



Appeal Decision

Site visit made on 24 June 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2020

Appeal Ref: APP/C2741/W/19/3243628

Land rear of Manor Court, Lawrence Street, York YO10 3EU

- 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 Mrs C Rogers of Property Management (York) Ltd against the decision of City of York Council.
 - The application Ref 19/00887/FUL, dated 30 April 2019, was refused by notice dated 31 July 2019.
 - The development proposed is the erection of 1no. dwelling with associated works (revised scheme).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity and precision, I have taken the description in the banner heading above from the appeal form and decision notice as it more succinctly and accurately describes the appeal scheme than that given on the application form.
3. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy, which set out the general extent of the York Green Belt. However, these policies are not relevant in the context of this appeal.
4. Both main parties refer to the City of York Publication Draft Local Plan 2018 (the Emerging Plan) and to the City of York Draft Local Plan 2005 (the 2005 Draft LP), which has been approved by the Council for development control purposes. However, the Emerging Plan has not yet been found sound, and neither of these plans have been formally adopted by the Council. Therefore, I have given them both little weight in the determination of this appeal.

Main Issues

5. The main issues of this appeal are the effect of the proposed development on:
 - the character and appearance of the appeal site and surrounding area; and,
 - the living conditions of existing and future occupiers.

Reasons

Character and appearance

6. The appeal site is an area of land to the rear of Manor Court that used to accommodate an amenity/play area for its residents. I am informed that this

amenity/play area was removed by the appellant after a series of incidents of anti-social behaviour. The site is hard surfaced and largely appears as part of the wider resident's car park serving Manor Court.

7. The proposed development would be in the form of a 2-storey house, contemporary in design. Access to the dwelling would be taken at ground level and then both the ground floor and first floor would be accessed internally from a number of steps. The ground floor would comprise of 2no. bedrooms and a bathroom, whilst a living and kitchen area would be situated at first floor. Externally, I am informed that the facing surfaces would be constructed out of brickwork to match Manor Court and the roof would be constructed out of metal sheets.
8. Externally, a full height window serving Bedroom no.1 at ground floor and the living/kitchen area at first floor would be located on the south elevation. A high-level window would be located on the west elevation serving Bedroom no.2 and a modern 'oriel' style window (the oriel window) would be located on the north elevation, with glazing only located within its sides. Additionally, the submitted drawings indicate the installation of roof lights.
9. The appellant refers to paragraph 131 of the National Planning Policy Framework (the Framework). Whilst I acknowledge that the proposed development has some innovative features, I do not consider that it would fit in with the overall form and layout of its surroundings. The site is modest, and constrained by existing development, particularly the existing car park spaces at Manor Court.
10. The plot size of the appeal scheme in this location appears significantly smaller than the surrounding properties. Whilst the adjacent properties are in the form of blocks of flats and a guest house, they are, nonetheless all situated in generous plots relative to their size. This gives a distinct sense of spaciousness and ordered pattern of development to the immediate surroundings. The generous plot sizes contribute to a regular rhythm of development, making a positive contribution to the surrounding area.
11. In the context of the area surrounding the appeal site, the appeal scheme would be distinctly at odds with the character of its neighbours, as it would appear discordant in its location and more cramped in its appearance. It would by reason of its limited visual connection to the street also have a significant adverse impact on the character of the wider area. This would be contrary to the requirements of paragraph 127 of the Framework.
12. For the reasons given above, I therefore conclude that the proposed development would have a significant harmful effect on the character and appearance of the appeal site and surrounding area. Consequently, the proposed development would fail to accord with the design, character and appearance aims of Policy D1 of the Emerging Plan and the requirements of the Framework.

Living conditions

13. The proposed dwelling has been designed so that the full height feature window at the front of the property would provide the main source of outlook to the living/kitchen area and to Bedroom no.1. The oriel window at first floor on the north elevation would largely provide an additional source of light to the

kitchen/living area. Whilst this would generally result in a single aspect in the proposed dwelling, I do not consider that the living conditions of future occupiers would be significantly compromised by this arrangement.

14. The main window would provide a notable amount of light and views across the car park towards the existing amenity area, whilst the oriel window and roof lights would supplement the first floor with additional light. Even if the roof lights were not installed, I still consider the internal conditions would be satisfactory for future occupiers. The high-level window serving Bedroom no.2 would again provide satisfactory living conditions for future occupiers. Although, I do consider that the proposed cycle store is poorly sited in relation to this window. However, I find that this matter could be rectified by the imposition of a suitably worded condition.
15. Due to the constrained nature of the site, little private amenity space would be provided, and the development would be sited close to the existing car parking spaces. I observed during my visit cars parked adjacent to the site in spaces no's 3 and 4. I have little doubt that the proximity of parked vehicles, associated with neighbouring residents would be in proximity to habitable room windows of the proposed development, with particular regard to Bedroom no.1, which would result in potential harmful effects on the living conditions of future occupants with particular regards to noise, disturbance and odours from the motor vehicles.
16. Additionally, I note the location of the proposed new car parking space for the development, which would be partially located under existing windows in Manor Court. Although, the proposal represents one parking space, I am not satisfied that existing occupiers would not receive any harmful effects to their living conditions from a vehicle being formally parked in proximity to their windows, where a number of windows were open during my visit.
17. There is some dispute regarding the site and its former use as a playground between the appellant and interested parties, including the reasons surrounding its removal. Nonetheless, Whilst I acknowledge that the site has been cleared, it still contributes to the overall communal amenity area at Manor Court. Thus, whilst I acknowledge the assertion from the appellant that the site is underutilised, on the evidence before me, I cannot be certain that the site is no longer required to serve existing residents. Although, a scheme of enhancement to the outside amenity area directly behind Manor Court has been proposed, on the details before me, I am not convinced that such a scheme would offset the loss of the site.
18. For the reasons given above, I therefore conclude that the proposed development would have a significant harmful effect on the living conditions of existing and future occupiers. Consequently, the proposed development would fail to accord with the living condition and amenity aims of Policy D1 of the Emerging Plan and the requirements of the Framework.

Other Matters

19. Concerns have also been expressed about the way that the Council handled the application, but this does not affect the planning merits of the case. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Planning Balance and Conclusion

20. Given the status of the development plan, as set out above, paragraph 11.d) of the Framework is engaged. This means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. However, my findings in this case are that the identified harm in respect of character and appearance, and living conditions is significant. These are matters which significantly and demonstrably outweigh the relatively limited, albeit positive, social and economic benefits derived from the construction of a single 2-bedroom house, its subsequent occupation and the modest contribution to the Council's housing supply/delivery position, amongst other things. This would conflict with parts of the environmental and social objectives set out in paragraph 8 of the Framework. Thus, the proposal does not constitute sustainable development.
22. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR