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# Appeal Decision

Site visit made on 24 June 2019

**by J Hunter BA (Hons) Msc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 July 2019**

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**Appeal Ref: APP/C2741/W/19/3226691**

**15, York House, Clifford Street, York, YO1 9RG**

- 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 Blinch (UK) Limited against the decision of City of York Council.
  - The application Ref 19/00082/FUL, dated 16 January 2019, was refused by notice dated 18 March 2019.
  - The development proposed is 2no roof dormers on the north facing elevation of York House.
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## Decision

1. The appeal is allowed. Planning permission is granted for 2no. roof dormers on the north facing elevation of York House, 15 Clifford Street, York YO1 9RG, in accordance with the terms of the application Ref: 19/00082/FUL, dated 16 January 2019 and subject to the conditions set out in the attached schedule.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host building and the Conservation Area.

## Reasons

3. The host building occupies a site on the corner of Clifford Street and Friargate, a prominent location within the Central Historic Core Conservation Area of York.
4. The Conservation Area Appraisal (CAA) for Character Area twelve, which includes Clifford Street and the appeal site, describes the area as containing the best 19<sup>th</sup> century civic architecture in the city. It comments that Clifford Street is a Victorian set piece of civic architecture, which includes a magistrates' court, fire station, police station and technical institute. All the buildings display various interpretations of Gothic or Tudor style and the consistent use of manufactured red brick brings the buildings together as a group.
5. The host building is described as one of the less extravagant buildings in the street scene. Nevertheless, the attractive Clifford Street entrance, Gothic style architecture and materials contribute to the distinctiveness and significance of the Conservation Area.

6. The proposal would introduce two dormer windows to the roof of the secondary elevation which faces onto Friargate, a narrow side street running north east from Clifford Street. The windows would be of traditional design, using materials that would closely match the existing building and echoing the proportions of other dormers in the vicinity. They would sit low on the roof slope on either side of an existing chimney stack.
7. During my site visit I noted the variety of forms within the existing roofscape close to the appeal site. There is a wide range of detailing including turrets, chimneys, bays and dormers throughout the area which creates a varied and interesting skyline.
8. From Clifford Street, views to the site of the proposed dormers are largely obscured by the corner turret and chimney stacks of the host building. However, it would be possible to catch glimpses of the dormer from various viewpoints on Clifford Street and from the north end of Friargate.
9. It is evident that the proposed dormers would introduce a new feature to the secondary elevation of the host building and would undoubtedly alter the roofscape to a degree. However, they would sit subservient to the other features of the roof in a location that is largely obscured from open view. I note the Council's concern that the windows would appear squeezed into the space available however, there seems to be sufficient space remaining around them so as not to appear squeezed and they would align well with the existing first floor windows.
10. Acknowledging the wide array of roof forms, detailing and features within the location, coupled with the existence of other dormers of similar scale and proportion, I find that the proposal would reflect the defining characteristics of the host building and the Conservation Area as a whole.
11. Consequently, the proposal would have a neutral effect on character and appearance and therefore the significance of the heritage asset would be preserved. Taking into account paragraph 196 of the Framework, no harm would be caused to the heritage assets and therefore it is not necessary to weigh the balance of public benefits. Therefore, I conclude that the proposal would accord with the conservation aims of Section 16 of the Framework
12. The Council has cited Policies D1 (Placemaking) and D4 (Conservation Areas) of the City of York Publication Draft Local Plan 2018 in the reason for refusal. This Plan is not yet at a stage where it can be afforded significant weight and whilst I do not find conflict with the emerging policies, I give them only limited, non-determinative weight in my decision.

### **Conditions**

13. In respect of conditions, the Council have requested four be imposed and the appellant has raised no objection to those conditions.
14. The three year time limit in which planning permission may be implemented is a statutory requirement and is necessary to provide certainty (1); approved plans is necessary as it provides clarity (2). In this case, the Council has requested two further conditions (3)-(4) relating to the construction detailing and materials to be employed in the construction of the dormers. These conditions are imposed in order to safeguard the character and appearance of the host building and the Conservation Area.

## **Conclusion**

15. For the reasons outlined above and taking into account all other matters raised, I conclude the appeal should be allowed.

*J. Hunter*

INSPECTOR

## Schedule 1

1. The development shall be begun not later than the expiration of three years from the date of this permission.
2. Approved plans The development hereby permitted shall be carried out in accordance with the following plans:- WG571-01 and WG571-03B
3. Materials The roof slates and brickwork to the dormers hereby approved shall match those on the Friargate facade of the existing building in all respects.
4. Large scale details Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the dormers hereby permitted and the works shall be carried out in accordance with the approved details.
  - a) Vertical cross section through mid-point of front and side elevations of dormers at 1:5
  - b) Joinery cross sections for windows at 1:1