



Appeal Decision

Site visit made on 19 April 2023

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2023

Appeal Ref: APP/C2741/W/22/3312383

6 Clifton, York YO30 6AE

- 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. Kevin Hollinrake against the decision of City of York Council.
 - The application Ref 22/00631/FUL, dated 21 March 2022, was refused by notice dated 1 November 2022.
 - The development proposed is the extension and conversion of existing garage to single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reasons for refusal refer to policies in the emerging City of York Local Plan - Publication Draft (2018) (Regulation 19 Consultation) (the Emerging Plan) and the City of York Draft Development Control Local Plan (2005) (the DCLP), which is approved by the Council for development control purposes. However, neither of these documents have been formally adopted as part of the development plan. The Council does not set out the amount of weight that it considers should be afforded to these policies, I have not been provided with information regarding progress on the Emerging Plan, and I am not aware of the extent of any unresolved objections to policies in that Plan. Therefore, whilst I have had regard to these policies in my determination of this appeal, in accordance with paragraph 48 of the National Planning Policy Framework (the Framework), I have given these policies limited weight.
3. Notwithstanding contentions made in the evidence, the appeal site as defined by the red-line boundary shown on the plans straddles the boundary of the Clifton Conservation Area (the Conservation Area). The existing garage and the proposed additions to that building would be located outside the Conservation Area. However, the proposed parking area and parts of the proposed front patio and garden would be inside the Conservation Area. Accordingly, I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, and to the requirements of the Framework in respect of assessing development proposals within the setting of designated heritage assets.

Main Issues

4. The main issues are the effect of the proposed development on:

- the character and appearance of the area including the Clifton Conservation Area and its setting; and
- the settings of the listed buildings at 4, 6 and 8 Clifton.

Reasons

Character and appearance of the Conservation Area and its setting

5. The appeal site forms the bottom part of a long rear garden in an established residential area where the dominant form of housing comprises large dwellings located at or close to the front of their plots, generally covering the width of their plots and set in reasonably sized gardens. The significance of Clifton Conservation Area derives from its development around a village green at Clifton Village and its association with the growth of the city along a main transport route linking that location with the central area of York.
6. Late Georgian town houses and Regency villas front onto Clifton, and Victorian and Edwardian terraces and semi-detached houses in suburban residential streets join with Clifton. This form of development resulted in the creation of long plots which is a characteristic feature of the area, and the appeal site contributes to the significance of the Conservation Area and its setting in this respect.
7. Vehicular access to the proposal would be taken from an existing long, narrow gated track which serves the existing garage at 6 Clifton, and other garages that appear to be associated with the adjacent dwellings. These existing garages and other ancillary buildings associated with dwellings in the vicinity are generally small-scale. They are visible in public views, mainly glimpsed from surrounding highways, and in private views from neighbouring dwellings and their grounds and appear as subordinate domestic adjuncts to the dwellings they serve.
8. The proposal would introduce a form of backland residential development without proper road frontage. This would differ markedly in character to the general form of housing found in the vicinity of the site. Furthermore, the building as extended and altered would function differently as an independent detached dwelling in comparison to its current purpose as a domestic garage and outbuilding. This would be discordant with the pattern of development nearby and elsewhere in the Conservation Area.
9. The proposal would occupy a relatively small proportion of the long rear garden of No 6 and, while the flanking plot boundaries to No 6 would largely be maintained, it would result in the creation of a four-bedroomed dwelling with very little private garden space itself. This would be noticeably different in character to the dominant form and layout of residential development in the area. Furthermore, the proposed alterations and extensions to the existing garage would significantly increase its height, mass and footprint. This would result in the proposal appearing out of scale in its context, being substantially bigger and more dominant than the nearby domestic outbuildings with which it would be visually associated.
10. My attention is drawn to several examples of recent development nearby which the appellant suggests are similar to that proposed in that they comprise backland or mews forms of housing. However, having viewed those examples, I could find few similarities between them and the proposal before me which,

unlike the examples given, would have no discernible road frontage and, standing alone, would not appear as a mews form of development.

11. Furthermore, the examples I saw were not directly comparable to the proposal before me due to their location some distance from the appeal site in areas where the scale of development and urban form is generally denser and more compact than that found at and around the appeal site. In any event, each case must be considered on its own merits, and the existence of those other developments would not justify the harm that I have identified in this case.
12. I have also been provided with examples of individual modern dwellings built nearby, including those at 9 Bootham Crescent and 1 St Olave's Road. However, these were noticeably different in their arrangement with the highways serving them and they are not directly comparable to the proposal before me for this reason. In any event, the presence nearby of modern development would not justify further development that would be harmfully uncharacteristic to its context.
13. Although the extensions and alterations proposed would add some visual interest to an otherwise unremarkable modern building, the proposal would not make a positive contribution to local character and distinctiveness for the reasons I have given. The proposal would cause a significant and harmful permanent change in the character and appearance of the Conservation Area and its setting. In accordance with paragraph 199 of the Framework I give great weight to the conservation of this designated heritage asset and its setting. While the proposal would result in less than substantial harm to the significance of this designated heritage asset, I am not satisfied that clear and convincing justification for this harm has been demonstrated.
14. Paragraph 202 of the Framework requires that less than substantial harm is weighed against the public benefits of a proposal. The appellant has not identified any public benefits, indicating that this is not necessary in view of their contention that the proposal is not located in the Conservation Area, and that it would cause no harm to its setting. The Council has also not identified any public benefits. However, a representation from a neighbouring resident expresses the view that the proposal would cause no harm to its neighbours and would assist in delivering new sustainable housing in York.
15. Harm to neighbouring residents in respect of the effect the proposal would have on their living conditions is not a matter in contention between the main parties. The proposal would contribute to the supply of housing. However, this contribution would be small, and the public benefit would not outweigh the harm that would arise to the Conservation Area or its setting.
16. I conclude that the proposed development would harm the character and appearance of the area, including the Conservation Area and its setting, and would cause less than substantial harm to the significance of the Conservation Area as a designated heritage asset. The proposal would therefore conflict with Policies D1, D4 and D11 of the Emerging Plan and Policies GP1, HE2 and HE3 of the DCLP which require, in summary, that development should be supported where it would: enhance, respect and complement the historic pattern of plots and buildings; preserve or enhance the special character and appearance of conservation areas and their setting; respond positively to local character and sustain the significance of a heritage asset or its setting; and maintain or enhance townscape elements which contribute to the character or appearance

of the area. Although I have given those policies only limited weight, the proposal would also be contrary to the Framework in respect of achieving well-designed places and conserving and enhancing the historic environment.

The settings of the listed buildings

17. The appeal site comprises part of the garden of 6 Clifton, a Grade II listed building. 4 and 8 Clifton are located to either side of the appeal site and both are also Grade II listed buildings. The Council has confirmed that the detached garage that currently occupies part of the appeal site is not considered to be listed as a curtilage building due to its age, and that listed building consent would not be required for the proposed development. However, whilst I note the proposal would not involve work to a listed building, in accordance with the statutory duty, I have had special regard to the desirability of preserving the settings of these listed buildings.
18. The significance of these listed buildings derives in part from their group value associated with the architectural contribution they make to the historically important street frontage facing onto Clifton, and from their layout which largely survives as a demonstration of buildings of varying scales and dominance located at or close to the front of long linear plots. The proposed development would not be closely associated with the front elevations of these listed buildings. However, the appeal site is within the curtilage of No 6 and within the settings of the other listed buildings.
19. Notwithstanding the subdivision of nearby plots, notably 2 Clifton which the evidence suggests led to the creation of the modern dwelling at 9 Bootham Crescent, the development proposed would significantly alter the way in which the historic plot layouts would be appreciated. No 6 Clifton is noted in evidence as likely to have originally been an outbuilding associated with No 4. However, its historic subdivision from that property has maintained the linear plot forms characteristic of the area. No 6 would continue to have a long rear garden. However, in contrast to this and the adjacent plot arrangements, the proposed development would introduce a disproportionately large dwelling in a small plot and thereby create an incongruous and cramped form of backland residential development that would be harmful at variance with its context.
20. Accordingly, I find that the proposal would cause a harmful change to the settings of the listed buildings which would result in less than substantial harm to the significance of these designated heritage assets. In accordance with paragraph 199 of the Framework I give great weight to the conservation of these designated heritage assets.
21. Paragraph 202 of the Framework requires that less than substantial harm is weighed against the public benefits of a proposal. The appellant has not identified any public benefits, indicating that this is not necessary in view of their contention that the proposal would cause no harm to the listed buildings or their settings. The Council has also not identified any public benefits. However, as noted above, a representation from a neighbouring resident expresses the view that the proposal would assist in delivering new sustainable housing in York. The proposal would contribute to the supply of housing, but this contribution would be small, and the public benefit would not outweigh the harm that would arise to the settings of the listed buildings.

22. I conclude that the proposed development would harm the settings of the Grade II listed buildings 4,6 and 8 Clifton and would cause less than substantial harm to the significance of these designated heritage assets. The proposal would therefore conflict with Policies D1, D5 and D11 of the Emerging Plan and Policies GP1 and HE2 of the DCLP which require, in summary, that development should be supported where it would: enhance, respect and complement the historic pattern of plots and buildings; preserve or enhance those elements that contribute to the significance of listed buildings or their setting; respond positively to local character and sustain the significance of a heritage asset or its setting; and maintain or enhance townscape elements which contribute to the character or appearance of the area. Although I have given those policies only limited weight, the proposal would also be contrary to the Framework in respect of conserving and enhancing the historic environment.

Other Matters

23. Policy H7 of the DCLP relates to residential extensions. While the proposal includes extensions to an existing detached garage, the purpose of the proposed development is to create a new detached dwelling. I therefore do not find that Policy H7 is a determinative factor in considering the main issues in this case. Similarly, the City of York Council: House Extensions and Alterations Draft Supplementary Planning Document (December 2012), which is referenced in the Council's reason for refusal, relates to residential extensions. The specific sections referred to by the Council do not appear to be directly relevant to or determinative in assessing the main issues in this case.

Conclusion

24. For the reasons given above, having had regard to the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR