



Appeal Decision

Site visit made on 18 May 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13/06/2022

Appeal Ref: APP/C2741/D/22/3293240

2 Hendon Garth, York YO30 5ZB

- 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 Vernon Janes against the decision of City of York Council.
 - The application Ref 21/02103/FUL, dated 14 September 2021, was refused by notice dated 3 December 2021.
 - The development proposed is described on the application form as 'two storey side extension to provide ground floor shower room and utility with en-suite and dressing room at first floor'.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension to provide ground floor shower room and utility with en-suite and dressing room at first floor at 2 Hendon Garth, York YO30 5ZB in accordance with the terms of the application, Ref 21/02103/FUL, dated 14 September 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; Proposed Floor Plans Drawing No. 403-04; Section A-A Drawing No. 403-05; Proposed Elevations Drawing No. 403-06; Proposed Area Plan Drawing No. 403-08; Proposed Site Plan with Roof Plan Drawing No. 403-07.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary 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 H7 of the York Development Control Local Plan (Approved April 2005) (DCLP) are to ensure good design and preserve residential amenity which are consistent with the overall aims of the *National Planning Policy Framework* (the Framework). Nonetheless, and given the status of the DCLP, I afford it and its policies limited weight as a material planning consideration. Likewise, I also afford limited weight to the House Extensions and Alterations Draft Supplementary Planning Document (SPD).

3. In their evidence the Council also refer to policy D11 of the City of York Publication Draft Local Plan 2018 (PDLP), which was submitted for examination on 25 May 2018. However, this emerging plan has not yet been examined and found sound. I also have no evidence before me to indicate the extent of any unresolved objections to the relevant draft emerging policies contained therein or their degree of consistency with the National Planning Policy Framework (the Framework). Consequently, and given its stage of preparation, and bearing in mind paragraph 48 of the Framework I also afford limited weight to emerging policy D11.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the street scene.

Reasons

5. The appeal property is a detached two storey dwelling situated at the corner of Hendon Garth and Melton Avenue. It has a front, side and rear garden with the front garden facing Hendon Garth and the side and rear gardens facing Melton Avenue. The surrounding area is predominately residential comprising dwellings of a range of types and styles, including detached and semi-detached two storey dwellings some of which have two-storey side extensions. The proposal would be a two-storey side extension to the appeal property which would increase its sideways projection towards Melton Avenue and replace the existing side garden. The proposal would facilitate the addition of a new wet room and utility on the ground floor and a new en-suite bathroom and dressing room on the first floor.
6. The proposal would not represent a substantial addition to the host property, indeed according to the Council's officer report it would project approximately 2 metres further to the side than the appeal property's current side elevation. The report also highlights that the proposal's height and depth would be the same as the host property's. Consequently, given the proposal's modest size, scale and massing I consider it to be neither unduly overbearing nor imposing and that the visual harm that it would cause to the street scene to be limited.
7. I note the Council's point that the proposal would not be set back or have a roof ridge or eaves height lower than those of the host property. However, given the narrowness of the proposal I consider it likely that to make such design changes potentially difficult to achieve whilst maintaining its functionality as an extension to the existing living space. Furthermore, at paragraph 12.3 the SPD states that 'side extensions should normally be subservient to the main house' meaning that there could potentially be instances where they could acceptably not be.
8. As a result, while there would be some technical conflict with the SPD, I consider that overall, the proposal would be broadly in accordance with policies GP1 and H7 of the DCLP and policy H11 of the PDLP. In any event given the limited weight of these policies and the SPD I consider that the benefits that the proposal would provide in terms of additional living space would outweigh the limited harm the proposal would cause by technically conflicting with the SPD.

9. I therefore conclude that the proposed development would not materially harm the character and appearance of the street scene. It would therefore not conflict with the relevant requirements of policies GP1 and H7 of the DCLP and policy H11 of the PDLP.

Conditions

10. In addition to the standard implementation condition, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision. I have also imposed a condition requiring the use of matching materials in the interests of the character and appearance of the area.

Conclusion

11. Whilst there would be some technical conflict with the requirements of the SPD, this would not clearly and demonstrably outweigh the proposal's benefits and compliance with the DCLP and PDLP when read as a whole. As a result, I conclude that the appeal should be allowed.

C Coyne

INSPECTOR