
Appeal Decision

Site visit made on 12 August 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2019

Appeal Ref: APP/C2741/W/19/3228624

3 Fourth Avenue, York, YO31 0UY

- 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 Mrs Sarah Poole against the decision of City of York Council.
 - The application Ref 18/02489/FUL, dated 30 October 2018, was refused by notice dated 1 March 2019.
 - The development proposed is proposed 2 storey gable and rear extension, loft conversion and change of use from class c4 to class sui generis. Revised scheme.
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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.

Main Issues

3. The main issues for consideration in this appeal are the effect of the proposal on:
 - the character and appearance of the host property and streetscene;
 - parking and highway safety; and
 - living conditions of neighbouring occupants, with particular regard to noise.

Reasons

Character and appearance of host property and streetscene

4. The appeal site comprises a two-storey, end terrace dwelling in a residential area of York. The property has large side and rear gardens and a simple architectural form typical of the area, which comprises a mixture of terraces and semi-detached dwellings alongside flats.
5. The proposal involves the construction of two-storey side and rear extensions, a single-storey rear extension, a rear dormer window extension and hardstanding for parking to the rear and front of the property. The works are designed to facilitate the increased occupancy of the House in Multiple Occupation (HMO) to accommodate 9 people.

6. Guidance contained in the Draft House Extensions and Alterations Supplementary Planning Document (the SPD), states that extensions should be subordinate to the host dwelling and extend no more than 50% of the original width of the house, while being set-back a minimum of 0.5m from the front elevation. While there is a slight set-back from the front elevation and a set-down in total height from the roof regarding the side extension, its width appears to almost double the existing built form. Furthermore, the scale of the side extension in particular 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 plot. The proposed two-storey side and rear extensions are not therefore subordinate to the host property and would appear as overly dominant when viewed in context with the original house.
7. The SPD also requires that dormers should be designed so that they do not dominate the roof. Their style and shape should relate to the appearance of the property. In this case the proposed dormer would be a boxy, flat roofed structure that would span the roofs of both the existing building and the proposed extension. Accordingly, it would make the building appear top-heavy and moreover, would not be in keeping with, and would detract from, the pitched roof form of the existing structure. In addition, the gabled roof utilised on the two-storey outrigger, is at odds with the simple form and appearance of the host dwelling.
8. I acknowledge that part of the proposed development, including the dormer, would not be visible from within the street scene. I also note that matching materials would be used in the development. Nevertheless, for the reasons set out above, the development would detract from the character and appearance of the host dwelling.
9. My attention has been drawn to other extensions in the locality, including No.9 at the opposite end of this terrace. However, I have no details of these extensions before me and as such can only determine the appeal based on the evidence available. I noted at my site visit that there is an infill development adjacent to No.9. However, as this is a detached house rather than an extension, it is not directly comparable to the appeal proposal, which I have determined on its own merits.
10. In addition to the extensions to the building, the proposal also includes the use of part of the rear garden as a car parking area. It seems to me that the introduction of vehicles into an area which is currently a domestic garden with a quiet character, would cause harm to the appearance and the character of the space. This adds weight to my conclusion on this issue. I do note from the plans that some amenity space is to be retained for use by residents, and although I acknowledge that this plot does have a larger garden area than other houses in the vicinity, this does not outweigh the harm I have identified both to the host dwelling and streetscene.
11. For the above reasons the proposal would be detrimental to the character and appearance of the host property and also that of the streetscene. Consequently, the proposal is contrary to 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 and to the SPD. In addition, the proposal is contrary to the National Planning Policy Framework (the

Framework), which advocates good design as essential to sustainable development. Paragraph 127 advises development should add to the overall quality of the area, which this proposal, due to its scale, competing forms and insubordination, would not.

12. 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 consistent with the aims of the Framework as it relates to design. However, the ELP has yet to go through independent examination and as such is not yet part of the development plan. Therefore, this policy has been afforded limited weight in the decision-making process.

Parking and highway safety

13. The Council advises that 5 car parking spaces are required for a 9 bedroomed HMO. Whilst I note the proximity of the site to the University, I have no reason to disagree that this level of provision is appropriate in this instance. The submitted site plan shows 4no parking spaces to the rear of the property, and 1no space to the front with access to all spaces taken from the side of the house. Dropped kerbs exist to the front of the property. While the provision of off-street parking is appropriate given the pressures of on-street parking I observed during the site visit, the spaces are unsuitable in their layout. The space to the front is perpendicular to the access and would be extremely difficult to manoeuvre into and out of, with at least one of those movements taken in reverse gear and most likely subject to several tight turns.
14. To the rear there would be two spaces at the end of the driveway and two behind the house itself, perpendicular to one another. My attention is drawn to the Highways Design Guide (HDG), which states the minimum size of parking space is 2.4m width x 4.8m length. While the spaces proposed evidently meet this requirement, there appears to be insufficient manoeuvring space to facilitate safe egress from the rear parking area in a forward gear. Accordingly, occupants could be forced to reverse along the long driveway and onto the highway, which includes a bus stop adjacent to the access/egress point. Therefore, the parking layout as set out on the plans would result in danger to highway safety.
15. Consequently, the proposal is contrary to the HDG and SPD, which advise that sites retain adequate access, parking and turning facilities for vehicles, and contrary to the Framework which requires at paragraph 108 that safe and suitable access to the site can be achieved for all users.

Living conditions

16. The rear parking area would potentially introduce 4 cars near neighbouring properties either side of the appeal site and to the north. Cars parked on driveways to the side or front of a dwelling is not an unusual situation in suburban areas. However, a car park to the rear of the dwelling, in an area where residents can reasonably expect a greater degree of tranquillity, is unusual in this locality. Noise and disturbance from comings and goings, engines starting up, car doors and vehicle manoeuvring would be detrimental to the living conditions of neighbouring residents, contrary to advice in the Framework seeks to ensure a high standard of amenity for existing and future users.

17. As such the proposal would also be contrary to Policy GP1 of the LP, which seeks to ensure that residents living nearby are not unduly affected by noise, disturbance, and the SPD.
18. The Council have also cited Policies D1 and D11 of the ELP in the reasons for refusal. The objectives of these policies are consistent with the aims of the Framework as it relates to living conditions. However, the ELP has yet to go through independent examination and as such is not yet part of the development plan. As such these policies have been afforded limited weight in the decision-making process.

Other matters

19. I recognise that there would be some limited economic benefit arising from the provision of additional residential accommodation in terms of support of local services and facilities. The proposal could also provide additional accommodation for students in an accessible location. However, given the limited scale of the development these benefits would not outweigh the totality of the harm identified.
20. I am unconvinced by the appellant's assertion that the building could be readily converted back to a 4 bedroomed dwelling. However, be that as it may, this has no bearing on the main issues.

Recommendation

21. 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

22. 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