



Appeal Decision

Site visit made on 30 July 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2019

Appeal Ref: APP/C2741/W/19/3228661

57 Tang Hall Lane, York YO31 0SL

- 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 I Furby against the decision of City of York Council.
 - The application Ref 18/01822/FUL, dated 6 August 2018, was refused by notice dated 6 March 2019.
 - The development proposed is a two storey gable and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council Officer's report states that the appeal site is located within an area subject to an Article 4 Direction which removes permitted development rights for the change of use of a dwelling to a small house in multiple occupation (HMO). The property is currently in use as a 5-bed HMO, without its lawfulness established. Both the appellant's and the Council's statements include the proposed use of the property as a 6-bed HMO.
3. Therefore, the proposed development as a whole includes a two storey side and rear extension, a single storey side extension, a detached bin/bike store to rear, construction of car parking spaces to the front, and the change of use to a 6-bed HMO. This is a more precise description of the development, and I have proceeded on this basis.

Main Issue

4. The main issues are the effect of the proposed development on the character and appearance of the area; living conditions of adjoining occupiers, with regard to outlook and light; and carparking, cycle and bin storage.

Reasons

Character and Appearance

5. Tang Hall Lane is part of a residential street which contains semi-detached and terraced dwellings of a similar design and appearance that contribute to the areas prevailing suburban character. The enclosed front gardens, many of which have hedges, and a grassed verge to the front which make an important contribution to the character of the area.

6. The proposed development would include a two-storey extension, which would wrap around the rear corner of the end terraced property. From the front the two storey element would be significantly set back and have a lower roof height than the existing dwelling. From the street this would appear in keeping and subordinate to the host dwelling. Furthermore, the appellant has stated that the external elevations of the extension would be rendered with brickwork to the lower levels which would be in keeping with the host dwelling.
7. The proposal includes the removal of the existing hedgerow and front garden to the front of the property, and the construction of a driveway to provide three off-street car parking spaces. The appeal site forms part of a terrace of four dwellings, within which only one has removed the front hedge and hard surfaced the front garden. Furthermore, opposite Nos 60 to 66 Tang Hall Lane, all still have front gardens and hedges. The creation of the off street car parking to the front of No 57, would break up this verdant street scene, eroding the character of the area. Whilst I acknowledge other properties have already done this along Tang Hall Lane, I am not aware of the full details of these, and in any case, they do not reflect the dominant character of the area.
8. I conclude that the proposed development would fail to accord with the standards of design required by Policies D1, D11 of the City of York Publication Draft Local Plan 2018 (the DLP) and GP1 of the City of York Council Development Control Local Plan 2005 (the DCLP) which collectively seek high quality design, which conserves and enhances the local character and distinctiveness of the area. Furthermore, it would not accord with Paragraph 127 and 130 of the Framework, which recognise that parking is integral to the design of schemes and contributes to making high quality places and be sympathetic to local character. The proposal would also conflict with the aim of the City of York Council House Extensions and Alterations Draft Supplementary Planning Document 2012 (SPD) to retain as much of the garden boundary as possible, and to avoid barren hard surfaced front gardens.

Living Conditions

9. No 59 is attached to the appeal property and has a conservatory to the rear. The nearest part of the proposed extension would be single storey, with a shallow pitched roof, and the two storey part would be set well off the boundary and would not appear overbearing from No 59. Furthermore, the appeal property is positioned to the northeast so throughout the day the proposed extension would not cast shadow over No 59, and no harm would be caused by overshadowing, or loss of natural light to its occupants
10. No 55 has an existing single storey extension to the side and rear. The proposed two storey rear extension would project marginally past this but given its projection and distance away would not affect the outlook from the ground floor rear windows, nor would likely cause significant overshadowing. However, No 55 does have a first floor bedroom window on the side of the property, and the proposed extension would result in an extensive blank gable, significantly closer than the existing property. Due to its proximity it would appear overbearing and oppressive and cause a substantial loss of outlook and light to this room.
11. For these reasons I conclude that the proposed extension would harm the living conditions of adjacent occupiers of No 59, with regard to outlook and light, and the extension does not accord with the criteria set out in policies D11 of the

DLP, and GP1, H7 and H8 of the DCLP and the SPD which collectively seek to ensure that extensions to properties do not cause overlooking, overshadowing or appear overbearing so as to affect the quality of life for residents.

Carparking, cycle and bin storage

12. I have considered the Council's Highway Design Guide which seeks 1 off street carparking space per 2 HMO units. The submitted plans provide 3 spaces side by side across the front of the property, which is consistent with the guidance. I have considered the Council's guidance in relation to larger than the standard sized spaces, to allow for the practicalities of getting in and out and move around parked vehicles.
13. From the evidence before me each space would be 2.7m wide and 6m in length. These dimensions exceed the standard space dimensions and would adequately accommodate vehicles, leaving sufficient space for pedestrian access to the property, and access for bin and cycle storage around the side of the property. Furthermore, the cycle and bin storage area to the rear of the property would sufficient is size, secure and out of view so as not to affect the street scene.
14. I conclude that the proposal would make suitable provision for the off street parking of vehicles as well as access to suitable bin and cycle storage facilities. The proposal therefore accords with Policies H8 and GP4 of the DCLP which collectively require development to make adequate provision for off street car parking and the storage and collection of refuse and recycling, for properties being converted into HMOs. It would also accord with the advice of the SPD which seeks to provide adequate access, parking, cycle storage and suitable provision for bin and recycling storage, amongst other things.

Other Matters

15. The appellant has submitted background information in relation to previous tenants who have resided in the property over the years, in order to support his case that the property has historically been used as a 5-bed HMO. If the appellant wishes to establish this as the lawful use, then this should be sought by making an application to the Council. This does not affect my findings on the main issues.
16. I am mindful of the benefits of the proposal, including the improved living space within the dwelling and convenient for access to the University. However, these benefits would be limited and would not outweigh the harm identified above.

Conclusion

17. Although I have found no harm from the proposal with regards to parking, cycle and bin storage. I have found there would be harm to the character and appearance of the area and living conditions of neighbouring occupants. These are the prevailing considerations. Therefore, I conclude that the appeal should be dismissed.

R Cooper

INSPECTOR