



Appeal Decision

Site visit made on 6 August 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st November 2019

Appeal Ref: APP/C2741/W/19/3226856

15 Yarburgh Way, York YO10 5HD

- 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 Cleaver against the decision of City of York Council.
 - The application Ref 18/02510/FUL, dated 1 November 2018, was refused by notice dated 1 March 2019.
 - The development proposed is described as a 'two storey gable and rear extension'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council, in its formal decision, describes the proposal as a 'Two storey and single storey side and rear extension and detached cycle and bin storage building to rear in connection with use of house as a C4 HMO'. From the evidence before me, I consider this to be a more accurate description of what is proposed and I have therefore proceeded with the appeal on this basis.
3. In its reasons for refusal the Council cite policies contained in the City of York Draft Local Plan 2005 (the 2005 Draft LP), which has been approved by the Council for development control purposes, and policies in the Publication Draft City of York Local Plan 2018 (the Emerging LP). As neither of these plans have been formally adopted, I have given them weight only in so far as they are consistent with the National Planning Policy Framework (the Framework).
4. The Council's reasons for refusal refer to Policy H8 of the 2005 Draft LP and Policy H8 of the Emerging LP. However, these policies relate to proposals for the conversion or change of use from a dwelling to a House in Multiple Occupation, which the Council's Delegated report indicates is not the case in the appeal before me. Therefore these policies are not relevant to this appeal proposal and I will make no further reference to them in my decision.

Main Issues

5. The main issues in this appeal are:
 - Whether the proposal provides suitable arrangements for car and cycle parking and refuse storage;
 - The effect of the proposal on the character and appearance of the host dwelling and the surrounding area; and,
 - The effect of the proposal on the living conditions of the occupants of 17 Yarburgh Way with regard to outlook and sunlight.

Reasons

Parking, cycle and refuse storage arrangements

6. The appeal relates to a semi-detached dwelling within a residential suburb of York. The property is a HMO with 4 bedrooms and the proposal would see the house extended to form 2 additional bedrooms along with external cycle and refuse storage facilities.
7. The proposal offers three parking spaces to the front of the dwelling. Appendix 23 of the Council's Highway Design Guide (the HDG) identifies a 'standard' car parking space as being 4.8m by 2.4m. The HDG considers this to be a minimum requirement and is clear that standard parking spaces need to be increased for practical purposes. This is reasonable as residents of the HMO would expect additional space around parked vehicles to enable unloading, washing, maintenance etc.
8. The appellant states that the parking spaces would be 2.5m wide, which is larger than the standard parking space. However, this is a limited increase and would fall significantly short of the 3.6m width the Council is seeking to achieve and as set out by the HDG. Compliance with the Council's larger parking space requirements would limit the off-street parking provision to 2 spaces, whereas 3 spaces are necessary to serve the proposal.
9. The inadequate parking provision is likely to lead to the displacement of vehicles and a subsequent increased demand for on-street parking. There were on-street parking spaces available at the time of my site visit, however, I visited late morning and I am mindful that parking demand is likely to be greatest in the evening and at weekends. The Council and local residents refer to on-street parking being at capacity in this area with incidents of cars parked on grass verges, over drive ways and close to junctions. During my site visit, I did see two vehicles parked fully over the grass verge to the front of nearby properties and there was evidence of damage to verges along the street which appeared to have been caused by parked cars. The appeal site is also close to a parade of local shops and a school which add further parking pressures at peak times.
10. In such circumstances, I find that the identified deficiencies in parking provision would exacerbate parking problems in the area to the frustration and inconvenience of local residents, thereby harming their living conditions. Moreover, indiscriminate parking may also give rise to highway safety concerns particularly at junctions and during school pick up and drop off times.
11. Turning to the cycle and refuse storage arrangements. If the proposed parking layout were to be implemented, it is unlikely that future residents would park as tightly as indicated on the site plan but instead may opt to park across the entire frontage in order to gain some additional circulation space. This would make the passage of pedestrians with wheeled bins or cycles difficult, if not impossible.
12. The proposed cycle parking and refuse storage is shown to the rear of the property. The Council consider the retained space to the side of the property for the passage of refuse bins and cycles would be around 750mm while the appellant states it would be 900mm. The Council's House Extensions and Alterations Supplementary Planning Document (the SPD) requires a gap of 900mm. It is difficult to reconcile these conflicting views as the measurement is not marked on the proposed plan. Having reviewed the plan, I consider the gap would be substandard as it appears to me that the Council's assessment is a

more accurate reflection of the size of gap that would be provided. Accordingly, I am not satisfied that the appellant has sufficiently demonstrated compliance with this requirement and therefore the movement of refuse bins and cycles, from the rear of the enlarged HMO, is likely to be difficult. These factors may lead to the storage of wheeled refuse bins, recycling boxes and cycles to the front of the property or displaced onto the adjacent highway which would introduce unnecessary and unsightly clutter into the street scene.

13. On this main issue, I conclude that the proposal would not provide suitable arrangements for car and cycle parking and refuse storage. Thus, it would conflict with Policies GP1 and GP4 of the 2005 Draft LP and would not meet the necessary requirements of the HDG and SPD, which require development to respect or enhance the local environment, make adequate provision for the storage and collection of refuse and recycling, and ensure adequate access, parking arrangements and refuse storage.
14. In this regard the proposal is also contrary to the aims of the National Planning Policy Framework (the Framework) which seeks to ensure that parking is integral to the design of schemes and contributes to making high quality places with high standards of amenity for existing and future users.

Character and Appearance

15. Yarburgh Way is a residential street which contains a number of semi-detached and detached dwellings of varying designs and scale. The landscaped front gardens, many of which being absent of front boundaries or with low boundary features, and grassed highway verges make an important contribution to the verdant suburban character of the area.
16. The proposal would result in the existing single width driveway being widened to provide hard surfacing across the entire width of the frontage to accommodate parking. This would involve the removal of the existing front garden area which is currently laid to lawn.
17. The loss of the front garden and the proposed extent of hard surfacing across the frontage would lead to a stark and barren appearance to the front of the dwelling. The extent of parking would also result in a frontage that would be dominated by cars. This would harmfully detract from the verdant suburban character of the property and the wider street scene. The proposal also includes an extension of the existing dropped kerb by 3 metres across the frontage of the property and the subsequent removal of an equivalent section of grassed highway verge, which would also harmfully detract from the character and appearance of the area. Furthermore, the potential for increased clutter in the form of bin and cycle storage to the front, as referred to previously, adds to my concerns on this main issue.
18. The appellant has drawn my attention to a number of other properties in the locality which they suggest have had their driveways and dropped kerbs widened to accommodate additional parking. I have not been provided with the full details or circumstances which may have led to these other developments and so cannot be certain that they represent direct comparisons to the appeal proposal. However, I was able to see that where extensive hard surfacing had been introduced to the frontage of dwellings along the street, this had created a barren and stark appearance that was at odds with the prevailing verdant character of the area and indicative of the harm that would arise as a result of

the appeal proposal. Although, in contrast to the appeal proposal, where such hard surfacing had been introduced along the street to provide additional parking, dropped kerbs have not been significantly expanded and therefore grassed highway verges have largely been retained.

19. The Council have expressed concern in respect of the design and extent of the proposed extensions and whether they would be sufficiently subservient to the host building. The roof of the two storey extension would be noticeably stepped down from the main ridgeline of the host building and would be set back from the original principal elevation. Furthermore, the extension would be set off the common boundary and thereby limiting its overall massing. These design features would therefore provide a degree of subservience that could not be described as overly dominant or excessive from a design point of view.
20. The two storey rear extension would be sizable, however, it would not be readily visible from the public realm, with only limited views from the street through the gap between the appeal site and the neighbouring building at 17 Yarbrough Way. Views from the rear, along Hull Road, would also be limited due to the intervening rear boundary treatment. The extension also includes a hipped roof arrangement which reduces its visual prominence. In this context, I find that the proposed extensions would not be over dominant or unbalanced additions to the host building and would not therefore adversely affect the character or appearance of the dwelling.
21. To conclude on this main issue, the appeal proposal, in its entirety, would be harmful to the character and appearance of the host dwelling and the surrounding area. The proposal would therefore be contrary to Policy GP1 of the 2005 Draft LP, and policy D11 of the Emerging LP and the requirements of the Framework which, taken together, seek to ensure high quality design that is sympathetic to local character, functions well and adds to the overall quality of an area.
22. The proposal would also be contrary to the guidance set out in the SPD which seeks to retain as much existing garden vegetation as possible in order to avoid barren hard surfaced gardens which serve only as car parking areas that erode the character of the street.

Living Conditions

23. The proposed two storey side and rear extension would introduce a large blank elevation in close proximity to the shared boundary with 17 Yarbrough Way and extending approximately 3 metres to the rear of the dwelling. The rear elevation and private garden areas of both the appeal property and its neighbour at No 17 have a north-northwest orientation and therefore would only expect to receive direct sunlight in the afternoon until sunset each day.
24. The combination of these factors is such that the two storey extension would introduce a large and imposing blank elevation that would have a significant overbearing effect restricting the outlook of the nearest rear windows of No 17 and part of its rear private garden area. This would likely result in a harmful claustrophobic and oppressive environment for these neighbouring residents. Furthermore, given the orientation of the appeal site and the scale and location of the proposed rear extension, the development would significantly increase the level of shadowing to the rear of No 17 after midday to sunset each day, with the effect being particularly acute during the winter months when the sun is on its

lowest trajectory in the sky. Together, these effects would significantly diminish the residents' enjoyment of their property.

25. To conclude on this issue, the proposed two storey extension would cause significant harm to the living conditions of the occupiers of No 17 Yarburgh Way, due to an unacceptable loss of outlook and significant overshadowing. This would be in conflict with Policies GP1 and H7 of the 2005 Draft LP, Policy D11 of the Emerging LP and the requirements of the Framework which together require development to provide a high standard of amenity for future and neighbouring occupiers.
26. The proposal would also be contrary to the guidance set out in the SPD which aims to protect against undue harm to neighbours' light and maintain acceptable levels of outlook.

Other Matters

27. The appellant has suggested that they could extend the property to provide additional accommodation by exercising their permitted development rights. However, I have no substantive evidence to suggest that a comparable alternative scheme could be implemented or is indeed a probable prospect in the event that this appeal is dismissed, especially as it would not enable the property to be extended in the same way. This limits the weight that I can attach to it as a fallback position, and does not provide a compelling ground on which to allow the appeal.
28. I appreciate the appellant's desire to provide improved living standards for his tenants, but this does not outweigh the harm I have found in this case.

Planning Balance

29. I have found the appeal proposal would not provide suitable arrangements for car and cycle parking or refuse storage, it would be harmful to the character and appearance of the area, and would cause significant harm to the living conditions of neighbouring residents, in conflict with Draft LP and Emerging LP policies and other local guidance. Although not part of an adopted development plan, I have found these policies to be generally consistent with the policies of the Framework with regards to achieving well-designed places that function well and provide high standards of amenity for existing and future users. I therefore give significant weight to the conflicts with the local policies and guidance.
30. I recognise that the proposal would offer some limited economic benefits by increasing resident numbers in the area, which would sustain local shops and services and is located in close proximity to the University campus for the convenience of future occupants, reducing the need to travel. However, the adverse impacts of the proposal would significantly and demonstrably outweigh these benefits when assessed against the Framework as a whole. Consequently, the balance of considerations is against the appeal proposal and it cannot therefore be considered as sustainable development.

Conclusion

31. For the reasons I have set out, the appeal should be dismissed.

Jeff Tweddle

INSPECTOR