



Appeal Decision

Site visit made on 4 August 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 August 2020

Appeal Ref: APP/C2741/D/20/3253084

2 Malton Way, York YO30 5SG

- 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 James Walker against the decision of City of York Council.
 - The application Ref 19/01922/FUL, dated 5 September 2019, was refused by notice dated 27 March 2020.
 - The development proposed was initially described as *'demolition of the existing garage, and erection of 2-storey side extension containing garage and play-room to ground floor and two bedrooms to the first floor'*.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 2 Malton Way, York YO30 5SG in accordance with the terms of the application, Ref 19/01922/FUL, dated 5 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: JSA 45 SP; JSA 45 01 and JSA 45 02 Rev D.
 - 3) Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall thereafter be carried out using the approved materials.

Procedural Matters

2. The Publication Draft Local Plan (PDLP) was submitted for examination in May 2018. Although at an early stage in its preparation, weight can be afforded to its provisions, albeit that that weight is limited. The Council adopted the Development Control Local Plan (DCLP) in 2005 for development control purposes. I am advised that the DCLP does not form part of the statutory development plan but that its policies are capable of being material considerations and can be afforded some weight in the determination of planning applications. I have determined the appeal accordingly.
3. The application was initially described in the terms set out in the banner heading above. I have however adopted the usefully more concise description set out in the Council's decision notice in my decision above. In so doing, I am

satisfied that neither party would be prejudiced by use of a revised description in this manner.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Clifton Conservation Area.

Reasons

5. The appeal property is located within the Clifton (Malton Way / Shipton Road) Conservation Area (CA). The extent of the CA is described as based upon an enclave of housing on Malton Way and fronting Shipton Road, with smaller residential culs-de-sac leading off each. Dating to the 1920's, the housing within the CA was laid out to the designs of Barry Parker (with Sir Raymond Unwin) displaying characteristics and features of the 'garden suburb' movement.
6. The appeal property itself was rebuilt in the 1940's following a destructive air-raid in 1942. The appellant has identified a range of detailed areas in which the appeal property differs from the original dwelling on site and to those elsewhere within the CA, but from my observations of the site and surrounding area the design, character and appearance of No. 2 is broadly consistent with other properties on Malton Way.
7. The brief synopsis and description of the CA's character, appearance and setting provided by both parties describes Malton Way as having a leafy landscape. Upon entry into Malton Way from either Shipton Road or Rawcliffe Lane, the avenue of mature trees set within generous grass verges and front garden hedges creates a spacious, verdant sylvan setting. The houses, despite their broad similarities, vary in terms of their form, scale and massing and between detached and semi-detached properties.
8. It strikes me however that the prevailing sense of spaciousness along Malton Way in particular is derived more from the tree lined avenue and generous grass verge than the spaces around and between the houses themselves. The hedge-lined front gardens contribute to this but the spaces between properties vary and, on the whole, tend not to be generous. The CA synopsis describes the houses as being seen more in glimpses than in their entirety, which from my observations strikes me as an accurate description, but which also holds true in terms of the spaces around and between the houses.
9. There are of course exceptions; to the side of No. 8 and between No. 2 and 33 Rawcliffe Lane but I do not consider these to be representative and they instead reflect the transition of layout between streets rather than defining the layout and character of Malton Way. There is a larger gap present at first floor level between Nos. 2 and 4 than is typical between properties on the opposite side of Malton Way, but the existing garage – detached, but appearing attached to it from the roadside by virtue of a length of linking wall – closes the gap somewhat between Nos. 2 and 4.
10. The proposed two storey extension would be a sizeable addition to the property. It would, however, be well set back from the front of the existing house. Although the extension would inevitably reduce the totality and extent of the gap between Nos. 2 and 4, it would be inset from the front and side

elevations of the existing garage and would not be a prominent feature on the host building or within the Malton Way streetscene.

11. Nor, for these same reasons, would the proposal cause harm to the character or appearance of the CA. As noted above and described in the brief character statement for the CA, much of the CA's character is derived from the street's alignment, its narrow carriageway, the generous grass verges and the avenue of trees. Houses are glimpsed within this attractive sylvan setting, whilst the garden hedges and good sized gardens contribute to the sense of spaciousness derived from the street frontage.
12. The proposed extension would reduce the space between Nos. 2 and 4, particularly at upper floor level. However, the resulting spacing between them would not be incongruously limited or cramped. Instead, the extension's generous set back from the front of the existing house and its hipped roof would retain the prevailing rhythm of street's roofscape, whilst the resulting spacing would not be out of keeping with that around houses on the opposite side of the street. The space between Nos. 2 and 4 would be reduced but would not, for these reasons, harm the character or appearance of the CA or the features from which it derives its fundamental character or appearance.
13. Nor would the flanking nature of the extension be at odds with the form and style of houses within the CA. Houses within the street, although linked by a consistency of approach to design and materials and an ordered layout along the street, display variation in scale and form and in the rooflines along Malton Way, which are noted as being 'interesting yet contrived'. The proposed extension would be seen from the front as a well-proportioned addition to the side of the house. In longer views along the street, it would be a glimpsed and discrete addition to the side and rear of the host property. It would not be the prominent and dominant addition feared by the Council, whilst the resulting roof form would at once reflect the hipped roof style present whilst also adding to the 'interesting yet contrived' roofscape present within the CA.
14. Thus, for the reasons I have set out, the proposed extension would not cause harm to the features from which the CA's character is derived. Whilst I accept that the extension would reduce the space between Nos. 2 and 4, this would not undermine the spacious overall feel of the road which is primarily derived from the generous grass verges, straight tree lined avenue, garden hedges and consistent building line. Views of the extension would be glimpsed through the mature tree canopies whilst the remaining gap between Nos 2 and 4 would not be incongruously tight or the properties incongruously cramped as a consequence.
15. The proposal would preserve the character and appearance of the Clifton Conservation Area, conservation of the significance of which should be given great weight, in accordance with the aims of the Framework and also in accordance with PDLP policy D4 and DCLP policy HE3. There would also be no conflict with PDLP policies D4 and D11 and DCLP policies GP1 and H7, or the Council's 'House Extensions and Alterations' Draft Supplementary Planning Document. Together these seek to ensure that development proposals, including extensions, are well designed and of high quality, respect the local environment and be of a scale, design and layout compatible with the buildings, space and character of the surrounding area.

Conditions

16. In addition to time limit and approved plans conditions, which are necessary in order to provide certainty, I agree that a materials condition is necessary in the interests of character and appearance and that to achieve that, samples of the proposed external materials should be submitted prior to construction commencing. No further conditions have been suggested, nor have I been presented with any compelling arguments to justify the imposition of further conditions.

Conclusion

17. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR