



Appeal Decision

Site visit made on 2 December 2019 by C McDonagh BA (Hons), MA

by P Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/C2741/D/19/3237839

5 Water End, York, YO30 6LL

- 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 C Gardner against the decision of City of York Council.
 - The application Ref 19/01659/FUL, dated 1 August 2019, was refused by notice dated 24 September 2019.
 - The development proposed is extension to the rear with a dining room linking to a garage with an office within the roof space.
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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.

Procedural Matter

3. The submissions before me, and the Council's reasons for refusal, refer to policies in the City of York Draft Local Plan 2005 (the DLP), the Publication Draft City of York Local Plan 2018 (the ELP) and the Supplementary Planning Document 'House Extensions and Alterations' (the SPD). However, whilst the Council states that it has approved the 2005 draft LP for development control purposes, and the emerging LP appears to have been submitted for examination, neither have been formally adopted and they are not determinative in this case. I therefore afford those policies weight only insofar as they are consistent with the National Planning Policy Framework (the Framework).

Main Issues

4. The main issues in this case are:
 - Whether the proposal would preserve or enhance the character or appearance of the Clifton Conservation Area; and
 - The effect of the proposal on the living conditions of the occupiers of No.3 Water End with regard to impacts upon outlook.

Reasons

Clifton Conservation Area

5. The appeal site comprises a two-storey detached dwelling located at the junction of Water End and Greycliffe Drive. Externally there is garden space on all sides and a detached garage to the rear. The site is also located within the Clifton Conservation Area (CA) and is close to Clifton Green.
6. The proposal entails the erection of single-storey side and rear extensions alongside alterations to the existing garage to create additional height and a usable room above. All elements would be linked, with materials indicated to match those existing at the host dwelling.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
8. The CA appraisal identifies Clifton Green as the original focal point of the designation and, despite several expansions, it is still one of the primary features. Defining characteristics of this sub-section of the CA include large buildings set in generous gardens, while the generous space between buildings is highlighted more generally across the CA as a whole. On the site visit, it was evident that the appeal site reflects these characteristics and as such makes a positive contribution to the significance of the CA.
9. Although I take on board the arguments from the appellant that the proposed alterations to the garage would fall below the ridge height of neighbouring dwellings, raising it significantly to include another storey would increase its visibility. Eroding the gap between the garage and No.1 Greycliffe Drive at first-floor level would cause harm to an important characteristic of the CA as per the appraisal.
10. For these reasons the proposal would neither preserve nor enhance the character or appearance of the Clifton Conservation Area. The harm caused to its significance would be less than substantial. The approach in paragraph 196 of the Framework is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.
11. There are no public benefits forwarded by the appellant which would weigh in favour of the proposal. As such, while there may be private benefit arising from the proposal, I have nothing to indicate whether public benefits would outweigh the harm I have identified; harm which, given the requirements of the Act and guidance in Paragraph 193 of the Framework, carries great weight. The proposal would therefore be contrary to the aims of the Framework in this regard.

Living conditions of the occupiers of No.3 Water End

12. The side element of the extension would infill the gap between the host dwelling and shared boundary with No.3, while the rear link extension and the alterations to the garage would be slightly offset from this boundary. There would be an increase in the height of the buildings seen from the rear of No 3 with the side extension rising to meet the rear link before rising again to the rear of the heightened garage.

13. Viewed in combination, and given their proximity to the boundary, the various elements of the scheme would cause a significant impact upon outlook when viewed from the neighbouring property, despite the use of a hipped roof on the rear link extension.
14. The appellant argues, with reference to the requirements of the SPD, that there would remain a reasonable sight of the sky through windows at the neighbouring property. However, even if so, it does not alter my view that the development proposed, located so close to the boundary, would be overbearing, for the reasons I have given.
15. To conclude on this main issue, the proposal would be overbearing and dominant creating a harmful effect on the living conditions of the occupiers of No.3 Water End with regard to outlook. The development is therefore contrary to paragraph 127 of the Framework, which seeks to ensure a high standard of amenity for existing and future residents.

Other matters

16. The appellant's statement of case references a fallback position of an approved application for a similar development under reference 16/01549/FUL. This is used to argue the merits of the current proposal against that previously approved, with regards to the impact upon the Conservation Area and assessing the impacts upon living conditions of the occupiers of No.3 Water End.
17. However, the expiry date of that planning permission has now passed, and I have no evidence that the development has been implemented such that the planning permission remains extant. I note these plans and a decision notice were originally submitted to supplement a refused application under reference 18/02548/FUL for the same proposal as that before me. However, while I have considered any arguments still relevant to this development and the reasons for refusal, some of these points are not relevant to the proposal before me.

Recommendation

18. 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

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Peter Willows

INSPECTOR