
Appeal Decision

Site visit made on 22 October 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/C2741/D/19/3234297
142 Water Lane, York YO30 6PN

- 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 & Mrs K Gash against the decision of City of York Council.
 - The application Ref 19/00638/FUL, dated 28 March 2019, was refused by notice dated 10 July 2019.
 - The development proposed is erection of a two-storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal property is a two-storey end of terrace property. The terrace on which the appeal property is located comprises four properties and is situated in a predominantly residential area where there is a variety of property styles. The appeal property sits slightly elevated above the level of the footpath and roadway.
4. The proposed development would be located to the side of the property in an area that currently contains no extension. There is also currently no extension to the side of the neighbouring property and as a result there is a clear gap between the terraces. This gap between terraces is a common feature in the surrounding area that positively contributes to its spacious and openness. There are some similar properties in the area that have extensions to the side, however I saw that these were mainly single storey with very few two storey side extensions.
5. The terrace containing the appeal property does not follow the same building line as the terrace to which it is adjacent (144-150 Water Lane). The adjacent terrace is angled away from the terrace containing the appeal property and as a result the gable elevation of the appeal property, onto which the extension is proposed, is readily visible from the street-scene.
6. The proposed development incorporates a hipped roof and a flat roof section. Due to the angle of the building line as outlined above, this will be visible from

the street-scene. I find that the combined use of the hipped roof and flat roof would result in an uneasy connection and overall a development of poor design, detracting from the overall appearance of the property and the street-scene. I do not however find unacceptable harm would be created through the use of the flat roof when viewed from the rear of the property as this would not be prominent in the street-scene from this position.

7. The proposal would remove a significant proportion of the gap that exists with the neighbouring terrace. This is exacerbated due to the proposal being for two storeys, where it is evident in the surrounding properties that single storey extensions to the side do not erode the openness or spaciousness to the same extent. Such gaps between terraces are a key feature of the surrounding area. The current proposal could set a precedent for similar developments in surrounding terraces that would erode these features to the detriment of the character of the area. It could also lead to the impression of the terracing of the front elevation of adjoining properties and the erosion of the areas spaciousness and character.
8. Whilst each application and appeal must be treated on its individual merits, allowing the appeal could be used in support of such similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given the shared characteristics with similar terraces in the area. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that their cumulative effect would contribute to an overall harm to the wider area which I have described above.
9. The appellant has referred to other examples of two storey side extensions in the immediate area at 112, 152 and 162 Water Lane. I observed these on my site visit. I consider that some of these examples serve to demonstrate the harm that can be created from an inappropriately designed extension. The Council have commented that the example at 152 Water Lane does not appear to benefit from planning permission. Whilst I have considered these examples, the appeal site has different circumstances, and I have considered the appeal proposal on its own individual planning merits. The failure of the Council to enforce against an unauthorised development of a similar nature, although frustrating to the appellant, is not a reason to allow the appeal in this instance.
10. I therefore find that the proposed development would have a harmful effect on the character and appearance of the host property and the surrounding area. It would be contrary to Part 12 (Achieving well-designed places) of the National Planning Policy Framework (the Framework) (2019) that outlines, amongst other things, that planning decisions should ensure that developments add to the overall quality of the area; are visually attractive as a result of good architecture; are sympathetic to local character, including the surrounding built environment; and maintain a strong sense of place, using the arrangement of spaces, creating distinctive places to live; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
11. It would also be contrary to Policy D11 of the City of York Local Plan Publication Draft (2018) which requires, amongst other things, high quality design in all development proposals including in terms of space between buildings. It would also be contrary to Policies GP1 and H7 of the City of York Draft Local Plan

(2005) which requires, amongst other things that, for residential extensions the design should be; sympathetic to the main dwelling and the locality of the development; appropriate in relation to the main building; respect the spaces between dwellings; compatible with neighbouring buildings, spaces and character of the area; and avoid loss of important gaps within development.

12. The proposal would also be contrary to the City of York Council, House Extensions and Alterations Draft Supplementary Planning Document (SPD) (2012) which outlines, amongst other things, that where the spacing between houses is a very important intact characteristic of the street it may be the case that a clear gap will need to be retained between the side of the extension and the side boundary. The SPD highlights that this is likely to be the case in a street containing a mix of house types as in such circumstances proposals to build adjacent to another house can lead to an uncomfortable 'clash of styles'. It continues that spacing is also often a particularly important characteristic between short groups of terraced properties and in such circumstances two-storey side extensions to end terraced houses will be resisted. It is important that the erection of two-storey side extensions does not through overdevelopment, lead to the impression of the terracing of the front elevation of adjoining properties and the erosion of a street's spaciousness and character.

Conclusion

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

A M Nilsson

INSPECTOR