



Appeal Decision

Site visit made on 22 February 2022

by C Megginson

an Inspector appointed by the Secretary of State

Decision date: 8th March 2022

Appeal Ref: APP/C2741/D/21/3287585

9 New Lane, Bishopthorpe, YORK, YO23 2QS

- 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 Sophie Le Calvez against the decision of City of York Council.
 - The application Ref 21/01211/FUL, dated 17 May 2021, was refused by notice dated 6 October 2021.
 - The development proposed is a single storey flat roof rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

- The effect on the character and appearance of the host property and the area;
- The effect upon the living conditions of the occupiers of the neighbouring residential properties at 8 and 10 New Lane, with particular regard to outlook; and
- The effect upon the living conditions of the occupants of the appeal property, having particular regard to outdoor amenity space provision.

Reasons

Character and appearance of the host property and the area

2. The appeal site forms part of a terrace row of two storey dwellings at the end of a small lane. The terrace is divided into two rows, with a vehicular access road accessing the rear of the properties separating them. The rows feature front gardens, surrounded by fences and hedges, and rear yard areas, surrounded by a variety of brick and hedge boundary treatments. Rear outbuildings are common at the bottom of the yards, as are single storey lean to rear extensions. Across the rear lane are garages and further outbuildings.
3. The appeal site has an existing glazed single storey lean to extension to the rear. This ties in at either side to similar lean to extensions on No 8 and No 10. The side boundaries with No 8 and No 10 are well maintained high hedges. The rear outbuildings of the appeal property and No 10 are joined and this creates a more enclosed feel.
4. Whilst the rear of the properties in New Lane have a wide variety of extensions and outbuildings, the overall traditional nature of the street with rear yards featuring small outbuildings remains, and adds to the character and

appearance of the area. This character is beyond what the appellant describes as 'utilitarian' and 'a rear service area'.

5. The appeal proposal would extend to the rear, across the full width, and full length of the rear yard, up to the existing outbuilding. It would feature a flat, green roof with roof lantern, facing brickwork and a modern composite door with side glazing. In the context of the terrace, this would be distinctly at odds with the appearance of neighbouring dwellings. It would result in an incongruous and dominant form of development that would have a significant adverse effect on the character and appearance of the host property and the terrace, when viewed from the rear lane. Whilst I recognise that the appeal site is only visible within a small local context, this does not detract from the harm identified.
6. My attention is drawn to existing extensions at Numbers 2, 3, 4 and 10 New Lane. However, while extensions at Numbers 2 to 4 appear to be full length, they did not appear to be of a full width and so left space in the rear yards alongside them. The arrangement at No 10 still leaves a reasonable area of rear yard, contrary to the proposal. I do not consider therefore that any of these examples provide a precedent in this case.
7. I therefore conclude that the proposed extension would unacceptably harm the character and appearance of the host property and the area. This would be contrary to Policies D1 and D11 of the Publication Draft City of York Local Plan (2018) and Policies GP1 and H7 of the City of York Development Control Local Plan (Draft Local Plan Incorporating the 4th set of changes) (2005) which seek to ensure good design that responds positively to local character. It would also be contrary to the City of York Draft Supplementary Planning Document 'House Extensions and Alterations' (2012) (the SPD), which states that 'care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension being subservient and in keeping with, the original dwelling.'
8. The proposal would also be contrary to the National Planning Policy Framework (The Framework), which states in paragraph 130 that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character.

Living conditions of neighbouring occupiers

9. The proposed extension would result in a brick wall of some 2.5m tall up against and running along the full length of both boundaries with No 8 and No 10. Whilst I appreciate that the existing boundary hedges are high and provide a sense of enclosure, they do not have the same imposing effect as a brick wall. Furthermore, hedges could potentially be removed or trimmed at any time. The height and extent of the appeal proposal would appear dominant and oppressive when viewed from the ground floor windows and rear yards of the adjacent properties. While the proposed green roof may soften the outlook from certain angles, this would not mitigate the effect to such a degree so as to negate the harm.
10. I therefore conclude that the proposed development would have a harmful effect upon the living conditions of the occupiers of the neighbouring residential properties at No 8 and No 10 New Lane, with particular regard to outlook. This would be contrary to Policies D1 and D11 of the Publication Draft City of York

Local Plan (2018), Policies GP1 and H7 of the City of York Development Control Local Plan (Draft Local Plan Incorporating the 4th set of changes) (2005), the SPD, and The Framework, which require new development to protect the amenity of existing residents.

Living conditions of the occupants of the appeal property

11. The appeal proposal would utilise the space that currently forms the rear yard to the appeal property. The loss of this space would mean that directly to the rear of the property there would be no outdoor amenity space. However, the appeal site does have a front garden, and a small amount of space across the rear lane, adjoining the garage and outbuilding, which could be utilised as amenity space. The front garden was well enclosed and due to the arrangement of the lane, would be unlikely to be overlooked by passing pedestrians. I consider that this area provides sufficient private amenity space for the occupants of the property.
12. I therefore conclude that the proposed development would not have an unacceptable effect on the living conditions of the occupants of the appeal property, having particular regard to outdoor amenity space provision. The proposal would, in this respect be compliant with Policy D11 of the Publication Draft City of York Local Plan (2018), Policies GP1 and H7 of the City of York Development Control Local Plan (Draft Local Plan Incorporating the 4th set of changes) (2005), the SPD and The Framework which seek to ensure that new development retains adequate, useable private amenity space for occupiers.

Other matters

13. I note that the appellant states that the options available under permitted development for both a rear extension and boundary treatments should be considered when considering the appeal proposals. I consider that the potential development which may be made under permitted development powers is not of the same degree that is proposed in this case and does not justify the harm that the proposal would cause in this instance. It is open for the appellant to utilise such rights if they wish to do so.

Conclusion

14. For the reasons given above, having considered the development plan as a whole and all other relevant matters, I conclude that the appeal should be dismissed.

C. Megginson

INSPECTOR