



Appeal Decision

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

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/C2741/D/20/3257395 30 New Walk Terrace, York YO10 4BG

- 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 Simon Broadbent against the decision of City of York Council.
 - The application Ref 20/00735/FUL, dated 24 April 2020, was refused by notice dated 24 June 2020.
 - The development proposed is demolition of a non-original 20th century lean to single storey WC extension to the ground floor rear elevation; provide a new single storey rear extension to accommodate kitchen and dining area; form new openings at ground floor to the existing two storey offshoot; construct a new flat roof over the extended area with flat rooflight and full height glazing to ground floor facade.
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Decision

1. The appeal is allowed, and planning permission is granted for the Demolition of a non-original 20th century lean to single storey WC extension to the ground floor rear elevation; provide a new single storey rear extension to accommodate kitchen and dining area; form new openings at ground floor to the existing two storey offshoot; construct a new flat roof over the extended area with flat rooflight and full height glazing to ground floor facade at 30 New Walk Terrace, York YO10 4BG, in accordance with the terms of the application 20/00735/FUL dated 24 April 2020 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans numbered: AL(00)001 – Site Location Plan Red Line Boundary, AL(10)005 -Proposed Rear Extension Proposed General Arrangement Plans and AL(20)004 – Proposed Rear Extension Plan, Section & Elevations.
 - 3) Other than the increases in height shown on the approved plans to enable the rear extension, none of the boundary walls enclosing the site shall be lowered or breached, or any existing opening enlarged.
 - 4) The external surfaces of the development hereby permitted shall be constructed in materials specified in the approved plans.

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 Issue

3. The appeal site is located within the New Walk/Terry Avenue Conservation Area (the 'CA'). The main issue is whether the proposed development would preserve or enhance the character or appearance of the CA.

Reasons for the Recommendation

4. No.30 is a three-storey mid-terraced dwelling with a two-storey rear offshoot located at New Walk Terrace in York. It forms part of a block of five three-storey Georgian terraced dwellings, also with two-storey rear offshoots. The properties on this block are set in long linear plots with front gardens which front New Walk Terrace, and long rear gardens which extend to high rear boundary brick walls on Sandringham Street.
5. The long rear gardens along with the two-storey rear offshoots which are constructed in traditional brown brick with slate roofs, white timber framed regularly placed multi-pane sliding sash windows establish the character at the rear of this terraced block which contributes to the quality of the CA. The block is however not listed.
6. I observed on the site visit that the rear boundary prevents any views at street level of the rear elevation of the five terraces. The gate is also fully boarded preventing views into the rear of the property.
7. Thus, the proposed single storey rear extension would not be visible from any vantage point on Sandringham Street and any impact on the visual appearance of the host property and the terraced block would be minimal. Furthermore, the marginal increase in projection of the proposed rear extension beyond the existing offshoot will align with the neighbouring extension at no 29, thus still maintaining a building line and thus would not appear so incongruous when viewed from a neighbouring window.
8. There is precedent at no.28 where there is a wide rear extension which has been built with contemporary materials. This also is not visible to the public as observed on the visit to the site.
9. Contrasting lightweight materials can be used successfully when extending historic buildings, and the approach in this instance would not be at odds with the linear form and character of the property and the block. The contemporary design and materials would create a clear distinction between the original building and the extension, resulting in an appropriate design.
10. No. 31 has a more dominant two-storey partly rendered extension which wraps around the side and rear and appears prominent when viewed from New Walk Terrace, Sandringham Street and New Walk by the River Ouse.
11. I find that the proposed new single storey rear extension would preserve the character of the CA. Accordingly, I find no conflict with the National Planning Policy Framework, emerging policies DP2, D4, D11 and DP3 of the City of York Publication Draft Local Plan (2018).
12. These seek amongst other things to ensure that proposals within or affecting a Conservation Area are designed to preserve or enhance the special character and appearance of the Conservation area and would enhance or better reveal its significance.

Conditions

13. Other than the statutory condition relating to the commencement of work it is necessary, in the interests of clarity, to attach conditions to ensure that the development is constructed in accordance with the plans submitted with the application as well as materials specified in these plans. I do not find it necessary for samples of the external materials to be used to be submitted to and approved in writing by the Local Planning Authority prior to any above ground works as materials are already specified in the plans.
14. It is also necessary to attach a condition which prevents lowering or breaching of boundary walls or enlargement of existing openings in order to protect the character and appearance of the conservation area and to protect visual amenity. I have edited this condition, as the requirement to seek prior written consent of the Local Planning Authority is not precise and leaves room for ambiguity.

Conclusion and Recommendation

15. For the reasons given above and having had regard to evidence before me, I recommend that the appeal should be allowed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

16. 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 allowed.

K Taylor

INSPECTOR