

Appeal Decision

Site visit made on 22 November 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 12 December 2016

Appeal Ref: APP/C2741/D/16/3156906
102 Millfield Lane, York YO10 3AL

- 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 Edward Barnes against the decision of City of York Council.
 - The application Ref 16/01246/FUL, dated 23 May 2016, was refused by notice dated 2 August 2016.
 - The development proposed is a two storey side extension with internal alterations to form a new utility room and enlarged kitchen at ground floor level and two new bedrooms at first floor level with a new stair access into the loft space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application originally sought planning permission for a two-storey side extension and dormer to the rear. However, through discussions between the Council and the appellant during the application process, the two-storey side extension has been reduced in width and the rear dormer has been removed as it is stated that this could be constructed under permitted development rights. Revised drawings ref: SW0032/01 Rev B and SW0032/02 Rev B have been provided which reflect these amendments. The Council has determined the proposed development on the basis of these amendments and revised drawings and accordingly, so shall I.
3. Policies GP1 and H7 of the York Development Control draft Local Plan (Local Plan) were approved for development control purposes in 2005. Furthermore, the Council's House Extensions and Alterations Supplementary Planning Document (SPD) was approved in 2012. These are material considerations in this appeal. Having assessed these policies and guidance, I am satisfied that they are consistent with the National Planning Policy Framework (the Framework) and I therefore give them due weight in determining this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

5. The appeal site is situated on a corner plot at the junction of Millfield Lane and Waynefleet Grove. The area is predominantly residential and is characterised
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by semi-detached properties which have few significant extensions and alterations. Millfield Lane has a spacious, tree-lined streetscene with grass verges. Properties are set back from the public highway and have sizeable front gardens. The area around the junction adjacent to the appeal site is also spacious in character and appearance due, in part, to the side gardens of the appeal property and No 98 Millfield Lane (No 98).

6. The appeal property is a relatively small two-storey semi-detached house. The proposed side extension, as amended, would be more than half of the width of the original dwelling and would therefore be contrary to the design guidance set out in the SPD. The first floor of the extension would be set back from the main frontage of the property and the roof ridge height would be slightly lower than the existing roof. Despite this, I find that the extension would significantly add to the scale and bulk of the property.
7. From the site visit, I note that the prominent corner position of the appeal property results in it being visible from a distance within the surrounding area and along Millfield Lane. As a result, the increased bulk and scale of the proposed extension would exacerbate its prominence and dominance in the streetscene. Therefore, it would be out of keeping with the scale, character and appearance of the prevailing semi-detached properties in the locality.
8. The appellant argues that the proposed gable of the side extension would be similar in appearance to the existing property. However, apart from the side door, it would be a predominantly blank, two-storey brick wall which would be highly visible and would have a visually detrimental effect on the property and streetscene.
9. The SPD indicates that side extensions such as that proposed should not project significantly beyond a clearly defined building line of an adjacent street or detract from the spaciousness of the area. The existing single-storey side extension is already forward of the building line established by the adjacent properties at Nos 1 and 2 Waynefleet Grove. Consequently, the proposed extension would be substantially forward of the building line. This would contrast with the building line set by the side elevation of No 98 and the front elevations of Nos 9 and 10 Waynefleet Grove on the other side of the road which are also set back from the public highway.
10. I acknowledge that the proposed extension would be set back from the nearest public highway by approximately 3 metres. Notwithstanding this, its two-storey height and largely blank and visible side elevation would result in a prominent, dominant and over-bearing property for users of the pavement adjacent and it would also have an adverse impact in terms of its proximity to the narrow Waynefleet Grove. Whilst a reasonable separation distance currently exists between the appeal property and No 98 across Waynefleet Grove, the two-storey extension would diminish this by reducing the visual gap between the two properties. Consequently, it would have a deleterious effect on the spacious character and appearance of the area around the junction of Millfield Lane and Waynefleet Grove and the wider area.
11. I have been referred to other decisions by the appellant. It is argued, that these have similarities to the appeal proposal. From the evidence submitted, I note that both cases are in different areas of York. The Hawthorne Avenue case appears to relate to an area with different characteristics to the appeal site. The end gable of the existing property on Hawthorne Avenue appears to

be set back behind the building line of the properties further along the street to the rear of the site and the building line of properties opposite is not consistent. Therefore, the pattern of development seems to be less rigid in layout than that which surrounds the appeal site before me. Furthermore, the public highway appears to be wider and more spacious with the host property situated at a turn in the road rather than at a junction to a narrow side street.

12. The Rawcliffe Lane property appears to be set back sufficiently from the public highway so as to not be particularly imposing on the streetscene. In that case, the pattern of development around the adjacent junction, the public highway and the plot of the host property again appear to be more spacious in character and appearance than that experienced in the appeal before me.
13. Having given these cases due consideration in my assessment of this appeal, I acknowledge that there are some similarities between the cases and the appeal scheme. However, there are also differences. Notwithstanding this, I do not have the full details and circumstances of those cases before me. As a result, I must give them only limited weight in my decision making. Whilst I have had regard to these cases, I must assess the proposal before me on its own merits and within its own context.
14. It is stated by the appellant that the proposal would bring improvements to the appearance of the site including the replacement of the existing boundary fencing with a wall, the removal of an existing shed and the provision of more formal bin storage facilities. Whilst these would enhance the appearance of the site, I find that such improvements could be achieved without the necessity of granting planning permission for the proposed development.
15. The proposal would provide additional accommodation to a family dwelling located within an established and accessible residential area and would be of a design and materials in keeping with the host property. However, having assessed the benefits of the scheme I find that none, either individually or cumulatively, would outweigh the significant harm which I have identified.
16. Consequently, I conclude that the proposed development would be materially harmful to the character and appearance of the host property and the surrounding area. It would therefore be contrary to the design guidance contained within the Framework, draft Policies GP1 and H7 of the Local Plan and the guidance within the Council's SPD. Amongst other matters, these policies and guidance seek to ensure that development, with regard to design, scale, mass and spaces, respects or enhances the character and appearance of buildings and the surrounding area.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR