



Appeal Decision

Site Visit made on 23 November 2020

by John Dowsett MA, DipURP, DipUD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/C2741/D/20/3257924

11 Cayley Close, York, YO30 5PT

- 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 Mrs Louise Maule against the decision of City of York Council.
 - The application Ref: 20/00589/FUL, dated 23 March 2020, was refused by notice dated 19 May 2020.
 - The development proposed is described as: Extension and alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal building is a two storey, end of terrace, house forming part of a terrace of 6 similar properties. Cayley Close is comprised of several short terraces of houses, initially all of the same design, arranged around a short cul-de-sac with garage courts leading from it. The wider surrounding area is also residential in nature, consisting of detached houses and bungalows which share some of the design features of the properties in Cayley Close. The houses in the immediate vicinity of the appeal building, on Cayley Close and Milton Carr, exhibit a generally rectangular plan form with simple massing and roof forms. The terraced nature of the houses on Cayley Close and the close spacing of the houses on Milton Carr has resulted in very few additions or alterations other than to the rear of the properties, giving the area a cohesive and consistent visual appearance.
4. Due to the end terrace location and the configuration of the highway, the appeal building has a garden area to both the rear and side. The garden area is enclosed to the side boundary by a high timber fence that is located at the rear of the footway to the side of the property and returns to join the front elevation of the dwelling.
5. The appeal proposal consists of a two storey side extension to the property that would continue at ground floor level, beyond the rear of the house, to become a single storey extension across the whole of the rear elevation. The width of the first floor element of the proposed side extension would be less than that of the ground floor part and a shallow pitched roof, continuing from the roof plane of the rear extension, would run between the respective side walls of the ground floor and first floor sections.

6. When read together, Policies DL11 of the Publication Draft of the City of York Local Plan 2018 (the CYLP) and Policies GP1 and H7 of the Draft City of York Draft Local Plan 2005, referred to by the Council as the Development Control Local Plan (the DCLP), expect, among other matters, that new development is of a high standard of design that has regard to its context. They also seek to ensure that, in the case of extensions to dwelling houses, the design and materials are sympathetic to the original dwelling and the design and scale are appropriate in relation to the main building. More detailed guidance on the design of house extensions are set out in the City of York Council: House Extensions and Alterations Draft Supplementary Planning Document 2012 (the SPD), which is to be read alongside the more general design policies above.
7. The National Planning Policy Framework (the Framework) also seeks to ensure that new development is of a high design quality which would add to the overall quality of an area, is visually attractive as a result of good architecture, and is sympathetic to local character and the surrounding built environment. The Framework is also clear that permission should be refused for development of poor design that fails to take the opportunities of improving the character and quality of an area.
8. The CYLP is not yet adopted and is currently undergoing examination. As such, it may yet be subject to change. However, as it is at a relatively advanced stage, a moderate amount of weight can be given to these policies. Although the DCLP was not formally adopted, the Council have approved it for development management purposes. Notwithstanding that the DCLP predates the publication of the Framework, the policies referred to are broadly consistent with the policies within it and, therefore, some weight can be given to them.
9. The SPD states that side extensions should normally be subservient to the main house, which can be achieved by setting the ridge height of extensions lower than that of the house and setting the front elevation behind the front wall of the existing house. The SPD goes on to state that, typically, a two-storey extension should not exceed around 50% of the width of the original house.
10. The ridge of the roof of the proposed side extension would be set down very slightly from the ridge of the roof of the main house and would follow the same alignment. The front wall would be set back approximately 0.2 metres from the main front wall of the block. The side extension is shown as maintaining the same eaves line to the front and rear as the roof of the existing house. It is clear from the submitted drawings that, because of this, whilst the front roof plane would be at the same pitch as the main roof, the rear roof plane would not. As the line of the rear eaves would be carried through, the resulting visual effect would be of a roof plane that appears continuous at eaves level, but which then deviates as it rises towards the ridge. This would be an incongruous feature that would visually disrupt the long continuous roof plane to the rear of the terrace. Because of the relative positions of the terrace containing the appeal building and that to the rear, at numbers 15-25, the rear of the appeal building and the adjoining houses are clearly visible in views from Cayley Close and the current, continuous, roof plane is a prominent feature.
11. In terms of its overall width, the proposed side extension would exceed 50% of the width of the original house. Whilst I note the appellant's point that the first floor element would be narrower, this part of the proposal is not physically or

functionally severable from the scheme as a whole and would not be perceived separately. The submitted drawings do not show the return section of fence from the side boundary to the existing front corner of the building being retained at its present length and, consequently, the entire frontage of the proposed extension would be visible. In addition to this, the narrower width of the first floor and the incorporation of the section of secondary roof would result in a massing and built form that would be inconsistent with the simple, vertical, massing of the surrounding properties.

12. The proposed set back of the side extension from the front façade would be very slight but, nonetheless, would provide some visual separation of the extension from the main façade of the terraced block. However, due to the overall width, the minimal set down of the ridge and the continuous rear eaves, the proposed side extension would not appear as a subservient addition to the original house. In combination with the incongruous effect on the rear roof plane of the block and the inconsistency of the built form with the otherwise cohesive appearance of the surrounding area, the proposed side extension would be harmful to the character and appearance of the area.
13. My attention has been drawn to two other side extensions to end terraced properties in the same street. I do not have the full details of these extensions, or the circumstances that lead to them being accepted. This notwithstanding, I saw that number 2 Cayley Close occupies a larger plot than the appeal building. I also observed that the extension that has been constructed at that property is set notably further back from the main frontage of the terrace and that the ridge height is also significantly lower than that of the appeal proposal. Additionally, this extension is also set in from the line of the main rear wall of the property and the windows also follow the horizontal emphasis of those in the original house and the remainder of the terrace. As such it appears as a subservient and well-proportioned extension, with the design informed by the characteristics of the surrounding area.
14. The extension at number 42 Cayley Close is a significantly smaller extension that is set a considerable distance back from the main front wall of the house and has a much smaller roof, the rear plane of which continues seamlessly from the rear roof plane of the terrace. This property also occupies a less conspicuous location within the street than the appeal building.
15. Whilst I accept the appellant's proposition that these extensions are now part of the character of the street, from what I saw, neither is directly comparable to the appeal proposal and I do not consider that either provides a persuasive precedent for the appeal proposal.
16. I note that the Council has not raised any specific concerns in respect of the rear, ground floor, element of the proposal. I observed that several other nearby properties have been extended to the rear. From what I saw and from what I have read, I would agree with the Council's position regarding the ground floor rear element. Nevertheless, this element is not severable from the other parts of the scheme, which has to be considered as a whole. I have also noted that the Council have no concerns in respect of the effect of the development on the living conditions of the occupiers of the neighbouring properties. However, neither of these points lead me to a different conclusion.
17. As neither the CYLP or the DCLP have been formally adopted, the proposal must be considered in the context of Paragraph 11 d) of the Framework which

sets out that in the absence of any relevant development plan policies, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

18. I have identified that the appeal proposal would cause harm to the character and appearance of the area, which would conflict with the policies in the Framework which expect high design quality. This harm would be significant in the context of the immediately surrounding area and would endure for the lifetime of the development.
19. Planning is primarily concerned with land use in the public interest. The appellant has not identified any specific public benefits that would be derived from the proposal. I have had regard to the appellant's personal circumstances as set out in the evidence, and it is clear that the provision of additional living space would be a benefit to her family. This is, however, predominantly a private benefit. Whilst the Framework seeks to enable and support health lifestyles, in the context of Paragraph 91, it is not directly addressing housing quality. The expectation of the Framework that housing should be provided that meets the needs of different groups is concerned with the delivery of new homes, rather than the alteration of existing ones. Within this policy context, I can give little weight to the appellant's personal circumstances.
20. The adverse impacts of granting planning permission for the appeal proposal would, therefore, significantly, and demonstrably outweigh the benefits.
21. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of the Framework, or Policy DL11 of the CYLP and Policies GP1 and H7 the DCLP.

Conclusion

22. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR