



Appeal Decision

Site visit made on 14 August 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 1 September 2017

Appeal Ref: APP/C2741/D/17/3176662

8 Badger Wood Walk, York, N. Yorks YO10 5HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Victoria Jack against the decision of City of York Council.
 - The application Ref 16/02844/FUL, dated 15 December 2016, was refused by notice dated 6 March 2017.
 - The application sought planning permission to increase height of roof and erect dormers to side without complying with conditions attached to planning permission Ref 16/00789/FUL, dated 10 June 2016.
 - The conditions in dispute are Nos 2 and 3 which state that:
 - 2. *The development hereby permitted shall be carried out in accordance with the following plans and other submitted details YB394-002B and YB394-003B*
 - 3. *The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.*
 - The reasons given for the conditions are:
 - 2. *For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.*
 - 3. *To achieve a visually acceptable form of development.*
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellant has constructed an extension to the roof of the property without complying with conditions imposed by the local planning authority. The conditions in dispute required the development to be carried out in accordance with the approved plans and that materials shall match those of the existing building, which have not been complied with in this case. Consequently, the main issue is whether the conditions are reasonable and necessary in respect of the character and appearance of the area.

Reasons

3. The host dwelling is a detached property located on a cul-de-sac containing a mixture of detached and semi-detached houses and detached bungalows. The property is located at the head of the cul-de-sac and is visible from within the cul-de-sac and an area of public open space. Badger Wood Walk and the wider estate are of a pleasant suburban character and although there is some

variation in the design and appearance of individual dwellings I saw that there is a general consistency in the design and use of materials.

4. The development as implemented differs in a number of respects from that originally approved, as specified in the Council Officer's report on the application for the variation of the conditions. The Officer's report also specifies that the main issues of concern are the dimensions and proportions of the dormers and the use of mid-grey UPVC cladding on the dormers and walls. Based on the positions of the main parties and the evidence before me, I have no reason to disagree with the Council's conclusions on the issues of concern.
5. The dormer windows differ from the approved scheme in that the ridges and eaves as constructed are higher which results in a greater area between the top of the windows and the apex of the dormer. This gives the dormers a top-heavy and discordant appearance. I saw that the contrast between the mid-grey UPVC and the tiled roof draws the eye to the dormers and emphasises their incongruous appearance in relation to the host dwelling. The Council state that the use of hanging tiles as specified on the approved scheme would mean that, on balance, the changes to the proportions of the dormers would be acceptable. I concur with the Council on this matter.
6. In relation to the increase in roof height, the approved scheme is relatively unorthodox as it includes an increase in the height of the eaves of the original bungalow as well as an increase in the pitch of the roof. This results in a band of cladding extending around the dwelling, between the top of the ground floor windows and the eaves of the roof. The increase in the ridge height also results in an expanse of cladding on the apex of the roof on the front and rear elevations. The Council consider that the cedar board cladding originally proposed meant that the proposal was acceptable as this was compatible with the character of the area.
7. I saw that the mid-grey colouring and tone of the UPVC material emphasises the extent of cladding and the unorthodox design of the proposal resulting in the development having an incongruous appearance in relation to the host property and the street scene. The extent of cladding is emphasised still further by that used on the dormers.
8. To a degree, the proposal responds to a band of cladding between the ground and first floor windows on the neighbouring property of 6 Badger Wood Walk. However, the cladding on No 6, and houses of a similar design in the vicinity, is restricted to the front elevation and does not extend around the whole building in the manner of the appeal site. Also, the cladding on No 6 is of a darker colour and tone than that used on the appeal site.
9. I note that a variety of cladding, including UPVC and light coloured materials, has been used elsewhere in the cul-de-sac and the wider estate. However the cladding used on other properties is generally contained within the apex of roofs or as a band between the windows on the front elevation and is therefore not as extensive as that on the appeal property. Furthermore, within the context of the cul-de-sac, the mid-grey colour is unique to the appeal site which adds to its incongruous appearance.
10. Given the above, I conclude that the conditions are reasonable and necessary to avoid the significant harm that has been caused to the character and appearance of the host property and the area, contrary to policies GP1 and H7

of the City of York Draft Local Plan 2005 which, amongst other things, require residential extensions to be of a design and use materials which are sympathetic to the main dwelling and the locality. The conditions are also necessary with regard to the National Planning Policy Framework in respect of requiring good design. The conditions also reflect the advice of the Council's Draft House Extensions and Alterations Supplementary Planning Document 2012 in respect of the effect on character and street scene.

11. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR