



Appeal Decision

Site visit made on 23 July 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/C2741/D/19/3227307

51 Bad Bargain Lane, Heworth (Without), York, YO31 0QX

- 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 Mr Mark Ware against the decision of City of York Council.
 - The application Ref 18/02056/FUL, dated 6 September 2018, was refused by notice dated 11 March 2019.
 - The development proposed is erection of first floor pitched roof side extension over an existing single storey section of the house to create 2 bedrooms, 1 with an en-suite. Erection of a 6-foot height fence to part of the boundary to create privacy in the side garden.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Notwithstanding the description of development set out above, which is taken from the planning application form, it is clear from the plans and accompanying details that the description offered by both the Council and appellant of "*Erection of first floor side extension and single storey rear extension*" in their respective appeal forms more accurately describes the appeal. The fence has since been deleted from the plans. The Council dealt with the proposal on this basis and so shall I, given it does not appear to be in dispute between the parties.
4. The Council has referred only to the first-floor side extension in its reason for refusal and does not seem to take issue with the single-storey rear extension nor the works to the porch and canopy to the front. As such, I have focused only on the first-floor side extension.

Main Issue

5. Therefore, the main issue under consideration in this appeal is the effect of the proposed first floor side extension on the character and appearance of the streetscene.

Reasons

6. The appeal site is located at the junction of Bad Bargain Lane and Gerard Avenue on the corner plot of a row of 4 terraced houses in a primarily residential area. The property is of two-storey scale, with red-brick facing walls and pantile roof. There is an existing single-storey flat-roof side extension which projects to the rear, facing onto a driveway. Bad Bargain Lane and Gerard Avenue are characterised by a mixture of housing styles, with both terraces and semi-detached types prevalent. One common trait along both streets and the wider area is the set-back of the houses from the road, with the presence of front and/or side gardens.
7. The proposal involves the construction of a first-floor side extension, which would project past the rear elevation of the existing dwelling, and a single-storey rear sun room extension, with materials to match those existing. Ancillary works include alterations to the porch and canopy to the front elevation.
8. My attention is drawn to the House Extensions and Alterations Supplementary Planning Document (the SPD), which advises side extensions should not have a detrimental impact on the streetscene by significantly projecting beyond a clearly defined building line of the adjacent street or detract from the spaciousness of the area.
9. The introduction of built form at first floor level in this location would add substantial mass to the dwelling and erode the sense of openness which at present makes a positive contribution to the street scene on this prominent corner plot. Whilst the grassed area to the front would be retained, some of the space to the side is already lost at ground floor level. The introduction of a first-floor extension and associated hipped-style roof, which would significantly increase the bulk and massing of the property, would protrude beyond the established building line of houses on that side of Gerard Avenue. Consequently, the proposal would appear as an uncharacteristic and unsympathetic form of development, while also being intrusive visually in the streetscene, contrary to the SPD. This would also be contrary to the design aims of the National Planning Policy Framework (the Framework), which seeks to ensure development adds to the overall quality of the area and is sympathetic to local character.
10. I acknowledge that an extension of the same size and scale as that proposed but angled to reflect the building line on Gerard Avenue could have an awkward design. Nevertheless, for the above reasons this does not make the proposal before me acceptable. The appellant has drawn my attention to other examples of similar extensions in the area. I have nothing substantive to view in terms of plans or specific details, but from the photographs submitted these appear to have been in place for some time and whilst other developments exist, this is not a strong enough justification to permit visually harmful development in this location. I have, in any event, considered the proposal before me on its own merits. A further example of new housing at Derwent Thorpe is referenced, although again I have nothing substantive in front of me as to how it relates to this proposal.
11. Whilst I acknowledge the appellant's frustration that issues could not be resolved prior to the appeal being lodged, I can only deal with the appeal on the basis of the evidence before me.

12. To conclude on the main issue, the appeal proposal would fail to satisfactorily integrate with the prevailing character of the area. This would bring it into conflict with the SPD and Policies GP1 and H7 of the City of York Draft Development Control Local Plan 2005 (LP), which seek among other aims to ensure development is of a design that is compatible with neighbouring buildings, spaces and the character of the area. This is alongside the aims of the Framework, which seeks to ensure that new development respects or enhances the local environment and is of an appropriate density to surrounding development. The Council have also cited Policy D11 of the emerging City of York Local Plan (ELP) Publication Draft (2018) in the reason for refusal. The objectives of this policy are similar to Policy H7 above and it is consistent with the Framework. However, the ELP has yet to go through independent examination and as such is not yet part of the development plan. As such this policy has been given limited weight in the decision-making process.

Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR