
Appeal Decision

Site visit made on 4 February 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2020

Appeal Ref: APP/C2741/D/19/3240287

4 Orchard View, Skelton, York YO30 1YQ

- 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 Bainbridge against the decision of City of York Council.
 - The application Ref 19/01145/FUL, dated 3 June 2019, was refused by notice dated 21 August 2019.
 - The development proposed is described on the application form as '2 storey extension to rear and replacement/extension of front porch'.
-

Decision

1. The appeal is allowed, and planning permission is granted for two storey rear extension and porch extension to front at 4 Orchard View, Skelton, York YO30 1YQ in accordance with the terms of the application Ref 19/01145/FUL, dated 3 June 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 525-KB-LOCATION PLAN; 525-KB-01 Rev A; 525-KB-02 Rev C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The Council have described the development as 'rear extension and porch extension to front'. I note that the appellant has also utilised this description on their appeal form. I consider that the Council's revised description provides a succinct and accurate description of the proposal and I have therefore determined the appeal on the basis of the revised description.
3. The appellant has advised that following discussions with officers from the Council they no longer wish to include the proposed front porch extension that was included in the original application and they have submitted revised plans to show this. As a result, I have assessed the appeal scheme on this basis.
4. York City Council does not at this moment in time have a formally adopted statutory development plan. However, the overall aims of Policies GP1, H7 and HE3 of the draft York Development Control Local Plan 2005 (DCLP) are to

ensure that new development proposals improve the built environment, protect residential amenity, and conserve and enhance designated heritage assets and their character which are consistent with the overall aims of the *National Planning Policy Framework* (the Framework). Consequently, I have afforded them limited weight in this case. Similarly, I have also afforded limited weight to emerging policies D1, D4 and D11 of the York Local Plan Publication Draft February 2018 (PDLP) and the York House Extensions and Alterations Draft Supplementary Planning Document 2012 (SPD).

Main Issues

5. The main issues are:

- whether the proposed development would preserve or enhance the character or appearance of the Skelton Conservation Area; and
- the effect of the proposed development on the living conditions of the occupiers of no. 6 Orchard View having particular regard to matters of outlook.

Reasons

Character and Appearance

6. The appeal property is a two storey mid-terrace dwelling with a red-brick façade and historic cottage design situated within the historic core of the village of Skelton. The adjoining properties are also two-storey dwellings with similar designs. To the rear the appeal property has a modest single storey ground floor extension with a flat roof. The adjacent property (no. 3) has a two-storey rear extension close to the shared boundary. Another neighbouring property (no. 1) also appears to have a large two-storey rear extension of a similar height to that of no. 3 which given its orientation and location can be viewed from the highway. The other adjacent property (no. 6) has a conservatory to the rear which is located on the southern half of its rear elevation away from the shared boundary. To the rear of the appeal site there appears to be a substantial and comparatively more contemporarily designed extension to no. 12 The Village which is close to the shared boundary and clearly visible from both the rear garden of no. 4 and the highway.
7. The appeal property and the others on Orchard View are also located within the Skelton Conservation Area (CA). The surrounding area is predominately residential comprising dwellings of varying types and styles, all with a design complimentary to the historic context of their environs. There are also several large grassed areas containing mature trees in the immediate vicinity of the cottages on Orchard View which, along with the historic design of the buildings contribute to the area's historic character, giving it the feel of a traditional rural village.
8. The proposal relates to the construction of a two-storey rear extension to the appeal property that would replace its existing modest single storey flat-roof rear extension. The proposal would also have a similar design to that of the neighbouring property no. 3, use comparable materials and project a corresponding distance along the shared boundary. Consequently, (bearing in mind its design and scale), I consider the proposal to be in keeping with surrounding properties (and their extensions).

9. I note the points made by the Council that it would detract from the historic character of the terrace and the modest and uniform character of the cottages. However, given the form and style of the other cottages on the terrace, I consider the character of the terrace to be neither modest nor uniform. Indeed, given the form and scale of other surrounding properties I also consider that the proposal would complement their character and the 'varied yet cohesive' character of the CA as a whole¹. For similar reasons I also consider that the proposal would not irreparably alter the character of the cottages or appear visually dominant.
10. I also note the Council's points that the proposal would not appear subservient to the host property and that the SPD advises that two storey rear extensions to terraced properties with small back gardens are not generally acceptable due to a potential impact on neighbouring occupiers via the loss of amenity space for the dwelling being extended. However, as the proposal would not extend much further to the rear than that of the current ground floor extension, I consider that there would not be a significant loss of amenity space.
11. Furthermore, the SPD also states that extensions '*should **normally** appear subservient to, yet in keeping with, the original building*² and that any proposed extension should not '*dominate the house **or** clash with its appearance*³'. Consequently, given the above and the proposal's design in relation to the neighbouring extension I consider that it would appear complimentary and subservient to the terrace as a whole and not clash with the appearance of the existing dwelling. Moreover, I consider that the proposal would also improve the appearance of the existing building and replace the less well-designed ground floor extension⁴. In any event, the proposal would not be fully visible from the highway further reducing any potential visual impact.
12. As a result, I consider that the proposal would preserve the character of the CA in accordance with the aims of the Framework. I therefore conclude, on this main issue, that the proposal would be consistent with the preservation of the character of the Skelton Conservation Area and would accord with policies GP1, H7 and HE3 of the DCLP (approved April 2005), emerging draft Policies D1, D4 and D11 of the PDLP (February 2018) and the SPD (approved December 2012), which seek to ensure that new development proposals are well designed, do not cause damage to the character and quality of an area, and conserve and enhance designated heritage assets and their character, amongst other considerations.

Living Conditions

13. The closest windows on the rear elevation of no. 6 are located further from the shared boundary than those to the rear of no. 4 and this in combination with the relatively longer width of the property (no. 6) means that I consider that its occupiers would not feel unduly hemmed in by the proposal⁵. For similar reasons I also consider that the proposal would allow occupiers of these rooms a reasonable sight of the sky and afford them the opportunity to look an appropriate distance beyond it in accordance with paragraph 5.1 of the SPD.

¹ See Skelton Conservation Area Plan 201

² See criterion b) of paragraph 7.4 of the SPD

³ As per paragraph 7.1 of the SPD

⁴ As per criterion g) of paragraph 7.4 of the SPD

⁵ As per paragraph 5.3 of the SPD.

14. Accordingly, I consider that the proposal would not have an adverse visual impact when viewed from the rear windows of no. 6 closest to the shared boundary and that it would not appear visually dominant when viewed from these and the other rear windows of no. 6.
15. I note the Council's point regarding the differences in the style of the respective windows to the rear of nos. 4 and 6 meaning that in its view the potential impact of the proposal would be greater on the occupiers of no. 6 than the impact of the existing extension on the occupiers of no. 4. However, as outlined above, I consider that the potential impact of the proposal when viewed from these windows would be lesser and that consequently it would not have an adverse impact with particular regard to loss of outlook.
16. Consequently, I conclude, on this main issue, that the proposal would not cause unacceptable harm to the living conditions of neighbouring occupiers in accordance with the aims of the Framework and policies GP1 and H7 of the DCLP (approved April 2005), emerging draft Policies D1 and D11 of the PDLP (February 2018) and the SPD (approved December 2012) which seek to ensure that new development proposals do not have an adverse effect on the amenity of residents, amongst other considerations.

Conditions

17. In addition to the standard implementation condition, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision. I have also imposed a condition requiring the use of matching materials in the interests of the character and appearance of the area.

Conclusion

18. For the reasons set out above I conclude that the appeal should be allowed.

C Coyne

INSPECTOR