

Appeal Decision

Site visit made on 19 April 2017

by S Jones MA(Oxon) DipLP

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

Decision date: 18th May 2017

Appeal Ref: APP/C2741/D/17/3169530 28 Heworth, York YO31 1AF

- 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 Dr G Dykes against the decision of City of York Council.
 - The application Ref 16/02708/FUL, dated 24 November 2016, was refused by notice dated 30 January 2017.
 - The development proposed is erection of a rear orangery.
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Preliminary Matters

1. The application refers to erection of a rear orangery, though the Refusal Notice refers to as a single storey rear extension, and I adopt the Council's description for clarity.

Decision

2. The appeal is allowed and planning permission is granted for a single storey rear extension at 28 Heworth, York YO31 1AF in accordance with the terms of the application, Ref 16/02708/FUL, dated 24 November 2016, and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the approved plans dated 20/1/2017 submitted to the Council.
 3. The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Policy

3. The City of York Development Control Local Plan 2005 remains in Draft and I therefore attribute it less weight than if it was an up to date development plan. However, I nonetheless consider that Policies GP1 and H7 are broadly consistent with the 2012 National Planning Policy Framework (the Framework) and so I can afford them significant weight. Turning to the Supplementary Planning Document on House Extensions and Alterations 2012, again the relevant sections appear to be consistent with the Framework and I have no reason to consider it was not prepared following suitable consultation, and so I give this significant weight too.
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Main Issues

4. The main issues are:

- (a) Whether the proposal would preserve or enhance the character and appearance of the Heworth Conservation Area No.5
- (b) The effect of the proposed extension on the living conditions at the adjoining semidetached bungalow, 30 Heworth.

Reasons

Conservation Area (CA)

- 5. The property is a semidetached brick bungalow amongst a development of 1930s style houses. A private gravel driveway further separates the adjoining bungalow at 30 Heworth from the next houses along the road, and leads down past a wooden fence to another property that is well set back. To the rear a substantial brick boundary wall separates No 28 and No 30 from the rear mature gardens of properties behind.
- 6. The property lies within the local CA, which reflects the evolution of this historic village over time. The bungalow forms part of the expansion of the area during the interwar period, and so its contribution to this significance is limited.
- 7. Although the proposed extension is relatively large, it is clearly subsidiary to the existing bungalow by lying behind and below the roofline of No 28 where it infills the open area in the current L-shaped design, and is behind the wall of the existing rear boundary. It would not be seen from the frontage of the properties, and, although visible from adjacent back gardens it would be seen in the context of other extensions in the vicinity and so would not be out of character.
- 8. I conclude that the extension has a neutral effect overall, and would not fail to preserve the character and appearance of the Heworth CA. It would not harm its significance, and so would not conflict with the Framework or Policies HE3 and GP1 in the Local Plan, insofar as they are a material consideration.

Living Conditions at No 30

- 9. The rear of No 30 is broadly south facing and the aspect of the property in general terms is open and light. The effect on No 30 arises from the replacement of the current domestic fencing with a brickwork side wall approximately 2.5m high just below the existing eaves, and roughly 6m long. Whilst this will secure the privacy of No 30, there is the possibility of this adversely affecting the living conditions for one of its rear rooms due to its size and its impact on outlook.
- 10. This bedroom window is already enclosed to some degree by the existing fence and its own L shape projection on the other. Given this, although the proposal would be taller than the fence, I consider it would not cause any material increase in overshadowing or sense of enclosure experienced in that room. Consequently it would not materially conflict with the Framework or Policies GP1 and H7 of the Draft Local Plan together with the Supplementary Planning Document on House Extensions and Alterations 2012 insofar as these are material considerations.

Conclusion

11. For the reasons given above, the appeal is allowed and planning permission is granted, subject to conditions that are necessary and relevant in the interest of proper planning and to ensure that the appearance of the extension is carried out satisfactorily.

S Jones

INSPECTOR