
Appeal Decision

Site visit made on 6 December 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 29 December 2016

Appeal Ref: APP/C2741/D/16/3157796

2 Hambleton Avenue, Osbaldwick, York YO10 3PP

- 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 D Ward against the decision of City of York Council.
 - The application Ref 16/00396/FUL, dated 17 February 2016, was refused by notice dated 12 August 2016.
 - The development proposed is two storey side extension and single storey rear extensions.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development provided on the planning application has been replaced by an amended version on the decision notice and in subsequent appeal documents. This amended description more accurately reflects changes made to the proposal during the planning application process and I have therefore used it within this decision.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the dwelling and the street scene; and,
 - The effect on the living conditions of the residents of neighbouring properties with particular reference to outlook and light.

Reasons

Character and Appearance

4. The appeal property consists of a semi-detached dwelling located close to the junction between Hambleton Avenue and Osbaldwick Lane. Although there is a mixture of housing designs in the wider area, Hambleton Avenue is characterised by semi-detached properties with gaps between them at first floor and roof level. This spacing is an important characteristic of the street scene and gives it a well-articulated and regular appearance.
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5. The pair of semi-detached dwellings containing the appeal site, as well as those on the opposite side of the street, are at an angle to other dwellings on Hambleton Avenue. Due to this arrangement and its location near the junction, the appeal property is relatively prominent at the entrance to the Avenue.
6. The proposal includes the erection of a first floor extension above the garage to the side of the property which would project to the boundary with the adjacent property of 3 Hambleton Avenue. The Draft Housing Extensions and Alterations Supplementary Planning Document (SPD) advises that two storey side extensions should not lead to the impression of terracing of the front elevation of adjoining properties and the erosion of a street's spaciousness and character. The proposal would increase the bulk and massing of the property at first floor level and would reduce the gap with No 3 to the detriment of the character of the host property and its immediate neighbour. Due to the angle of the properties, this effect would be exacerbated as the gap would narrow towards the rear. This would erode the gap between the properties and would harm the spacing that is an important characteristic of the street scene.
7. Due to the location of the property, the extension and the effect on the gap between the properties would be readily visible from the entrance to Hambleton Avenue. Furthermore, should the neighbouring property of No 3 be extended in a similar manner then this would further reduce the character of the properties and the street scene.
8. I acknowledge that, in accordance with advice in the SPD, the front wall of the extension would be set back from the main wall of the dwelling and the ridge of the hipped roof would be set lower than the existing roof. However, in my view this would be insufficient to overcome the impacts from the proposal identified above.
9. The appellant has referred to a similar extension at 20 Hambleton Avenue. However, I saw at my site visit that this property is located at the end of the street and that the extension projects towards Osbaldwick Lane. There was no separate dwelling located to the side of the extension and therefore the issue of a reduction in the gap between properties and the potential terracing effect did not arise.
10. The Council has also expressed concern about the increase in the area of hardstanding to the front of the property to provide 3 car parking spaces. However, whilst this would lead to an increase in car parking to the front of the dwelling, I saw on my site visit that a number of other properties in the area also have extensive areas of hardstanding and associated parking located to the front. Therefore, in my view, the proposed area of hardstanding would not be out of character with the street scene.
11. Notwithstanding my conclusions in relation to the area of hardstanding, I conclude that the proposed two storey side extension would harm the character and appearance of the dwelling and the street scene. The proposal would therefore be contrary to Policy GP1 of the City of York Draft Development Control Local Plan Policies 2005 (DCLP) which states that development should be of a scale, mass and design that is compatible with neighbouring buildings and the character of the area. It would also conflict with Policy H7 which states that residential extensions should respect the spaces between dwellings. These policies are broadly consistent with the National Planning Policy Framework (the Framework) which seeks to secure high quality design. The proposal

would also conflict with the SPD, which advises that where the spacing between houses is a very important characteristic of the street, then a clear gap may need to be retained between the side of the extension and the side boundary.

Living Conditions

12. The Council's reason for refusal refers to the projection of the extension to the rear of the adjacent property of No 3 and harm that would arise due to the loss of outlook and an overbearing appearance. I was able to view the appeal site from the rear garden of No 3 at my site visit, and saw that there was an existing ground floor extension to the rear of No 3 which contains a window and patio doors serving habitable rooms which overlook the garden of the property. At first floor level, the closest windows to the common boundary were a bathroom window with obscured glazing to the rear and a landing window to the side.
13. Although the properties are angled together and the proposed ground floor extension would project beyond the extension at No 3, the proposal would only be visible at a very acute angle from the rear elevation of the neighbouring property. No 3 is also located to the south of the appeal site so that any loss of daylight or overshadowing of the rear elevation and garden would be very limited. It was apparent at my site visit that, due to the arrangement of the properties and the design of the proposal, neither the proposed ground floor nor first floor elements of the proposal would have an overbearing or enclosing effect on the outlook from the rear of No 3.
14. I note that an objection has been received from the residents of 1 Hambleton Avenue expressing concern in relation to, amongst other things, loss of light to the rear of their property. However, I saw at my site visit that there was an existing single storey offshoot to the rear of both the appeal site and No 1. Whilst the proposed rear ground floor extension would be marginally higher than this existing offshoot, it would not project further to the rear and would not in my view lead to an undue loss of light to No 1 compared to the existing situation.
15. Accordingly, I conclude that the proposed development would not cause unacceptable harm to the living conditions of the residents of neighbouring dwellings. As such it would not conflict Policy GP1 of the DCLP which states that residents should not be unduly affected by overbearing structures. It would also not conflict with Policy H7 which states that residential extensions should have no adverse effect on the amenity of neighbouring residents. These policies are broadly consistent with the Framework which seeks a good standard of amenity for occupants of land and buildings. The proposal would also not conflict with the SPD, which seeks to protect the outlook of residents from overdominant extensions

Other Matters

16. I have taken into account the concerns raised locally in relation to parking, noise, waste storage and the number of houses in multiple occupation in the area. However, consideration of these matters has not led me to a different conclusion on this appeal.

Conclusion

17. Notwithstanding my conclusion in relation to living conditions, I consider that the proposal would result in harm to the character and appearance of the dwelling and the street scene. It would therefore conflict with the policies of the development plan as a whole which states that development should enhance the built environment and achieve more sustainable forms of development. In terms of the Framework, the proposal would also fail to contribute to the social and environmental roles of sustainable development in relation to creating a high quality built environment.
18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR