
Appeal Decision

Site visit made on 8 October 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/C2741/D/19/3234074

4 Farrar Street, York YO10 3BZ

- 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 Dr Graham Dykes against the decision of City of York Council.
 - The application Ref 19/00512/FUL, dated 26 February 2019, was refused by notice dated 13 May 2019.
 - The development proposed is described as "Proposed rear 1st Floor extension."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Policies D1 and D11 of the City of York Local Plan – Publication Draft February 2018 were included in the Council's decision notice. I have only given them limited weight as this Plan is yet to be adopted.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 6 Farrar Street and 1 Regent Street with regards to outlook.

Reasons

4. The appeal property is an end of terrace dwelling and is attached to the dwelling of 6 Farrar Street (No 6). The residential bungalow of 1 Regent Street (No 1) is located close to the boundary of the appeal site. The proposed extension, which incorporates a hipped roof design, would be large in both height and depth and would be developed up to the boundary with No 6 and in close proximity to the boundary with No 1. No 6 has a first floor rear window which would be close to the proposed extension. The ground floor rear windows of No 1 would be offset in relation to the appeal property however these windows would be in close proximity to the proposed extension. Whilst there are a number of ground floor extensions in the area, the proposal would create a tall dominant expanse of built development when viewed from the windows of No 6 and No 1.
5. The proposal has been reduced in size from a previously refused scheme¹. However, the proximity of the first floor rear window in No 6 and the rear windows in No 1 to the proposed extension would result in the addition having

¹ Local Planning Authority Reference 18/00719/FUL

an unavoidable and overbearing presence that would dominate the outlook from No 6 and No 1 and harm the living conditions of the occupants.

6. I have had regard to the appellants statement of case including the scheme at 62 Farrar Street and the related appeal decision². I do not consider this scheme at No 62 to be directly comparable as the projection of the extension is significantly less than the projection of the proposed extension subject of this appeal. My attention has also been drawn to the previous appeal decision³ for this site and whilst a copy of this decision has not been submitted, I note that this appeal was dismissed.
7. Accordingly, I find that the proposal would have a harmful effect on the living conditions of the occupiers of 6 Farrar Street and 1 Regent Street with regards to outlook. The proposal would be contrary to Policies GD1 and H7 of the City of York Draft Local Plan 2005, City of York Supplementary Planning Document Draft House Extensions and Alterations 2012 and the National Planning Policy Framework which seek extensions to have no adverse effects on the amenity of neighbouring residents.
8. The occupiers of neighbouring properties have not objected to the proposed scheme and the extension would not have an adverse effect on the character and appearance of the area. The proposal would not have a detrimental effect on neighbouring occupiers with regards to overlooking, privacy and loss of light. I note comments that the extension would not be visible from the garden area of No 1. At my site visit, I observed the internal arrangement of the property and the staircase and note comments that the layout is different to others in the area and that other properties have also undertaken similar modernisation. I also acknowledge the appellants intention to improve the layout of the property for the benefit of the occupants and the housing stock in the area. These matters however would not outweigh the harm I have identified on the living conditions of neighbouring occupiers with regards to outlook.

Conclusion

9. For the reasons set out above I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR

² PINS Reference APP/C2741/A/07/2062083

³ PINS Reference APP/C2741/W/18/3208900