



Appeal Decision

Site visit made on 5 January 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/C2741/D/21/3283586

30 Cherry Wood Crescent, Fulford, York YO19 4QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Steven Robinson against the decision of City of York Council.
 - The application Ref 21/01387/FUL, dated 5 June 2021, was refused by notice dated 3 August 2021.
 - The application sought planning permission for a single storey side extension without complying with a condition attached to planning permission Ref 21/00199/FUL, dated 11 May 2021.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following plans:- Drawing No. 1 Rev. B (Dated 19th April 2021) - Proposed Extension.
 - The reason given for the condition is: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect that varying the condition would have on the character and appearance of the host dwelling and the area.

Reasons

3. The appeal property is a detached single storey dwelling with accommodation in the roof space, occupying a corner plot on a small cul-de-sac that forms part of Cherry Wood Crescent. The crescent comprises a mix of detached and semi-detached dwellings which are mainly bungalows with pitched roofs to the front elevations. The condition in dispute relates to a planning permission granted for an extension to the property.
4. The planning permission describes the development as a single storey side extension. However, the extension would be to the gable elevation that contains the front door as well as the driveway, and during determination, its design was amended to a full height continuation of this gable end. The appellant now wishes to amend the design of the extension. The proposed development would comprise a single storey extension rather than a full height one, with a hipped roof that would sit just below the sill of the existing upper window in the gable end.

5. The use of a hipped roof together with its shallow pitch would have a poor relationship with the gable end of the property when viewed from the side, south east, elevation and with the relatively steep pitched roof of the front, north east, elevation. The roof would be clearly visible given its location on the property, the extent of its outward projection and its width across the full extent of the gable end. Despite being single storey, the proposed extension, due to its design, would be an incongruous and overly prominent feature on the host dwelling that would significantly detract from its appearance. The use of matching materials would not adequately mitigate this.
6. Given the location of the property on a corner plot, the proposed extension would be visible from Cherry Wood Crescent. The hipped roof and shallow pitch would be markedly at odds with the other dwellings in the immediate vicinity. It would therefore appear as an anomalous feature when viewed against the surrounding properties and would significantly harm the distinctive and cohesive character of the street scene.
7. The effect of the approved extension on the skyline of the crescent would not be harmful given its sympathetic design with the existing property. Although the appeal scheme is a single storey extension, its design would have a more harmful effect on the character and appearance of the area.
8. Other houses in the immediate vicinity have been extended to the front or side, with a number including porches and roof dormers, which are different in nature to the appeal scheme. Furthermore, the nearby house extensions do not change my view that shallow pitch hipped roofs are not a key element of the character of the area in proximity to the property.
9. The Council identified that the proposed extension would project beyond the building line established by the nearby semi-detached properties. However, it would not significantly exceed this building line and would have a similar projection as the approved extension. Furthermore, there is already some variety in the building line on this part of Cherry Wood Crescent given the location of the properties around the hammerhead of the cul-de-sac. Whilst not finding harm in this regard, it does not alter my conclusion about the harm arising from the design of the proposed extension.
10. For the above reasons, I find that the proposed development would be significantly harmful to the character and appearance of the host dwelling and the area. As such, it would be contrary to Policy GP1 of the City of York Draft Local Plan Incorporating the 4th set of changes Development Control Local Plan 2005 (the DCLP). This policy requires development to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area amongst other matters. It would also be contrary to Policy H7 of the DCLP which supports residential extensions where the design and materials are sympathetic to the main dwelling and locality and the design and scale are appropriate in relation to the main building, amongst other matters.
11. The proposed development would be contrary to Policy D1 of the City of York Local Plan - Publication Draft, 2018 (the PDL) which states that development proposals that cause damage to the character and quality of an area will be refused. It would also be contrary to Policy D11 of the PDL which supports proposals to extend existing buildings where the design responds positively to

its immediate architectural context and local character in terms of scale and proportion, amongst other matters.

12. Neither of these documents have been formally adopted as part of the development plan. However, the overall aims of Policies GP1 and H7 of the DCLP are to promote high quality design and to respect or enhance the character of the local environment, 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. The PDLP has been submitted for examination. I have also afforded limited weight to Policies D1 and D11 of the PDLP.
13. The proposed development would also conflict with the guidance in paragraph 12.2 of the Supplementary Planning Document, Draft House Extensions and Alterations, 2012 (the SPD). This advises that care should be taken to ensure that the design of side extensions harmonises with the property. It would also be contrary to the design objectives of the Framework.
14. The Council's reason for refusal on its decision notice refers to a conflict with the advice in paragraphs 12.6 and 12.7 of the SPD. These paragraphs provide guidance on side extensions, including the spacing between dwellings and ensuring there is no detrimental effect on the street scene arising from significantly projecting beyond a clearly defined building line. Given my findings on the building line set out above, there would be no conflict with the advice in these paragraphs.

Other Matters

15. I note the lack of objection from the Parish Council and occupiers of neighbouring properties. However, this does not outweigh the harm I have identified.
16. The appellant contends that the appeal scheme would cause less overshadowing than the approved extension due to its lower height. However, the Council did not consider that the approved extension would have an unacceptable effect in terms of overshadowing of neighbouring properties. The fact that the proposed extension would be of a lower height would not therefore weigh in its favour in this regard.
17. There is no evidence to suggest that solar panels could not be fitted to the roof of the approved extension. Additional material would be required to construct the approved extension compared to the appeal scheme. However, the overall difference in the carbon footprint of the two schemes would not be such to outweigh the harm I have identified.
18. I appreciate the appellant's concern about the implications for the configuration of the property with the approved extension. However, this would not justify the harm that the appeal scheme would give rise to.

Conclusion

19. The proposed development would significantly harm the character and appearance of the host dwelling and the area, conflicting with Policies GP1 and H7 of the DCLP, Policies D1 and D11 of the PDLP, the design objectives of the Framework and the guidance in paragraph 12.2 of the SPD. For the above

reasons, having taken account of all relevant material considerations, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR