
Appeal Decision

Site visit made on 23 January 2020

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2020

Appeal Ref: APP/C2741/D/19/3240478

Woodstock, Main Street, Upper Poppleton, York YO26 6DL

- 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 and Mrs Pearson against the decision of City of York Council.
 - The application Ref 19/01700/FUL, dated 6 August 2019, was refused by notice dated 21 October 2019.
 - The development proposed is First floor extension over integral garage following removal of existing dormer window.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council's reason for refusal refers to the Publication Draft of the York Local Plan 2018. As the emerging Local Plan, and given the stage of preparation, I give moderate weight to the relevant policies in my decision.

Main Issue

3. This is the effect of the proposed development on the character and appearance of the area including the setting of the Nether Poppleton Conservation Area (NPCA).

Reasons

4. The appeal property is a 2 storey dwelling of modern design and built of brick and tile. To the front of the property there is a projecting double garage with a sloping roof into which is set a wide box dormer. It forms one of a number of properties of similar age and style, although not all have the same arrangement of a projecting front garage and dormer bedroom.
5. The properties are set back from an attractive area of green in which there is a small watercourse. The green area forms part of the NPCA although the appeal property, and the other houses in the same group, lie outside the boundary.
6. The proposal is to extend the property at first floor above the existing ground floor garage which projects forward of the main part of the house. This would provide a larger bedroom with an en suite. The extension would remove the existing dormer and create a gable wall, partly glazed, above the existing front elevation of the garage. The ridge height of the proposed pitched roof of the extension has been reduced slightly as a result of discussions with the Council.

7. This part of the NPCA is characterised by the attractive green running alongside the beck, the presence of a number of mature trees, and expansive views towards the open countryside beyond Main Street. The group of houses of which the appeal property forms part provides a pleasant backdrop, which despite the non-traditional style of the houses appears designed to complement the setting. In this context the proposal would appear significantly out of keeping with its surroundings due to its contrasting design compared with the other houses in the group, and therefore would not preserve and enhance the setting of the NPCA.
8. The Council has produced a Supplementary Planning Document for House Extensions and Alterations¹ (SPD). On character and street scene, the SPD advises that extensions should be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally. The guidance also suggests that extensions should normally be subservient to and in keeping with the original building, and window openings should reflect the proportions and style of the existing. In these respects, the proposal would not conform to the SPD. Due to the forward projection of the garage the first floor extension and gable would appear as a very prominent feature in the street scene, despite the proposed use of bricks and tiles to match the existing dwelling. It would appear strikingly different to the other houses in the group. A nearby property, The Orchard has a large glazed gable facing towards the street. However, The Orchard is of a different design to the appeal property and does not form part of the group of houses of similar age and style, and therefore does not set a precedent for the proposal.
9. Whilst the Council has referred to a part of the guidance which discourages extensions that would extend forward of a building line, that would not strictly be the case since the proposed extension would come no further forward than the existing garage projection, even though at first floor. Whilst the SPD is guidance, it helps to amplify the design approach that is necessary to meet the adopted and emerging development plan policies.
10. The Upper Poppleton and Nether Poppleton Neighbourhood Plan² (the Neighbourhood Plan) requires that proposals should bring forward high quality design appropriate to the character and appearance of the villages.
11. I therefore conclude that the proposal would harm the character and appearance of the area, and the setting of the NPCA, and would therefore conflict with policies D1, D4 and D11 of the emerging Local Plan, and Policies GP1a) GP1b) and H7 of the City of York Development Control Local Plan 2005 and the associated SPD; and the Village Design Statement and Neighbourhood Plan. These policies require, amongst things, that proposals should be compatible with, and not cause harm to, the character and quality of an area, extensions to existing buildings should respond positively to the architectural context, and should be designed to respect the character and appearance of conservation areas and their setting. The proposal would also not conform with the Framework which requires that new development should be visually attractive and sympathetic to local character and improve the quality of an area.

¹ Approved December 2012

² made 19 July 2017

Other Matters

12. The Council has previously granted planning permission for a similar style of extension to a dwelling adjacent to the property. I have little detail on the proposal, however from the local authority reference provided it appears to date from around 2011 and has not been implemented. The planning permission may therefore have lapsed. The appellant states that the proposal involves a projection of 2.4 m to the front, whereas the previously approved extension for the other property would have protruded 2.6m forward of that property.
13. The Council has not provided me with an explanation of its position in respect of the previous planning permission. However, time has moved on and the development plan position has changed as a result of the emerging Local Plan. It is therefore not unreasonable for the Council to take a different stance with regard to the appeal proposal than that which it adopted in previously in respect the other property.
14. The Parish Council has confirmed support for the proposal, and there have been no objections from neighbours or other parties. I give some weight to the absence of objection and the expression of support, however these do not outweigh the concerns which I have identified regarding the effect of the proposal on the character and appearance of the area.
15. The Framework is clear that any harm to the significance of a designated heritage asset, such as the NPCA, requires clear and convincing justification. In the case of the proposal the harm, due to the effect on setting, would be classed as less than substantial. That does not mean that the harm would not be significant. It is therefore necessary to weigh the less than substantial harm against the public benefits of the proposal³. In view of the nature of the proposal any public benefits would be very limited and not sufficient to outweigh the importance which national and local policy gives to the conservation of designated heritage assets such as the NPCA.

Conclusion

16. For the reasons given the appeal is dismissed.

Tim Wheeler

INSPECTOR

³ National Planning Policy Framework February 2019 paragraph 196