



Appeal Decision

Site visit made on 14 June 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 1 July 2022

Appeal Ref: APP/C2741/W/22/3292453

Cedar House, 29 Station Road, Haxby, York YO32 3LU

- 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 Paul Lee against the decision of City of York Council.
 - The application Ref 20/01958/FUL, dated 8 October 2020, was refused by notice dated 16 August 2021.
 - The development proposed is described as 'proposed division of existing dwelling to form 2 individual dwellings including single storey extension and one new dwelling in the grounds.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice refers to the emerging City of York Local Plan - Publication Draft (2018) (Emerging Plan). Whilst this has been submitted for examination, I have no evidence before me to indicate the extent of any unresolved objections. Therefore, having considered the provisions of paragraph 48 of the National Planning Policy Framework (the Framework) I have afforded limited weight to Policy D1 of the Emerging Plan.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises a two-storey semi-detached dwelling, its rear garden area, and a private access track. The surrounding area is predominantly residential containing properties of various ages and styles, including bungalows. There are also other examples of backland development in the vicinity, which utilise the private access track.
5. I have been made aware that the adjoining property, at 27 Station Road, has been subdivided into 2 houses. The Council has raised no objections to the principle of the subdivision of the existing dwelling to form 2 individual dwellings and the single storey rear extension and I have no substantive reason to question this.
6. I also appreciate that the houses in the immediate context are not laid out in a regimented manner. Nonetheless, by effectively subdividing No 29's rear garden area, and introducing a detached dwelling, the proposal would increase

the built form and scale of development across the site. As this part of the appeal site is of limited size, it would also result in the proposed detached dwelling being sited in proximity to the existing walls that bound the north and eastern sides of the site.

7. I have had regard to the figures and measurements presented by the appellant in respect of the sizes of the existing and proposed dwellings. However, the proposed detached dwelling has been designed to have a flat roof, presumably in order to reduce its effect on the first-floor windows and living conditions of the occupiers of No 25. It would also have a much smaller footprint than neighbouring properties. As such, its size and form would lend it a rather squat and uncharacteristic form and appearance that would fail to sufficiently reflect the scale and identity of neighbouring properties.
8. It is uncontested between the main parties that the Council has no minimum outdoor space standards for garden areas. It has also been put to me that there would be sufficient space for future occupiers to hang washing, provide refuse and cycle storage, and to sit out in. In addition, it is asserted that the private amenity space for the proposed detached house would be 3 times larger than what is considered appropriate for a 2 bedroom property by some other Councils. Nevertheless, given the close proximity of this dwelling to the side and rear boundary walls in this location, and the utilisation of a large portion of the private amenity space to the south for the provision of car parking, it would provide a significantly smaller garden area than is typical for the locality.
9. The constrained nature of the site is therefore such that the proposed detached dwelling would appear as a contrived, conspicuous, and cramped form of development. Whilst its backland location, retained boundary walls and existing vegetation would limit some views into the site from the public domain, the discordant effect of the proposed development would be clearly visible from the first-floor windows of No 29 and some other neighbouring properties.
10. I therefore find that the proposed development would have a harmful effect on the character and appearance of the area. As such, it would conflict with Emerging Plan Policy D1, though this attracts limited weight due to its current progress; and the design objectives of the Framework, specifically Section 12. These seek, among other things, for the resultant density of a development proposal to be appropriate for its proposed use and neighbouring context, and to ensure good design that is sympathetic to local character.

Planning Balance

11. The proposed development would contribute to the supply and mix of housing in a relatively sustainable location, and I am mindful of the Government's objective of significantly boosting the supply of homes as referred to in the Framework. It has been put forward that the design takes account of the safety, security and access needs for all potential users, and that good quality sustainable design and construction techniques would be incorporated. These include measures to minimise energy use and where possible use energy from renewable sources. Nonetheless, given the amount of proposed housing, any benefits in these respects would be somewhat limited.
12. I also note that the Council find the effects on the living conditions of the residents of neighbouring properties and highway safety to be acceptable.

However, the lack of harm in these respects would be neutral factors that do not weigh in favour of the proposed development.

13. The harm that I have identified in respect of character and appearance would be wide ranging and long lasting and would be contrary to the design objectives of the Framework. With these factors in mind, I ascribe this matter substantial weight. As such, the adverse impacts of granting planning permission would, in this particular case, significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework taken as a whole.

Other Matters

14. My attention has been drawn to a planning permission for a relatively contemporary designed detached office building in the rear garden area of No 27. However, the appellant's evidence shows this to be a 2 storey pitched roof outbuilding that would appear to be utilised for purposes ancillary to the residential use of No 27. I have also been referred to a planning permission granted by the Council for a dwelling at 25 Station Road. However, my site observations confirmed that this has a pitched roof, is of a greater size than the proposal and sits within a much larger plot. Accordingly, the circumstances of these cases are not directly comparable with those which apply in this appeal.
15. Finally, I acknowledge that the Council's planning officers recommended the approval of the planning application. However, this matter has had no bearing on my overall decision as I have assessed the scheme based on its planning merits.

Conclusion

16. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

Mark Caine

INSPECTOR