



Appeal Decision

Site visit made on 9 June 2020

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/C2741/D/20/3247040

58 Barley Rise, Strensall, York, YO32 5AA

- 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 Mark and Selena Saville against the decision of City of York Council.
 - The application Ref 19/02513/FUL, dated 25 November 2019, was refused by notice dated 22 January 2020.
 - The development proposed is alteration and extension to bungalow to create two storey side extension and single storey rear extension. Increase width of single garage and provision of pitched roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is no local development plan for York. The Council approved the Development Control Local Plan (DCLP) for development control purposes in April 2005. This document and its policies do not form part of a statutory development plan for the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004, but can form material considerations in determining planning applications. The Council refers to DCLP Policies H7 and GP1 in relation to design and residential extensions and the draft SDP "House Extensions and Alterations" (the draft SDP). The Council also refers to Policy D11 of the City of York Publication Draft Local Plan 2018 (PDLP) regarding extensions and alterations to existing buildings, which was submitted for examination on 25 May 2018. Given its stage of preparation, I afford limited weight to this emerging policy.
3. I also note that the Site Block Plans (Drawings 440-02A and 440-06B) show the neighbouring properties 56 and 60 marked incorrectly but I was aware of this prior to my site visit and I was able to accurately assess the appeal proposal.

Main Issues

4. The main issues in the appeal are the effect on the character and appearance of the host property and the area, and the biodiversity of the site in respect of bats.

Reasons

Character and Appearance

5. The property is situated in a fairly modern, neat and well-kept residential estate. The estate is a mix of bungalows and two-storey houses predominately constructed of buff and red coloured brickwork, with some more limited elements of white rendering, and largely white or black window frames, doors and fascia. The house types follow no consistent pattern across the estate, and the plot sizes are also mixed, although properties are set within gardens of varying sizes and generally with a low front boundary treatment.
6. The host property is a small bungalow constructed of buff brickwork set in a relatively large plot which stretches down to the river at the rear of the garden, and with a detached flat roofed garage at the end of a drive on the south side of the site. The neighbouring properties on each side are also bungalows as are all of the dwellings on this stretch of Barley Rise, from the neighbouring No. 60 to the junction at Chaldon Close and beyond (although of mixed designs). There are also bungalows on the opposite side of the Barley Rise to the south. The houses opposite the site to the north on Barley Rise and on Corncroft are two-storey and there is again a mix of style and design.
7. The proposal to increase the height of the property to create a two-storey house with the additional side-extension will undoubtedly increase the scale and massing of the building. However, the size of the plot can accommodate the layout proposed without causing harm to the street scene or character and appearance of the area. The estate already consists of a variety of house types with an apparently fairly random mix of bungalows and two-storey houses which works well as a whole providing the overall character of the estate. The size and layout of the proposed development would not look out of place in the street or immediate vicinity because the character of the estate is in part influenced by the mix of house type and size creating an overall homogenous effect.
8. However, the materials proposed to be used in the development are very different to the materials used in the vicinity. Whilst there is some white rendering used on other houses in the estate, and indeed present on the immediate neighbour No. 56 and No. 54, this is to a much lesser degree than is proposed on the development. In addition, the proposed grey composite cladding at first floor level on all external walls and grey coloured PVCU windows, doors, fascia and soffit would look markedly different to the materials seen on the rest of the estate. The proposed materials would look incongruous in the street scene and would be detrimental to the character and appearance of the area. The proposed materials are a fundamental element of the design and it would therefore be inappropriate to impose a condition to allow these to be agreed with the Council at a later date.
9. The proposal would materially harm the character and appearance of the area. The Council has said that the development would be contrary to the design aims of Policy D11 of the PDLP and Policies H7 and GP1 from the DCLP and the draft SDP in that it would fail to respond positively to its neighbouring buildings and the local character and I do attach some weight to them and find that the proposal would be contrary to their aims. Section 12 of the National Planning Policy Framework 2019 (and particularly paragraphs 127 (c) and 130) attaches great importance to achieving well-designed places which are sympathetic to

local character including the surrounding built environment. This is a material consideration to which I attach significant weight and I find that the proposal is contrary to this aim.

Biodiversity

10. Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Surveys need to be carried out before planning permission is granted and should only be required where there is a reasonable likelihood of species being present.
11. Other than citing the proximity of a river, no site specific observations have been provided regarding any evidence of bats actually being present. I was able to see from my site visit that the roof is constructed of interlocking tiles with PVC fascia and guttering and with no obviously disrepair. No evidence has been provided to indicate that there is a reasonable likelihood of bats being present in the property. It is not therefore proportionate to require a bat survey in this case and I do not find that the proposal would be unacceptable or contrary to policy (including the submission draft Policy G12 from the PDLF or the Framework) for failing to conserve and enhance biodiversity.

Other Matters

12. I have taken account of the personal circumstances of the appellants and their family and given them due weight. However, this does not outweigh the harm that I have identified above to the character and appearance of the area.

Conclusion

13. I have identified substantial harm to the character and appearance of the area and I therefore conclude that the appeal is dismissed.

Zoë Franks

INSPECTOR