

Appeal Summaries for Cases Determined 01/01/2014 to 31/03/2014

Application No: 12/03690/FUL
Appeal by: Mr David Wardell
Proposal: Change of use of land to permit the creation of 20 pitches for touring caravans or tents and erection of toilet block (resubmission)
Address: Chowdene Malton Road Huntington York YO32 9TD

Decision Level: CMV

Outcome: DISMIS

Permission was refused for the use of land as a 20 pitch caravan site on highway grounds (likely to intensify the use of a substandard access of restricted width) and because of lack of details relating to drainage which is non-mains. The site is a 5 certified caravan site through the caravan and camping club. The certification also allows the pitching of unlimited tents and operates year round. The Inspector found that the development was inappropriate development in the green belt. He did not consider that the new toilet block facilities could be considered appropriate facilities for outdoor recreation because their permanent nature would reduce openness but more importantly he was not clear that caravan and camping could be considered as recreation activity (he said the extent to which caravanning can be considered outdoor recreation is equivocal to my mind). The Inspector also considered that the change of use of land to a caravan site does not fall within Paragraph 90 (recent case law supports this) and thus as no very special circumstances have been put forward by the applicant the development was inappropriate and was by definition harmful (the applicant had been asked during the appeal process if there were any very special circumstances but did not put any forward). In relation to highway safety the Inspector concluded that moderate harm would be caused to the safe and efficient operation of the A1036 and thus conflict with policies T2a and V5h of the DDCLP that seek to ensure the safety of all road users and pedestrians. The Inspector considered that the lack of drainage information could be covered by a Grampian condition were permission being granted. The site is proposed to be allocated as a gypsy caravan site in the emerging local plan (with a different access arrangement) no weight could be attached to this.

Application No: 13/00455/FUL
Appeal by: Mr Jacob Verhoef
Proposal: Erection of bungalow to side
Address: 15 Moor Lane Haxby York YO32 2PQ

Decision Level: CMV
Outcome: DISMIS

The appeal decision relates to a small site on Moor Lane Haxby. There had been a previous refusal on the site for a bigger unit and this smaller unit was recommended for approval and overturned by committee. The Inspector concluded that while the area features a mix of dwelling types, the immediate vicinity of the proposed development is characterised by dwellings on large plots, set well back from the road behind driveways and, in many cases, mature front gardens. This gives the Lane a sense of spaciousness, to which the large side garden of No 15 makes an important contribution. The Inspector concluded that the proposal would have an adverse impact upon the character and appearance of the area.

Application No: 13/00474/FUL
Appeal by: Dr Malcolm Blacklee
Proposal: Erection of dormer bungalow to rear (resubmission)
Address: Harlestone 14 York Road Strensall York YO32 5UN

Decision Level: CMV
Outcome: ALLOW

The application was for the erection of a dormer bungalow with detached garage within the back and side garden of 14 York Road in Strensall. The garden area is enclosed by neighbouring houses and bungalows which back onto the site. Access to the site is between 14 and 16 York Road. The application was recommended for approval but was called into committee and refused on the grounds of the visual impact on the Conservation Area and the impact on neighbouring amenity, with most concern about the relationship between the proposed dwelling and the back of 16 York Road. The separation distance is just under 14m. The application attracted significant local opposition. The Inspector overturned the Council's decision. He noted that whilst in the Conservation Area there are a variety of dwelling designs and types in the area and that these only have a neutral impact on the character and appearance of the area. The most significant view of the proposed house is from along West End which is a modern cul de sac and it is considered that the proposed dwelling would appear as a natural end of the street and would therefore not be out of keeping. It was felt the dwelling did not significantly diminish the sense of space between dwellings which was the most important visual characteristic of this part of the Conservation Area. In terms of neighbouring amenity, the Inspector concluded that the separation distances were sufficient given the size of the proposed dwelling and the fact the roof slopes away. There were no overlooking windows and the house was north of 16 York Road therefore not significantly impacting on sunlight.

Application No: 13/00586/FUL
Appeal by: Mr Oliver Richardson
Proposal: Change of use from dwelling house (Use Class C3) to house in multiple occupation (C4)
Address: 37 Fishergate York YO10 4AP

Decision Level: DEL
Outcome: ALLOW

The application sought to change the use of the property from residential (C3) to a small House in Multiple Occupation (C4) The context of the appeal was that the street level threshold had already been breached (17.02%) but the neighbourhood level (14.2%) had not. The key to the inspector's decision was the location of the application property, in a mixed use area, on a busy main road, rather than an exclusively residential enclave. He cited the large bingo hall opposite, two primary schools, an adjoining Bed and Breakfast, and local shops immediately to the south east. He argued that using comparable percentage figures, the impact on the living conditions on an area where there was a high level housing density would be far greater than on a mixed use area, such as this part of Fishergate.

Application No: 13/01983/FUL
Appeal by: Mr And Mrs Shields
Proposal: Two storey side extension
Address: 11 Caldbeck Close York YO30 5QZ

Decision Level: DEL
Outcome: DISMIS

The appeal related to the refusal of an application for a one and a half storey side extension to a suburban semi-detached dwelling. The application was refused for the following reason: The side elevation of the proposed extension would be within 7m of the rear elevation of 7 Belmont Close and the structure would be in close proximity to approximately half of the rear boundary of the very short rear garden. It is considered that the scale of development exceeds that which can normally be expected within such close proximity to a house and small garden in an established suburban location. The Inspector dismissed the appeal noting the overbearing impact it would have on the rear ground floor windows and garden of number 7

Application No: 13/02331/FUL
Appeal by: Mr And Mrs M Walker
Proposal: Erection of 3no. two-storey houses (resubmission)
Address: Holly Corner 52 North Lane Haxby York YO32 3JP

Decision Level: DEL

Outcome: DISMIS

There had been a previous dismissed appeal on the site for three houses where the Inspector expressed his concern regarding the impact on the streetscene specifically from the large unbroken side elevations and the loss of trees to the western boundary. The Inspector was also concerned regarding the impact to the residential amenity of the occupants of the host dwelling. The appellant subsequently submitted a new application for three dwellings altering the roofstyle although the scale of the housing remained that same as the previous application and would result in the same loss of trees as the previous application. The Council requested alterations however the appellant decided to appeal on non-determination rather than enter into negotiation. The Inspector for this appeal differed from the previous Inspector in their assessment of the side elevations and the loss of trees and considered that the development was acceptable. The Council made the case that there was a demonstrable need of open space in the local area and the Inspector agreed and dismissed the appeal on the lack of a S106 agreement.

Application No: 13/02381/FUL
Appeal by: Mr Mike Green
Proposal: Creation of 1 no. additional car parking space
Address: STREET RECORD The Purey Cust York

Decision Level: DEL
Outcome: DISMIS

The proposal was to create 1 extra car parking space within the Purey Cust site which is now a gated residential development on the North side of Precentor's Court. The buildings are listed and the site is in the Central Historic Core Conservation Area. The site was previously a hospital with a large car park in front of the building. However on the opposite side of the internal access road there was a garden, which provided amenity to the grade 2 listed lodge, which is in residential use. Permission had been granted for a (part subterranean) house next to the lodge. The car parking space would have been on land that was previously landscaped. Permission was refused as it was felt that no more car parking could be accommodated without harming the setting of the building and adversely affecting occupants of the lodge and the recently approved house. The inspector dismissed the appeal on the grounds that there would be harm to occupants of the new house currently under construction. This would be in conflict with the National Planning Policy Framework in terms of securing a good standard of amenity for existing and future occupants. The new buildings main outlook would be over the car parking area and around 3m away. It was felt that comings and goings of vehicles and headlights would have an adverse impact. The lodge has smaller windows and was 5m away - the inspector was of the opinion the impact on the lodge would be acceptable.

Application No: 13/02899/FUL
Appeal by: Sainsbury's Supermarkets Limited
Proposal: Variation of condition 1 of permitted application
13/01840/FUL to amend design of door
Address: Queens House Micklegate York

Decision Level: DEL

Outcome: ALLOW

The appeal site previously accommodated 3 retail units which were merged. Planning permission was granted for a replacement shop front, with a single entrance. The applicants wanted to install a sliding door which would be uncharacteristically large - 1.8m wide and 2.8m high. Typically in the conservation area entrances are designed to traditional proportions. Doors are single or in pairs, with a fanlight above. The plans were amended, with a more traditional approach, and the application approved. The applicants subsequently installed a large sliding door and submitted a retrospective application which was refused. The inspector allowed the appeal. In his view due to the extent the door is setback, it is not prominent in the street. As such there was no harm to the conservation area.

Application No: 13/02988/LBC
Appeal by: Mr D Coidan
Proposal: Cleaning of external walls and railings
Address: Penn House 38 St Marys York YO30 7DD

Decision Level: DEL

Outcome: ALLOW

Penn House is a substantial Grade II Listed brick built Victorian villa on the corner of Bootham and St Marys. It had previously been used as a Boarding House for Bootham School before being sold for conversion back to a single dwelling incorporating two flats. The building as originally constructed had been in a buff brick but had progressively weathered to a grey/blue colour. Listed Building Consent had been sought for cleaning to return it to a version of the original appearance. No technical justification had however been submitted. The proposal was refused on the grounds of potential harm to the structure arising from the proposed process, harm to the visual relationship with its neighbours and a precedent for other similarly harmful developments in the near vicinity. The applicant appealed citing other buildings in the vicinity that he felt, had been successfully cleaned, although in only one case was any cleaning work actually authorised. The Appeal Inspector considered that whilst there were a number of valid concerns in respect of what was being brought forward, the returning of the building to something approaching its original design concept was worthy of support and the appeal was allowed.

Application No: 13/03037/FUL
Appeal by: Mr And Mrs Tse
Proposal: Two storey side and rear extension (resubmission)
Address: 161 Bishopthorpe Road York YO23 1PA

Decision Level: DEL
Outcome: DISMIS

The host dwelling is a traditional style two-storey semi-detached dwelling sited on a corner location, outside of Conservation Area. A revised and reduced scheme for a two-storey side and rear extension was proposed, further to a previous refusal for a two-storey side extension. Both the applications were refused on the grounds that they would appear obtrusive within the surrounding area, particularly from Bishopthorpe Road, with particular regard to the strong building line in place between the host dwelling and dwellings along Rectory Gardens. Both CYC and the inspector agreed that the design of the proposed addition was in keeping with the host dwelling. The inspector noted that other examples already in place within the area were not necessarily a desirable precedent to follow; and also that the proposed extension would erode the space around the adjacent junction.

Application No: 13/03057/FUL
Appeal by: Mr W Jones
Proposal: Two storey side extension (amended scheme)
Address: 1 Dringthorpe Road York YO24 1NF

Decision Level: DEL
Outcome: DISMIS

The appeal was against the refusal of a proposed two storey side extension. The site lies at the junction of Dringthorpe Road and Lycett Road and is positioned at an angle. The large two storey extension would run parallel to Dringthorpe Road. The two storey hipped roof extension would run to the boundary with 3 Dringthorpe Road which had previously been extended to provide a garage with rooms in the roof and dormers to front and rear. The Inspector agreed that the proposed extension would result in an awkward juxtaposition of building and rooflines and contrasting roof forms, all in close proximity and that the arrangement would be uneasy on the eye and obtrusive in the local street scene.

Application No: 13/03180/FUL
Appeal by: Mr Michael Chamberlan
Proposal: First and second floor rear extension
Address: 4 The Horseshoe York YO24 1LX

Decision Level: DEL

Outcome: ALLOW

The application sought permission for a 6m first floor rear extension above an existing single storey flat roof element. The application was refused on the impact upon the living conditions of the property which backed onto the site (112 Tadcaster Road), in particular the overdominance and blank side elevation which would be presented to the rear rooms of this property and the scale of the extension being a disproportionate addition. In allowing the appeal the Inspector concluded that the extension would sit comfortably on the substantial host dwelling and would not be unduly large or bulky. Whilst it would be visible, as it would only project along part of the rear boundary of 112 Tadcaster Road and would be at a distance it would not appear unduly oppressive or overbearing or result in a sense of enclosure.

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

