
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: 13 February 2017

Appeal Ref: APP/C2741/D/16/3157979

12 Church Lane, Bishopthorpe, York YO23 2QG

- 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 Urbanski against the decision of City of York Council.
 - The application Ref 16/01291/FUL, dated 25 May 2016, was refused by notice dated 19 August 2016.
 - The development proposed is new porch, ground floor bay window and first floor sash window.
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Decision

1. The appeal is allowed and planning permission is granted for new porch, ground floor bay window and first floor sash window at 12 Church Lane, Bishopthorpe, York YO23 2QG in accordance with the terms of the application, Ref 16/01291/FUL, dated 25 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CL/01-001, CL/01-003.
 - 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.

Procedural Matters

2. The planning application was initially submitted with a plan depicting, amongst other things, a porch with a front gable pitched roof. This formed the basis of the consultation process undertaken by the Council. An objection was received from the occupier of the neighbouring property of 14 Church Lane. Subsequent to the consultation, an amended scheme was submitted including a porch with a lean-to roof, and it was this that formed the basis of the Council's decision. However, no consultation had been undertaken by the Council in relation to the amended scheme.
 3. As I consider that the amendments are material to the comments raised by the resident of No 14, I arranged that she should be consulted on the amended scheme. A further letter was received from the resident of No 14 raising a number of concerns and also requesting a site visit. However, I had been able to view the site and the relationship of the porch to the neighbour's front window in particular on my visit of 6 December 2016. I am satisfied that I
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have sufficient information to proceed with the appeal. Against the background of making sure that all parties have had the opportunity to comment on the revised plans and take account of any fresh concerns raised, no injustice has been caused by me proceeding accordingly.

Main Issue

4. The main issues in this appeal are:

- The effect of the proposal on the character and appearance of the host dwelling and the terrace, with due regard to the location of the site in the Bishopthorpe Conservation Area; and
- The effect on the living conditions on the residents of 14 Church Lane, with particular regard to outlook and light.

Reasons

Character and Appearance

5. The appeal property is part of a modest but attractive terrace made up of six dwellings and which is located within the Bishopthorpe Conservation Area (CA). The CA is quite extensive, including the main street of the village, important buildings and open areas important to the village setting and which contribute to the importance of the CA as a designated heritage asset.
6. The Council has expressed concern that the porch would detract from the symmetry and rhythm of the terrace. However, it was apparent at my site visit that there is some variation in the appearance of the front elevations of individual properties within the terrace. This includes differences in the size and design of windows as well as the use of a variety of canopies or porches to the front entrances. Taken as a whole, the terrace does not have a strong rhythm and the individual properties within the terrace do not have a significant appearance of symmetry with their immediate neighbours.
7. I acknowledge that the properties of 16 and 18 Church Lane have a canopy which extends over the front doors of both properties. However, due to the differences in the fenestration of these properties, in my view the canopy does not create a strong sense of symmetry for the properties or lead to a visual rhythm for the terrace as a whole.
8. Due to the variation in the appearance of the host property and its neighbours, I consider that the proposed porch would not detract from the character of the terrace or the wider CA. Due to the simple design and the size of the porch it would not appear as a dominant or intrusive feature on the host property or the terrace. Due to the limited projection beyond the front elevation, the porch would not unduly obscure views of the door of the adjacent property. Furthermore, the proposed porch would use a roof design that is sympathetic to the canopy of Nos 16 and 18 and would not prevent a porch of the same design being erected on the adjacent property of 14 Church Lane in the future.
9. I conclude that the proposal would not harm the character and appearance of the host dwelling and the terrace. Furthermore, the proposal would preserve the character and appearance of the CA. The proposal would therefore not conflict with Policies HE3 and H7 of the City of York Draft Development Control Local Plan 2005 (DCLP) which state that the design of extensions should be

sympathetic to the main building and the locality and should have no adverse effect on the character and appearance of the CA. The proposal would also not conflict with the provisions of the National Planning Policy Framework (the Framework) in terms of requiring good design as well as conserving and enhancing the historic environment.

Living Conditions

10. The resident of No 14 has expressed concern about the effect of the proposal on the outlook from her property and the amount of light reaching the north facing front elevation. Although No 14 has a bow window to the front, it was apparent at my site visit that the porch would only be visible at a very acute angle from this window, and would therefore not be unduly intrusive or overdominant in views from No 14. Whilst the flank wall of the porch would be apparent from the front garden and entrance to No 14, it would not be of a height or depth that would have an overbearing appearance. Similarly, the limited height and projection of the porch would also not lead to an undue loss of light or excessive overshadowing of No 14.
11. I conclude that the proposal would not harm the living conditions of residents of No 14 with regard to light and outlook. Thus the proposal would comply with policy GP1 of the DCLP which states, amongst other things, that residents should not be unduly affected by overshadowing or dominated by overbearing structures. The proposal would also not conflict with the provisions of the Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

12. I am mindful of the personal circumstances of the resident of No 14 and note her concerns in relation to the occupancy of the appeal property. However, little weight can be attached to such personal circumstances. I also note the objector's concerns about the relationship with the site boundary and the fence between the properties, however this is a private matter between the parties and is not within my jurisdiction.
13. I note that the Council and the objector do not express concerns in relation to the proposed alterations to the windows of the property. In my view, these aspects of the proposal would also be acceptable.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans. A condition relating to external materials is also necessary to ensure the satisfactory appearance of the development.

David Cross

INSPECTOR