



Appeal Decision

Site visit made on 31 May 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/C2741/W/22/3290199

62 Heworth Road, York, YO31 0AD

- 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 Transcore Ltd against the decision of City of York Council.
 - The application Ref 20/02010/FUL, dated 21 October 2020, was refused by notice dated 18 August 2021.
 - The development is proposed 1 new dwelling on land to rear of No.62 Heworth Road in addition to the extension and refurb of existing cottage with the demolition of detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have removed the reference to the application being a resubmission in the header above as that is not a form of development. I am satisfied that neither party is prejudiced by this course of action.

Main Issues

3. The main issues in this appeal are the effect of the development on the character and appearance of the area and the effect of the development on trees.

Reasons

Character and appearance

4. The appeal proposal looks to create two properties to the rear of 62 Heworth Road. Access to the site would be taken from a side access which is shared with the Nags Head Public House and property behind the Public House. The site is located within the Heworth Conservation Area.
5. In order to form the dwellings, an existing building at the rear, referred to as 'The Cottage' a single and two-storey building that appears to have not been occupied for residential purposes for some time will be refurbished and a single-storey extension added.
6. The second dwelling will be formed by a new single-storey structure and provide a two bedroomed dwelling.

7. The appeal site lies within a predominately residential area. Generally, the properties in the locality are terraced in nature, with some frontage parking as a result. There is some consistency in scale, roof orientation and materials, and overall has the character of a traditional residential area.
8. The proposed new dwelling would be single storey with some bedroom space contained within the roof structure to reduce its overall size and mass. However, it would nonetheless introduce a sizeable dwelling with a small front and rear garden area. The resultant front area for the new dwelling would be limited and mostly set aside for the parking of vehicles.
9. The urban grain is dense in nature with areas such as the land that includes the appeal site allowing a little respite from development. Additional dwellings on this back land site would not be a positive feature with regard to the character and appearance of the area.
10. The proposal introduces two dwellings on this site, away from the highway, between gardens and properties on Heworth Road and East Parade. In this regard, it would fail to harmonise with the established surrounding pattern of housing.
11. I find that the design of the new dwelling would look incongruous in this area. As stated previously, the predominant property type is that of narrow terraced dwellings. The introduction of a bungalow of contrived design to fit the small site would not sit well within the immediate locality and would look at odds with the simple designs and perspectives of nearby properties. Moreover, although the new build dwelling would be a bungalow it would be visible to varying degrees from surrounding properties.
12. Despite its single storey height, it would appear very close to the side elevation of The Cottage and the consequential plot sizes for the retained conversion and the new dwelling would be smaller than those prevailing within the area. The development would result in a contrived layout with an unduly cramped appearance. It would be read as a dominant and incongruous feature that would be out of keeping and at odds with the more spacious pattern of development within the area.
13. I find that the conversion part of the proposal would magnify that level of incongruity, to the harm of the character and appearance of the area. Even though it would not form part of the street scene, I am convinced that its non-traditional nature would still harm the character and appearance of the area.
14. The proposed dwellings would be added to the few detached dwellings in this area. Furthermore, the size and orientation of the new dwelling would produce a plot with a greater horizontal emphasis than is present within this context. Cumulatively, the plot sizes and layout would fail to respect the established pattern of development, resulting in a discordant feature within the wider character and appearance of the area.
15. Accordingly, in this context, the proposed development would appear cramped and contrived, at odds with the established pattern of development and damaging the character and appearance of the area.

16. Even incremental changes can erode the character of an area and as such, although it would not be prominent from public vantage points, the siting and relationship of the two dwellings would nonetheless be incongruous in their positioning.
17. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area.
18. As such, the proposals are in conflict with policy D1 of the Publication Draft City of York Local Plan (2018) (the PDLP) which expects development to improve existing and natural environments and not cause damage to the character and quality of an area. I have also identified conflict with the design aspirations of section 12 of the National Planning Policy Framework (the Framework)

Trees

19. The application was refused due to insufficient information being submitted regarding the impact of the proposal on trees, specifically a plum tree located outside the site, but adjacent to the boundary.
20. The tree is not protected, but being located within the Conservation Area, it has a similar status and legal protection.
21. An Arboricultural Impact Assessment has been submitted with the appeal, along with a Tree Protection Plan.
22. The Council are satisfied that the tree could be safeguarded by a condition to protect it during development, and I concur with this approach.
23. Notwithstanding this, the harm that I have identified in relation to the issue of character and appearance outweighs this arboricultural issue, which is of neutral weight. In relation to this specific matter, I am satisfied that the proposal is consistent with GI4 of the PDLP which addresses the issue of trees and development, and the arboricultural advice given in section 15 of the Framework.

Other Matters

24. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Furthermore, paragraph 203 of the Framework says that the effect of an application on the significance of a non-designated heritage asset should be taken into account. In weighing proposals that affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss, and the significance of the heritage asset.
25. The proposals would only be visible from existing gardens and dwellings and not easily visible within the streetscene. Consequently, the harm to the Conservation Area would be limited, so it would be less than substantial for the purposes of paragraph 199 of the Framework. That does not mean that less than substantial weight should be afforded to the harm. Paragraphs 199 and 200 state that great weight should be given to the asset's conservation, and that any harm to, or loss of, its significance should require clear and convincing justification.

26. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. In this regard, the additional of two dwellings to add to the housing supply would be a public benefit, but I would assign this public benefit limited weight. Consequently, it does not outweigh the great weight that the Framework gives to the conservation of heritage assets.

Conclusion

27. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR