



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/W/20/3256830

Ashcroft House, Cinder Lane, York YO31 7TP

- 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 Shaun Yeomans against the decision of City of York Council.
 - The application Ref 20/00827/FUL, dated 27 April 2020, was refused by notice dated 7 July 2020.
 - The development proposed is described as conversion of outbuilding to granny flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice refers to Policies of the Publication Draft Local Plan (emerging LP), which 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.

Main Issues

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 privacy.

Reasons

Character and appearance

4. I am informed that the appeal building was a former stable of 66 Heworth Green, a historic property located further to the north. It is now associated with Ashcroft House, which was constructed in the garden of No 66 sometime around 2018. Unlike No 66, the building is not within the Heworth Conservation Area, but it nevertheless has considerable character and some architectural interest. Its form, materials and visually distinctive features, including the curved corner wall, chimney and original openings on the eastern elevation are important components of its character. These attributes add positively and distinctively to the character and appearance of the area.
5. Although buildings in the area have both hipped and gable roofs of different materials, replacing the hipped slate roof with a concrete tile gable roof, would substantially alter the form and character of the distinctive appeal

building. Moreover, retention of the curved wall does not appear to be compatible with the gable alteration and indeed, it is not shown on the elevation drawings. The replacement dormer window would be set down from the ridge, but would nevertheless be a dominant feature within the roof due to its width and boxy form. In addition, the number and size of rooflights, in combination with the large dormer, would result in the eastern roofslope having a cluttered appearance in stark contrast to the simple character of the existing building. The harm to the character and appearance of the building would be further exacerbated by the loss of the distinctive chimney and the insensitive treatment of the original openings in the eastern elevation. Whilst the alterations to the openings would be largely screened from street views by the boundary wall, they would be visible from the upper floor windows of the flats to the east.

6. Overall, the alterations would not be sympathetic to the age and character of the building. This would, in turn, harmfully diminish the positive contribution that the building makes to the character and appearance of the area.
7. I therefore conclude that the development would cause unacceptable harm to the character and appearance of the area. This would be contrary to the good design objectives in paragraph 127 of the Framework, which seeks to ensure new development is visually attractive, sympathetic to local character and history, maintains a strong sense of place and adds to the overall quality of the area. It would also be contrary in these respects to Policies D1 and D11 of the emerging LP, which amongst other things, require development to achieve a high quality of design and to contribute positively to the local character and townscape.

Living conditions

8. The flats to the east contain numerous windows facing towards the appeal building. Whilst there is an existing dormer window in the building, it does not serve habitable accommodation. I am informed that the separation distance to the proposed bedroom-serving dormer window in the appeal building would be around 11 metres. Even in a compact urban setting, this falls significantly short of reasonable expectations for maintaining privacy. It also represents a significant reduction in the current window-to-window separation that exists for the flats. Thus, the proposal would be likely to lead to a material loss of privacy to the occupiers of those flats.
9. I therefore conclude that the development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties through loss of privacy. 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 Policy D11 of the emerging LP, which among other things, requires development to protect the living conditions of neighbours.

Other Matters

10. The application is for ancillary accommodation to Ashcroft House, which is the basis on which I have determined the appeal. The development would meet the needs and circumstances of the appellant's family. There would be employment created at the construction stage, albeit at a very small scale and short-term. These considerations do not outweigh the significant harm that would be caused by the development.

Conclusion

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

A Caines

INSPECTOR