

Appeal Summaries for Cases Determined 01/04/2014 to 30/06/2014

Application No: 13/00760/FUL
Appeal by: Miss Raquel Nelson
Proposal: Use of land for winter storage of up to 30 touring caravans
Address: Country Park Pottery Lane Strensall York YO32 5TJ

Decision Level: CMV
Outcome: DISMIS

The application site comprises a large touring caravan site with a seasonal restriction that was initially given planning permission in 2005 within the Green Belt to the north of Strensall village. The caravan use has not been fully implemented and the site has been the subject of a number of applications in recent years. On this occasion planning permission was sought for the usage of the southern section of the site for storage of caravans ostensibly in association with the principle caravan site use. It was argued that the proposed caravan storage use including maintenance and valeting would be ancillary and that the southern section of the site would be more sheltered in long and short distance views from outside of the site. It was felt that the proposal amounted to inappropriate development within the Green Belt and in the complete absence of any case for "very special circumstances" the proposal was refused. The Appeal Inspector carefully noted that the caravan site had not been fully implemented and that the proposal could not therefore plausibly be argued as ancillary to its operation. At the same time he agreed that the proposal constituted inappropriate development within the Green Belt and that it would cause significant harm to its openness. No detailed case to support the proposal had been brought forward and it was felt that no clear functional link had been established with the caravan site use. It was noted that no evidence of commercial need for the proposal had been brought forward based upon the viability of the site and whilst the potential benefits in terms of retaining summer staff all year had been highlighted no support had been given to justify this. Overall it was felt that insufficient justification had been brought forward to outweigh the harm caused by the inappropriateness of the development to the open character of the Green Belt and the appeal was therefore dismissed.

Application No: 13/02607/FUL
Appeal by: Mrs V Dobson
Proposal: Single storey side extension forming domestic utility room and hairdressing salon (retrospective)
Address: 5 Lund Close Wigginton York YO32 2WU

Decision Level: DEL

Outcome: PAD

The appeal was part allowed / part dismissed, with the extension itself, which the LPA did not object to, being given retrospective consent, but the use as a hair dressing salon being refused. The Inspector considered that one of the key issues was the impact on the living conditions of the neighbouring property of No.7 Lund Close. The inspector noted the shared driveway into this small cul-de-sac, which runs directly past the front elevation of No.7 Lund Close, in order to access the application property. The inspector cited visual intrusion, disturbance from engine noise, car headlights from approaching vehicles (during winter months) He considered that even if the number of appointments were limited, it would result in significantly more disturbance than could be reasonably expected from normal residential use.

Application No: 13/03083/FUL
Appeal by: Sainsbury's Supermarkets Ltd
Proposal: Installation of a replacement door and glazing
Address: Sainsbury At Jacksons 212 - 214 Fulford Road York YO10 4DX

Decision Level: DEL

Outcome: ALLOW

The appeal related to the refusal of planning permission for installation of a replacement door and glazing. The application was seen in connection with proposed signage on the site (ref:13/03085/ADV) The Conservation Officer stated the alignment of the proposed sliding door and glazed panels forward of the existing entrance would flatten the elevation by creating one continuous length of glazing which would make this arrangement much more prominent in the street scene. This was further reiterated by the poor quality of the design of the entrance. The Inspector allowed the appeal on the basis that the significance of the building relates to its first, second and third floor architectural detailing and not its shop front. The Inspector appreciated that the proposed doorway would in effect infill the majority of the recessed entrance to the store this would be sited behind the pilasters thereby retaining the vertical rhythm and emphasis of the existing shop front. As a result of this it would not flatten the elevation or create a continuous length of glazing as the pilasters would interrupt it. The Inspector further justified that the proposed door would also be of a sympathetic timber construction, and the proportions of this and the glazed screens would largely reflect the existing entrance arrangement, and that of the individual bays within the shop front.

Application No: 13/03085/ADV
Appeal by: Sainsbury's Supermarkets Ltd
Proposal: Display of 2no. externally illuminated fascia signs and 1no. externally illuminated hanging sign
Address: Sainsbury At Jacksons 212 - 214 Fulford Road York YO10 4DX
Decision Level: DEL
Outcome: PAD

The appeal related to the part approval and apart refusal of Advert Consent . The application was seen in connection with the proposed installation of a replacement shop front (ref: 13/03083/FUL. The signage included an aluminium fascia box located above the glazed panels. Officers considered that this would sit uncomfortably with the design and materials of the shop front and fail to sit comfortably within the fascia mouldings. In addition it was considered that the trough lighting would project extensively off the fascia and runs along the full length of both signs, which essentially equates to the entire length of the elevation. This was considered to be at odds with the relative simplicity of the fascia and further results in a cluttered, intrusive appearance which adds to the harm already caused by the signs themselves. The Inspector allowed the appeal insofar that the proposed fascia signs would overhang the lower moulding of the original fascia. This would be similar to the size, scale, design and materials of the existing fascia signs on this property and their current relationship with the existing shop front. However, the Inspector dismissed the proposed hanging sign and its double sided external light fittings would appear bulky and prominent along the street scene. The Inspector concluded that it would also be poorly proportioned in relation to the proposed fascia signs, and awkwardly juxtaposed to it. Although it would not be of a substantial scale in relation to that of the appeal building as a whole, it would appear conspicuous and unsympathetic in relation to its facade.

Application No: 13/03216/FUL
Appeal by: Mr N Hare
Proposal: Erection of two storey dwelling, 2no. double garages and associated access
Address: 285 Huntington Road York YO31 9BR

Decision Level: DEL
Outcome: DISMIS

The proposed house would be located in a long rear garden which would be reached down the side of the existing house (No.285). The Inspector concluded that although the amount of traffic generated by the proposal would not be large, the comings and goings of vehicles and pedestrians would be significantly greater than is currently the case and would be very close to No.285s flank windows and garden areas giving rise to unacceptable noise and disturbance for the occupiers, compared to the existing arrangement. The inspector was not persuaded that a fence between the drive and the existing house would significantly mitigate against this noise and disturbance. That the appellant owned No.285 did not alter her view. Regarding the requirement for an open space contribution, the inspector considered that the sum requested was necessary and related in scale and kind to the development. Whilst the appellant indicated that he was willing to pay the sum no obligation had been provided so she could not be satisfied that the monies would be paid.

Application No: 13/03424/FUL
Appeal by: Mr Paul Gurden
Proposal: Replacement 6ft rear boundary fence (retrospective)
Address: 8 Ryecroft Strensall York YO32 5AG

Decision Level: DEL
Outcome: DISMIS

The appeal property has a long rear garden extending down towards the River Foss, a public footpath runs alongside the opposite bank of the river. The Inspector noted that boundary treatments to rear gardens largely comprise hedges and fencing and that such treatment contributes to the green, open and spacious character of the area. The Inspector considered that the fence appeared to jut out towards the Foss and appeared as a stark feature out of keeping with the area and its harsh appearance was not lessened by its green colour. He concluded that the development harmed the character and appearance of the area, contrary to the NPPF and local plan policy GP1.

Application No: 13/03480/FUL
Appeal by: Mr Xiaoping Zha
Proposal: Change of use from residential (use class C3) to house in multiple occupation (use class C4) (retrospective)
Address: 7 Abbotsford Road York YO10 3EE

Decision Level: DEL

Outcome: DISMIS

The appeal related to the refusal of planning permission for a change of use from a dwelling house C3 to a house in multiple occupation HMO C4. property are HMOs. The Council refused the application because records indicated that within 100m of the dwelling, 40% of properties are already in use as Houses in Multiple Occupation and within the designated neighbourhood area 20.48% are in such a use. On this basis a further HMO would therefore have a detrimental impact on the character of the area with particular regard to housing mix and ensuring a mixed community prevails. The Inspector agreed with the decision of the Council and further reiterated that on the basis of the already a high concentration of houses in multiple occupation in the locality detracted from its character and contributes to an imbalance in the make up of the local community. The Inspector concluded that the development causes significant harm to the residential character of the local area. It is therefore contrary to paragraph 50 of the National Planning Policy Framework 2012 which seeks to create sustainable, inclusive and mixed local communities. It also conflicts with Local Plan policy H8 and fails to meet the standards set out in the SPD. The Inspector also dismissed the arguments put forward by the appellant which stated that the property had undergone alterations to accommodate multiple occupancy

Application No: 13/03546/FUL
Appeal by: Mr Richard Boast
Proposal: Installation of rear balcony to existing dormer
Address: 2 Bridge Road Bishopthorpe York YO23 2RR

Decision Level: DEL

Outcome: DISMIS

Planning permission was refused on the grounds the balcony in very close proximity to neighbouring houses and gardens would result in an unacceptable loss of privacy and additional noise and disturbance. The Inspector, whilst noting that the existing rear dormer of the appeal property already overlooked adjacent rear gardens, concluded that the presence of the balcony significantly exacerbated this and would extend views over these gardens from a dominant position. He further concluded that the proposal, by its very use, would lead to noise and disturbance arising from users talking, listening to the radio or simply moving around and that the dominant position of the balcony would further emphasise this. The appellant cited that neither neighbour had objected to the proposal. The Inspector said that the absence of objections could be 'for any number of reasons and does not, in itself, equate to support'. The appellant offered a condition to erect a privacy screen and restrict the playing of music on the balcony. The Inspector said that noise and disturbance could still arise from other factors and that there was no substantive evidence that the view could be obstructed in such a way as to protect the privacy of the neighbours.

Application No: 13/03642/FUL
Appeal by: Mr Ahmed Karbani
Proposal: Porch to front with glazed juliet balcony screen above (resubmission)
Address: 34 Eastward Avenue York YO10 4LZ

Decision Level: COMM

Outcome: DISMIS

The application was for alterations to an approved extension to a semi-detached house in a residential street in Fulford. The main changes proposed in the part-retrospective application were the insertion of a glazed door (with Juliette balcony) in the already extended first floor front elevation and the erection of a flat roof 1.8m deep porch below (permission had been granted for a 1.5m pitched roof porch). The flat roofed porch was not designed to be used as a balcony, though could be used as a means of escape if necessary. The applicant stated that the changes related to the desire to accommodate a mobility scooter in the porch and create a fire escape from the first floor. The case officer considered that although the proposals were unusual, the intention accorded with the social aspects of the National Planning Policy Framework. As the works (or a similar scheme) would typically be permitted development in a completed extension he felt that a pragmatic approach should be taken. This would help to draw a line under the long drawn out scheme and ensure that controls could be exerted over the changes. The application was written up for approval, however, the recommendation was overturned at Sub-Committee. It was felt that the development would be an unduly prominent, incongruous and uncharacteristic addition which would be harmful to the appearance of the property and wider streetscene. The Inspector dismissed the appeal agreeing that the development would appear incongruous. He did not feel that providing accommodation for a mobility scooter outweighed these concerns.

Application No: 13/03721/FUL
Appeal by: Mr Paul Jacobs
Proposal: Two storey side extension and single storey rear extension
Address: 5 Netherwindings Haxby York YO32 3FB

Decision Level: DEL

Outcome: ALLOW

The appeal related to the refusal of planning permission for a two storey side and rear extension at 5 Netherwindings. The extension was refused on the grounds that because of its size, scale and design, it would constitute an over development of the site resulting in a cramped, incongruous appearance. By building right up to the side boundary with the neighbouring property at no.7 the development will also result in the loss of the established gap between the houses, which is a characteristic of the street. The Inspector allowed the appeal on the basis that because it would be set back from the front face of the original building and have a hipped roof design. The design would ensure that the size, scale and massing of the proposed side extension would be subordinate to and in keeping with the character and appearance of the existing dwelling. The Inspector also noted that the house next door has a pitched roof design and is offset from the shared boundary with No 5 by approximately 1 metre. The resultant separation between the proposal and No 7 would therefore be a similar distance to that which currently exists between No 5 and 3 Netherwindings. The contrasting roof styles would also ensure that a visual break and degree of openness between these neighbouring properties would be maintained.

Application No: 14/00183/FUL
Appeal by: Mr Joseph Spavin
Proposal: First floor rear extension
Address: 85 Fordlands Road York YO19 4QR

Decision Level: DEL

Outcome: DISMIS

The Inspector noted that as the application property is set significantly further up the building plot than its neighbour (No.87 Fordlands Road) the two storey extension would be clearly visible from this property. As a consequence of the above, he considered the extension would appear as a 'large, solid mass' which would be 'overbearing' and 'unduly dominant.' He also considered it would 'severely reduce' the outlook currently enjoyed by the adjoining property's occupants. He also noted that the extension would fail the 45 degree test (narrowly) in terms of its impact on the adjoining property's principal ground floor rear window. PE

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