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## Appeal Decision

Site visit made on 28 March 2017

**by Andrew McCormack BSc (Hons) MRTPI**

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

**Decision date: 25 May 2017**

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**Appeal Ref: APP/C2741/W/17/3166390**  
**2 Norfolk Street, York YO23 1JY**

- 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 Miss Jordan Ness & Mr Marcus Ness against the decision of City of York Council.
  - The application Ref 16/01863/FUL, dated 1 August 2016, was refused by notice dated 4 October 2016.
  - The development proposed is demolition of existing garage and erection of two bedroom detached house in grounds of No.2 Norfolk Street, York.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on the:
  - character and appearance of the surrounding area; and
  - living conditions of neighbouring occupiers at 114 Bishopthorpe Road with regard to daylight and outlook.

### Reasons

#### *Character and appearance*

3. Norfolk Street is predominantly characterised by tall Edwardian terrace properties of a distinct design which descend down a slope towards Rowntree Park at the eastern end of the street. This forms part of a strong streetscene which adds to the character and appearance of the wider area.
  4. The site is located to the rear of 2 Norfolk Street (No 2) which is a three-storey end of terrace property situated on the corner of Norfolk Street and Bishopthorpe Road. Whilst it fronts onto the latter, its main door is positioned on the Norfolk Street elevation. As a result, this acts as the principal elevation of the property and includes a two-storey and single-storey offshoot to the rear of the main building. These elements are broadly reflected in the property opposite at 1 Norfolk Street (No 1). There is a single detached garage on the appeal site which faces Norfolk Street and an alleyway to the rear of properties on Bishopthorpe Road is between the appeal site and the neighbouring property at 4 Norfolk Street (No 4).
  5. Policies GP1 and GP10 of the City of York Draft Local Plan 2005 (Local Plan) are now of some age. However, the aims of these policies, which require development to respect or enhance the character and amenity of the locality and therefore not
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- be detrimental to it, accord with the National Planning Policy Framework (the Framework). As a result, I have given the policies significant weight in this appeal.
6. Although the proposed dwelling would be within an established residential area, its design and scale would appear incongruous and out of keeping with the streetscene which is predominantly one of Edwardian terraces with houses of similar appearance and scale. Whilst the scheme would be a similar height to the two-storey offshoot from No 2, it would be significantly lower than the roof ridge height of the neighbouring property at No 4. Whilst a relatively small gap would exist between No 4 and the proposal due to the alleyway, this would not lessen the significant visual impact of the differing heights in the streetscene. As a result, I find that No 4 would dominate the proposed dwelling and result in an appearance visually at odds with the surrounding area.
  7. Furthermore, the proposed dwelling does not follow the main design elements of the wider area. It would appear diminutive in comparison to the adjacent terraces of properties. The floor levels of the proposed dwelling would be read as being significantly lower than those of neighbouring properties. In addition, the position of the dwelling in the gap between the Bishopthorpe Road properties and the terraces on Norfolk Street would have an unbalancing effect on the streetscene when compared to the relationship between No 1 and the terrace on the north side of Norfolk Street.
  8. I appreciate the appellant's points regarding the scale of the proposal with regard to appearing subservient to No 2, the differing styles between the side elevations of properties on Bishopthorpe Road and the front elevations of properties on adjacent side streets and how the proposal would not harm the uniformity of nearby terraces. Notwithstanding this, due to its scale, position and design, I find that the proposal would have a poor spatial and visual relationship with its neighbouring properties.
  9. Consequently, I conclude that the proposal would have a significant detrimental effect on the character and appearance of the surrounding area. It would therefore be contrary to Policies GP1 and GP10 of the City of York Draft Local Plan 2005 (Local Plan) and the relevant guidance set out within the National Planning Policy Framework (the Framework). Amongst other matters, these policies and guidance seek to ensure that development has no significant detrimental impact on the character and appearance of its locality.

#### *Living conditions*

10. The Framework identifies a core principle of planning as being to always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. Policy GP1 of the Local Plan reflects this and expects development proposals to ensure that occupiers living nearby are not unduly affected by overshadowing or overbearing structures, amongst other things. Therefore, I have given Policy GP1 due weight in my decision.
11. Concerns have been raised regarding the proposal's impact on occupiers of the neighbouring property at 114 Bishopthorpe Road (No 114) in relation to daylight and outlook. No 114 has previously been extended to the rear with a single-storey extension incorporating two large windows and a glazed door facing the appeal site. These are around 4 metres from the rear elevation of the scheme and that there is an existing boundary wall between the two properties. I note that the existing garage on the appeal site is slightly off-set from the relevant windows of No 114 and that it is only a single storey in height. As a result, its impact on the neighbouring property in terms of daylight and outlook is limited.

12. I note that the proposed dwelling would also be off-set from the relevant openings of No 114. However, its extent towards the relevant windows and door would be greater than the existing garage. In this context, I note that the facing elevation of the proposed dwelling would be two storeys high and would present a largely blank brick wall to No 114 in relatively close proximity to the windows and door identified. The dwelling would be to the north of No 114. Therefore, any overshadowing likely to occur as a result of the proposal would be limited. Notwithstanding this, due to the increase in scale, closer position and proximity of the proposal to the relevant windows and door compared to the existing garage, I find that there would be a limited material impact on the daylight reaching No 114.
13. Similarly, the height of the proposed dwelling, its largely blank rear elevation, position and proximity to the rear extension of No 114, would have an overbearing effect on the occupiers of No 114. I acknowledge that there is an existing wall between the two properties. However, its height does not fully restrict the existing outlook from the windows and door identified. As a result, I find that the substantial extent of the proposed dwelling would reduce outlook from No 114. Therefore, it would have a significant adverse impact on neighbouring occupiers.
14. The evidence before me indicates that No 114 is in use as a bed and breakfast establishment. The appellant has indicated that the rear extension accommodates up to six guests in relation to the business. However, I am led to understand by the Council that the extension accommodates the business owners' bedroom. I acknowledge that there is disagreement between the parties and accept that the relevant rooms may be used less as guest accommodation than if in use by the owner. Notwithstanding this, I find that the impact of the proposal with regard to daylight and outlook would be significantly harmful in either case.
15. Consequently, I conclude that the proposal would have a significant adverse effect on the living conditions of the neighbouring occupiers at No 114 with regard to daylight and outlook. Therefore, it would be contrary to Policy GP1 of the Local Plan and Paragraph 17 of the Framework. Amongst other matters, this policy and guidance seeks to ensure that development results in a good standard of amenity for all existing and future occupiers of land and buildings and nearby occupiers are not unduly affected by overshadowing or dominated by overbearing structures.

## **Conclusion**

16. The proposal would provide a small dwelling in an established and accessible residential area. Furthermore, it would remove the flat roof garage from the site and provide an opportunity for the appellant's relatives to embark on home ownership. Notwithstanding this, when considered individually and cumulatively, I find that these benefits would not outweigh the harm I have identified.
17. Therefore, for the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Andrew McCormack*

INSPECTOR