useful indicator of suitable habitable space. The Inspector concluded that the space would be cramped, oppressive, difficult to fit furniture in or provide general circulation space. Furthermore the outlook for the future occupant would be poor and privacy would be limited. The scheme was in conflict with policy D1 and H8 of the Local Plan.

Case number	Appeal by	Description	Address	Outcome
25/00006/CON	Mr Stuart Peavor	Single storey side/rear extension, erection of detached double garage to rear, solar panels to side roofslope and landscaping/fenestration alterations following demolition of existing garage	1 Cherry LaneYorkYO24 1QH	Appeal Dismissed

Notes

The planning permission for extensions to the building included a condition requiring archaeological mitigation as the site is within an Area of Archaeological Importance (AAI). The appeal was made in respect of the imposition of that condition. The Inspector noted that having identified the

series of historic finds in close proximity to the appeal site, and given the level of ground disturbance that would be undertaken, it was reasonable in this case to conclude that there was a moderate potential for archaeological remains to be located in situ within the appeal site. In this regard, the Inspector found that was necessary that the development was subject to a condition requiring archaeological monitoring to be undertaken.

Case number	Appeal by	Description	Address	Outcome
25/00007/REF	Martin And Karen Reynolds	Variation of conditions 2 and 4 of permitted application 16/00093/FUL to allow the siting of one shepherds hut, construct drive-over waste point, erect replacement information hut and relocate gate, fence and CDP point.	Caravan Site Cherry Tree Cottage Millfield Lane Nether PoppletonYorkYO26 6NX	Appeal Allowed

Notes

The application sought permission to vary conditions 2 and 4 of permission 21/01022/FUL to allow the siting of one shepherds hut, construct drive-over waste point, erect replacement information hut and relocate gate, fence and CDP point. The site lies in the green belt. The subsequent appeal decision was a split decision dismissing the shepherds hut, but allowing the construction of drive-over waste point, erection of replacement information hut and relocating of gate, fence and a chemical disposal point. That decision was challenged under section 288 of the Town and Country Planning Act 1990 due to inadequate assessment of grey belt, and quashed by Order of the High Court on 19 August 2025. This decision replaces the previous Inspector decision and refers to the wording of the NPPG (Dec 2024) and the updated PPG in relation to green belt and grey belt land (Feb 2025). It was the Council's position that the application site strongly contributed to purpose (d) and as such the application did not constitute grey belt land, however it was agreed that the site did constitute previously developed land. The Inspector concluded that the application site did not strongly contribute towards purposes a, b, or d, stating that the site is not of significant visual importance to the historic aspects of the town, with no intervisibility, and is physically separated from its historic core and historic open spaces by some distance. In addition it was concluded that the proposal would satisfy the Framework paragraph 155 (a, b and c) requirements and was found to be not inappropriate development in the green belt. Accordingly, no Green Belt harm would arise, and therefore there is no need to consider openness any further, or any very special circumstances.

Case number	Appeal by	Description	Address	Outcome
25/00008/REF	Mr J Ward	Erection of 1no. dwelling and garden following demolition of existing agricultural barn	Agricultural Building East Of Mullingar Farm And North of Low Moor Lane HessayYork	Appeal Dismissed

Notes

Planning permission was refused to demolish a barn and construct a single storey two bedroom dwelling with integral car port, domestic garden and driveway in the Green Belt. The barn and land had prior approval for a change of use to a dwellinghouse under permitted development. The proposal was considered unlike the approved conversion because it was a new build and would aesthetically change the nature of the land by introducing a domestic character that would expand beyond the barn form of the current site resulting in clear harm to the openness of the Green Belt. There were no very special circumstances that clearly outweigh the harm to the Green Belt that would result from the proposal. The Inspector agreed with the LPA and stated a dwelling on this site is intended to resemble the agricultural building of the same size. But would enlarge the curtilage of the plot with mature hedge lines further extending land to the north and west of the building. This domestication effects associated with a dwelling would create a domestic character to this rural and agricultural environment. The effect would be of an urbanising one in this agricultural part of the Green Belt. A new dwelling would not be absorbed into any other buildings and as a standalone dwelling in this context would be spatially separate. The Inspector noted there was

little in the way of substantial landscape and concluded not to preserve the openness of the Green Belt. The Inspector did not consider the approval to convert the barn were very special circumstances because it was a different development that would have a neutral effect upon the openness of the Green Belt. There were no other circumstances regarding the approval of a solar farm and its associated development granted on an adjacent site which the Inspector considered to be relevant to this application. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00033/REF	Mr Roger Wood	Change of use from Commercial, Business and Service (use class E) to 1no. dwellinghouse (use class C3) under The Town and Country Planning (General Permitted Development) Order 2015 (as amended) - Schedule 2, Part 3, Class MA	Poppleton Lakes Boroughbridge RoadYorkYO26 8JU	Appeal Dismissed

Notes

The appeal site comprises a development of recreational fishing lakes in a low lying area between Upper Poppleton and Rufforth. It lies within Flood Zone 3 and therefore is deemed to be at a high risk of flooding. The proposal sought a PD prior approval for change of use of a building previously used as a cafe to residential under Class MA of the GDPO. Change of use is permitted subject to consideration of a number of issues one of which is flood risk. The proposal was a re-submission of an earlier scheme which had previously been refused on the grounds of insufficient information in relation to how flood risk would be mitigated with residential use being identified as more vulnerable in flood risk terms. No information was however forthcoming within the submitted Flood Risk Assessment in terms of finished floor levels, utility infrastructure or emergency planning and flood resilience for the life time of the development. Permission was once again refused. The appeal inspector supported by strong representations from the Environment Agency agreed that notwithstanding the presence of residential use elsewhere on the site the issue of flood risk had not been adequately addressed and it was not appropriate to give a conditional approval. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00014/REF	Mr Andy Firth	External alterations to include display of 2no. pictorial signs to existing hanging gibbets, halo illuminated lettering, door plaque, external display board, window vinyl, and menu board	Keystones4 MonkgateYorkYO31 7PE	Appeal Dismissed

Notes

This appeal related to the display of advertisements, including halo illuminated fascia signage, replacement hanging signs, and other display boards and vinyls at Keystones, a Grade II listed public house on Monkgate (adjacent to Monkgate Bar). The applications (ADV and LBC) were refused on the grounds that the proposals would, as a result of their amount, design, and illumination, present as disproportionate, incongruous interventions which would adversely affect the significance of the Grade II Listed building and the character and appearance of the Conservation Area, particularly so through the use of modern materials and levels of illumination. The Inspector noted the building as of a handsome three storey, symmetrical design, and its prominence, in close proximity to a number of other listed buildings. Although the surroundings were identified as primarily commercial with signage on most of the nearby buildings, the proposals were considered to be prolific and, for the most part, unsympathetic in their design and use of materials. In particular the illumination of the lettering above the door and to the two hanging signs was viewed to represent an incongruous and unnecessary addition to the proposals. The Inspector found the harm to be less than substantial, with a lack of evidence that the signage's supporting of the long-term vitality and viability of the public house would achieve these aims to an extent that they would represented public benefits sufficient to outweigh the harm identified. It was agreed with the Council that the advertisements did not adversely affect public safety, although it was concluded that the proposal

conflicted with paragraph 141 of the NPPF as a result of their poor siting and design's negative impact on the quality and character of the area, and their failing to satisfy the requirements of the Listed Buildings and Conservation Areas Act, paragraph 210 of the NPPF, and the aims of policies D4, D5 and D13 of the Local Plan

Case number	Appeal by	Description	Address	Outcome
25/00022/REF	Mr J Moore	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4) - resubmission	68 Nunthorpe RoadYorkYO23 1BQ	Appeal Dismissed

Notes

The Inspector identified the main issue as whether the proposal would provide adequate living conditions for future occupiers, with particular regard to internal and external layout and space provision. There was no conflict with Local Plan HMO threshold levels. The Inspector identified that the lounge, located centrally within the building, would have no meaningful outlook and would feel somewhat enclosed for future occupiers. Cycle parking was depicted in the rear yard, the Inspector noting that this would occupy much of this area, with limited space to manoeuvre bikes and bins and leaving little room for occupants to enjoy it as private amenity space. The Inspector rejected the appellant's contention that 1 cycle space per bedroom was not appropriate in this location. On this issue they recognised that other means of transport would be available but noted that no substantiated evidence to indicate that a lower level of cycle parking would be acceptable in this location had been provided. They concluded that providing each occupant with space to park a bike would encourage cycling and is particularly important where individuals are unrelated and access to car parking is limited. The Inspector decided that the proposal would conflict with Policies D1, H8 and T1 of the Local Plan.

Case number	Appeal by	Description	Address	Outcome
25/00023/REF	Mr And Mrs Shaun And Josie Handley	Outline application for 1no. dwelling with associated landscaping and parking following demolition of existing structures with only access considered	Disused Mod Camp Site Wheldrake Lane Elvington York	Appeal Allowed

Notes

Outline consent was sought for 1no. dwelling with associated landscaping and parking following demolition of existing structures with only access considered. This is a resubmission of a similar outline consent in 2020 - ref. 20/01052/OUT. The application was refused due to harm to the green belt. The proposal would not fall within any of the listed exceptions in paragraph 154 of the National Planning Policy Framework. Whilst being previously developed land, the redevelopment of the land would be inappropriate development in the Green Belt falling outside exception 154(g) because it would have a greater impact on the openness of the Green Belt than the existing development. Since the planning application was determined, the NPPF has been revised (Dec 2024). Previously, the relevant test for the development of previously developed land in the Green Belt was that it would not have a greater impact on the openness of the Green Belt than the existing development. The requirement now is that it would not cause substantial harm to the openness of the Green Belt. Following this amendment it was accepted that what is proposed would not cause substantial harm to the openness of the Green Belt. Thus, the proposal would not be inappropriate development in the Green Belt when assessed against the current Framework. The Inspector agreed with the Council's position.

Case number	Appeal by	Description	Address	Outcome
25/00044/REF	Lidl GB Ltd	Display of 1no. externally illuminated billboard sign	Lidl Store James StreetYorkYO10 3DW	Appeal Dismissed

Notes

The application proposed the display of a free-standing externally illuminated billboard sign of approximately 6.3 metres by 3.3 metres, raised 1.5 metres on timber panels. The proposed billboard would be located on the open green space to the north of the site, facing into the car park. Planting was proposed to the rear of billboard. The application was refused for harm to the visual amenity of the location, by virtue of the scale and position of the billboard. The inspector stated that although the surrounding area is of a commercial character, the green space added a pleasant sense of openness and spaciousness. It was considered that existing advertisements tended to be located on or close to the buildings with which they are associated. The proposed advertisement would appear as a large and dominant feature from the appeal site and from James Street, with the external illumination drawing further interest. The openness of the area would be severely eroded, and the proposed planting would draw further attention to the billboard and would appear out of keeping with the surrounding area. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00045/REF	Mr Steve Hargreaves	Permission in Principle for a single self/custom build dwelling	Mclean Aviation Rufforth AirfieldRufforthYorkYO23 3NA	Appeal Dismissed

Notes

The site comprises the curtilage of a former airframe repair workshop with a "tied" dwelling in open countryside to the south of Rufforth Airfield. The application was for a Permission in Principle for which issues of location, land use and quantum of development only may be considered with other issues being subject to a subsequent Technical Details Consent in the event of an approval in principle being forthcoming. The site lies in the Green Belt and in a relatively remote and unsustainable location. The proposal was refused on the grounds of being inappropriate development in Green Belt and also because of its relatively close proximity to the Bull Beck which requires adequate access for maintenance purposes. The Inspector considered the key issues to be whether the development was inappropriate in the Green Belt and whether there was any case for "very special circumstances" to outweigh the harm caused by virtue of inappropriateness. The appellant contended that the site was previously developed land and therefore benefiting from one of the exceptions within the NPPF. The Inspector concluded that it was Previously Developed Land. Following on from that he looked at impact upon openness and considered that the development would have a substantial impact on openness in both its spatial and visual senses. He then considered the potential for the land to be Grey Belt and he felt that it fulfilled the tests for being Grey Belt land. Finally he looked at the criteria for development of Grey Belt land being not inappropriate and felt that its development would not fundamentally undermine the purposes of the remaining Green Belt over the plan area. However in terms of the other criteria that it did not meet a demonstrable unmet need and was certainly not in a sustainable location. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00050/REF	Mr J Moore	Change of use of single dwelling (use class C3) to House in Multiple Occupation (use class C4)	9 Hampden StreetYorkYO1 6EA	Appeal Dismissed

Notes

The appeal property lies within the Central Historic Core Conservation Area. The application was refused on the basis that it failed to demonstrate how secure cycle and bin storage requirements could be appropriately met in the context of an HMO use. The proposed cycle and bin storage was shown as being provided via a detached garage divorced from the application site and within the ownership of a third party, under the terms of a lease agreement with the garage owner. The inspector concluded that while the cycle and waste storage arrangement offers a degree of security and legal standing for a fixed period, it does not provide a permanent solution for future occupants beyond the lease term and reliance on an off-site facility may not fully meet the requirements of Policy T1, which seeks secure, convenient, and accessible cycle storage for all residents as part of the development. The inspector also determined that with regard to refuse storage, HMOs typically generate greater volumes of refuse than single-family dwellings, and without formalised, hygienic, and accessible refuse storage, there is a risk of adverse impacts on amenity and public health. The inspector concluded that the development would have a significant detrimental effect on the living conditions of future occupants of the appeal property, resulting from inadequate provision for both refuse and cycle storage. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00059/REF	Mr And Mrs Gandy	Erection of 1no. two storey dwelling to rear with swimming pool and associated landscaping	The Grange388 Strensall RoadYorkYO32 9SW	Appeal Dismissed

Notes

The Inspector found the scheme would not constitute limited infilling or previously developed land. As a result, the proposal did not fall within any of the exceptions in Local Plan Policy GB1. The appeal site does not constitute strongly to Green Belt purposes (a) and (b), however the site was judged to strongly contribute to Green Belt purpose (d) – preserving the setting and character of historic towns. The appeal site was found to make a considerable contribution to the special character of York because of its location within the area of the Green Belt which maintains the visual and spatial historic character of the compact City of York surrounded by compact villages. The proposal would also undermine Green Belt purpose (c) – safeguarding the countryside from encroachment, but would not undermine Green Belt purpose (e) – assist urban regeneration. Therefore the site would not constitute grey belt land. The proposal would introduce a substantial building and associated domestic activity into open land, causing both spatial and visual harm to Green Belt openness. Overall the development would be inappropriate development in the Green Belt which is by definition harmful to the Green Belt. No Very Special Circumstances were found. Additionally, the proposed dwelling's scale, massing and engineered appearance, combined with extensive glazing and modern materials were considered incongruous in this rural, traditionally agricultural setting. The development would harm the character and appearance of the area, contrary to Policies D1 and D2.

Case number	Appeal by	Description	Address	Outcome
24/00052/REFCLU	Ms Deborah Clarkson	Certificate of Lawfulness for use as a House in Multiple Occupation	60 Yarburgh WayYorkYO10 5HG	Appeal Allowed
Notes				
The application property comprised a large House in Multiple Occupancy HMO. The applicant applied for a Certificate of Lawful Use with evidence consisting of signed tenancy agreements split into years to prove its operation as a large HMO for over ten years. The LPA used enforcement records and licensing records for the purposes of their evidence. The LPA considered that on the balance of probability the evidence provided was not sufficient or precise to warrant approval the property had been occupied by individual people/couples for a period of over ten years by six or more occupants. The details provided by enforcement records noted that there were five people living in the house all working with no students prior to the Article 4 Direction date April 2012 when it was visited in July 2015. The LPA concluded the site had not been in continuous use for a period more than 10 years with six numbers or more from the date of the application 28 November 2022. The LPA judged to the property be a small HMO and made the decision not to grant a certificate. The Inspector disagreed with the LPA and considered that the circumstances surrounding the planning enforcement site visit on 13 July 2015 and the details of the tenancy agreements. The Inspector considered that over a period of ten years the gaps where bedrooms have not been occupied are minimal and are generally confined to a matter of days between one tenant moving out and another moving in. The Inspector considered that in the context of what is an HMO use, occupancy is generally more transitional and the gaps in occupied would not be material. Furthermore, during the short periods when bedrooms were empty until a new tenant was found, the property had viable facilities for immediate residents. The inspector concluded the property to be immune from enforcement action. The Appeal was allowed.				

Case number	Appeal by	Description	Address	Outcome
25/00009/REF	Mr M Carter	Change of use from small House in Multiple Occupation (use class C4) to a large House in Multiple Occupation (Sui Generis)	153 Bad Bargain LaneYorkYO31 0PF	Appeal Allowed
Notes				
The proposal was for the change of use from a small House in Multiple Occupancy (use class C4) to a large House in Multiple Occupancy (use class sui generis). This was considered to be an overdevelopment of the original 3 bed house and was refused due to this and the potential for an unacceptable impact on the neighbouring properties. The inspector considered the increased occupancy and the good-sized rooms and communal spaces. They dismissed concerns regarding noise, stating a residential property of the same size could produce the same level of noise. They also stated that the increase in comings and goings would be a limited increase compared to the existing use. The inspector also considered the concerns regarding construction noise, the bus services, the attic bedroom's windows, and the lack of wheelchair accessibility and had no concerns. The inspector concluded that the proposal would not amount to over intensification to the point that the proposal would unduly harm the living conditions of the neighbours in regard to noise and disturbance. The proposal therefore accords with policies D1 and ENV2 of the Local Plan. The appeal was allowed.				

Case number	Appeal by	Description	Address	Outcome
25/00016/REF	Mrs Lee-Anne Greenaway	Certificate of lawfulness for use as House in Multiple Occupation (Use Class C4) for up to 4 occupants	29 Ratcliffe StreetYorkYO30 6EN	Appeal Allowed

Notes

This appeal related to a certificate of existing lawful use for use of the dwelling as a House in Multiple Occupation under Use Class C4. The Council refused the certificate on the basis that it was not considered that sufficiently precise and unambiguous evidence had been submitted to demonstrate that the property had been used as a HMO, with 3 or more unrelated individuals continuously for a period of 10 years. Evidence submitted comprised an Affidavit stating the applicant's period of ownership, and its letting as a HMO with occupation of no less than 3 and no more than 4, insurance policy schedules under a 'let properties' insurance type, and a letter from the applicant's accountant confirming their involvement with the property and its HMO use since 2006. The applicant stated that formal tenancy agreements were not used whilst renting the property out. The inspector viewed that, whilst no tenancy agreements or lists of the names or dates of the occupiers of the property were provided, the sworn evidence was clear and precise. Further, accompanied by a corroborating letter from her accountant, the appellant had therefore proven the case on the balance of probability. The appeal was therefore allowed.

Case number	Appeal by	Description	Address	Outcome
25/00040/REF	Mr Katie James and Cousans	Change of use of single dwelling (use class C3) to House in Multiple Occupation (use class C4) for up to 4 occupants with associated external alterations including dormer to rear	23 Abbotsford RoadYorkYO10 3EE	Appeal Dismissed

Notes

The application proposed the change of use from a dwellinghouse (use class C3) to an HMO (use class C4) for up to 4 occupants. The application was refused as it exceeded the HMO concentration thresholds at both street level (50%) and neighbourhood level (24%). Additionally, provision of parking was insufficient, unable to accommodate 2 off street parking spaces, and impacting access to the garage to rear. The inspector concluded that by virtue of the exceeded concentration thresholds, the proposal would result in an over proliferation of HMOs in the residential street, resulting in harm to the character of the area. The inspector stated that the proposed overhanging of vehicles into the footpath (due to insufficient length driveway), obstruction of garage to rear, and lack of independent access by unrelated users would be unacceptable. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00041/REF	Mr M Warrilow	Change of use of ground floor of attached garage to holiday let accommodation with associated external alterations	17 Askham LaneYorkYO24 3HB	Appeal Dismissed

Notes				
The Inspector considered that the main issues were the effect of the development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and whether the proposed development would provide appropriate levels of vehicle and cycle parking. The upper floor of the garage had previously been granted planning permission as a holiday let. The Inspector noted that a holiday let would introduce a transient pattern of occupancy, with a high turnover of guests which can result in a range of behaviours that may adversely affect the living conditions of nearby permanent residents. Guests would have access to the external rear space of the property for socialising which may typically occur late in the evening. The Inspector concluded that a condition to limit the use of the external areas would be unreasonable to guests and difficult to enforce by the LPA. The impact on living conditions would conflict with policies ENV2 and D1 of the Local Plan. The Inspector considered that there was sufficient space for cars to be parked and manoeuvred within the site, and that whilst the cycle parking for the host dwelling would be removed this could be re-provided secured by condition.				

Case number	Appeal by	Description	Address	Outcome
25/00047/REF	Mr And Mrs David Bough	Construction of 1no. detached dwelling to rear following re-location of existing ancillary buildings	The Cottage Main Street Holtby YorkYO19 5UD	Appeal Dismissed

Notes				
The appeal site was in the Green Belt and close to a Grade Two Listed building, Holy Trinity Church, and a designed footpath Public Right of Way. The LPA considered the proposal on whether this would meet the Local Plan Policy GB1 in the listed exceptions defined as limited infilling. It was concluded the proposal was not reasonably defined as limited infilling and would conflict with policy GB1 and concluded to be inappropriate development in the Green Belt . The LPA did not consider there to be any very special circumstances to outweigh the harm to the Green Belt and no other consideration was officially advanced in the planning statement regarding the health and welfare of the applicant. The application was refused. The Inspector agreed with the LPA determination of inappropriate development in the Green Belt. The Inspector did not consider there to be harm to openness. Nor did the Inspector consider there to be any other issues that would prevent development in this location. The applicant advanced very special circumstances the proposal would provide independent living due to the health considerations . The Inspector considered this to have significant weight and that the applicant could have permitted development rights to convert existing buildings. No information was provided to the Inspector and the circumstances were given limited weight. The applicant provided precedents whereby a similar development was permitted. The Inspector did not consider these case to be comparable. The Inspector concluded the other considerations advanced did not outweigh the harm to the Green Belt. The Appeal was dismissed.				

Case number	Appeal by	Description	Address	Outcome
02/00049/REF	Mr Jamie Stuart	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4), 2no. rooflights to front roofslope and 1no. rooflight to rear roofslope	44 Kyme StreetYorkYO1 6HG	Appeal Dismissed
Notes				
The application was refused because of a poor internal and external layouts resulting in unacceptable living conditions and unsuitable cycle storage. The Inspector noted that whilst the Nationally Described Space Standards did not apply to HMOs, internal functionality and useability were legitimate planning considerations. They considered that the applicant had not demonstrated that the narrow kitchen, which combined with the dining area was the only communal space, was capable as operating as a shared facility without conflict, discomfort or unreasonable delay. They concluded that this would be contrary to local plan policy H8 which requires that an HMO provides acceptable living conditions for its occupants. The application proposed a cycle store in the rear yard. No details were provided and the Inspector concluded that it was not possible to determine whether the required number of cycles and refuse bins could coexist without conflict or whether the arrangements would encourage or inhibit cycling. It was not considered that this could be covered by planning condition given the level of uncertainty in respect of the provision within the constraints of the small yard. This was contrary to the sustainable travel objectives of LP policies T1 and D1.				

Case number	Appeal by	Description	Address	Outcome
25/00020/REF	Mr David Rhodes	Removal of conditions 2, 4 and 6 of permitted application 3/121/101A/PA	The StablesWoodside FarmMoorlands Farm And HospitalWiggintonYorkYO32 2RE	Appeal Dismissed
Notes				
Planning permission was granted in November 1990 for change of use, alteration and extension of agricultural buildings to form 3 dwellings with garages. The appeal proposal sought to remove several of the planning conditions attached to the original planning permission pertaining to the removal of permitted development. The LPA contended that removal of the conditions would have a material impact on the openness of the Green Belt, and harm the rural character and setting of the converted buildings. The site sits in open countryside, surrounded by agricultural fields and woodland. The Inspector considered that significant extensions permitted by classes A and AA the GDPO have the potential to cause harm to the openness of the Green Belt, and that reinstating Class E PD rights has the potential to allow for the proliferation of larger detached outbuildings which would undoubtedly be harmful to the openness of the Green Belt and erode the prevailing rural character and appearance of the site and surrounding area. The Inspector concluded that it was reasonable that the Council may wish to retain control over the forms of development described in conditions 2, 4 and 6, to ensure the positive contribution that the site and buildings make to the character and appearance of the surrounding area is maintained and the openness of the Green Belt in this location is not eroded. The conditions were considered to be necessary and reasonable.				

Case number	Appeal by	Description	Address	Outcome
25/00043/REF	Mr And Mrs Ellwood	First floor side extension and porch to front	117 Chapelfields RoadYorkYO26 5AD	Appeal Dismissed
Notes				
The Inspector considered that the main issue was the effect of the development on the character and appearance of the host property and area in general. The appeal site was an end of terrace house. Properties within terraces within the area generally share similar features with others in the row and have a uniformity in terms of design. Gaps between end terraced properties at first floor are a noticeable characteristic. The Inspector concluded that the scale and design of the proposed extension would be an imposing addition to the property which would reduce the gap between the appeal site and No. 115 Chapelfields Road. In respect of the porch the Inspector noted that the appeal site front door is located directly adjacent that of No. 119 Chapelfields Road sharing a surround which is a feature of this row and other terraces of the same design. The proposed porch would remove this feature which would unbalance the uniformity of the terrace. The Inspector considered other examples of side extensions in the area but concluded that they are not a prominent feature. The proposal was contrary to policy H11.				

Case number	Appeal by	Description	Address	Outcome
25/00068/REF	Mr Danny Mason	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4)	6 Custance WalkYorkYO23 1BX	Appeal Dismissed
Notes				
This was an appeal against the refusal of a resubmitted application for a use class C4 HMO following an earlier dismissed planning appeal. The application was refused on grounds of inadequate cycle storage and unacceptable living conditions for future residents. The Inspector considered that in the absence of drawn details they could not be satisfied that a suitable secure and accessible store capable of accommodating four cycles, including adapted or non-standard cargo models, could be delivered without harm to the living conditions of neighbouring occupiers or the visual qualities of the area. A condition would only be appropriate where there is no reasonable doubt that an acceptable solution exists. On this issue the proposals were contrary to LP policies H8 and D1. However, the Inspector concluded that the revised scheme provided an acceptable internal layout and acceptable living conditions complying with policy H8 of the LP. The appeal was dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00061/REF	Ms Paula Brown	Change of use of single dwelling (use class C3) to House in Multiple Occupation (use class C4)	32 Wolviston AvenueYorkYO10 3DD	Appeal Dismissed

Notes

The application proposed a change of use from C3 dwelling house to C4 HMO. The application was refused as the site would exceed the HMO concentration threshold of 10% at street level, with the figure rising to 31.58% if the application were to be approved. Additionally, the increased demand for parking spaces would adversely impact visual amenity and public safety. The inspector concluded that as the street level figure is already well in excess of the 10%, the immediate area already suffers an imbalance and to permit further HMOs would unacceptably compound that imbalance. However, it was not considered that this particular property, increased parking pressure as a result of the change would be of concern. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00052/REF	Mr A Tullie	Erection of detached garden room to rear	Mapplefields5 Laburnum Farm CloseHessayYorkYO26 8LG	Appeal Allowed

Notes

This appeal relates to refusal of permission for the erection of a detached residential outbuilding to the rear of a dwelling in Hessay. The host had been previously enlarged with a single storey rear extension. Cumulatively, the proposed outbuilding and existing enlargement constituted a 50% increase in the original footprint of the property. The proposal was considered to be a disproportionate addition and was therefore refused, as inappropriate development in the Green Belt. Harm to the openness of the Green Belt was also concluded, given the hosts siting on the edge of the settlement boundary, and its proximity to open land. The inspector drew attention to paragraph 18.2 of the SPD (25% increase in footprint) and highlighted that, whilst it is a useful guide for what could be considered disproportionate, it is merely a guide and whether an extension is disproportionate is a matter of planning judgement. They also emphasised that this section of the SPD relates to properties in open rural areas, not those located within washed over settlements such as Hessay. The inspector agreed with the appellant that the proposal would amount to a 23% increase in volume, and considered that this would not constitute a disproportionate addition to the dwelling. The impact on openness was not considered, as the proposal met the exception within Paragraph 154c of the NPPF. The appeal was therefore allowed.

Case number	Appeal by	Description	Address	Outcome
25/00004/REF	Mr Kristen Jakobsen	External works to include render and insulation to gable wall - retrospective	7 St Martins LaneYorkYO1 6LN	Appeal Dismissed
Notes				
Retrospective listed building consent was sought for the re-rendering of the side elevation of the building with grey insulation render. The building is Grade II Listed. The side elevation was rendered in cement render at the time of listing. The application was refused due to harm to the fabric of the building (render would prevent the building from breathing and releasing moisture which will likely result in further damp problems) as well as harm to appearance - the increased depth of render (50mm) and colour, and crude finish to the front corner of the building causes visual harm to the building and listed terrace as a whole. The inspector agreed with the Council's reason for refusal and noted that whilst it is accepted that the breathability of the current render is no different to the one it replaced, it is no substitute for a fully breathable lime render which would not continue to trap moisture within the building.				

Case number	Appeal by	Description	Address	Outcome
25/00057/REF	Mr M Iqbal	First floor side extension	29 Eastward AvenueYorkYO10 4LZ	Appeal Dismissed
Notes				
The application was refused for impact on character and streetscene and neighbouring amenity as, taken cumulatively with previous extensions, the proposed development would constitute an unsympathetic overdevelopment of the existing dwelling and plot, which would appear incongruous within the streetscene. The proposed extension, being built up to the boundary would have an unduly harmful effect on the neighbouring property, negatively affecting outlook, appearing overly dominant and overbearing, and would overshadow and negatively impact light levels in their only outdoor amenity space. The inspector states that the proposed extension would remove the last remaining gap in the built form in the plot, eroding spaciousness to the detriment of the character and appearance of the streetscene. As a result of the proposal, the dwelling would appear flanked and dominated by two, two-storey extensions of differing designs, which would result in an unsympathetic and discordant form of development that would fail to make a positive contribution to the area. The proposal would result in a two-storey height blank gable wall extending above and immediately adjacent to the existing boundary fence. This would appear highly imposing in views from the garden of No. 31, significantly diminishing outlook and adversely affecting the enjoyment of the garden by the occupants. The proposal would also likely reduce levels of direct sunlight and lead to overshadowing of parts of the garden, materially diminishing the living conditions of the neighbouring occupants. The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00032/REF	Mr Nathan Still	Installation of multifunctional communication hub	Communication Hub Adj Merchant Adventurers Hall Eastern Side Of Piccadilly York	Appeal Dismissed
Notes				
This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. This location was opposite the Merchant Adventurers Hall (Grade I listed) which was viewed by the Inspector to make a significant positive contribution to the character and appearance of the area. Whilst acknowledging a variety of existing street furniture and advertisements, these were generally low or visually lightweight. The communication hub was viewed to be significantly bulkier, and as a result of its position, height, mass and illumination, would be prominent in the streetscene (the visual impact exacerbated by the illuminated sequentially changing images). Given the change in land levels, this would accentuate the scale and presence of the hub read in the context of views of the Hall, which would be wholly incongruous with the medieval architecture and historic significance of the building. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage asset. The Inspector viewed placement of the hub to create an obstruction within the footpath which would significantly impede pedestrian movements.				

Case number	Appeal by	Description	Address	Outcome
25/00034/REF	Chris Andrews	Detached garage to side with driveway, alterations to fenestration	23 Lock House Lane Earswick York YO32 9FT	Appeal Dismissed
Notes				
The application proposed the addition of a detached garage, conversion of attached garage to living accommodation, alterations to fenestration, new driveway and crossover. The application was refused for impact on character and streetscene, as the proposed detached garage would be positioned in a prominent location, and would be at odds with the established layout, form and landscape character of the surrounding buildings and streetscene. The increased size of the driveway would further reduce the green, open character of the streetscene. The inspector determined that although the proposed garage would be no further forward than the front elevation of the house, it would be forward of its side elevation and given the position of the property on a corner plot, it would be extremely prominent. The location of the proposed garage, close to the road would be at odds with the open plan character created by the positioning of the dwellings and their garages in the cul-de-sac. Moving the driveway to this more prominent position would further erode the green and open character that is an integral part of the character of the immediate surroundings. Despite the fact that that the installation of a hard, porous surface could be laid as permitted development, this would not be sufficient to justify the harm to the streetscene. The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00035/REF	Premier Vue	Display of 2no. free standing LED screens fixed to a York Stone mounted plinth	Site Of Former Slip InnMalton RoadHuntingtonYork	Appeal Dismissed
Notes				
The proposal comprised of two applications for full planning permission and advertisement consent for the display two free standing internally illuminated LED screens mounted to York stone plinth and centred within a shallow pond water feature to be inserted into a concrete base around York stone paving and evergreen boxed hedging. The site location comprised a belt of land close to Monks Cross Park and Ride, York Community Stadium and Vangarde Shopping Park. The site is in Huntington which has an adopted Neighbourhood Plan. The proposals were refused for inappropriate development within the Green Belt due to the impact on openness, harm to visual amenity, landscape character, biodiversity and highway safety due to its location on the internal road network into the shopping park. No very special circumstances considered to exist to justify the inappropriate development. The Inspector also considered the overall development as requested by the appellant on the submission of the two appeals. The Inspector considered the pond feature would be an engineering operation which would meet the listed exceptions in policy GB1 of the Local Plan. However, considered some harm to openness. Also, the inspector considered the scale of the advertisement and its visual prominence and use of LED screens, would result in a discordant feature that would be sited beyond the defined boundary of the commercial area into an otherwise undeveloped landscape and would undermine the character of the surrounding undeveloped area. In terms of public safety, the Inspector considered the proposal would cause distraction near a signalised junction where drivers may be required to stop and cause a distraction in a location where it would be at a detriment to highway safety. There were no issues in regarding biodiversity. The appeal was dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00012/REF	Mr Galip Hazar	Removal of condition 3 of permitted application 18/01122/FUL to allow the former outbuilding to be used as an independent dwelling	55 Morehall CloseYorkYO30 4WA	Appeal Dismissed
Notes				
Planning permission had previously been granted for a garden building. This was subject of a planning condition that required the building to be used only for ancillary accommodation to the house. Removal of the condition would allow the building to be occupied as a separate house. The Inspector identified that the main issue was the effect on the living conditions of the residents. The Inspector noted that the house and its outbuilding were very closely related. and that the use of the rear patio to the house, by anyone other than someone closely associated with the residents of the dwelling, would unacceptably reduce privacy within the house. It would also result in the house having no private amenity space. Furthermore the outbuilding has a very limited outlook and also overlooks the house patio, the Inspector concluding that this would not be acceptable except for residents that also have access to the main living rooms of the house and its garden. In dismissing the appeal the Inspector decided that the condition, as originally imposed, was necessary in order to control the use.				

Case number	Appeal by	Description	Address	Outcome
25/00036/REF	Mr Nikolai Krasnov	Removal of condition 4 of permitted application 23/00532/FUL	9 St Marys GroveOsballdwickYorkYO10 3PZ	Appeal Dismissed
Notes				
The application proposed the removal of condition 4 (limiting the occupants of the approved HMO to 4no.) from application 23/00532/FUL, which granted approval for change of use from C3 to C4. As the site would require tenants to park behind on another, occupants would be more likely to use on street parking to avoid inconvenience. The inspector concluded that the removal of the condition restricting the number of tenants would increase the on-street parking pressures to the detriment of the safety of vehicle, cycling, wheeler and pedestrian access on St Marys Grove and that condition 4 remains necessary.The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00053/REF	Mr And Mrs Walsh	Single storey rear and side extensions, dormers to rear roofslope and 3no. windows to side elevation	294 Stockton LaneYorkYO31 1JJ	Appeal Dismissed
Notes				
The application proposed single storey side and rear extensions, a rear dormer, and 3no. windows to the side elevation of a detached bungalow. This was refused as an overdevelopment of the property and the significant harm it would the existing building. The inspector considered the existing alterations which were deemed to have respected the bungalow's character. The proposed rear and side extensions were accepted as subservient to the dwelling, and the roof alterations were examined. The inspector considered the examples along the street and confirmed that there were multiple roof types and additions featured. They dismissed the private benefit of the proposed works. The inspector concluded that the proposed alterations to the roof would have had a harmful effect on the character and appearance of the host dwelling. The proposal would conflict with policy D1 of the Local plan. The appeal was dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00064/REF	Mr Ismail Miah	Two storey rear and side extensions, single storey rear extension and removal of 2no. chimneys	4 BroadwayYorkYO10 4JW	Appeal Dismissed
Notes				
This appeal related to the refusal of consent for erection of a two-storey side and separate two-storey rear extension to a prominent corner plot on Broadway. The application was refused on the grounds that the rear extension in particular, as a result of its unsympathetic design, and as read in conjunction with the other enlargements proposed, would result in overdevelopment of the property which would harm its character and appearance. The Inspector agreed with the LPA, noting the host's shallow rear amenity space, including a detached garage, with the extension further reducing the size of the amenity space. The extension would therefore, when taking into account the other extensions proposed, appear cramped within the plot. This would be further evident from the highway due to the dwelling being located on a corner plot. The Inspector was not of the opinion that the extension's design would respond positively to its immediate architectural context and local character. The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00017/REF	Mr Dominic Woodward	Conversion of former public house to form 6no. apartments (Use Class C3) with associated access, parking and bike stores and external alterations including dormer and the insertion of rooflights following demolition of outbuildings, canopy and external staircase	The JubileeBalfour StreetYorkYO26 4YU	Appeal Allowed

Notes

The Jubilee is a site with a long and complicated planning history. It was a pub constructed in the late 19th Century to a design by the architect WH Brierley to serve the local railway worker community in the Leeman Road area and had been one of the last to survive as such it was treated as a Non Designated Heritage Asset. The historic interior had though largely been lost. Following earlier viability concerns it had been vacant since 2016 and has been extensively vandalised with concerns arising as to its structural health. Several proposals had previously been made for various degrees of partial conversion to residential use with an element of pub use with or without a function room, being retained. A proposal for partial conversion was allowed at appeal in 2021 with a function room but the pub remained on the market with little potential interest with its condition continuing to deteriorate. In view of the impasse a proposal was brought forward to convert the entire building to residential use and secure its restoration. Following concerns in respect of the marketing of the site and the expectations of potential tenants it was refused at Planning Committee on the grounds of loss of a community facility contrary to Local Plan Policy HW1 and also harm to a Non Designated Heritage Asset. The Inspector considered carefully the evidence provided in terms of the viability of the site, its marketing and the level of commercial interest and concluded that there was no evidence that continued use as a pub could be viably undertaken and in respect of the concerns in relation to the Non Designated Heritage Asset it was felt that it was more important that the building be brought back into use per se, rather than being allowed to deteriorate even further. The appeal was therefore allowed.

Case number	Appeal by	Description	Address	Outcome
25/00024/REF	Mr J Aujla	Change of use of dwelling (use class C3) to large House in Multiple Occupation (sui generis) for up to 8 occupants	75A Monkton RoadYorkYO31 9AL	Appeal Dismissed

Notes

The application was refused as a result of the poor standard of living accommodation, due to the small room sizes and insufficient communal areas (no living room and small kitchen for 8 occupants), as well as lack of off-street parking, which would be harmful to the amenity of neighbouring properties and businesses. The inspector concluded that several of the bedrooms were small, especially when accounting for corridors within the rooms, irregular shaped rooms and parts of the rooms which sat beneath roof space, all impacting the amount of usable floor space of the proposed bedrooms. It was stated that the NDSS notes that any area with a headroom of less than 1.5m should not be counted within the Gross Internal Area. The proposed kitchen space was constrained in size, and it is noted that appliances would be located close together, providing limited space for multiple people to use the kitchen at once. Regarding car parking, the inspector notes that the proposed cycle storage would be adequate, and the site is immediately opposite a bus stop. There is considerable provision for unrestricted parking in the surrounding area, and many spaces were available at the time of the inspectors site visit. Given the cycle storage and public transport links, it is unlikely that all occupants would own a car. Although it is recognised that a 5-person HMO has been approved along the same parade, the cumulative impact on parking demand is unlikely to cause harm. Therefore, this reason for refusal was not upheld. The development would fail to provide adequate living conditions for future occupiers, with particular regard to internal space provision. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00025/REF	Mr Nathan Still	Installation of multifunctional communication hub	Communication Hub Adjacent 40 - 45Parliament StreetYork	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector noted buildings with a mix of styles and ages, however within the vicinity featuring a number of Grade II listed buildings. Although noting outdoor seating, space was remarked as generally free from permanent clutter. The Inspector viewed the hub to appear strident and intrusive, as a result of its position, height, mass and illumination, with space currently allowing the buildings to be appreciated. The proposal was therefore viewed to form a discordant and distracting element in their setting, affecting the way in which they would be experienced. They concluded the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. The Inspector acknowledged Parliament Street as a busy pedestrian routes, including use for temporary events, although viewed that the wide paved area (away from the carriageway) would not significantly impede pedestrian flow given the overall provision of space.

Case number	Appeal by	Description	Address	Outcome
25/00026/REF	Mr Nathan Still	Display of 1no. LCD display screen on proposed communication hub	Communication Hub Adjacent 40 - 45Parliament StreetYork	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector noted buildings with a mix of styles and ages, however within the vicinity featuring a number of Grade II listed buildings. Although noting outdoor seating, space was remarked as generally free from permanent clutter. The Inspector viewed the hub to appear strident and intrusive, as a result of its position, height, mass and illumination, with space currently allowing the buildings to be appreciated. The proposal was therefore viewed to form a discordant and distracting element in their setting, affecting the way in which they would be experienced. They concluded the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. The Inspector acknowledged Parliament Street as a busy pedestrian routes, including use for temporary events, although viewed that the wide paved area (away from the carriageway) would not significantly impede pedestrian flow given the overall provision of space.

Case number	Appeal by	Description	Address	Outcome
25/00028/REF	Mr Nathan Still	Installation of multifunctional communication hub	Communication Hub Adjacent 7DavygateYork	Appeal Dismissed

Notes				
This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector observed buildings of a mix of ages and styles including both modern and historic buildings, Nos. 15 and 20 Davygate and St Helens Church. The Inspector viewed the hub to lie within the setting of these heritage assets. The Inspector observed little street furniture and modest external shopfront signage. The Inspector viewed the hub to appear as a visual intrusion and physical clutter, as a result of its position, height, mass and illumination. Although a short distance from heritage assets, the uncluttered, largely traffic free street allows the buildings to be appreciated. They concluded the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. As the proposal was positioned on a projecting part of the pavement, the Inspector viewed its placement not to cause an obstruction within the main part of the footpath, therefore not hampering ability for pedestrians to navigate the street.				

Case number	Appeal by	Description	Address	Outcome
25/00029/REF	Mr Nathan Still	Display of 1no. LCD display screen on proposed communication hub	Communication Hub Adjacent 7DavygateYork	Appeal Dismissed

Notes				
This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector observed buildings of a mix of ages and styles including both modern and historic buildings, Nos. 15 and 20 Davygate and St Helens Church. The Inspector viewed the hub to lie within the setting of these heritage assets. The Inspector observed little street furniture and modest external shopfront signage. The Inspector viewed the hub to appear as a visual intrusion and physical clutter, as a result of its position, height, mass and illumination. Although a short distance from heritage assets, the uncluttered, largely traffic free street allows the buildings to be appreciated. They concluded the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. As the proposal was positioned on a projecting part of the pavement, the Inspector viewed its placement not to cause an obstruction within the main part of the footpath, therefore not hampering ability for pedestrians to navigate the street.				

Case number	Appeal by	Description	Address	Outcome
25/00030/REF	Mr Nathan Still	Display of 1no. LCD display screen on proposed communication hub	Communication Hub Adj Merchant Adventurers Hall Eastern Side Of Piccadilly York	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. This location was opposite the Merchant Adventurers Hall (Grade I listed) which was viewed by the Inspector to make a significant positive contribution to the character and appearance of the area. Whilst acknowledging a variety of existing street furniture and advertisements, these were generally low or visually lightweight. The communication hub was viewed to be significantly bulkier, and as a result of its position, height, mass and illumination, would be prominent in the streetscene (the visual impact exacerbated by the illuminated sequentially changing images). Given the change in land levels, this would accentuate the scale and presence of the hub read in the context of views of the Hall, which would be wholly incongruous with the medieval architecture and historic significance of the building. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage asset. The Inspector viewed placement of the hub to create an obstruction within the footpath which would significantly impede pedestrian movements.

Case number	Appeal by	Description	Address	Outcome
02/00048/REF	Mr Nathan Still	Installation of multifunctional communication hub	Communication Hub St Sampsons Square York	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector regarded the structure as a prominent feature, taller and bulkier than existing street furniture, which was otherwise uncluttered. The Inspector viewed the hub to appear as a visual intrusion, as a result of its position, height, mass and illumination. Further, with the uncluttered, largely traffic free square allowing the buildings to be appreciated, the proposal would be a discordant and distracting element in their setting, affecting the way in which the buildings are experienced. They concluded that the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. The Inspector recognised the busyness of the square. Although it was acknowledged that the area can become busier and circulation space more constrained during events, given the availability of space and alternative pedestrian routes, the Inspector was unconvinced that pedestrian safety would be significantly harmed.

Case number	Appeal by	Description	Address	Outcome
25/00031/REF	Mr Nathan Still	Display of 1no. LCD display screen on proposed communication hub	Communication HubSt Sampsons SquareYork	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector regarded the structure as a prominent feature, taller and bulkier than existing street furniture, which was otherwise uncluttered. The Inspector viewed the hub to appear as a visual intrusion, as a result of its position, height, mass and illumination. Further, with the uncluttered, largely traffic free square allowing the buildings to be appreciated, the proposal would be a discordant and distracting element in their setting, affecting the way in which the buildings are experienced. They concluded that the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. The Inspector recognised the busyness of the square. Although it was acknowledged that the area can become busier and circulation space more constrained during events, given the availability of space and alternative pedestrian routes, the Inspector was unconvinced that pedestrian safety would be significantly harmed.

Case number	Appeal by	Description	Address	Outcome
25/00011/REF	Mr Russell McCardle	Conversion of detached garage to form 1no. flat with associated external alterations	191 Tang Hall LaneYorkYO10 3RJ	Appeal Dismissed

Notes

The application sought to convert the existing detached garage into a single one-bedroom dwelling which would increase occupancy of this site with the host property being divided into two flats .The LPA refused the application on grounds of loss of amenity to future occupants. This was due to the minimal separation distance between the flats and the converted garage would mean the occupants of the first floor flat would have a view directly on to the garden of the future occupants which would impact upon outlook, create overlooking on private gardens and as a result would impact on the level of privacy for future occupants. It was concluded the cumulatively increase the amounts of individual units to this end terrace and create an undesirable over developed residential setting and be restrictive to privacy to a degree it would create a poor outlook and unwanted overlooking to future occupants. The Inspector agreed with the LPA and considered the proposal would result in disturbance and loss of privacy due to vehicle and pedestrian movement of the adjacent dwellings being close to the living areas of the proposed dwelling. The Inspector noted that although the proposed garden was a sufficient in size, there would be within the relatively small space between the garage and the main house resulting in first floor windows would look directly over the garden area at close quarters. The Inspector considered as this was to be the only external garden space afforded to the dwelling, other than the small pathway at the front, the extent of overlooking would significantly erode privacy for the future occupants. The Inspector did consider the site to be sustainable and would assist to provide a small contribution to the local housing mix. The Inspector concluded these matters did not outweigh the harm to future amenity. The Appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00067/REF	Mr Benjamin Laverack	Change of use from dwelling (use class C3) to a short term holiday let (Sui Generis)	9 Vesper WalkHuntingtonYorkYO32 9SZ	Appeal Dismissed

Notes				
The application proposed the change of use from dwelling (use class C3) to a short term holiday let (Sui Generis).The application was refused due to harm to neighbouring amenity. The property is located in a quiet residential area in Huntington. It was considered that the associated comings and goings and the high frequency usage/turnover of guests associated with the proposed use would result in excessive noise and disturbance not reasonably expected with more conventional family type housing, giving rise to the likelihood of substantial harm to the residential amenity of neighbouring properties.The Inspector states that the nature of short-term holiday occupation increases the likelihood of intensive use of both indoor and outdoor areas, resulting in a greater propensity for disturbance when compared with a typical C3 dwelling. Booking rules and management controls were said to be in place however these measures did not prevent the disturbance described in representations by neighbours and the Parish Council. The Inspector referred to other appeal decisions concerning similar uses in York, where Inspectors found that the transient nature of short-term holiday occupation inherently increases the risk of noise and disturbance, and that conditions seeking to regulate guest behaviour, restrict outdoor areas or impose curfews were either unenforceable or unreasonable. Those decisions emphasised that even with responsible management, the nature of holiday occupation means that consistent control cannot be reliably maintained. The circumstances of this case aligned with that reasoning, including the quiet residential context and reliance on behavioural controls, which supported the Inspector's view that conditions would not make the development acceptable. They agreed that the use has resulted in significant harm to living conditions of neighbouring occupiers due to noise and disturbance. The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
24/00055/REF	Ms Notty Lulu	Change of use of detached garage (use Class C3) to a hair salon (use Class E), and associated external alterations including render to front and side elevations, grey tiling, bifold doors and 2 roof lights	34 Elmpark WayYorkYO31 1DT	Appeal Dismissed

Notes				
The application proposed the change of use of a detached garage (use class C3) to a hairdressing salon (use class E). The site is located at the end of a residential street, and the detached garage is adjacent to the sports pitches to the east of the site. The application was refused for impact on residential amenity and insufficient provision of vehicle parking. The inspector determined that whilst the proposed use in and of itself would not give rise to excessive noise and disturbance, there would be activity associated with customers arriving and departing, which would be beyond that which would be expected of a residential property. Despite the proximity of the site to the sports pitches, the area is still of a residential character, and there was no substantive evidence that the increased activity as a result of the proposed hair salon would be absorbed by the existing activity of the sports facilities, given the difference in operating hours. In terms of vehicle parking, it was noted that Elmpark Way is a narrow road with no parking restrictions. The turning of vehicles in the street would involve multiple gear changes, which would not be appropriate in highway safety terms. The inspector did not disagree with the assessment that 4 parking spaces would be required (2 for residents, 2 for business use). The proposed 3 parking spaces in tandem could cause conflict between parking of customers and occupiers, potentially causing additional vehicle manoeuvres, increasing residential disturbance. Increase in on street parking could have an adverse impact on highway traffic, given the proximity to sports facilities. A condition to limit the number of customers would be unlikely to be effective. The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00042/REF	Mr Tom Buck	Change of use from single dwelling (use class C3) to House in Multiple Occupation (use class C4) for 4 occupants	61 Wycliffe Avenue York YO10 3RH	Appeal Dismissed
Notes				
The application proposed the change of use from C3 to a C4 HMO for 4 occupants. The application was refused for insufficient provision of vehicle parking (leading to visual harm to the streetscene and obstruction of the proposed cycle storage in the garage) and for exceeding the 20% neighbourhood HMO concentration threshold (raising to 21.77%). The inspector upheld that by virtue of the exceeded neighbourhood level concentration threshold, the proposal would conflict with policy H8, causing potential harm to the living conditions of neighbouring occupants. It was acknowledged that the existing grassed space to the front of the property contributes to a positive landscaped environment. The application proposed the use of this area for vehicle parking, which would result in a fully hard-surfaced frontage, diminishing visual amenity and causing harm to character of the street scene. Whilst the inspector concluded that the impact on the character and appearance of the street scene would be harmful, it was not determined that insufficient vehicle parking would be provided, as one vehicle could be parked across the front of property (if the front garden was to be resurfaced), and another in the garage. The storage of cycles and refuse within the garage would be limited if it were to also be used for the parking of a vehicle, however it was suggested that a pre-commencement condition could ensure that suitable provision of storage is provided. The appeal was therefore dismissed due to over-concentration of HMOs and harm to character and appearance of the street scene.				

Case number	Appeal by	Description	Address	Outcome
25/00051/REF	Mr K Webb	Outline application for 1no. dwelling (use class C3) with details of access included	The Birches Main Street Wheldrake York YO19 6AH	Appeal Dismissed
Notes				
This appeal related to refusal of outline consent for the erection of 1no. dwelling, to the western edge of the village of Wheldrake, within the Green Belt. The site was a large paddock, raised up from the immediate ground levels and bounded by established planting. The application was refused on the grounds that development would not constitute limited infilling within an otherwise built-up frontage and therefore did not fall within one of the listed exceptions for development in the Green Belt, constituting inappropriate development. Indicative drawings of the dwelling were supplied, in which it was also considered the proposal would not respect the prevailing rhythm and character of the village, located adjacent to the Conservation Area. The Inspector agreed the site was located outside the defined settlement limits, with surrounding land uses consistent with a rural character. Although there was development to the south, this was markedly different in character. It was agreed the site was within a transitional area, in which development would be located to an undeveloped site with a distinct, independent character. Accordingly, they concluded the development did not fall within the definition of infilling and therefore would be inappropriate development in the Green Belt. It was agreed construction of the dwelling, together with the presence of domestic paraphernalia, would introduce built development where none currently exists, which would therefore result in a loss of openness. Despite the presence of boundary planting, the wider site was considered of sufficient scale to make a meaningful contribution to the openness of the Green Belt and therefore would result in limited encroachment into the countryside. Whilst the mature verge was considered to positively characterise the Conservation Area, the Inspector viewed a single-storey dwelling could be accommodated with a neutral impact on the setting and significance of the Conservation Area subject to design.				

Case number	Appeal by	Description	Address	Outcome
25/00003/REF	Mr P Ramsden	Hip to gable front roof extension, replacement roof tiles, and external wall insulation comprising render to all elevations	2 Green WayHuntingtonYorkYO32 9QE	Appeal Dismissed

Notes

The application proposed the addition of a gable front roof extension, external wall insulation comprising render to all elevations and replacement roof tiles. The application was refused for harm to the character and design of the property and streetscene. The inspector noted that all properties on Green Way follow the same symmetrical design and material composition. Although many of the bungalows of Green Way have been altered, they retain their traditional characteristics especially to the front elevation. The proposed alterations would fail to integrate positively with the more traditional character of dwellings at Green Way. The appeal was therefore dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00048/REF	Toby Kendall	Outline application for erection of 1no. dwelling to rear with all matters reserved	72 Lowther StreetYorkYO31 7LR	Appeal Allowed

Notes

This appeal related to refusal of outline consent for the erection of 1no. dwelling to a backland plot located to the rear of 72 Lowther Street. The host is a two-storey mid-terraced property with unusually long garden, benefiting from rear access with 1no. parking space from Brownlow street. The development was refused on account of its prospective footprint and scale, in close proximity to adjacent neighbouring properties, creating a distinct amount of built development outside of the generally uniform laid out pattern of streets which would form an overbearing and over dominant addition, resulting in undue overlooking and an uncomfortable relationship with the immediate architectural context. The Inspector agreed the grain of development was dense, with mixture of traditional terraced properties (broadly consistent in their use of materials), although noted a mix of other backland and infill schemes. Although acknowledging the constrained plot, the Inspector was not of the mind that the principle of introducing a dwelling in this location would be out of keeping, limited in public view, and whilst increasing the concentration of built form, not so significant as to cause harm to the prevailing character or pattern of the area. The Inspector had regard to the fact that the area currently provides some visual relief, and there would inevitably be an impact to outlook from adjacent dwellings. However, their view was that the increase in mass and scale would be modest within the wider context, referring to how the surrounding area already exhibits close relationships between buildings, and similar arrangements are evident elsewhere. On this basis, they did not consider the effect on outlook would be so significant as to amount to unacceptable harm. The placement of windows to mitigate the impact on neighbouring privacy was regarded as reasonably to address through 'careful design' at reserved matters.

Case number	Appeal by	Description	Address	Outcome
25/00054/REF	Ms Miranda Lam	Change of use from single dwelling (use class C3) to House in Multiple Occupation (use class C4) for up 4 occupants	41 Sixth AvenueYorkYO31 0UR	Appeal Dismissed
Notes				
The application proposed the change of use from C3 dwellinghouse to C4 HMO (4 occupants). The application was refused for exceeding the HMO concentration threshold of 10% at street level (with a concentration of approximately 13%), in accordance with Policy H8 of the Local Plan. The application was also refused for lack of sufficient vehicle parking, whilst 2no. cars could be parked in tandem, these spaces could not be accessed independently and were therefore unsuitable for the proposed use of the property as an HMO, leading to an increase of on-street parking, inconveniencing local residents and potentially harming visual amenity.Both reasons for refusal were upheld by the Inspector, acknowledging that the street level figure was firmly in excess of the 10% threshold, and to permit further HMOs would unacceptably compound the existing imbalance in the community. The inspector also observed that there was a reasonably high level of on-street parking in the immediate surrounding area, and as the proposed parking spaces would not be independently accessible, it is likely that future occupiers would find parking on the highway more convenient. This would add to the existing parking pressures in the locality, inconveniencing local residents.The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00055/REF	Ms Miranda Lam	Change of use from single dwelling (use class C3) to House in Multiple Occupation (use class C4)	8 Derwent AvenueYorkYO10 3SS	Appeal Dismissed
Notes				
The application proposed a change of use form C3 dwelling house to C4 HMO. The application was refused as the site would exceed the HMO concentration threshold of 10% at street level, with the figure rising to 35.36% if the application were to be approved. The inspector concluded that the proposal would conflict with the development strategy with regard to the distribution of HMOs and would conflict with Policy H8 of the Local Plan. The immediate area already suffers an imbalance and to permit further HMOs would unacceptably compound that imbalance.The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
24/00048/REF	Mr Jason Moore	Change of use from dwelling house (use Class C3) to a flexible C3 to C4 House in Multiple Occupation (use Class C3 C4)	302 Burton Stone LaneYorkYO30 6HA	Appeal Dismissed
Notes				
The appeal relates to a Change of use from dwelling house (use Class C3) to a flexible C3 to C4 House in Multiple Occupation at 302 Burton Stone Lane.The application was refused as the use of the property as a 4-bedroom HMO failed to demonstrate adequate car parking and general space options which would have a harmful effect the amenity of future occupants, and consequently the wider area. The inspector determined that while 2 cars could be independently accommodated within the front garden of the appeal property, access to both the front and rear of the house would be compromised. As such, the parking arrangements would constrain movement within and through the front garden the development would have a significant detrimental effect on the living conditions of future occupants of the appeal property resulting from inadequate access to the house and refuse and recycling storage and cycle storage.The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00001/REFLBC	Mr Greg Robinson	External alterations including repairs to window frames and replacement of existing timber sashes with double glazed heritage timber sashes	Holgate Homes139 Holgate RoadYorkYO24 4DF	Appeal Dismissed
Notes				
The appeal relates to the refusal of listed building consent for works to a listed building which proposed to replace all of the existing sashes with new timber sashes in a matching painted timber design with 'heritage double glazing'. The existing frames would be retained and repaired. The application was refused on the basis of harm to the Listed Building with no clear and compelling public benefit to outweigh the harm caused. The inspector determined that social benefits would arise as a result of the proposal in terms of ensuring the long-term maintenance of a care home for vulnerable people. Benefits in that regard, however, would be limited by the small area of the building affected. Whilst the public benefits arising from the appeal scheme are significant, they would not outweigh the harm to designated heritage assets, to which I must give considerable importance and weight. They concluded that the proposal would fail to preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses. The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
24/00049/REF	Mr Danny Mason	Change of use from dwelling house (use Class C3) to House in Multiple Occupation (use Class C4)	6 Custance WalkYorkYO23 1BX	Appeal Dismissed
Notes				
The main issues were whether the proposed development would provide adequate living conditions for future occupiers of the accommodation, and the effect of the proposed development on the character and appearance of the area. The drawings were not to scale and the Inspector considered that bedroom 3 was very small and poorly configured. They opined that residents of HMOs are more likely to choose to spend time in their private space and that bedroom 3 provided unacceptably cramped accommodation. The communal living room would be smaller than that which exists in the current 2 bed house but would serve more adult residents, it would be poorly lit and poorly ventilated. The proposed drawings showed cycle storage in the existing porch and it was unclear how the required number of cycles could be provided without compromising access to the house, however the likelihood of cycles being stored outside the property would not be harmful to visual appearance. The Inspector concluded that the proposals were be poorly designed in terms of residential amenity and cycle parking, and contrary to LP policies T1, D1 and H8, the NPPF and the National Design Guide.				

Case number	Appeal by	Description	Address	Outcome
25/00058/REF	Greenwood	Two storey side extension and single storey front and rear extensions	2 Longcroft iggintonYorkYO32 2DE	Appeal Allowed

Notes

It was considered that the proposed extension would result in a large two storey addition close to the side boundary which, on this prominent corner plot, would result in development which would be harmful to the character, setting and visual amenity of the streetscene. The Inspector noted that the extension would be in keeping with the design of the existing house, that the plot was spacious, but that the extension would project beyond the front building line. The Householder SPG allows for breaches of the building line in exceptional circumstances such as when it is not clearly defined. The Inspector considered that this was the case with this appeal site. Whilst the extension would be noticeable in the street scene, the Inspector concluded that it would be seen against a backdrop of other dwellings and would not be so conspicuous or visually prominent as to cause unacceptable harm to the street scene. As such the proposal would not conflict with policy H11 of the Local Plan.

Case number	Appeal by	Description	Address	Outcome
25/00037/REF	Mrs Carolyn Jowett	Two storey and single storey rear extensions	6 CliftonYorkYO30 6AE	Appeal Dismissed

Notes

This appeal relates to refusal of full planning permission and listed building consent at 6 Clifton, a Grade II Listed detached house, within the Clifton Conservation Area. The application proposed a two-storey rear extension, a contemporary, asymmetrical single storey rear extension and internal alterations. The applications were refused as the cumulative scale, design and use of modern materials harmed the historic character and setting of the heritage asset, and Conservation Area. The internal subdivision and reconfiguration also harmed the legibility of the historic plan form. Harm to the neighbouring amenity of No. 4 Clifton was also concluded, due to the depth and height of the two-storey rear extension. The inspector concluded the extensions would be dominant and at odds with the character of the heritage asset. It is acknowledged that contemporary materials can sometimes be acceptable, however in this instance they are not due to the dominance of the extensions. The inspector also concluded that a loss of historic fabric and harm to the historic plan form would harm the special interest of the building. Whilst noted to not be largely visible from public views, the appeal states the additions would incrementally erode the character of the CA, thus failing to preserve the character and appearance of the CA as a whole. The appeal did not uphold harm to neighbouring amenity as a reason for refusal. It was considered that the neighbour already experiences reasonably enclosed conditions to the rear and given the set back and reasonably low height of the extension it is not concluded to be overly dominant. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
25/00038/REF	Mrs Carolyn Jowett	Internal and external alterations including infill of existing front door, new side door opening, removal and reconfiguration of internal walls and staircase, and two storey rear extension and single storey rear extension following partial demolition of existing rear extension	6 CliftonYorkYO30 6AE	Appeal Dismissed

Notes

This appeal relates to refusal of full planning permission and listed building consent at 6 Clifton, a Grade II Listed detached house, within the Clifton Conservation Area. The application proposed a two-storey rear extension, a contemporary, asymmetrical single storey rear extension and internal alterations. The applications were refused as the cumulative scale, design and use of modern materials harmed the historic character and setting of the heritage asset, and Conservation Area. The internal subdivision and reconfiguration also harmed the legibility of the historic plan form. Harm to the neighbouring amenity of No. 4 Clifton was also concluded, due to the depth and height of the two-storey rear extension. The inspector concluded the extensions would be dominant and at odds with the character of the heritage asset. It is acknowledged that contemporary materials can sometimes be acceptable, however in this instance they are not due to the dominance of the extensions. The inspector also concluded that a loss of historic fabric and harm to the historic plan form would harm the special interest of the building. Whilst noted to not be largely visible from public views, the appeal states the additions would incrementally erode the character of the CA, thus failing to preserve the character and appearance of the CA as a whole. The appeal did not uphold harm to neighbouring amenity as a reason for refusal. It was considered that the neighbour already experiences reasonably enclosed conditions to the rear and given the set back and reasonably low height of the extension it is not concluded to be overly dominant. The appeal was dismissed. An application for full costs against CYC was also submitted.

Case number	Appeal by	Description	Address	Outcome
25/00039/REF	Premier Vue	Display of 2no. free standing LED screens fixed to a York Stone mounted plinth with installation of a pond and landscape alterations.	Site Of Former Slip InnMalton RoadHuntingtonYork	Appeal Dismissed

Notes

The proposal comprised of two applications for full planning permission and advertisement consent for the display two free standing internally illuminated LED screens mounted to York stone plinth and centred within a shallow pond water feature to be inserted into a concrete base around York stone paving and evergreen boxed hedging. The site location comprised a belt of land close to Monks Cross Park and Ride, York Community Stadium and Vangarde Shopping Park. The site is in Huntington which has an adopted Neighbourhood Plan. In the decision-making process the overall development was considered as one complete scheme which was consistent with the submitted drawings. The proposals were refused for inappropriate development within the Green Belt due to the impact on openness, harm to visual amenity, landscape character, biodiversity and highway safety due to its location on the internal road network into the shopping park. No very special circumstances considered to exist to justify the inappropriate development. The Inspector also considered the overall development as requested by the appellant on the submission of the two appeals. The Inspector considered the pond feature would be an engineering operation which would meet the listed exceptions in policy GB1 of the Local Plan. However, considered some harm to openness. Also, the inspector considered the scale of the advertisement and its visual prominence and use of LED screens, would result in a discordant feature that would be sited beyond the defined boundary of the commercial area into an otherwise undeveloped landscape and would undermine the character of the surrounding undeveloped area. In terms of public safety, the Inspector considered the proposal would cause distraction near a signalised junction where drivers may be required to stop and cause a distraction in a location where it would be at a detriment to highway safety. There were no issues in regarding biodiversity. The appeal was dismissed.

Case number	Appeal by	Description	Address	Outcome
24/00053/REFCPD	Mr James Cornish	Development of 1 metre tall high timber gates	The Sleeping Bear4 Government House RoadYorkYO30 6LU	Appeal Allowed
Notes				
The appeal relates to a Certificate for proposed development for the erection of 1m high inward opening gates across a public highway in relation to a stopping up order submitted to the Department for Transport for the change of use of the spur road to private drive for use by the applicant. The Certificate was refused on the grounds that at the time the certificate was determined, the spur road still remained an adopted public highway and the erection of a gate would cause an obstruction which would have a material effect on the public right to pass and re-pass. As such the erection of the gate was not deemed to be permitted development under the Town and Country Planning (General Permitted Development) Order. This certificate is the second to be submitted with the first being refused and dismissed at appeal. The Inspector determined the appeal solely on the description of development being 'timber gates which are 1m in height with a width of 3.3m' quoting the GPDO Schedule 2, part 2, Class A. The Inspector stated that the gate would fall within pd allowances and acknowledged that at the date of making the LDC application, the gate would be located on adopted highway and would enclose land behind it, including the appellants garden and also the highway access to the garage/outbuilding belonging to no. 5. It was concluded that whilst the operational development proposed is permitted under Schedule 2, part 2, Class A, any material change of use of the land is not. The stopping up of the highway and any subsequent material change of use of the land would need to be obtained separately under the relevant statutory provisions as the grant of an LDC does not remove the need to comply with any other legal requirements. The appellant would therefore not be immune to enforcement action if development were undertaken without the relevant consents.				

Case number	Appeal by	Description	Address	Outcome
25/00056/REF	Mr S Nelson	Use of existing hardstanding on land to touring caravan park for the storage of caravans	Country ParkPottery LaneStrensallYorkYO32 5TJ	Appeal Dismissed
Notes				
The proposal was submitted to use an area of land which is laid with hard standing of approximately 0.10 hectares in area for the storage of 40no. caravans when not in recreational use. The Applicant advanced very special circumstance to support rural economy. The LPA did consider the storage of caravans would bring a business to the site and is a function which is naturally associated to touring caravan activities. However, concluded the applicant has not provided any evidence for the viability to justify the need for a commercial business use to support the rural economy as required by policy EC5 which seeks to ensure there is sufficient justification to address Green Belt policy content. The application was refused on grounds of harm to the Green Belt and openness. There were no very special circumstances that would clearly outweigh the harm to the Green Belt by reason of inappropriateness. The Inspector agreed with the LPA and considered the southern portion of the site where the caravans would be located is undeveloped, and its use for caravan parking would urbanise this part of the site. The Inspector considered some conflict with one of the purposes of the Green Belt, namely safeguarding the countryside from encroachment and the proposal would conflict with the fundamental aim of Green Belt policy, as defined in the Framework, which is to keep land permanently open and would conflict one the five stated purposes of the Green Belt, which is safeguarding the countryside from encroachment. The Inspector considered there were personal benefits to the appellant in supporting the development of their business. It is a rural enterprise with links to the tourism and leisure sector, and considered this to be moderate weight but considered a facility for the storage of caravans for those seeking such services would have neutral weight and there is no evidence relating to the demand for this service or the availability. The Appeal was dismissed.				

Case number	Appeal by	Description	Address	Outcome
25/00046/REF	Mr and Mrs Hodgson	Single storey side extension and first floor side extension	The GranaryOld Carlton FarmSandy Lane To BoundaryStockton On The ForestYorkYO19 5XS	Appeal Dismissed
Notes				
The application sought permission for a single storey side extension and a first-floor side extension to a detached property in the Green Belt. The application was partially retrospective, and proposed reductions to a previously refused scheme, where additions were considered disproportionate to the property. The application was refused for inappropriate development in the Green Belt, due to a 145% increase in floorspace from the original property, harming openness and the rural character of the site. It was also considered that the proposed extensions would harm the character and appearance of the property by virtue of their scale and design. The inspector considered that the proposed extensions were disproportionate and well in excess of the 25% guide set out in the SPD, even with the reductions proposed to the previously refused scheme. The appellant claimed that the extensions would be an exception to inappropriate development in the Green Belt, as they would constitute redevelopment of previously developed land, however the inspector stated that the redevelopment of land almost always involves the construction of new buildings, typically after demolition of previous ones, and therefore is not relevant in this instance. They also considered that the additions would result in a loss of spatial openness, and the harm would not be outweighed by landscaping. Very limited weight was given to the argument that additional outbuildings could be added under permitted development rights. The appeal was therefore dismissed.				

Case number	Appeal by	Description	Address	Outcome
23/00050/REF	Mr Nathan Still	Installation of multifunctional communication hub	Communication Hub Adjacent 25 - 27Parliament StreetYork	Appeal Dismissed
Notes				
This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector noted buildings with a mix of styles and ages, however within the vicinity featuring a number of Grade II listed buildings. Although noting outdoor seating, space was remarked as generally free from permanent clutter. The Inspector viewed the hub to appear strident and intrusive, as a result of its position, height, mass and illumination, with space currently allowing the buildings to be appreciated. The proposal was therefore viewed to form a discordant and distracting element in their setting, affecting the way in which they would be experienced. They concluded the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. The Inspector acknowledged Parliament Street as a busy pedestrian routes, including use for temporary events, although viewed that the wide paved area (away from the carriageway) would not significantly impede pedestrian flow given the overall provision of space.				

Case number	Appeal by	Description	Address	Outcome
25/00027/REF	Mr Nathan Still	Display of 1no. LCD display screen on proposed communication hub	Communication Hub Adjacent 25 - 27Parliament StreetYork	Appeal Dismissed

Notes

This appeal related to the placement of a free-standing communication hub measuring approximately 2.6 metres in height and 1.4 metres in width, including a digital advertisement screen and interactive interface allowing telephone services, wayfinding, access to local webpages, mobile charging facilities and a defibrillator. The application was refused on the grounds that the hub and associated advertisements, by virtue of its design, scale and location, would have an adverse effect on the functionality of the area and historic townscape in which it would be located and designated heritage assets. It would also form an intrusion into valuable public space and impede the availability for pedestrians to navigate the footways. The appeal was dismissed. The Inspector noted buildings with a mix of styles and ages, however within the vicinity featuring a number of Grade II listed buildings. Although noting outdoor seating, space was remarked as generally free from permanent clutter. The Inspector viewed the hub to appear strident and intrusive, as a result of its position, height, mass and illumination, with space currently allowing the buildings to be appreciated. The proposal was therefore viewed to form a discordant and distracting element in their setting, affecting the way in which they would be experienced. They concluded the proposal would be harmful to the amenity of the area, would not preserve or enhance the character or appearance of the Conservation Area, nor preserve the setting of the listed buildings. The NPPF's support for high-quality communications was considered, although with regard for these public benefits viewed as modest, which would not outweigh harm to the identified heritage assets. The Inspector acknowledged Parliament Street as a busy pedestrian routes, including use for temporary events, although viewed that the wide paved area (away from the carriageway) would not significantly impede pedestrian flow given the overall provision of space.

Case number	Appeal by	Description	Address	Outcome
25/00013/REF	Net Zero Fourteen Limited	Erection of a Battery Energy Storage System with associated infrastructure, site levelling works, access, landscaping and ancillary works.	Land Lying To The North West OfMurton WayYork	Appeal Allowed

Notes

The site makes a strong contribution to Green Belt Purpose (a) and this means the site is not located on grey belt land. The development is inappropriate development in the Green Belt which would have a moderate impact on openness and would lead to some encroachment. The harm to the Green Belt attracts substantial weight. However, the other considerations which support the scheme are patently sufficient to clearly outweigh the Green Belt and other harm. For that reason, the proposed development has demonstrated the very special circumstances which mean the appeal should succeed. In terms of Landscape, the Inspector judged that the proposed development would be of locally moderate and adverse effect on character and visual amenity in its early years, but that this would diminish over time as a result of increased landscaping. The effect would then reduce to minor. In terms of loss of agricultural land, the proposal would utilise a relatively small area which would have a negligible impact on the availability of Best and Most Versatile (BMV) land. In any event, the loss would be time limited and the land would be restored in due course. Additionally, the Inspector was satisfied that the proposal is acceptable in relation to safety matters. The acoustic assessment carried out demonstrated that the noise environment at the traveller site would not be unacceptable with the introduction of the proposed acoustic screening. The NPPF indicates significant weight should be given to the benefits associated with renewable energy and low carbon energy generation and the contribution to net zero. Energy storage is described as having a key role to play in achieving net zero. The provision of infrastructure of the type proposed must attract substantial weight. The confirmed grid connection offer was also found to be a significant benefit of the proposal. The proposal was found to be compliant with the Local Plan when read as a whole.

