
Appeal Decision

Site visit made on 8 March 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021

Appeal Ref: APP/C2741/W/20/3264139

Felindre House, Sandy Lane, Stockton-on-the-Forest, North Yorkshire YO32 9UR

- 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 and Mrs S Stack against the decision of City of York Council.
 - The application Ref 20/01420/FUL, dated 11 August 2020, was refused by notice dated 28 October 2020.
 - The development proposed is a new build two bed dwelling to rear of Felindre House.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The City of York Council does not at this moment in time have a formally adopted statutory development plan. However, the overall aims of Policies GP1 and Appendix E of the draft York Development Control Local Plan 2005 (DCLP) are to ensure that new development proposals improve the built environment, protect residential amenity, and ensure highway safety which are consistent with the overall aims of the *National Planning Policy Framework* (the Framework). Consequently, I have afforded them limited weight in this case. Similarly, I have also afforded limited weight to emerging policies D1, D11 and T1 of the York Local Plan Publication Draft February 2018 (PDLP).
3. Since the submission of the appeal a new set of Housing Delivery Test (HDT) results have been published. These results do not significantly alter the position of the Council in relation to their overall housing delivery status at the time the appeal was lodged and their requirement to have a 20% additional buffer as highlighted by the appellant in their statement of case. Consequently, I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the living conditions of the neighbouring occupiers of 'The Birches' having regard to matters of outlook; and
 - the effect of the proposed development on highway safety.

Reasons

Living Conditions

5. The appeal property is a large two storey detached dwelling with a part two storey and part single storey rear extension and a further large single storey rear double

- garage extension beyond this. There is also timber decking to its side and rear. The proposal would create an additional further rear single storey extension to accommodate a new two bedroomed dwelling that would be attached to this garage. The proposed dwelling would re-use a small portion of the existing garage.
6. The adjacent neighbouring property 'The Birches' is a detached bungalow with a single storey rear extension. It also has a ground floor window on its rear elevation which is close to the shared boundary with Felindre House. There is also a detached single-storey outbuilding in the back garden of The Birches. According to the appellant's statement the rear projection of the proposal would begin approximately 6 metres from the rear elevation of The Birches, and it would be approximately 2 metres from the shared boundary. In addition, according to the Council's Officer Report the proposal would have a rear projection of approximately 15 metres beyond the rear of the existing garage which itself currently projects a good distance to the rear of The Birches.
 7. Consequently, the proposal would project a significant distance backwards beyond the rear of The Birches and be quite close to the shared boundary. As a result, given its location, length, scale and massing, the proposal would be likely to have a significant adverse impact due to a loss of outlook from the ground floor window on the rear elevation of The Birches and also from the rear amenity/garden space of this property. This impact would also be exacerbated by the presence of the existing ground floor rear extension to The Birches and the outbuilding in the back garden which would in combination with the proposal cause an increased sense of enclosure for the occupiers when using the ground floor room to the rear of the property, their existing rear extension and their back garden.
 8. I acknowledge that there is a boundary fence with an approximate height of 1.8 metres and a semi-mature tree close to the shared boundary. However, while these may screen the proposal and thereby somewhat mitigate any visual impact they would only add to the loss of outlook and increased sense of enclosure that the proposal would likely cause.
 9. I also acknowledge that there would be a gap of approximately 2 metres between the proposal and the shared boundary with The Birches. However, given the scale of the proposal and the increase it would cause to the bulk of the overall built form of Felindre House, particularly to the rear, this distance is not sufficient to adequately mitigate, overcome or outweigh the harm that would be caused by the increased sense of enclosure and the overbearing nature of the development.
 10. I therefore conclude that the proposed development would materially harm the living conditions of the neighbouring occupiers of 'The Birches' having regard to matters of outlook. Consequently, the proposal would fail to meet the requirements of Policy GP1 of the DCLP and Policy D1 of the PDLP. It would also conflict with paragraphs 127 f) and 130 of the Framework which aim to ensure good design and create places with a high standard of amenity for current and future users, amongst other considerations.

Highway Safety

11. The existing double garage to the rear of Felindre House would be re-used as parking for the proposed two bedroomed dwelling. An additional three car parking spaces would be provided to the front of Felindre House to meet the needs of the existing occupiers of that property.
12. In the Officer report the Council express a concern in relation to the width of the vehicular access and driveway to the double garage describing the turning and manoeuvring space for the proposed dwelling as being 'extremely tight'.

13. However, the proposed arrangement would not be very different from the existing one where according to the evidence, two vehicles currently access and egress the double garage without incident. Furthermore, the Highway Authority have not objected to the proposal and from the evidence before me I see no reason to disagree.
14. I therefore conclude that the proposal would not materially harm highway safety. As a result, the proposal would not conflict with policies D11 and T1 of the PDLP and Appendix E of the DCLP. It would also not conflict with paragraph 130 of the Framework in this regard.

Other Matters

15. The proposed development would provide an additional house and a social benefit. There would also be some economic investment from both its construction and subsequent occupation. However, given the small scale of the proposed development, these benefits would be limited and as a result they would not be of sufficient weight to outweigh the harm I have identified above.
16. I note that the Council's supply of specific deliverable housing sites includes a 20% additional buffer in accordance with the requirements of Paragraph 73 and footnote 39 of the Framework, and that according to the 2019 HDT results the Council had delivered approximately 81% of their housing requirement at that time¹. I also note that according to the 2020 HDT results² the Council are still required to include a 20% additional buffer in their supply of specific deliverable sites having delivered approximately 84% of their housing requirement. However, as the Council have delivered more than 75% of their housing delivery target as per paragraph 215 c) of the Framework, the presumption in favour of sustainable development as per footnote 7 and paragraph 11 d) of the Framework is not triggered in this case.
17. An interested party has raised a concern in relation to fowl sewerage at the appeal site. However, I have no substantive evidence showing that any potential sewerage issues would result from the proposal. In any event, as I am dismissing the appeal on other substantive grounds, I have not considered this matter further.

Planning Balance and Conclusion

18. The lack of unacceptable harm the proposal would cause in relation to highway safety and its limited benefits do not overcome or outweigh the material harm it would cause to the living conditions of neighbouring occupiers. Therefore, the proposal would not accord with the Framework when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within it. Therefore, for the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR

¹ 13 February 2020

² 19 January 2021