

Appeal Decision

Site visit made on 1 November 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/C2741/W/16/3155977

5 Water Lane, Dunnington, York YO19 5NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Karl Hetherington against City of York Council.
 - The application Ref 16/00641/FUL, is dated 12 March 2016.
 - The development proposed is extension to existing property, side elevation and rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the Council did not reach a formal decision on this application, it has nonetheless indicated in its report, its putative reasons for refusal. These are firstly, that the extension would dominate and unbalance the appearance of the host property and would erode the space between dwellings leading to a terracing effect that would be harmful to the character and appearance of the street. Secondly, the Council say that the extension would have an overbearing impact, harmful to outlook for the occupiers of No 3 Water Lane.

Main Issues

3. The main issues are the effect of the development on the setting of the Dunnington Conservation Area (CA) including the character and appearance of the main dwelling and wider street scene and ii) the living conditions of the occupiers of No 3 Water Lane with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site is part of a line of semi-detached dwellings situated on the north-west side of Water Lane, immediately adjacent to the boundary of the CA which includes the opposite side of the street. There the CA is characterised by dwellings in various architectural styles, separated from the highway by a wide and leafy grass verge. This separation from the highway gives an open, informal and rural feel to the street.
 5. On the north-west side of Water Lane, further along from the appeal site, pairs of semi-detached dwellings have been linked by large two storey side extensions, with limited set back of their front elevations. Though this set back
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design has avoided the creation of a terracing effect with continuous uniform frontage, it has made it more difficult to distinguish the original semi-detached form of the dwellings.

6. This effect, however, is not prevalent along the street because, by contrast, the dwellings in the vicinity of the appeal site have not been similarly extended and retain their distinct original form. The openness maintained between the pairs of units compliments the open and informal character of the street scene.
7. The proposal would involve setting back the side extension at first floor level by just 0.3 metres, with a corresponding drop in the level of the roofline. This compares with the minimum set back guideline of 0.5 metres in the Council's Draft Supplementary Planning Document – House Extensions and Alterations 2012 (SPD).
8. The proposed minimal variation in the profile of the front of the dwelling at first floor level would result in some harm to the sense of openness in the street. In addition, the extension would not appear subservient to the main dwelling and it would make it harder to avoid a terracing effect, should the neighbouring dwelling at No 3 be similarly extended in the future. Whilst I recognise that the retention of an existing path to the side of No 3 would leave a small gap between the two properties, the effect of both extensions would be to present a more continuous hard edge of built development. This would cause further harm to the open character of the wider street scene. I recognise that large extensions have previously been allowed elsewhere in the street. I am not aware of the circumstances of those cases but they do not justify the harm that I have identified in this situation.
9. The National Planning Policy Framework (the Framework) advises that the affect of development on the significance of a heritage asset including its setting should be assessed. The front of the appeal site forms part of the setting of the CA. Because of its impact on openness, the proposed development would result in less than substantial harm to this setting. Whilst that harm would be less than substantial, in terms of the guidance in the Framework, this is a consideration of significant weight.
10. In such circumstances, where harm is identified to the significance of a designated heritage asset, the Framework requires that this harm is weighed against the public benefits of the proposal. In this case the proposal would increase the amount of living accommodation at the property. However there is no suggestion from the information before me that the principle of extending the dwelling would be unacceptable. Accordingly, the benefits of the additional living accommodation proposed would not outweigh the harm I have identified in this case.
11. The proposed extensions to the rear of the dwelling would be large, and the incorporation of flat roofs would be at odds with the pitched roof over the main dwelling. However, though visible from adjacent properties, this part of the site would be substantially screened from public view and would not in itself result in harm to the character and appearance of the area. This, however, does not overcome the harm that I have identified above.
12. I conclude that the proposal would result in less than substantial harm to the setting of the CA including the character and appearance of the main dwelling and wider street scene. Accordingly it would be in conflict with the Framework

insofar as it seeks to promote good design and protect the setting of heritage assets.

13. The proposal would also be in conflict with Policies GP1 and H7 of the City of York Draft Local Plan 2005 (LP), the Council's SPD and the Dunnington Village Design Statement 2006 (DS) insofar as they seek to promote good design, compatible with neighbouring buildings and the character of the area which respects the space between dwellings. This adds to the weight against allowing the appeal.

Living conditions

14. Whilst large, and projecting relatively deep into the garden, the extension to the rear of the property would mainly be of single storey height. It would be possible to screen a majority of the mass of this part of the extension with boundary fencing.
15. Though extending as far as the side boundary, the projection of the rear extension would be more restricted at first floor level and would not be significantly visible from the nearest patio window in the rear of No 3. Whilst the full height of the extension would be readily visible from the rear garden area of that property, any increased sense of enclosure caused by the extension would tend to be mitigated by the relatively generous depth of the garden and the open and spacious outlook that would continue to be available directly to the rear.
16. I conclude that the proposal would not result in harm to the living conditions of the occupiers of No 3 Water Lane with particular regard to outlook. It would therefore be in keeping with the Framework and with Policies GP1 and H7 of the LP, the SPD and the DS insofar as they seek to protect the living conditions of the occupiers of adjoining dwellings.

Conclusion

17. I have not found harm to the living conditions of adjacent occupiers. However this is outweighed by my negative findings regarding character and appearance. On balance I therefore conclude, having had regard to all other matters raised, including that there have been letters in support of the proposal, that the appeal should be dismissed.

Roy Merrett

INSPECTOR