



Appeal Decision

Site visit made on 31 January 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2023

Appeal Ref: APP/C2741/W/22/3308123

Land to North of substation on Eason View, to rear of 2 & 4 Gower Road, Dringhouses, York YO24 2HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Hugo against the decision of City of York Council.
 - The application Ref 22/00990/OUT, dated 9 May 2022, was refused by notice dated 19 August 2022.
 - The development proposed is proposed dwelling with rear & side garden and 2 no. parking spaces, utilising existing drop kerb & access to substation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application is submitted in outline with all, but access reserved for a subsequent reserved matters application. Access details are shown on drawing No. 105 Revision P03, and this will form the basis of my assessment of proposed access. On the same drawing, a possible layout for the dwelling has been shown and a proposed street scene plan has been submitted under drawing No. 106 Revision P00. However, as the matters of scale, appearance and layout are not being considered I have taken those details into account only in so far as establishing whether or not it would be possible, in principle, to erect a dwelling on the site.
3. I have taken the description of development in the banner heading from the application form. However, the application has been amended from the original submission to alter the access and on-site car parking provision and I have determined the appeal accordingly.
4. Although the Council states that it has approved the City of York Draft Local Plan incorporating the 4th set of changes Development Control Local Plan (DCLP) for development control purposes and the City of York Local Plan – Publication Draft February 2018 (Regulation 19 Consultation) (emerging LP) has been submitted for examination, neither have been formally adopted and therefore, the DCLP and the emerging LP do not form part of the statutory development plan. Consequently, I only afford their relevant policies and associated guidance weight as material considerations insofar as they are consistent with the National Planning Policy Framework (the Framework).

Main Issues

5. The main issues are:

- The effect of the proposed development on the character and appearance of the surrounding area; and
- The effect of the proposed development on the living conditions of the occupiers of properties located along Gower Road with particular reference to the amenity areas, in relation to outlook and privacy.

Reasons

Character and appearance

6. The appeal site is located within a residential setting on land to the rear of 2 & 4 Gower Road (No 2 & 4) and is located within a prominent position fronting Eason View, close to the corner junction of Don Avenue. The surrounding properties comprise semi-detached and rows of terraced houses which are generally set back from the road within narrow plots. Garden areas and off-street parking are largely located to the front with gardens to the rear and are neatly arranged within the streetscene. All these aspects combine to give a clear and consistent pattern of development.
7. Eason View is a long road that leads on to several cul-de-sacs and connecting roads and the arrangement and form of the dwellings give a sense of openness and spaciousness to the street scene which contributes positively to the character and appearance of the area. Corner locations on this side of the road are generally free from development and are well landscaped including the appeal site which acts as a visual buffer between built development.
8. The appeal site has a very shallow depth at its southwest and northeast boundaries and as a result it has an irregular shape which constraints the overall size and layout of the plot. This arrangement is very different in comparison to other nearby plots which whilst generally narrow, they have a coherent layout where dwellings largely front the main road with garden areas to the front and rear providing for a level of space around dwellings.
9. Whilst matters relating to appearance, landscaping, layout and scale are reserved for a subsequent application, the shape and size of the plot would mean that a proposed dwelling along with parking provision would need to occupy a substantial section of the site leaving only small and contrived areas for amenity space. As a result, the overall positioning and siting of the dwelling would be closer to the road and would sit uncomfortably close to the site boundaries with limited and contrived areas for amenity space provision. This would result in a cramped form of development appearing as inconsistent with the established pattern of development.
10. The dwelling would be highly visible from Eason view given its position and siting closer to the road and a dwelling in this location would appear overly prominent in comparison to other properties despite being surrounded by two storey development and the substation. Whilst I accept that the size of

the dwelling is yet to be considered, the constrained size and shape of the appeal site would result in a dwelling appearing squeezed onto the site, unacceptably at odds with the more coherent arrangement of space associated with the existing dwellings in the locality.

11. Although the amenity space proposed would meet requirements, this would not negate the perception of overdevelopment on this site as it would still erode the existing pattern of development.
12. Additionally, the proposed development would result in a loss of openness to the street scene by introducing development within close proximity to the corner junction which acts as a visual buffer between built development. Consequently, the proposed development would remove this key feature which would be at odds with the surrounding built form.
13. I conclude that the proposed development would unacceptably harm the character and appearance of the surrounding area. As such, it would be contrary to Policy D1 of the emerging LP and Policies GP1 and GP10 of the DCLP which together, amongst other things, seek a standard of development that maintains or enhances the general amenity of the area and provides a safe and attractive environment for all. They also seeks to retain, enhance and/or create townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view providing new development, where this would not be detrimental to the character and amenity of the local environment.
14. The proposed development would also be contrary to chapter 12 of the Framework relating to achieving well designed places which explains that planning policies and decisions should amongst other things, ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting whilst also establishing or maintaining a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Living conditions

15. Although the rear elevations of No. 2 & 4 provide direct outlook onto the appeal site, these properties are served by lengthy rear garden areas which allow for a good separation distance to exist between the properties and the appeal site and are further separated by hedging and fencing.
16. I accept that currently No. 2 & 4 benefit from a generous open outlook and that the proposed development would be visible. However, given the distance that exists coupled with the existing boundary treatment, the proposed development would not appear imposing and overbearing to existing occupiers of No. 2 & 4 and outlook from the rear of the properties including its immediate outside space would not be visually oppressive as a result of this.
17. I note concerns regarding the location of amenity areas and potential for matters of privacy to be compromised. However, the separation distance and existing boundary treatments would ensure any impact would not be

adverse in this regard. Moreover, the separation distance and overall relationship between No. 2 & 4 and the appeal site is not uncommon within such as setting as evidenced by other nearby dwellings and I am content that the proposed development would not result in any undue loss of privacy.

18. I conclude that the proposed development would not harm the living conditions of the occupiers of properties located along Gower Road with particular reference to the amenity areas, in relation to outlook and privacy. On this basis, it would not be contrary to Policy D1 of the emerging LP and Policies GP1 and H7 of the DCLP which together, amongst other things, requires development to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The proposed development would also accord with chapter 12 of the Framework, relating to achieving well designed places which requires development to provide a high standard of amenity for existing and future users.

Planning Balance and Conclusion

19. Although the proposed development would not harm the living conditions of the occupiers of properties located along Gower Road, it would unacceptably harm the character and appearance of the surrounding area to which I attribute significant weight.
20. The development plan policies I have used to assess the scheme seek a standard of development that maintains or enhances the general amenity of the area and provides a safe and attractive environment for all. They also seek to retain, enhance and/or create townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view providing new development, where this would not be detrimental to the character and amenity of the local environment. The Framework includes policies that expect development to add to the overall quality of the area, be sympathetic to local character and the surrounding built environment, and establish or maintain a strong sense of place, using the arrangement of streets and spaces to create distinctive places. To my mind, the proposal does not meet the definition of being well-designed nor would it be sympathetic to local character and maintain the arrangement of streets and spaces, and broadly conflicts with the expectations of the Framework. As such, the proposal conflicts with Policies D1 of the emerging LP and Policies GP1 and GP10 of the DCLP insofar as they are relevant and consistent with the Framework.
21. While the policies are consistent with the Framework, I can only give them limited weight as I don't know whether there are any unresolved objections in the DCLP and emerging LP. Although I have ascribed limited weight to those development plan policies this does not negate the significant harm I have identified.
22. The appellant contests that the Council are underperforming in terms of housing delivery and that the presumption in favour of sustainable development should be applied although the Council haven't responded on this matter. Set against the harm identified, there would be a contribution

to the provision of housing supply in a location suitable for its development. However, the modest contribution of one dwelling would only make a very minor difference to the overall supply of housing. Consequently, these benefits attract moderate weight. Even if I were to accept the appellant's figures, the harm identified would significantly and demonstrably outweigh the moderate scheme benefits when assessed against the policies in the Framework taken as a whole.

23. Although the proposed development would not harm the living conditions of the occupiers of properties located along Gower Road with particular reference to the amenity areas, in relation to outlook and privacy, it would unacceptably harm the character and appearance of the area and thus conflict with the development plan as a whole. The other considerations in this case, including the Framework, do not outweigh the harm that I have identified. The appeal should therefore be dismissed.

N Teasdale

INSPECTOR