



Appeal Decision

Site visit made on 7 December 2021

by Richard Newsome BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2022

Appeal Ref: APP/C2741/D/21/3284394

20 Eastfield Crescent, Badger Hill, York, North Yorkshire YO10 5JB

- 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 Colin Opie against the decision of City of York Council.
 - The application Ref 21/01670/FUL, dated 7 July 2021, was refused by notice dated 20 September 2021.
 - The development proposed is rendering to the front of the property. This will be the road facing property wall and also the single storey extension wall which faces into the garden.
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Decision

1. The appeal is allowed and planning permission is granted for rendering to the front of the property. This will be the road facing property wall and also the single storey extension wall which faces into the garden at 20 Eastfield Crescent, Badger Hill, York, North Yorkshire YO10 5JB in accordance with the terms of the application, Ref 21/01670/FUL, dated 7 July 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan, North Elevation, East Elevation, South Elevation, West Elevation.
 - 3) The render to be used on the external surfaces hereby permitted shall be a light brown (mink) colour as per the details contained in the appeal document Full Statement of Case – 20 Eastfield Crescent.

Procedural Matters

2. I note that the Council has referred to the 2019 version of the National Planning Policy Framework (the Framework) in its decision notice. For the avoidance of doubt, I have determined the appeal against the current 2021 version of the Framework.
3. The City of York Draft Local Plan Incorporating the 4th set of changes Development Control Local Plan (2005) (DCLP) has not been formally adopted as part of the development plan. The Council accepts that the policies of the DCLP carry limited weight except where they accord with the Framework. The relevant policy of the DCLP, Policy GP1, seeks to promote high quality design and to respect or enhance the character of the local environment which is consistent with the overall aims of the Framework. Therefore, I attribute moderate weight to Policy GP1 in determining the appeal.

4. Whilst the emerging City of York Local Plan - Publication Draft (2018) (CoYLP) has been submitted for examination this process is ongoing. Therefore, having considered the provisions of paragraph 48 of the Framework I have afforded limited weight to the policies of the CoYLP.
5. The Council's Draft House Extensions and Alterations Supplementary Planning Document (2012) (the draft SPD) is not part of or supplementary to any adopted development plan. However, it has been approved for use by the Council's Cabinet and the guidance it contains is consistent with the aims of the Framework in respect of design. Therefore, I have afforded it moderate weight as a material consideration in determining the appeal.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of No 18 and No 20 Eastfield Crescent and the surrounding area.

Reasons

7. The appeal site is located at No 20 Eastfield Crescent which is one half of a pair of semi-detached dwellings, with the attached neighbouring dwelling being No 18. The surrounding area is residential with predominantly brick faced 2-storey semi-detached and detached bungalow dwellings. The use of lighter brick on certain dwellings contrasts with the predominant red brick dwellings in the area. There are some examples of dwellings and garages with rendered elevations within the local area.
8. I acknowledge that the proposed rendering would be a change in finish to the existing brickwork of No 18 and No 20. However, the proposed light brown (mink) colour would be sympathetic and not dissimilar in colour to the existing brickwork of the 2 dwellings. Therefore, whilst the proposal would be different, it would not be incongruous in character and appearance in comparison to No 18 and the immediate street scene of Eastfield Crescent. It would not result in harm to the character and appearance of the 2 dwellings and the surrounding area.
9. I acknowledge that the Council is concerned that the proposed rendering would set a precedent for the further introduction of render in the local area. However, I have had careful consideration to the proposed colour of the render provided by the appellant relative to the existing brick colour of No 18 and No 20 in determining this appeal. The similarity in colour which I consider to be sympathetic, as set out above, has been a key determining factor. Any future applications would have to be considered on their individual merits. Allowing the proposal would not create a precedent for other proposals that would cause harmful effects individually or cumulatively to the character of the street.
10. Whilst I recognise that the predominant elevational treatments on Eastfield Crescent are either red or light brick, I also noted on my site visit that there are several dwellings in the area which are rendered at least partially. There are also some garages on Eastfield Crescent close to the highway which are rendered. Whilst I acknowledge that these are not the norm, it is evident that the proposal would not be an unacceptable exception within the estate.
11. As a result, whilst I find that the proposal would be different to the existing character and appearance of No 18 and No 20 and the surrounding area it would not be harmful. Consequently, it would not be contrary to Policy GP1 of

the DCLP which requires development to respect or enhance the local environment and use appropriate building materials amongst other matters.

12. In addition, the proposal would not be contrary to the expectations of the Council's draft SPD. This seeks to ensure that alterations to dwellings should be in keeping with the appearance, scale, design, and character of both the existing dwelling and the street scene generally.
13. The proposed development would be consistent with paragraphs 130 and 134 of the Framework which, amongst other considerations, aim to ensure that developments are sympathetic to local character and of a good design.

Conditions

14. I have considered the conditions suggested by the Council against the tests set out in paragraph 56 of the Framework and the Planning Practice Guidance. In addition to the standard commencement condition, I consider conditions in respect of the development being in accordance with the approved plans and requiring the colour of the proposed render to be light brown (mink) are necessary. These have been applied for the avoidance of doubt and in the interests of proper planning, and to ensure that the character and appearance of the development would be satisfactory.
15. I note that the Council has suggested that a condition to remove the permitted development rights for the rendering of the front or side elevations of the dwelling other than to the areas shown on the approved plans should also be imposed on any grant of planning permission. However, I do not consider that the removal of such rights for the rendering of these elevations of the dwelling would be necessary and reasonable. Any render applied to these elevations of the dwelling under permitted development rights would be likely to match that of the rest of the dwelling and consequently should not harm the character and appearance of No 18 and No 20 and the surrounding area. Therefore, I have not imposed the condition suggested by the Council in this regard.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

Richard Newsome

INSPECTOR