

Appeal Decision

Site visit made on 16 September 2016

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 September 2016

Appeal Ref: APP/C2741/D/16/3153370

1 Hardwicke Close, Acomb, York YO26 5FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jason Knight against the decision of the City of York Council.
 - The application Ref 16/00303/FUL, dated 3 February 2016, was refused by notice dated 5 April 2016.
 - The development proposed is the erection of a pitched roof detached garage and conversion of existing integral garage to habitable accommodation.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a pitched roof detached garage and fence. The appeal is allowed and planning permission is granted for the conversion of existing integral garage to habitable accommodation at 1 Hardwicke Close, Acomb, York YO26 5FB in accordance with the terms of the application Ref 16/00303/FUL, dated 3 February 2016, subject to the conditions set out in the schedule to this decision.

Procedural matter

2. While the appellant has described the proposal as in the above heading, the plans also show that a new fence is to be erected along part of the site's frontage and that the area of hard surface in front of the main house is to be enlarged. I have assessed the proposed development on that basis.

Main issue

3. The Council raises no objection in principle to the proposed conversion of existing integral garage to habitable accommodation and notes that it may qualify as permitted development and thus would not require planning permission. I, too, find this element of the appeal scheme acceptable because the external alterations to the front façade would be appropriate in design and general appearance. From what I saw, the existing hard surface area in front of the main house could accommodate several parked vehicles with or without its enlargement as proposed. Furthermore, there is no convincing evidence before me that any significant harm to any interests would result if one parking space were to be lost as a result of the proposed conversion.
 4. On that basis, the main issue in this appeal is the effect of the proposed garage and fence on the character and appearance of the local area.
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Reasons

5. The proposal includes the erection of a detached single garage at the front of the appeal property, which is a detached 2-storey house that stands at the end of a row of three detached dwellings that are served by a short access drive within a modern estate style residential area. The new garage would be modest in size, appropriate in design with external materials to match the existing house.
6. The proposed garage would be placed to one side of an extended hard surface area in front of the dwelling, where the access drive terminates. A 1.8-metre high fence would also be erected along part of the plot's frontage beyond which is an area of public open space at the entrance to the wider housing scheme. In this prominent position, the new garage would be visible on the approach to No 1 along the access drive. The upper part of the new garage would also be evident in views across the adjacent public open space, beyond the new fence. The bins, stored between the flank wall of the proposed garage and the new fence, would be largely hidden from public view.
7. From what I saw, the row of houses to which No 1 belongs is set back from the access drive, largely behind open front gardens. This layout, coupled with the open frontages of these dwellings to the adjacent public open space, gives a spacious feel to the street scene, which is locally distinctive. By introducing a new built form in front of the house, the proposed garage and fence would significantly erode this sense of openness, which would be noticeable from various public vantage points broadly in front of the site. As the only example of a large freestanding building and fence set forward of the main house within this part of the residential estate, these features would also interrupt the established pattern of development. Consequently, these elements of the appeal scheme would appear as visually disruptive and uncharacteristic intrusions into largely undeveloped space.
8. Therefore, I conclude on the main issue that the proposed garage and fence would cause significant harm to the character and appearance of the local area. Accordingly, these parts of the proposal are contrary to the National Planning Policy Framework (the Framework), which states that development should respond to local character and add to the overall qualities of an area. It also conflicts with Policies GP1 and H7 of the City of York Draft Local Plan¹. These policies, which are broadly in accordance with the Framework, aim to ensure that development avoids the loss of features that contribute to the quality of the local environment and is sympathetic to the area. The appeal scheme is also at odds with the Council's Supplementary Planning Document, *Draft House Extensions and Alterations*, insofar as it states that a garage should not be detrimental to the space around it.
9. The appellant has indicated that the new fence and bin store could be omitted from the proposal. However, without the fence the new garage would be even more conspicuous in views across the public open space towards the site and so this amendment to the appeal scheme would not resolve harm that I have identified.

¹ The full title is the City of York Draft Local Plan incorporating the fourth set of changes Development Control Local Plan

10. The appellant has also suggested that the plans could be resubmitted showing a smaller garage than that proposed. If the development were to be revised in this way, any future application would be a matter for the Council to consider and determine at that time. My remit is solely to determine the development that was refused planning permission.
11. The proposed conversion of the existing integral garage to provide additional living space would be acceptable in planning terms. It complies with the Framework and the planning policies and guidance cited by the Council. While I appreciate that the new garage would provide replacement covered parking, there is nothing before me to indicate that the external alterations to the front elevation and the use the converted garage as living space could not proceed separately. Unlike the enlarged hard surface area in front of the dwelling, which is connected to the provision of the new garage, the proposed conversion is clearly severable to the rest of the development. On that basis, I am able to issue a split decision that grants planning permission solely for it.

Conditions

12. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the converted garage, it is also necessary to require that the external materials used match those of the existing building.

Conclusion

13. Overall, for the reasons set out above, and taking into account the absence of objections from others, I conclude that the appeal should be dismissed in part and allowed in part.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) That part of the development hereby permitted shall be carried out in accordance with the following approved plans: Refs 257/NS/GNT-01, 257/NS/GNT-02 and 257/NS/GNT-03.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.