

Appeal Decision

Site visit made on 17 March 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/C2741/W/16/3161451

30 Monkton Road, York, North Yorkshire, YO31 9AX

- 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 Shaun Yeomans against the decision of City of York Council.
 - The application Ref 16/00384/FUL, dated 10 February 2016, was refused by notice dated 26 April 2016.
 - The development is for a change of use for an existing detached garage converted to habitable accommodation on land at the rear of 30 Monkton Road, York.
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Procedural Matters

1. The Council has adopted a more concise description of the proposals, which has also been reflected in the appellant's Grounds of Appeal. However, the essence of the description of development is the same and I therefore see no reason to depart from that which was originally identified on the application forms.
2. The description of development indicates that the application has been made on a retrospective basis, and I observed at the site visit that this was the case, and also that the unit was occupied.

Decision

3. The appeal is allowed and planning permission is granted for a change of use for an existing detached garage converted to habitable accommodation on land at the rear of 30 Monkton Road, York, North Yorkshire, YO31 9AX, in accordance with the terms of the application Ref 16/00384/FUL, dated 10 February 2016, and the plans numbered SYMR/01/A, SYMR/02, SYMR/04, SYMR/05, and SYMR/06, subject to the following conditions;
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), development of the type described in Classes A, B, C, D, E & F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Main Issues

4. The main issues are;
 - Whether adequate provision is made for the living conditions of the occupiers of the self-contained unit, and the existing occupiers of No. 30 Monkton Road, having regard to the availability of garden space; and,
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- The effect of the development on the residential character and appearance of the area.

Reasons

5. The appeal property comprises a detached single-storey building set to the rear of No. 30 Monkton Road, and adjacent to Nos. 27 & 29 Abbots Way. The building was originally constructed as a garage, prior to its conversion in 2015 for use as habitable accommodation. Access is obtained from a short cul-de-sac leading to the car park for St. Paulinus Roman Catholic Church on the opposite side of the road from the appeal property.

Living conditions

6. The building provides living accommodation in the form of a bedroom, bathroom and dining room, accessed off the main kitchen/living area. The accommodation amounts to a total area of 38.5 m², and I note that no concerns have been raised regarding the quality of the internal living accommodation. I am also mindful that no other concerns regarding the impact of the occupation of the self-contained unit on the living conditions of neighbouring properties, particularly in respect of privacy, have been raised.
7. I have had regard to the Council's submissions and accept that the overall level of external amenity space provided for the appeal property is comparatively limited in the context of that available for surrounding properties. However, whilst I accept the Council's observation on the relative length of each garden, I am satisfied that the garden area available for the appeal property is proportionate in size to the unit and the respective scale of accommodation.
8. In this respect, given the limited scale of the accommodation, I am satisfied that the size of the external area would not preclude the undertaking of a normal range of external activities associated with residential occupation. I noted at the site visit that whilst the overall size of the area to the front of the property may not meet normal standards for off-street parking, the area does provide the opportunity for refuse and recycling storage, as well as the possibility of parking for a small car. Furthermore, whilst I accept that the fencing surrounding the garden provides a certain degree of visual constraint for occupiers, I do not consider this to be so significant or visually intrusive as to be harmful to the living conditions of the occupier.
9. Turning to No. 30 Monkton Road, whilst the rear garden has reduced in length, the position of the dwelling at the junction between Monkton Road and Abbots Way provides a comparatively wide plot in the context of the area, with the land to the side of the property also enclosed as garden. As a consequence, whilst clearly the overall area of garden has been reduced, the remaining garden is still of a reasonable size and would appear to compare equitably in overall area, if not format, to other dwellings of a similar size in the vicinity.
10. I am satisfied that the living conditions of future occupiers would be safeguarded in respect of the provision of external amenity space. The Council has referred to draft Policies GP1 and GP10 of the City of York Draft Development Control Local Plan 2005 (the Local Plan), which whilst not part of the Development Plan, are material considerations. These policies set out the need for development to be of a layout and design that is compatible with neighbouring buildings and would not be detrimental to the character and

amenity of the local environment. However, in the absence of a relevant Development Plan policy, I have concluded that the proposals would be in accordance with paragraph 17 of the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for all future occupants of land and buildings.

Character and appearance

11. The Council has indicated its concern over the impact the sub-division of the garden to No. 30 Monkton Road into two separate domestic curtilages has had on the character and appearance of the surrounding area, including the erosion of the space between residential plots. However, the building itself had already been permitted and constructed prior to any conversion for residential occupation, and there is no impact in this respect thereof. Effectively the only other significant physical works required have related to the erection of fencing to delineate the plot division, which in the context of existing fencing within the wider residential area does not appear uncharacteristic. In practice, other than some limited external alterations to the building to facilitate the provision of a self-contained unit, the works to sub-divide the plot are not overly visible from the public realm, and do not have any significant adverse visual impact on the area.
12. I have had regard to the Council's concern over the potential for this scheme to set a precedent for the principle of similar development in domestic gardens within York, resulting in an adverse impact on the character and appearance of suburban areas. However, for the reasons which have already been set out, I do not consider the specific characteristics of the appeal site to be particularly commonplace or sufficiently prevalent to result in a change to the character of the area. In any event, I am satisfied that a scheme genuinely comparable to this one would be likely to be acceptable, and I envisage the Council would successfully be able to resist any development which could be shown to be likely to cause demonstrable harm.
13. I am satisfied that the scheme would not result in an adverse impact on the character and appearance of the area. The development does not therefore conflict with Draft Policies GP1 and GP10 of the Local Plan which have been cited by the Council, as the design and layout of the scheme is not detrimental to the character of the local environment. The proposal would also not conflict with paragraphs 17 and 64 of the Framework which seeks to promote high quality design whilst resisting poor quality design.

Conditions

14. The scheme has already been implemented and completed, and the Council has suggested a single condition regarding the removal of permitted development rights. I am satisfied that a condition seeking to control future extensions is necessary in the interests of the living conditions of neighbouring occupiers.

Conclusion

15. For the reasons given above, and subject to conditions, the appeal is allowed.

M Seaton

INSPECTOR