

ANNEX A

Appeal Summaries for Cases Determined 1st May 2009 to 31st July 2009

Application No: 08/01238/FUL
Appeal By: Mr Daniel Scott
Proposal: Two storey side extension and single storey rear extension with skylight after demolition of existing garage
Site: 2 The Covert York YO24 1JN
Decision Level: Delegated

Delegated refusal of an application for a single storey rear extension and a two-storey side extension to a two storey semi-detached house. The proposed side extension was not subservient to the existing property in terms of massing and scale and was considered to be too large and dominant when viewed in the street scene contrary to policy H7 and the Householder Design Guide SPG.

The Inspector considered that the design objectives behind the SPG were laudable but that it was difficult to achieve consistency against the background of the variety of design that he had seen within the estate. He opined that the cul-de-sac was symmetrical and the proposed design would match that of the semi on the other side of the street; the proposed design would therefore assist in creating a balanced approach to the cul-de-sac as a whole. He concluded that the extension would not have a detrimental impact on the appearance of the dwelling or wider street scene. He added that there would be other situations within the estate, where such an approach would not be appropriate and he did not consider that allowing the present proposal undermined the importance of the SPG.

Appeal Allowed.

Application No: 08/02281/FUL
Appeal By: Ms Tracey Sinclair
Proposal: Single storey rear extension, two no. rear dormers and rooflight windows to front and rear
Site: 63 Huntington Road York YO31 8RL
Decision Level: Delegated

Delegated refusal of an application for a single storey rear extension, two no. rear dormers and front and rear roof lights at a two-storey terraced house. The refusal reason concerned the siting of the two dormers in the rear roof slope which were considered to be incongruous and harmful to the character and appearance of the conservation area.

The Inspector considered that, viewed from Diamond Street, the uniformity of the unaltered roofs was a pleasing part of the character of the conservation area and that there would have been a sound case for resisting any dormer windows in the roof slope. However, he noted that permission had been granted for a single dormer window by an earlier permission and that this introduced the principle of dormers in the terrace and undermined the Council's case. The two dormers would introduce a degree of symmetry that a single dormer would not and as such the proposal would not be harmful to the character and appearance of the conservation area. **Appeal Allowed**

Application No: 08/01962/FUL
Appeal By: Mr Raymond Fresson
Proposal: First floor front extension over existing garage
Site: 18 College Road Copmanthorpe York YO23 3US
Decision Level: Delegated

The detached dwelling lies within a row of similar dwellings, with a strong building line, all of which have small single storey front extensions in place. The application sought a first floor front extension over existing garage. The reasons for refusal were: The proposal would be an unsympathetic addition to the front elevation of this detached dwelling. The massing of the proposal would not harmonise with the uniformity of surrounding buildings and would be unacceptable having a detrimental impact on the host dwelling and the visual amenity of the surrounding area and that which neighbouring residents could reasonably enjoy.

The Inspector noted that there are a variety of dwelling types in the street with no predominant house type or pattern. Several of these have been previously extended. Whilst the proposed extension would bring the first floor elevation forward by 1.8m the ground floor building line would be retained. It was not considered that the proposal would have a significantly harmful effect on the street scene. The design is considered sympathetic to main dwelling. **Appeal Allowed.**

Application No: 08/02274/FUL
Appeal By: Mr Patten
Proposal: Two storey side extension and first floor extension to part of the existing dwelling (resubmission)
Site: Knoll Cottage Cinder Lane Upper Poppleton York
Decision Level: Delegated

The appeal was determined by the method of written representations

The key issues were identified as: whether the proposal was inappropriate development in the Green Belt, the effect of the proposed development on the openness of the Green Belt, the effect on the character and appearance of the surrounding area and the Green Belt and whether harm by reason of inappropriateness would be outweighed by other considerations so as to amount to very special circumstances to justify the development.

The application for a substantial two storey extension to an essentially single storey property had previously been refused as having a detrimental impact upon the local street scene and being inappropriate development in the Green Belt by virtue of its scale and design.

The inspector having weighed up the case put forward by the appellant notably the nature and scale of recent and proposed development in the vicinity, decided to dismiss the appeal on the basis that the proposal by virtue of its scale and design represented inappropriate development within the Green Belt and additionally had a materially adverse impact upon the openness of the Green Belt and the character and appearance of the surrounding area. **Appeal Dismissed.**

Application No: 08/01478/FUL
Appeal By: Mr Peter Addyman
Proposal: Three storey rear extension, including external steel staircase. Also detached double garage
Site: 15 St Marys York YO30 7DD
Decision Level: Delegated

The application related to a 4-storey (including basement) terraced house in the conservation area. A rear extension covering just over half the width of the house a 2-storey extension was proposed at ground and first floor level, which would extend outward 3.4m. A smaller element was also proposed at ground floor level. Although the extensions were described as single and two-storey, in appearance they were taller as the ground floor level immediately outside the house was at basement level.

The rear of the house had an ordered and simple form, as it had not been extended and due to the arrangement and design of windows. Also within the terrace predominantly there were no extensions at the height proposed which interrupted the building line, although there were some old extensions which were prominent and detracted from the appearance of the terrace.

The application was refused as due to the shape, detailing and scale of the extension, it would detract from the appearance of the house and the terrace. Also as the taller extension was adjacent the side boundary, it would be overbearing and overdominant over the neighbour.

The inspector ruled :-

- Due to the size of the extension it would appear 'obtrusive' & 'dominant'.
- The window design and arrangement would 'complicate and clutter' the rear elevation.
- Despite no objection from the neighbours (flats), the extension due to its height and projection from the building would be overdominant & overbearing. **Appeal Dismissed.**

Application No: 08/02546/ADV
Appeal By: Mr Tony Pinkstone
Proposal: Display 2 No. externally illuminated built up logo signs, 1 No. double sided externally illuminated projecting sign and 2No. internally illuminated poster cases (resubmission).
Site: Tru Nightclub 3 Toft Green York YO1 1UA
Decision Level: Delegated

Consent was refused for a side hung sign and 2 internally illuminated poster cases.

Signage is low key on this street and it was considered the projecting sign, due to its modern design would detract from the appearance of the area and the overall amount of signs and illumination made them over dominant. The inspector agreed that the hanging sign harmed the appearance of the building / street, and that a more traditional sign would be more appropriate.

Because there were only 2 poster cases on the premises, their size was restrained and the illumination subtle, the inspector found these were an appropriate means of advertising upcoming events and did not detract from the appearance of the building or area.

Appeal Part Allowed (poster cases) Part Dismissed (hanging sign)

Application No: 07/01843/CLU
Appeal By: Barbara Wood
Proposal: Lawful Development Certificate for the existing use of the riverbed as residential boat mooring and use of riverbank as residential curtilage with uses ancillary to boat mooring
Site: M V Gringley Fulford Reach Mooring St Oswalds Road York YO10 4PF
Decision Level Delegated

CYC had issued a Certificate for the residential mooring for one houseboat but refused to certify that the adjacent riverbank could lawfully be used for purposes ancillary to the boat mooring. The site had the appearance of a yard and garden with a car, domestic storage and other domestic paraphernalia associated with the houseboat. Submitted evidence including Council tax records showed occupation of the houseboat since 1997.

The Inspector felt a distinction between the to continuous use of the mooring for domestic purposes since 1997 as opposed occasional, casual use, was required to demonstrate a lawful use. Submissions including photos suggested since 2003. Evidence from the Parish Council and a local resident convinced the Inspector that before 2000, the moored boats here were largely screened by vegetation and that a garden did not fully develop until 2003. Further photographs taken in 1999 showed the appellant's houseboat moored elsewhere along the river. The inspector concluded that the appellant did not occupy the mooring with continuously prior to 2000, and so the residential use of the land adjoining mooring cannot have been continuous. **Appeal Dismissed.**

Application No: 08/02559/FUL
Appeal By: Mr Martyn Inwood
Proposal: Erection of detached dwelling (resubmission)
Site: Stockton Lodge Sandy Lane Stockton On The Forest York YO32 9UT
Decision Level Delegated

This application proposed the erection of a detached, 1.5-storey, 5-bedroom dwelling with attached, pitch-roofed double garage. Access would be from Sandy Lane via an existing crossover, which would continue to be used for accessing the agricultural land to the rear. The proposal was refused on the grounds that, its size, scale, design and narrow, back land location result in an over-prominent and incongruous form of development that would be out of keeping with the character and appearance of the street scene, contrary to Central Government advice in Planning Policy Statement 1: "Delivering Sustainable Development" and Planning Policy Statement 3: "Housing" and policies GP1, GP10 and H5a.

The inspector agreed that the applicant had failed to demonstrate that the site could not accommodate two dwellings, and therefore should not provide for a level of affordable housing. The inspector considered that the outstanding drainage issues could be conditioned, and open space provision secured through a section 106, or unilateral undertaking. However, she did not consider that would outweigh the harm to the character and appearance of the surrounding area, and the implications for affordable housing provision. **Appeal Dismissed.**

Application No: 08/01844/FUL
Appeal By: Mr Martin Cockerill
Proposal: Extension to existing farmhouse to form self contained living accommodation for employee
Site: Providence Farm Stamford Bridge Road Dunnington York YO19 5LQ
Decision Level Delegated

Application was refused on the grounds that the proposal represented inappropriate development in the Green Belt due to the disproportionate size of the extension over and above the size of the original building and that this harmed the openness of the Green belt. Appellants argued that the footprint was not increasing and that the first floor extension merely filled in a gap that was unseen anyway from public views. It was also claimed that greater weight should be attached to the need for the extension because it was required in connection with a full time stud manager who could foal the horses at short notice or in case of emergency.

Council argued that this did not represent Very Special Circumstances and that the appellant had not provided sufficient information to prove this need. With regard to the impact on the green belt the Council argued that whilst the footprint of the property was not increasing the first floor extension extended the ridge line of the house and that if filled an otherwise quite extensive gap between the appeal building and a two storey barn next door, so extending the built form of the site. The Council disagreed that this extension could not be seen from public views and showed the Inspector from where the extension would be visible. The Inspector agreed with the Council on all points and dismissed the appeal. **Appeal Dismissed.**

Application No: 09/00082/FUL
Appeal By: Mr Anthony Clarke
Proposal: Raise roof to create second floor extension (resubmission)
Site: 37 St Marks Grove York YO30 5TS
Decision Level Delegated

This application proposed the extension of 37 St. Marks Grove through the addition of a second floor and a side dormer. The dwelling had previously been extended through a two-storey side extension, which created two additional bedrooms bringing the total to five. It was considered that the proposed raised roof extension with dormer would, by virtue of its design and height, harm the character and appearance of the street scene. St. Marks Grove is characterised by dwellings of a consistent design and scale located within a rhythmic pattern. The proposed extensions were considered to upset the balance of the street scene through the addition of an incongruous design feature on a dwelling, which follows the design principles of the surrounding area.

The inspector considered the key issue in this case was the effect of the proposed development on the character and appearance of the street scene. She considered that, as the extension would result in both the eaves and ridge height being notably higher than surrounding dwellings, it would impact adversely on the streetscene. She did not afford full weight to policies GP1 and H7, given the status of the local plan. However, she did consider the proposal would conflict with Government advice in PPS1. *Delivering Sustainable Development.* **Appeal Dismissed.**

Application No: 08/00181/FUL
Appeal By: Mr Kevin Marsden
Proposal: Erection of 2 no. two storey pitched roof detached dwellings after demolition of existing dwelling and garage
Site: 8 Hall Rise Haxby York YO32 3LP
Decision Level Committee (Officer Recommendation Approve)

This application was refused on the grounds that its siting, design, external appearance and materials of construction would constitute a form of development that would be incongruous, out of keeping and inappropriate in its context. As such, the visual appearance and amenity of the area would be compromised by the development.

The Inspector agreed with the Council's reasons for refusal. In his opinion, although this is a corner site and the degree of prominence is somewhat reduced on the Station Road frontage by the existing trees and vegetation, the plot facing Hall Rise would be clearly visible from Station Road junction and from Hall Rise. In the context of the area he considered that the proposed design and external materials conflict with those of neighbouring properties and introduce a style and design that is out of keeping with the character of the area. The scale of the development would also be visible and incongruous when viewed alongside neighbouring development. Hence the inspector concluded that the proposal would be harmful to the character and appearance of the area and contrary to the aims of policy GP1 of the draft local plan. **Appeal Dismissed.**