



Appeal Decision

Site visit made on 23 June 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2020

Appeal Ref: APP/C2741/D/20/3251855

61 - 63 Long Acres, Osbaldwick Village, Osbaldwick, York YO10 3NP

- 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 & Mrs Grant against the decision of City of York Council.
 - The application Ref 19/02743/FUL, dated 20 December 2019, was refused by notice dated 19 March 2020.
 - The development proposed is conversion, repair and extension to existing outbuildings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council dealt with the proposal on the basis of revised drawing nos. 049SOVY 204 Rev D and 049SOVY 205 Rev F and so shall I. Updated CGI visualisations have been provided as part of the appeal submission to reflect the revised drawings. Given these visualisations do not alter the scheme on which the Council based its decision, I am satisfied that no party would be prejudiced by me taking this information into account.
3. The development plan comprises of the saved policies of the Yorkshire and Humber Regional Spatial Strategy and neighbourhood plans. However, the decision notice does not rely on these documents and refers to policies in the City of York Draft Local Plan Incorporating the Fourth Set of Changes (2005) (DLP) and the City of York Local Plan - Publication Draft (2018) (LPPD). The evidence before me indicates that neither of these documents have been formally adopted and the LPPD is still going through the examination process. I am unaware of any outstanding objections or requirements for modifications. Accordingly, I have only been able to attribute limited weight to these policies in the determination of the appeal.

Main Issue

4. The main issue is whether or not the development would preserve or enhance the character or appearance of the Osbaldwick Conservation Area (CA).

Reasons

5. 61 - 63 Long Acres is a two-storey C19 dwelling with attached outbuildings to the rear. It is set within the CA the significance of which derives from the semi-rural setting, the surviving elements of its medieval layout, the focal point of the village green and those elements of the built environment which are of

traditional form and layout. The Council's Osbaldwick Conservation Area character statement notes amongst other things that development to the north side of the green 'retains a cohesive appearance, with a range of traditional houses and cottages sited close together or linked, and outbuildings extending behind them down the narrow plots'. The outbuilding on the appeal site is consistent with these characteristics and its simple two-storey scale and form make a positive contribution to the character and appearance of the CA.

6. Even accounting for the retention of the dentil course and a timber lintel at first floor level, the width and height of the extension would dominate the main façade of the outbuilding. The proliferation of rooflights in the proposed and existing roofslopes would appear cluttered. The proportions of the glazed areas to the side gable would also appear discordant with the traditional character and appearance of the outbuilding. Consequently, the development would diminish the positive contribution the outbuilding makes to the CA. The detrimental effect of the development would be appreciable in views within the CA, both from the public right of way on Galligap Lane and from first floor windows serving some of the neighbouring dwellings that are accessed off Galligap Lane.
7. The appellant claims that historic maps may indicate that a lean-to extension previously existed. However, I am not persuaded by the evidence before me that any such extension would have had a similar dominating effect on the main façade of the outbuilding.
8. S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I must pay special attention to the desirability of preserving the setting of the CA. Accounting for the position and scale of the development in the context of the wider setting of the CA, the proposal would result in less than substantial harm to the significance of the heritage asset. In accordance with Paragraph 196 of the National Planning Policy Framework (the Framework) less than substantial harm should be weighed against the public benefits of the proposal. I find that any windows that may have been added to the outbuilding over time do not disguise the prevailing characteristics of the outbuilding which are its scale and form. Consequently, I only attach limited weight to any benefits to the appearance of the CA that might be derived from the removal of any later window additions. I therefore find that the less than substantial harm identified would not be outweighed.
9. I conclude that the development would not preserve or enhance the character or appearance of the CA. Consequently, the development would fail to accord with guidance in the Framework which requires great weight to be given to the conservation of designated heritage assets and states that any harm to an asset should require clear and convincing justification.
10. In addition, there would be conflict with Policies D1 (Placemaking), D4 (Conservation Areas) and D11 (Extensions and Alterations to Existing Buildings) of the DLP and Policies GP1 (Design), H7 (Residential Extensions), HE2 (Development in Historic Locations) and HE3 (Conservation Areas) of the LPPD which include amongst other things requirements that seek to preserve heritage assets. These are a material planning consideration which also weigh against the proposal.

Other matters

11. The Council has not raised concerns in respect of the relationship of the proposal with neighbouring living conditions. From what I saw on site, I find no reason to conclude differently. However acceptable living conditions would be of neutral consequence in the overall planning balance.

Planning Balance and Conclusion

12. In the absence of adopted development plan policies which are most important for determining the appeal, paragraph 11 (d) of the Framework is engaged. However, the development would conflict with the Framework insofar as, amongst other things, it seeks to protect designated heritage assets. This provides a clear reason for refusing the development in line with paragraph 11(d) (i) of the Framework. There are no other material considerations that would outweigh the conflict identified.
13. I therefore conclude that the appeal should be dismissed.

M Russell

INSPECTOR