



Appeal Decision

Site visit made on 11 February 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2020

Appeal Ref: APP/C2741/D/20/3244653
59 Alness Drive, York YO24 2XZ

- 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 Don Mortimer against the decision of City of York Council.
 - The application Ref: 19/01869/FUL, dated 29 August 2019, was refused by notice dated 4 December 2019.
 - The development proposed is a first floor extension over existing garage to form annex to house.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The planning application form describes the proposed extension as 'First floor extension over existing garage to form annex to house inclusive of raised platform to rear elevation'. From the evidence, during the Council's consideration of the application, the proposal was amended to remove the raised platform at the rear of the extension and a proposed external access staircase. A proposed French door at first floor level in the rear elevation of the extension, accessing onto the external platform, was also omitted and the proposal was amended to incorporate a bedroom from the existing house, through which the proposed annex would be accessed. The Council determined the application based on this amended proposal and I have also determined the appeal on this basis. For the purposes of the appeal I have, therefore, amended the description used on the planning application form to omit the reference to the external platform.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupiers of number 30 Deveron Way, with particular regard to privacy and outlook.

Reasons

Character and appearance

4. The appeal building is a modern, detached, two storey house within a large housing estate. The house has an attached garage to the side with a pitched roof and which is set back from the main front elevation of the house. The rear wall of the garage is level with a ground floor rear addition to the house but projects beyond the line of the first floor level main wall. The appeal building is located on a corner site with a pair of pair of semi-detached bungalows to the rear that are set at an angle relative to the appeal building due to a sharp bend in the road they are sited on.
5. The wider surrounding area is comprised of modern dwellings laid out around a series of distributor roads and culs-de-sac. These are predominantly, detached, two storey dwellings with smaller numbers of semi-detached houses and bungalows. The dwellings are of a diverse range of designs and external appearance, although there are number of groups of properties that share design similarities and a common palette of materials which reflect the various phases of development of the wider housing area. In general, the dwellings in the area are relatively closely spaced and have parking and garden areas to the front. The area has an informal approach to layout, creating irregular building lines that loosely frame the streets following the lines of the road layouts.
6. When read together, Policies DL1 and DL11 of the Publication Draft of the City of York Local Plan 2018 (the CYLP) and Policies GP1 and H7 of the Draft City of York Draft Local Plan 2005, referred to by the Council as the Development Control Local Plan (the DCLP), expect, among other matters, that new development is of a high standard of design that has regard to its context. They also seek to ensure that, in the case of extensions to dwelling houses, the design and materials are sympathetic to the original dwelling and the design and scale are appropriate in relation the main building. More detailed guidance on the design of house extensions are set out in the City of York Council: House Extensions and Alterations Draft Supplementary Planning Document 2012 (the SPD), which is to be read alongside the more general design policies above.
7. The National Planning Policy Framework (the Framework) also seeks to ensure that new development is of a high design quality which would add to the overall quality of an area, is visually attractive, and is sympathetic to local character.
8. The CYLP is not yet adopted and is currently undergoing examination. As such, it 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. 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 to the policies referred to as they remain broadly consistent with the policies in the Framework.
9. The SPD states out that side extensions should normally be subservient to the main house, which can be achieved by setting the ridge height of extensions lower than that of the house and setting the front elevation behind the front wall of the existing house. The SPD goes on the state that, typically, a two-storey extension should not exceed around 50% of the width of the original

house. It is common ground that the appeal proposal generally meets these requirements.

10. Due to the layout of the estate, there are several instances where the rear elevation of the property is visible from the public domain and contributes the overall appearance of the street scene. The appeal building is one such building and, due to the configuration of the carriage way of Deveron Way and the positions of the bungalows at numbers 28 and 30, the rear elevation is a very prominent feature in views from the north west from Ashmeade Close and along Deveron Way to its junction with Alness Drive. The current roof over the attached garage of the appeal building wraps around the rear of the property to continue over the existing rear addition, integrating the garage with the main house. The lower level of the garage roof also provides visual continuity between the lower bungalow dwellings at 28 and 30 Deveron Way and the bungalow dwellings opposite the appeal building on Alness Drive. This results in a well balanced composition of buildings in the street scene.
11. The main new roof over the proposed extension would follow the same pitch as the main roof. However, it would also incorporate a secondary roof with a further lower ridge, perpendicular to the main ridge, terminating in a new gable on the rear elevation of the extension. In addition, the side wall of the extension has been inset from the side wall of the existing garage below, with the garage wall and extension wall linked by a section of pent roof running the length of the inset. The new first floor extension would project beyond the main rear wall of the house and would be juxtaposed with the existing single storey rear addition. As a result of the various roof planes, ridge heights and the side inset, the proposed extension would not have a cohesive appearance and would not appear well integrated with the existing house, particularly the rear elevation, despite including timber detailing and windows similar to those on the existing house.
12. The appeal building is in a prominent corner location and the rear elevation and the part of the building that would be extended is very visible. The addition of the large proposed extension, which would have a visually disjointed appearance, would disrupt the current visual continuity in roof forms and would be an incongruous addition to the street scene. This would be harmful to the character and appearance of the area.
13. Whilst I accept that the proposed extension meets the general guidance for side extensions set out in the SPD, good design goes beyond merely ticking boxes on a checklist. The relationship of the various components of the proposed extension to each other and to the original building, and how the resulting whole relates to its particular context must also be considered. It is this latter element of the design process which is determinative in this case.
14. 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 GP1 and H7 of the DCLP and draft Policies D1 and D11 of the CYLP.

Living conditions of the neighbouring occupiers

15. To the rear of the appeal building is a pair of semi-detached bungalows, that are located at an angle to the rear elevation of the appeal building. I was able to visit the property at number 30 Deveron Way, which is the closest of the

pair, when I visited the site and view the appeal building from the garden area of this house.

16. The appeal proposal would result in the existing dwelling being enlarged above the garage to the side at first floor level. Although the appeal property and number 30 Deveron Way share a common boundary, number 30 Deveron Way is not located directly behind the appeal building but is offset with the result that, in effect, the rear boundary of the appeal building is the side boundary of number 30.
17. There would be two windows in the rear elevation of the proposed extension, one of which would serve a bathroom, and the other a kitchen area. There are no windows to habitable rooms on the main side elevation of number 30, with the closest part of this house being an attached garage. The bungalow has been extended to the rear by way of a sun lounge, that has a large extent of glazing. I saw when I visited the site that, due to the relative positions and orientation of the two buildings, that any potential overlooking from the windows in the rear of the proposed extension would be primarily to the side and front of number 30. Any overlooking of the rear elevation and garden would be at an extreme angle which would severely limit opportunities for casual overlooking.
18. This notwithstanding, the appellant has stated that the bathroom window would be fitted with opaque glazing and that he would not have any objections to the kitchen window also being fitted with opaque glazing to prevent any potential overlooking. The proposed extension would be dual aspect with windows to both the front and rear. The annex would also incorporate an existing bedroom from the original house. In these circumstances the proposed annex would receive sufficient light and would have an acceptable outlook even with opaque glazing in the rear windows. The fitting of opaque glazing to the rear facing windows of the extension could be secured through a planning condition which would result in the degree of overlooking being no greater than occurs at present from existing first floor rear windows in the appeal building.
19. The proposed extension would not be visible from windows to the front or rear of the main part of number 30 Deveron Way. There would be some direct views of the extension from the side elevation of the sun lounge extension to this property. However, from what I saw during the site visit, as a result of the distance between the sun lounge and the proposed extension, this would not be perceived as unduly overbearing either from within the sun lounge or from the garden of the neighbouring property. Due to the relative positions and orientation of the two properties, the proposed extension would not significantly reduce the outlook from the rear of number 30 to the degree that it would be harmful. It is not suggested that the proposed extension would cause any loss of sunlight or daylight to the neighbouring property.
20. I therefore conclude that the proposed development would not cause harm to the living conditions of the occupiers of number 30 Deveron Way, with particular regard to privacy and overlooking. It would comply with the relevant requirements of the Framework; Policies GP1 and H7 of the DCLP; draft Policy D11 of the CYLP; and the SPD which seek to ensure that new development does not cause harm to the living conditions of the occupiers of neighbouring properties in terms of daylight, sunlight, privacy and outlook.

Other matters

21. The SPD is generally supportive of the provision of residential annexes where they would be in scale with the original dwelling and occupied by direct relatives of the family in main house. In this case the proposed annex would be occupied by the appellant's son. The grounds of appeal set out that the annex is required to allow the son to provide live in care for his elderly father. No evidence has been submitted in respect of any medical or other conditions that would require live in care, or the nature of the care that would be provided. Nor is there any evidence that would indicate that the provision of accommodation that can be occupied on a self-contained basis is required, particularly as a bedroom is to be provided for the annex from the accommodation within the original house.
22. Within this context and in the absence of any evidence relating to the care needs of the appellant, this point would not overcome the other harm that I have found, or indicate that planning permission could be granted for a proposal that would cause lasting harm to the character and appearance of the area.

Conclusion

23. I have found that the proposed development would cause harm to the character and appearance of the area. This harm would be significant and permanent. Although I have not found that harm would be caused to the living conditions of the occupiers of a neighbouring residential property, this does not overcome the other harm that I have found.
24. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR