

Appeal Summaries for Cases Determined 01/07/2014 to 30/09/2014

Application No: 14/00269/FUL
Appeal by: Mr Paul Nicholas
Proposal: Two storey side extension and porch to front
Address: 2 Almsford Road York YO26 5HZ

Decision Level: DEL
Outcome: DISMIS

Planning permission was refused for a two storey side extension on the grounds that its size and position harmed the light and outlook of neighbouring occupiers on Carr Lane. The existing side elevation of the property faces directly onto the rear elevations of no's 128 and 128A Carr Lane. The Inspector agreed with the Council that visual impact within the street would be limited but that the side extension would see a significant increase in the bulk and massing of the house in close proximity to these rear gardens and habitable room windows, resulting in a significantly worse outlook for the occupiers and creating an undue sense of enclosure which would be overbearing for these neighbours. The Inspector had regard to the submitted daylight sunlight assessment which said that the increase of overshadowing would be limited to the mid afternoon, the appellants suggestion that the significance of the impact was therefore limited, and the lack of objections from neighbours. However he relied on his own observations on site and dismissed the appeal.

Application No: 14/00399/FUL
Appeal by: Mr Max Reeves
Proposal: Change of use from travel agents (use class A1) to financial and professional service (use class A2)
Address: Tui Uk Ltd 14 Low Ousegate York YO1 9QU

Decision Level: DEL

Outcome: DISMIS

Permission was refused for the change of use of 14 Low Ousegate, which is a Primary Shopping Street, from A1 to A2 as it would result in the proportion of non retailing uses on the street frontage increasing to 56.7% representing a further dilution of the retail function of the street. At the time, the property had not been marketed for an A1 use for a significant period and with the exception of one unit which was shortly to be occupied, there were no vacant units on Low Ousegate. There was therefore considered to be a lack of evidence to demonstrate that the property could not be occupied as an A1 use. The Inspector was satisfied that, despite its age, the relevant part of the Local Plan broadly reflects the objectives of the NPPF which encourages policies to support the viability and vitality of town centres. Although the appellant argued that despite its designation as a PSS, Low Ousegate is not part of the prime area of retail activity around Coney Street and Parliament Street, the Inspector notes that the street has a discernible vibrancy and clear retail function. In finding that Low Ousegate is a PSS that contributes to the retail attractiveness of the city centre, the Inspector considered that the demand for its continued use as an A1 unit in this location had not been properly tested. Mailing lists were not supplied and it was unclear whether the premises are or were advertised in the local press or relevant trade publications. Only a copy of one agents particulars was provided. Furthermore, the property was only marketed for about 1 month before the application was submitted and although it is still being advertised, only some 6 to 7 months have elapsed since the exercise began. Although the Inspector considered that the proposal would generate a similar footfall to the previous use and would incorporate display windows, these positive factors were not considered to outweigh the harm that would result if the appeal were to succeed.

Application No: 14/00423/ADV
Appeal by: Ms Henny Clark
Proposal: Display of 1no. internally illuminated fascia sign
(retrospective)
Address: Lady Anne Middletons Hotel Skeldergate York YO1 6DS

Decision Level: DEL

Outcome: DISMIS

The appeal relates to an existing internally illuminated sign at the rear vehicular and pedestrian entrance to the Grade II* Listed hotel. It is situated on a smaller, non-listed building that is in scale and character with the domestic scale, mass, and form of the largely residential buildings on Cromwell Road. The Inspector considered that the sign is too large in relation to the scale of the building, and the size and proportions of the gabled facade. It obscures important architectural details. The Inspector considered the design and style of the sign appropriate, and interestingly the issue of its existing low level internal illumination was not assessed. The Inspector therefore dismissed the appeal as the degree of harm is not outweighed by public benefit, and conflicts with the policies in the Development Control Local Plan that are consistent with the NPPF.

Application No: 14/00634/FUL
Appeal by: Mr And Mrs A Norton
Proposal: First floor extension to side
Address: 18 Milson Grove York YO10 3AG

Decision Level: DEL

Outcome: DISMIS

The appeal was against the refusal of a proposed two storey side extension. 18 Milson Grove is a two storey semi-detached property located within a street characterised by two storey semi-detached dwellings with distinct open spaces between. The first floor pitched roof side extension would adjoin an existing two storey side extension at 16 Milson Grove. Although proposed side extension was to be set down by 1.6 metres from the ridge of the adjacent side extension, the inspector agreed that because neither of the side extensions would be set back more than marginally from the main facades, the scheme would create an apparent terrace of 4 dwellings within a street of semi-detached houses. The inspector also agreed that the reduced height of the extension and the proposed front dormer would accentuate the discordant impact of the proposal.

Application No: 14/00642/FUL
Appeal by: Amplifon Ltd
Proposal: Alterations to shopfront
Address: Johnson Cleaners Uk Ltd 5 Low Ousegate York YO1 9QX

Decision Level: DEL

Outcome: DISMIS

This retrospective proposal involved the redecoration of the shop front in silver and the installation of new fascia signage at 5 Low Ousegate which is occupied by Amplifon. The property is Grade II listed and located within the Central Historic Core Conservation Area. We refused the application on the basis that the design, materials and finish of the new fascia panel together with the colour and finish of the shop front contrast sharply with the traditional materials used in the construction of the host building and later shop front, and appear at odds with the building's appearance. The Inspector commented that the Perspex material used in the fascia is not a traditional material and its glossy finish, over such a large area, is wholly out of keeping with the traditional style of the shop front surround and the historic character of the host building. With reference to the colour of the shop front, the Inspector commented that the silver finish is not typical of shop fronts of that period. The Inspector dismissed the appeal on the grounds that the proposal conflicts with the generality of policy on good design and the conservation of the historic environment in the NPPF and Local Plan.

Application No: 14/00868/ADV
Appeal by: Mr Ray Murphy
Proposal: Display of 1no. internally illuminated fascia sign
Address: Next Retail Ltd Unit B Vangarde Way Huntington York
YO32 9AE
Decision Level: DEL
Outcome: DISMIS

There application has been for 1 no internally illuminated fascia to be sited approx 1 metres above an existing recently approved fascia sign. The signage was for a coffee shop within the main retail unit. The application was refused on the grounds that the positioning and the resulting cumulative impact, would create a cluttered and incongruous appearance that would be harmful and detrimental to the visual amenity of the host building, and the character and appearance of the retail development as whole. The Inspector agreed with this conclusion and stated that the juxtaposition of 2 advertisements in a small segment of this glass facade would lead to a plethora of lettering squeezed into a relatively narrow portion of the facade. The accumulation of letters of different sizes within different signs and in different colours that would upset the proportionate spacing and symmetry evident in the size, spacing and colours of the letters and names across the facade as a whole. The elevated position of the lettering would convey a scale of use inconsistent with the nature and scale of the operation currently undertaken, in contrast to the synergy between the relatively subservient position of the current sign and the ancillary nature of the cafe. By virtue of the simple lines and evident symmetry of the glass facade, the visual impact due to the proposal would be damaging.

Decision Level:	Outcome:
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed