



Appeal Decision

Site visit made on 11 December 2019

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2020

Appeal Ref: APP/C2741/W/19/3235893

25 Bedale Avenue, Osbaldwick, York YO10 3NG

- 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 Sullivan of Sullivan Homes Ltd against the decision of City of York Council.
 - The application Ref 18/02806/FUL, dated 27 November 2018, was refused by notice dated 8 July 2019.
 - The development proposed is two storey rear extension, single storey side and rear extensions, hip to gable roof extension with rear dormer and detached cycle and bin store to rear in connection with existing use as a House in Multiple Occupation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development provided on the planning application form has been replaced by a fuller version on the decision notice and in subsequent appeal documents. I consider that subsequent description to be usefully more comprehensive and I have therefore used it within this decision.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the:
 - Character and appearance of the host building and the wider area; and
 - Living conditions of residents of 23 Bedale Avenue with regards to outlook.

Reasons

Character and Appearance

4. The appeal site consists of a semi-detached dwelling located in a suburban estate. Whilst there is some variation in the design of dwellings in the vicinity of the site, the dwellings and the area have an understated and pleasant character.
5. The proposal would result in a number of extensions which would add to the massing of the building and which would be of some variety in terms of design and arrangement. In particular, the extensions at first floor level and to the rear roof would give the building an ungainly appearance. The extent of

variation in the proposed roofslopes and the projection of the roof of the rear two storey extension onto the face of the dormer would add to this incongruous appearance.

6. The extensions would be visible from the highway to the south of the appeal site as well as from private gardens to the rear and would appear as incongruous and obtrusive additions to the building. I saw that the rear of dwellings in this area contain a variety of extensions, including at least one dormer extension to the rear roof. However, even within this varied context, I consider that the scale and design of the proposed extensions would harm the character and appearance of the area and the host building.
7. In support of the appeal, the appellant refers to extensions which could be constructed under the property's permitted development rights. However, the plans of the permitted development show extensions of a more orthodox appearance which do not include a two-storey rear extension, and which do not therefore support the scale and design of the appeal proposal.
8. I conclude that the proposal would, due to its scale and design, be harmful to the character and appearance of the host property and the wider area. The proposal would therefore be contrary to Policies GP1 and H7 of the Development Control Local Plan 2005 (DCLP) and Policies D1 and D11 of the City of York Publication Draft Local Plan 2018 (PDLP) which require development, including residential extensions, to be sympathetic to the main dwelling and locality, respect or enhance the local environment and to respond positively to its immediate architectural context and local character, amongst other things. Furthermore, the proposal would conflict with the National Planning Policy Framework (the Framework) with regards to achieving well-designed places. The proposal would also be contrary to the advice of the City of York House Extensions and Alterations Draft Supplementary Planning Document 2012 (SPD) which states that any extension should normally be in keeping with the appearance, scale, design and character of the existing dwelling and not clash with its appearance.

Living Conditions

9. The proposal would include a single storey extension which would project a significant distance to the rear in close proximity to the boundary between the appeal site and 23 Bedale Avenue. The proposal would also include a 2-storey rear extension which would increase the massing of the property at the upper level, although I acknowledge that this would not be closer to the boundary with No 23 than the existing side wall of the building.
10. In combination, the massing of the 2-storey rear extension and particularly the projection of the ground floor extension to the rear would have an overdominant and oppressive relationship with No 23, to the detriment of the living conditions of residents of that property. Even allowing for the proposed set back from the boundary and the use of hipped roofs, I consider that the proposal would appear as an overly obtrusive feature dominating views from the rear amenity area of No 23.
11. I have had regard to the extensions which may be erected on the appeal site under the property's permitted development rights. However the plan depicting the permitted development does not include a 2-storey rear extension, and the ground floor rear extension would not project as far to the

rear as well as being set back further from the boundary compared to the appeal proposal.

12. I have also had regard to the conclusions of the Neighbouring Daylight and Sunlight study submitted by the appellant. Whilst this relates to a slightly different scheme, the evidence suggests that the conclusions of this study are robust in respect of the effect of the appeal proposal on No 23. I note that it concludes that the proposed development would have a low impact on the light received by No 23 and that it would pass the appropriate BRE test. However, this does not lead me to a different conclusion with regards to outlook.
13. I conclude that the proposal would, due to its overbearing bulk and siting, lead to undue harm to the living conditions of residents of No 23 in respect of outlook. The proposal would therefore be contrary to Policy H7 of the DCLP, Policy D11 of the PDLP and the requirements of the Framework which together require development to provide a high standard of amenity for neighbouring occupiers. The proposal would also be contrary to the guidance of the SPD which aims to maintain acceptable levels of outlook.

Other Matters

14. I have had regard to the appellant's concerns regarding the Council's handling of the planning application, including that Officer's recommended that the proposal be allowed and the subsequent discussion at Committee. However, these matters do not alter or outweigh my findings on the proposal before me, which I have considered on its merits.

Conclusion

15. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR