



Appeal Decision

Site visit made on 7 February 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal Ref: APP/C2741/D/22/3312014

45 Queenswood Grove, YORK YO24 4PW

- 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 A McCarthy against the decision of City of York Council.
 - The application Ref 22/01468/FUL, dated 3 July 2022, was refused by notice dated 27 September 2022.
 - The development proposed is described as 'Proposed new single storey rear extension. Existing hipped roof of the house will be altered to create a gable side elevation. With the addition of a new dormer to the rear this will create a new bedroom and en-suite.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The Council's reason for refusal refers to the City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (2005) (DCLP) and the emerging City of York Publication Draft Local Plan 2018 (the emerging LP) which is currently undergoing examination. Although the DCLP does not form part of the statutory development plan for the purposes of S38(6) of the Planning and Compensation Act 2004, it is a material consideration in determining planning applications. I have given both the DCLP and the emerging LP weight only insofar as they are consistent with the National Planning Policy Framework (the Framework).
4. Whilst I did not view the internal space within the dwelling, the submitted drawings show the internal arrangement of the dwelling which allows me to assess such proposals.

Main Issues

5. The main issue is the effect of the development on the character and appearance of the host property and area.

Reasons

6. The appeal site comprises the semi-detached two storey hipped roof dwelling and gardens of No 45 Queenswood Grove (No 45). The host property is positioned in a prominent location towards a bend in the road on a residential street. The dwellings are aligned with the curvature of the road and set back behind short driveways or front gardens. Despite there being some limited variety in the style of buildings, and their extensions, the spaces between the properties and the consistent roof forms contribute to the character of the area of the streetscene.
7. The host property has been extended to the side and rear with a 2-storey hipped roof extension. Although the property is prominently positioned the proposed gable extension would not, of itself, appear incongruous from the street. However, taken together with the existing extensive two-storey hipped roof side and rear extension the proposed development would notably alter the property's scale and appearance. As a result of its design the proposed extension would be incongruous against the extensive and very visible hipped side and rear extension and further undermine the balanced appearance of the semi-detached pair.
8. Consequently, the extension would not be sympathetic to the form or distinctive features of the existing dwelling. The inappropriate design and size of the proposal would draw attention, and, because of the dwelling's prominent position, together with the hipped roof extension would look harmfully out of place.
9. The proposed wide flat roof dormer would extend across the entire width of the gabled roof. The dormer window would dominate the host building. The materials and proposed windows, due to their size would not integrate well with the roof and host dwelling, further accentuating the size of the dormer. Overall, the size and design of the dormer would dominate the rear elevation, overwhelm the roof and appear as an incongruous feature that would detract from the character and appearance of the host property and surrounding area.
10. Overall, the proposed development would harm the character and appearance of the host property and the area in conflict with Policies D1 and D11 of the emerging LP and Policies GP1 and H7 of the DCLP which together, and amongst other things, seek to provide high standards of design and preserve character and appearance of an area.
11. The proposal would also be contrary to paragraphs 130 and 134 of the Framework, which seek to ensure that the development is appropriate to the character of the area. The proposal would also conflict with the Council's Supplementary Planning Document House Extensions and Alterations (2012) which insofar as is relevant to the appeal requires extensions to be in keeping with the existing dwelling.

Other Matters

12. The proposal would enable the provision of a loft bedroom to provide a safe and building regulation compliant environment for a young child. In refusing to permit the extension such measures may not be available, so there could be interference with the appellant's Human Rights as set out in Article 8 of the Human Rights Act 1998.

13. However, the operation and protection of public interests through the implementation of planning policy, is in accordance with the law and necessary in a democratic society. In this case, it has not been shown that the proposals are the only option to achieve the appellant's desired aims in this respect. I do not have any evidence to show or explain how the current living arrangements are used or would not be safe, nor whether consideration has been given to other options to provide accommodation without the harm I have identified to the character and appearance of the host building and area.
14. The appellant contends that the property requires renovation due to previous poor construction, however, no compelling evidence has been put to me to demonstrate the condition of the building, or that other repairs could not be undertaken. Therefore, I conclude that the potential interference is proportionate in this case.
15. Children also share a protected characteristic covered by the Public Sector Equality Duty set out in the Equality Act 2010 and I have also had due regard to the three aims of that Act, including removing or minimising disadvantages that may be suffered by this group. However, for the same reasons, the weight that I attach to this matter is limited in this case and does not outweigh the harm that I have identified.
16. I did note at my site visit there were various side dormer windows, gable roof alterations and side extensions. In terms of the examples cited by the appellant at do not present the same as the appeal property. No's 36 and 38 Queenswood Grove, No38 has an unobtrusive single storey side extension, and the roof pitch of the two-storey side extension at No 36 reflects that of the host dwelling. I have not been provided with full details of No's 43 and 53. In any event other extensions in a neighbourhood do not in themselves establish a firm precedent and the position of the appeal property in the streetscene combined with the existing extensive alterations are different to these examples. As such I have judged the proposed on its own merits.
17. The single storey rear extension would appear subsidiary to the host dwelling, and the form and design would be acceptable. Even so, policy compliance on this matter is a neutral factor. While I acknowledge that the appellant has expressed frustrations with the planning application process, this has not affected my consideration of the planning merits of the case.
18. The Council have not transposed concerns raised regarding the effect on neighbours to their reasons for refusal. As I have dismissed the appeal on the main issue, there is no reason for me to considered this matter further.

Conclusion

19. For the reasons given above, the proposal would conflict with the development plan. The proposal would also conflict with the Framework. There are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

K Williams

INSPECTOR