



Appeal Decision

Site visit made on 28 February 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2023

Appeal Ref: APP/C2741/D/22/3307230

38 Tennent Road, York YO24 3HF

- 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 Ian Lightowler against the decision of City of York Council.
 - The application Ref 22/01531/FUL, dated 18 July 2022, was refused by notice dated 13 September 2022.
 - The development proposed is extension of existing detached garage
-

Decision

1. The appeal is allowed and planning permission is granted for the extension of existing detached garage at 38 Tennent Road, York YO24 3HF in accordance with the terms of the application Ref 22/01531/FUL, dated 18 July 2022, 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 Garage Floor Plan (402-LB-IML-102 Rev 1), Existing & Proposed Elevations (402-LB-IML-103 Rev 1) and Proposed Site Block Plan (402-LB-IML-105 Rev 1).
 - 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 reason for refusal relates to Policy D11 of the City of York Local Plan- Publication Draft (2018) (PDLP) and Policies GP1 and H7 of the City of York Draft Development Control Local Plan (2005) (DCLP), which was approved by the Council for development control purposes. Neither of these plans have been formally adopted. The Council does not clearly set out the amount of weight that they consider should be afforded to these policies. In line with paragraph 48 of the National Planning Policy Framework (the Framework) and based on the evidence presented, I give these policies limited weight.

Main Issue

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

Reasons

4. No 38 is a semi-detached dwelling which has been extended. The dwelling has a detached garage and driveway to the rear of the plot, which are enclosed by high boundary walls and a gate. The proposed development would extend the garage to the site boundary. The surrounding area is primarily characterised by residential dwellings, and there is a row of existing garages located towards the rear of Nos 32 and 34 Tennent Drive.
5. The resultant garage would be large. Having said that, the garage would be smaller in scale to the house and the extension would appear subservient. It would be in keeping with the host dwelling and existing garage, and would not appear out of scale. The development would result in part of the existing driveway forming part of the garden, and the garden is of a reasonable size having regard to the character of the area. The extension would not be a dominant addition when viewed from Tennent Road due to its location behind the host property and high boundary walls. It would be more visible from Tennent Mews, but the height of the boundary walls would prevent it being a prominent addition.
6. The proposed garage door would have a more industrial appearance than the existing garage door. Nonetheless, taking into account the location of the garage to the rear of the plot and characteristics of the area (including high boundary walls and row of existing garages) it would not be unacceptable and would not overpower the rest of the building.
7. The Council's House Extensions and Alterations Supplementary Planning Document (2012) (SPD) sets out that there must be enough space on the driveway in front of a proposed garage for a car to be parked without any part of it overhanging the footpath or road. The proposed development would conflict with paragraph 15.2 of the SPD as it would result in the removal of the existing driveway at the property and no space for parking vehicles outside.
8. The appellant highlights that No 38 is a 3-bedroomed house and when they purchased the house, it had no practical parking. Therefore, it appears that the dwelling was not built with the current driveway. At my site visit it was evident that the current garage is used to park a car and it is not uncommon to count adequately sized garages as parking spaces. The drawings also indicate how three vehicles could be parked within the garage. Furthermore, not all dwellings in the locality benefit from a driveway, and no concerns have been raised in relation to a lack of parking in the locality. For these reasons, having regard to the characteristics of the local area and size of the host dwelling (and garage), the loss of a driveway would not cause harm to the character and appearance of the host dwelling or locality.
9. For these reasons, the proposed extension would be in keeping with the appearance, scale, design and character of the existing dwelling (including garage) and the street scene generally. The development would not result in overdevelopment and would not be oppressive. Consequently, having regard to the location and scale of the extension, the proposal would not have an unacceptable effect on the character and appearance of the host dwelling and surrounding area.
10. Accordingly, it would comply with paragraphs 130 and 134 of the Framework which seek to ensure developments are well designed and sympathetic to local

character. It would also comply with Policy D11 of the PDLP and Policies GP1 and H7 of the DCLP. These seek, amongst other matters, to ensure the design, scale and materials of extensions are appropriate in relation to the main building and the locality. It would also comply with the overarching aims of the SPD which seeks to ensure extensions appear subservient and are in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally.

Other Matters

11. Highways commented on the planning application and stated that they are unable to support the proposal and revised drawings are required. The Council's reason for refusal did not relate to highway issues (for example parking standards and visibility splays). Based on the evidence presented and having regard to the size of the garage, existing parking arrangements and existing boundary walls, I am satisfied that the proposed development would not have an unacceptable impact on highway safety, in line with paragraph 111 of the Framework.

Conditions

12. It is necessary to attach a condition specifying the approved plans as this provides certainty. A condition is also necessary to ensure that matching materials are implemented in order to preserve the character and appearance of the area.

Conclusion

13. For the reasons given above, having considered all relevant material considerations, the appeal is allowed subject to the attached conditions.

L Wilson

INSPECTOR