



Appeal Decision

Site Visit made on 26 October 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/C2741/D/20/3256822

117 Dringthorpe Road, York YO24 1LF

- 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 Neil Watson against the decision of City of York Council.
 - The application Ref 20/00593/FUL, dated 23 March 2020, was refused by notice dated 17 July 2020.
 - The development proposed is raising of roof to create loft conversion.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Publication Draft Local Plan (emerging LP) was submitted for examination in May 2018. Although at an early stage in its preparation, weight can be afforded to its provisions, albeit that weight is limited. The Council's decision notice also refers to policies in the City of York Draft Local Plan 2005 (DLP), and the Supplementary Planning Document 'House Extensions and Alterations' (SPD). Neither have been formally adopted, but are capable of being material considerations and can be afforded some weight in the determination of planning applications insofar as they are consistent with the National Planning Policy Framework (the Framework).

Main Issue

3. The main issues are (i) the effect of the development on the character and appearance of the area; and (ii) upon the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and privacy.

Reasons

Character and appearance

4. A key feature of the estate is the uniformity of the height and slope of the main roofs. This attribute adds positively and distinctively to the character and appearance of the area. Where there is any variance, these are in the minority. The appeal property and neighbouring houses are representative of this character.
5. The proposal would increase the height, roof pitch and overall size of the roof, thereby significantly altering its proportions. The sizeable roof and its steep pitch would be markedly at odds with the surrounding houses and thus

would appear incongruous when viewed from both the street and neighbouring properties. Consequently, the development would detract from the overall quality and character of its surroundings.

6. I therefore conclude that the development would cause unacceptable harm to the character and appearance of the area. This would be contrary to the design objectives in paragraph 127 of the Framework, which seeks to ensure new development is visually attractive, maintains a strong sense of place and adds to the overall quality of the area. It would also be contrary in these respects to the requirements of Policies D1 and D11 of the emerging LP; Policy H7 of the DLP and the SPD guidance on roof alterations.

Living Conditions

7. The appeal property closely overlooks properties to the side and rear. Although the window in the gable end facing No 115 could be obscure glazed, it would be very large and capable of being opened. These factors, together with the close proximity to No 115 would, at the very least, lead to the impression of being overlooked. The increase in the height of the gable would not in itself be oppressive, but due to the gable window, the development would have an oppressive effect on the outlook from the windows and garden of No 115.
8. The three rooflights to the rear would be large and set at a low height. However, due to the angle of the roof and the degree of overlooking from existing upper floor windows, they would not lead to any significant increase in loss of privacy to the occupiers of neighbouring properties.
9. I conclude that the development would cause unacceptable harm to the living conditions of the occupiers of No 115 in respect of outlook. This is contrary to paragraph 127 of the Framework where it requires development to provide a high standard of amenity for existing and future users. It is also contrary to Policies D11 of the emerging LP; Policy H7 of the DLP and the SPD guidance, which similarly require development to protect the living conditions of neighbours.

Conclusion

10. For the reasons given, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR