
Appeal Decision

Site visit made on 4 July 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 26 July 2017

Appeal Ref: APP/C2741/D/17/3175678
2 Minster View, Wigginton, York, YO32 2GN

- 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 Nigel Cook against the decision of City of York Council.
 - The application Ref 17/00032/FUL, dated 8 January 2017, was refused by notice dated 12 May 2017.
 - The development proposed is a single-storey side extension with minor alterations to existing elevations.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. Whilst drawing no. 003 revision A was originally submitted in support of the planning application subject of this appeal, amendments shown on drawing no. 003 revision B were submitted by the appellant while the application was with the Council for consideration and they formed the basis of the Council's decision. Although further amendments shown on drawing no. 005 were also submitted by the appellant prior to the Council's determination of the application, the Council has confirmed, contrary to the appellant's expectation, that they were not taken into account and were not subject to public consultation.
3. Unlike drawing no. 003 revision B, drawing no. 005 shows an extension that would extend part way across the rear elevation of No. 2, towards the adjoining dwelling, No. 4. As those neighbours have not been consulted on that particular design, I cannot be sure that it would not prejudice their interests in the event that I was to determine the appeal on the basis of drawing no. 005. Therefore, I have not taken it into account and have considered the appeal on the basis of drawing no. 003 revision B, as did the Council.

Main Issue

4. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the locality.
-

Reasons

5. No. 2 is a semi-detached bungalow, which occupies a corner site at the junction of Minster View with Kirkcroft. The position of the sidewall of No. 2 is consistent with a line drawn between the front corner of No. 10 Kirkcroft, which is positioned to the north of the appeal site, and No. 12, positioned to the south of it. The street scene is predominantly characterised by dwellings set back from the highway beyond garden areas, which create a sense of space and soften the visual impact of the built development. The sidewall of No. 2 is set well back from Kirkcroft beyond a side garden area enclosed for the most part by fencing backed by taller hedging.
6. The proposal involves the erection of a single-storey side extension, the front elevation of which would be set back beyond the alignment of the main front wall of No. 2 and would extend from the sidewall of the bungalow to within a short distance of the side boundary of the site. Whilst the proposed extension would interrupt the existing Kirkcroft building line between Nos. 10 and 12, in my judgement, this, on its own, would not be fatal to the proposal, given the winding alignment of the building lines either side of Kirkcroft. However, as a result of the proximity of the front corner of the proposed extension to the side boundary, the extended property would have a cramped appearance when seen from Minster View and Kirkcroft. Furthermore, the restricted side space would noticeably diminish the spacious appearance of Kirkcroft at this point and would unduly limit the scope for planting to soften the visual impact of the proposed extension.
7. I conclude that the proposal would cause significant harm to the character and appearance of the locality. In this regard it would conflict with Policies GP1 and H7 of the *City of York Draft Local Plan Incorporating 4th set of changes (April 2005)* and the *City of York Council: House Extensions and Alterations Draft Supplementary Planning Document (December 2012)*. Insofar as they require proposals to take account of local character and encourage the promotion or reinforcement of local distinctiveness, they are consistent with the aims of the *National Planning Policy Framework* (the Framework) and so I give those draft documents moderate weight.

Other matters

8. The appellant has indicated that he wishes to extend the appeal property in order to provide his elderly mother with a bedroom and bathroom that better suits her needs. In my judgement, that benefit of the scheme would not outweigh the harm arising from the proposal, a significant proportion of which comprises an extension to the kitchen. Whilst I have had regard to the appellant's concerns regarding the manner in which the Council has handled his planning application, they do not alter the planning merits of the appeal proposal, upon which my decision is based. The Parish Council has confirmed that it does not object to the proposal. However, although no objections have been received from neighbouring residents, I give this little weight, as the propensity of neighbours to object can be influenced by a number of factors and a lack of objections cannot be automatically interpreted as a sign of support. Neither these, nor any other matters raised, is sufficient to outweigh the considerations which have led to my conclusion on the main issue.

Conclusions

9. I conclude on balance, that the benefits of the scheme would be significantly and demonstrably outweighed by the harm that it would cause to the character and appearance of the locality. It would not amount to sustainable development under the terms of the Framework and would conflict with the emerging Local Plan. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR