



Appeal Decision

Site visit made on 14 January 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2020

Appeal Ref: APP/C2741/W/19/3240514

46 Acaster Lane, Bishopthorpe, York YO23 2SJ

- 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 R Roberts against the decision of City of York Council.
 - The application Ref: 19/00540/FUL, dated 14 March 2019, was refused by notice dated 12 July 2019.
 - The development proposed is the erection of a single detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is part of the garden area of number 46 Acaster Lane, located to the side of the property adjacent to the junction of Acaster Lane and Ramsey Avenue. The site is on the edge of a predominantly residential area lying to the west of Acaster Lane, which is a primary route into and out of the settlement of Bishopthorpe.
4. For most of its length, beyond the historic core of the village around Main Street, Acaster Lane is characterised by mid-Twentieth Century housing development to its west side and playing fields and countryside to the east, apart from two streets of two storey, red brick and render, inter-war, housing opposite the appeal site. The housing fronting the west side of Acaster Lane consists of a large number of dwellings of a similar design, consisting primarily of semi-detached and detached dormer bungalows. These house types are replicated on the south side of Ramsey Avenue. The north side of Ramsey Avenue is formed of semi-detached bungalows of a different design, but identical to each other, with a small number of detached versions of the same house type. The streets leading off Ramsey Avenue to the north are similarly composed of these semi-detached and detached bungalows.
5. The homogeneity of the architecture and the regular spacing of the dwellings combines with deep front garden areas to give Acaster Lane an open and spacious appearance. Within the housing development to the west, open plan

- frontages and strong building lines give the streets a similar open character, despite being built up on each side.
6. To the south of the appeal site, beyond the junction of Acaster Lane with Garbett Way, there is a slight increase in design diversity and further to the south, more recent two storey housing, albeit in a similarly limited range of designs. However, the appearance of regularly spaced out housing and openness is retained.
 7. The appeal proposal would introduce a new, detached, dwelling adjacent to the donor property. This would echo the design of the detached dormer bungalows elsewhere in the area and I note that the Council do not have any objections in principle to the external appearance of the proposed new house.
 8. The proposed new dwelling would, however, be situated in front of the established building line to the south side of Ramsey Avenue which would make it a very prominent feature in the street scene when viewed from the west. Whilst the curtilage of the donor property may be separated from the curtilage of the first house in Ramsey Avenue by the access to an electricity substation located to the rear of both properties, as the appeal site is located at the junction of the two roads, I do not accept the appellant's proposition that the appeal site has no physical or visual relationship with Ramsey Avenue. On the contrary, as it is located at the entrance to the street, this area is intrinsically connected to the appearance of both roads.
 9. The gardens of number 46 Acaster Lane and number 2 Ramsey Avenue, on the opposite side of the junction, create an open area at the entrance to the street as well as contributing to the spacious character of Acaster Lane. The insertion of a new, two storey, building into this space would substantially diminish this sense of openness. I accept that, as originally built, the gable of number 2 Ramsey Avenue is closer to the highway than that of 46 Acaster Lane. Nevertheless, the gable wall of both existing corner properties follows the general alignment of the building line to each side of Ramsey Avenue and the existing arrangement forms a balanced composition with the remainder of the street. I saw on my site visit that this approach is also followed at other nearby junctions and that, typically, houses that were located at junctions were sited on larger plots. The appeal proposal would be inconsistent with this approach to the layout of the area.
 10. Even though number 2 Ramsey Avenue is closer to the highway, it is not located as close to the highway as the proposed new dwelling would be and, due to the proposed plot narrowing from front to back, the rear part of the proposed new dwelling would be significantly closer to the highway than the house opposite. This would further contribute to reducing the appearance of openness at the junction, both when entering from Acaster Lane and when viewed from the west along Ramsey Avenue.
 11. The present properties fronting Acaster Lane are regularly spaced and generally separated from their neighbours by the width of a driveway. The proposed new dwelling would have a noticeably smaller gap between it and the donor property, which would be inconsistent with spacing between properties elsewhere, and especially within the group of buildings between the junction with Ramsey Avenue and Garbett Way of which the donor property is a part. This group also currently displays a degree of symmetry with a pair of semi-detached properties flanked by two detached houses.

12. As a result of the above, although the appeal proposal would reflect the architecture of the surrounding houses and would be accommodated on a plot of not dissimilar size to other houses elsewhere, this plot would be notably smaller than other corner plots nearby. The introduction of driveways and parking to the frontage of both the proposed new dwelling and the existing house would diverge from the approach currently adopted at the donor property and other corner sites nearby, such as 2 Ramsey Avenue and 52 Acaster Lane, where the parking is located to the rear of the house. This would further disrupt the perceived symmetry of the group of buildings which includes the appeal site. As a result of this, the closer spacing to the donor property, and the proximity to the side boundary with Ramsey Avenue, the appeal proposal would appear cramped and inconsistent with the established pattern of development in the area. The appeal site is particularly prominent due to its main road location and this erosion of the spacious and open character of the area would be harmful to its character and appearance.
13. The National Planning Policy Framework (the Framework) expects new development to add to the overall quality of the surrounding area and be sympathetic to local character and the surrounding built environment. Although the Framework encourages efficient use of land, this must be taken in context with the other policies contained in it.
14. Policy GP10 of the Draft City of York Draft Local Plan 2005, referred to by the Council as the Development Control Local Plan (the DCLP), whilst not precluding subdivision of gardens, states that permission will only be granted where new development would not be detrimental to the character and amenity of the local environment. Although the 2005 Draft Local Plan was not formally adopted, the Council have approved it for development management purposes and, therefore, some weight can be given this policy as it remains relatively consistent with the policy in the Framework.
15. Policy H2 of the Publication Draft of the City of York Local Plan 2018 (the CYLP) addresses the density of new residential development and expects new development to respond to its context, and to be informed by the local character of the area. Policy D1 of the CYLP is a general design policy which seeks to ensure that new development respects and complements the historic arrangement of street blocks, plots and buildings, and to demonstrate that the resultant density of a development proposal will be appropriate to its neighbouring context. The CYLP not yet adopted and is currently undergoing examination and, as such, may yet be subject to change. However, as it is at a relatively advanced stage a moderate amount of weight can be given to these policies. For the reasons outlined above, the proposed development would not meet the requirements of these policies.
16. I have no evidence before me in respect of the Council's five year housing land supply position or delivery of housing against the Council's housing targets. Whilst the Framework seeks to significantly boost the supply of housing, one new dwelling would make only a modest contribution to this and the harm that I have found would be substantial and lasting. This would significantly and demonstrably outweigh the very small scale benefit of providing one additional house.

17. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of the Framework, Policies H2 and D1 of the emerging CYLP, or Policy GP10 of the DCLP.

Conclusion

18. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR