



Appeal Decision

Site visit made on 6 October 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2020

Appeal Ref: APP/C2741/D/20/3257497

4 Farrar Street, York YO10 3BZ

- 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 Dr Dykes against the decision of City of York Council.
 - The application Ref 20/00585/FUL, dated 21 March 2020, was refused by notice dated 19 May 2020.
 - The development proposed is rear 1st floor extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The effect of the proposal upon 1) the character and appearance of the host dwelling and rear street scene and 2) the living conditions of occupants of 6 Farrar Street and 1 Regent Street with particular regard to dominance and outlook.

Reasons for the Recommendation

Character and appearance

4. No. 4 is a two-storey end of terrace dwelling with a single storey rear offshoot located on Farrar Street in York. Farrar Street is a narrow laned street characterised by blocks of two-storey dwellings with single storey rear offshoots of matching material with the main building and narrow alleys between buildings for access to the rear. The rear of properties on the street are enclosed with high traditional brick walls and the properties on the side of the street as the appeal property share a rear boundary with bungalows on Regent Street.
5. Despite the high walls at the rear, the proposed first floor extension at the rear of no.4 would quite visible from Regent Street via the cul-de-sac at the side of No.1. The external cladding material which would not match the external material of the host property and the entire block would appear as an alien

addition to the host property. It would be at odds with the traditional architectural detailing of the existing property and would be an incongruous addition to streetscene.

6. The appellant has referred to properties with varied materials on Regent Street and around the corner on Lawrence Street. As observed on my visit to the site, the examples on Regent Street are of a purpose built apartment block where timber cladding has been applied to the side elevation of the third storey roof space design as part of a range of materials in the development. It is a modern design that is not comparable to the traditional red brick terrace at the appeal site. Similarly, the timber cladding at Lawrence Street appears to have been a deliberately planned element forming part of the palette of materials in a comprehensive redevelopment scheme. As such, the timber in that context appears as a planned part of the surroundings rather than an unusual or incongruous addition, as would be the case in the appeal proposal where the cladding would be seen against the backdrop of a uniformly red-brick terrace.
7. I find that the proposed materials would significantly harm the visual appearance of the host dwelling and is inconsistent with the established character of the street. Accordingly, there would be conflict with the aims and objectives of the National Planning Policy Framework (NPPF) and Policies D1 and D11 of the City of York Publication Draft Local Plan (2018), policies GP1 and H7 of the City of York Development Control Local Plan (2005).
8. The policies seek amongst other things to ensure that the design and materials of residential extensions are sympathetic to the main dwelling and the locality of the development.
9. I recognise that the appellant put forward cladding as a design alternative after the Council had refused to determine a repeat application for an extension on the basis that a reduced proposal incorporating brick would not be dissimilar to other proposals that had been refused and dismissed at appeal. The appellant has suggested that alternative materials could be secured by condition if cladding is considered to be unacceptable.
10. Conditions can be used to overcome harm but should not result in a scheme that is substantially different to that proposed and considered by the Council. To do so could prejudice the Council, or other parties, who may wish to comment. The change from cladding to an alternative material would be quite a substantial change and I have reservations as to whether that is something that could be imposed via condition. In any event, even if that could be achieved it would not alter my overall recommendation on account of my findings relating to living conditions, as set out below.

Living conditions at No. 6 Farrar Street and 1 Regent Street

11. The proposed first floor rear extension would be constructed on top of the rear offshoot at the boundary with no.6 Farrar Street. It would be noticeable from the first-floor bedroom and ground floor dining windows to the rear of No. 6 as well as rear garden and from the kitchen area of No.1 Regent Street. Due to its height, depth and proximity, directly on the shared boundary with No.6, the proposal would have an unduly dominant appearance, which would be overbearing when viewed from these windows.

12. The rear yards of the terrace are of an enclosed nature and limited size, and the bulk and massing of the proposal would unduly exacerbate the sense of enclosure to the rear of No 6. The small rear yard is the only external amenity space and the physical presence and overbearing impact of the extension would severely impair the ability of neighbouring residents to enjoy the outdoor environment. I recognise that the depth of the extension has been reduced from previous proposals but am of the view that the amendments are not sufficient to overcome the concerns in this regard.
13. Furthermore, the proposal would also project towards the boundary with the rear of 1 Regent Street. Although the extension would be offset from the rear of No 1, the rear garden area of this bungalow is of a limited depth and the proposal would result in an extension of a significant height projecting above the site boundary. Due to the close-knit arrangement of the properties, this would result in an obtrusive and over dominant feature when viewed from the rear of No 1.
14. The appellant refers to the first-floor extension at No.62 Farrar Street which was approved on appeal¹ and is of slightly more depth than the proposal. The Inspector in that appeal considered that the affected window at no. 60 did not serve a habitable room, and No 64 already had a rear first floor extension similar to the extension proposed at no.62. He concluded that the positioning of this extension to the south and its greater separation from the extension proposed on the far side of No 60 would prevent any harmful loss of sunlight or daylight, or overbearing visual impact or loss of outlook for the residents of No 64 within either their house or garden.
15. In addition, I note that the rear yards/ gardens of the properties on this side of Farrar Street become progressively shorter as one moves north. The amenity space to the rear of Nos. 62 and 64 is substantially greater than the small yards to the rear of the appeal site and the neighbouring dwelling. The bungalow to the rear is also far closer than the dwellings to the rear of No. 62. Consequently, the circumstances are not directly comparable regardless of the reduction in depth.
16. I find that the proposal would have a materially harmful effect upon the living conditions of occupants of no. 6 Farrar Street and 1 Regent Street. Consequently, there would be conflict with the aims and objectives of the NPPF, Policies D1 and D11 of the City of York Publication Draft Local Plan (2018), policies GP1 and H7 of the City of York Development Control Local Plan (2005) which amongst other things seek to that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

Conclusion and Recommendation

17. I recognise that the proposal would create a modernised living space for the appellant, but those personal benefits do not outweigh the harm that I have identified above. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

¹ APP/C2741/A/07/2062083

APPEALS PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR