

## Appeal Summaries for Cases Determined 01/04/2013 to 30/06/2013

**Application No:** 12/02421/LBC  
**Appeal by:** Miss Kate Holden  
**Proposal:** Replace existing advertising posters with 2 no. digital advertising units in the outer concourse  
**Address:** Railway Station Station Road York

**Decision Level:** DEL  
**Outcome:** ALLOW

The appeal related to erection of two digital LED-illuminated 'six-sheet' signboards set within steel frames and supported on steel legs within the outer concourse of the station, and the removal of a range of wall-mounted signboards together with a high-level banner sign. The application was refused as it was considered the boards, to be placed on opposite sides of the concourse, would be too bulky and detrimentally affect the appearance and character of the concourse. The inspector concluded that the location of the signs adjacent to modern openings at either side of the space would not however be harmful provided there was a restriction on the brightness of the displays to further ensure the signs would not be 'stark, intrusive or unduly assertive' as had been argued by the Council. The removal of existing signs would result in a tidier appearance to the station. He stated the signs would be an 'appropriate contemporary response using modern materials and technology which would serve to preserve the special architectural and historic interest of this listed building'.

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**Application No:** 12/02674/FUL  
**Appeal by:** Mr And Mrs M Walker  
**Proposal:** Erection of 3no. two-storey houses  
**Address:** Holly Corner 52 North Lane Haxby York YO32 3JP

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

The application was for three dwellings within the garden to the side of 52 North Lane, with access to North Lane. The appeal was dismissed. The Inspector agreed with the Council regarding the starkness of the side elevation to both plots, that it would result in a significant and uncomfortable prominence in the streetscene and would result in harm to the conservation area and the streetscene. The Inspector also concluded that the impact of Plot 1 on 52 North Lane would have an unacceptable impact to the residential amenity of the occupants of the host dwelling. The Inspector gave little weight to the parking area that was too small to accommodate turning cars and the lack of drainage information, he considered that if the scheme was considered reasonable that these issues could have been overcome.

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**Application No:** 12/02745/FUL  
**Appeal by:** Planusual Projects Ltd  
**Proposal:** Change of use from dwelling house (Use Class C3) to 7 bedroom house in multiple occupation  
**Address:** 224 Melrosegate York YO10 3SW

**Decision Level:** DEL

**Outcome:** DISMIS

The application related to a proposal to change the use of a detached property from a 5 bedroom dwelling to a 7 bedroom HMO at 226 Melrosegate. It should be noted that there were no neighbour objections to the proposal and the property was located on a relatively busy road. The application was refused for the following reason: The Council's records indicate that within 100m of the house 19.2 percent of the properties are already in use as Houses in Multiple Occupation (HMO). The Council's Approved Supplementary Planning Document (SPD) Controlling the Concentration of Houses in Multiple Occupation (HMO) states (paragraph 5.7) that permission for additional HMO uses will only be granted where less than 10 percent of properties within 100m of the site are shared houses. A further HMO would be likely to have a detrimental impact on the character of the area. As such to allow the proposal would be contrary to Development Control Local Plan policy H8 (Conversions), the Council's Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document (April 2012) and also paragraph 50 of the National Planning Policy Framework (NPPF) which advocates the creation of sustainable, inclusive and mixed communities. The Inspector dismissed the appeal. In doing so he gave considerable weight to the approved SPD which he stated had a sensible and pragmatic approach to meeting the objectives of paragraph 50 of the NPPF. He concluded that to allow the proposal that runs counter to an objective that has been subject of very recent consultation would undermine the Council's position for the future.

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**Application No:** 12/02930/FUL  
**Appeal by:** Mr Tim Graves  
**Proposal:** Agricultural building  
**Address:** The Market Garden Eastfield Lane Dunnington York YO19 5ND  
**Decision Level:** COMM  
**Outcome:** DISMIS

The application relates to a site with a long and complicated planning history stretching back into Selby District Council days. It lies in a visually prominent location close to residential development within the Green Belt to the north east of Dunnington village. The applicant applied for permission to erect a substantial open sided barn to house straw for his pig breeding operation , in a particularly prominent portion of the site. Providing it could be demonstrated as having a functional agricultural need and not harmful to the openness of the Green Belt it would constitute appropriate development in terms of the NPPF and the Draft Local Plan. Consideration of the proposal was deferred from Committee when it became clear that a computer failure had inadvertently closed the consultation period on the proposal early. Notwithstanding that the recommendation was to approve the applicant decided to appeal non-determination three days before it was due to be re-considered by Committee. After due deliberation and in view of a lack of information on how the barn related to the agricultural operation Members decided to overturn the recommendation raising concerns in respect of lack of evidence of functional need and impact upon openness, when giving their view for on-ward submission to the Inspectorate. The Inspector duly assessed the proposal and dismissed the appeal highlighting the applicant's refusal to divulge any information in respect of the nature of the agricultural operation at the site.

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**Application No:** 12/03111/ADV  
**Appeal by:** Brighthouse  
**Proposal:** Display of internally illuminated fascia sign and externally illuminated hanging sign  
**Address:** Multiyork Furniture Ltd 15 Piccadilly York YO1 9PB

**Decision Level:** DEL

**Outcome:** DISMIS

Application was refused on the basis that 'the fascia sign and hanging sign when viewed within the context of existing signage and the neighbouring Grade 1 listed building harm the visual amenity of the area and are unsympathetic to the historic character of the adjacent site'. The refusal also stated 'The illuminated fascia lettering is overly large, unsympathetic, and unduly strident on the deep white fascia panel. The scale and the proposed illumination of the presently large hanging sign is at odds with neighbouring hanging signs and similarly has an adverse impact on the character and appearance of the conservation area and the visually important street setting of the adjacent Grade 1, Merchant Adventurers Hall.'The Inspector agreed with this positions, stating the fascia sign height and coverage of the lettering on the fascia sign appears to be much greater than that of the neighbouring advertisements contrasting white fascia with bright red and yellow illuminated letters only. He stated that the low position of the sign succeeded in accentuating the visual impact and size of the fascia lettering. Although the projecting sign was similar in size to adjacent ones than existing projecting sign he considered it to be visually intrusive particularly in relation to the setting of the Merchant Adventurers Hall and so failed to preserve the setting of the listed building. He was not persuaded that removal of illumination would overcome the concerns over the size of the hanging sign.

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**Application No:** 12/03390/FUL  
**Appeal by:** Mr & Mrs Jawad Kadhim  
**Proposal:** Two storey granny annex to side and single storey side and rear extension  
**Address:** 36 The Manor Beeches Dunnington York YO19 5PX

**Decision Level:** CMV

**Outcome:** DISMIS

This application was to erect a two-storey side extension and single storey rear extension which was recommended for approval. The East Area Planning sub-Committee refused the application because of the oppressive and overbearing impact on the adjacent neighbour at 38 Manor Beeches. The inspector dismissed the appeal on the basis that the area would be significantly harmed by the presence of the extension, which would be overbearing, oppressive and unneighbourly. The result would be unacceptably harmful to the living conditions which the occupants of that property can reasonably expect to enjoy.

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**Application No:** 12/03776/FUL  
**Appeal by:** Mr Nik Malloy  
**Proposal:** Two storey side and single storey rear extensions  
**Address:** 1 Foxthorn Paddock York YO10 5HJ

**Decision Level:** DEL

**Outcome:** DISMIS

The appeal related to a 2x storey side extension and single storey rear extension which would be built up to the rear boundary of the property at 71 Yarburgh Way. This property is located on the corner of Foxthorn Paddock and Yarburgh Way and hosts a double storey extension on the opposite boundary to the applicant site, which has increased the amount of windows over looking the rear garden. The application was refused on the basis that the size and scale of the extension would appear oppressive and overbearing when viewed from the rear garden of (no71). There was various correspondence with the applicant and agent with regards to revising the original submission due to the potential impact on the neighbour at (71). However, the applicant did not accept the options provided by the planning department to reduce the height and width of the extension to a degree that would overcome the impact at (no71). The inspector agreed with the CYC decision and confirmed that regardless of the extension at (No 71) the application would affect such a large part of the garden as well as windows in the original part of the dwelling and dismissed the appeal.

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**Decision Level:**

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

**Outcome:**

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed