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# Appeal Decision

Site visit made on 3 May 2023

**by A Veevers BA(Hons) DipBCon MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 June 2023**

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**Appeal Ref: APP/C2741/D/23/3314086**

**Cherry Garth, 50 Main Street, Bishopthorpe, York YO23 2RB**

- 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 Brendan Keely against the decision of City of York Council.
  - The application Ref 22/01078/FUL, dated 23 May 2022, was refused by notice dated 18 October 2022.
  - The development proposed is a rear dormer type extension within existing valley roof.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of development provided on the planning application form read 'attic conversion'. The Council changed the description to that in the banner heading above. This description is more precise and was used by the appellant for the purposes of the appeal. Consequently, I am satisfied that no party will be prejudiced by my use of it.
3. The Council's reasons for refusal refer to Policies D4 and D11 of the City of York Local Plan Publication Draft (2018) (PDLP) and Policies GP1 and HE2 of the City of York Draft Development Control Local Plan (2005) (DCLP), which is approved by the Council for development control purposes. However, neither of these documents have been formally adopted as part of a statutory development plan. The Council does not clearly set out the amount of weight that it considers should be afforded to these policies. Neither have I been provided with information regarding progress on the PDLP since Examination hearings took place in September 2022, and I am not aware of the extent of any unresolved objections to policies in that Plan. Consequently, I have given both the PDLP and the DCLP weight only insofar as they are consistent with the Framework<sup>1</sup>.
4. Planning permission has recently been granted at the appeal site for extensions and alterations to the dwelling<sup>2</sup>. Although the plans submitted with this appeal include details of the approved scheme, the appeal relates only to a proposed roof extension at the rear of the building and I have considered the appeal on this basis.

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<sup>1</sup> National Planning Policy Framework

<sup>2</sup> LPA Ref:21/01221/FUL

## **Main Issue**

5. The main issue is the effect of the proposal on the character and appearance of the host building and whether the proposal would preserve or enhance the character or appearance of the Bishopthorpe Conservation Area (BCA).

## **Reasons**

### *Character and Appearance*

6. The appeal site is located within the BCA which predominantly derives its significance from the Archbishop's Palace and attendant buildings, St Andrew's Church and the riverside and surrounding wooded landscape. Main Street is identified in the Council's Bishopthorpe Conservation Area No.12 Appraisal as retaining many of the characteristics of a traditional rural village street with an attractive mix of building uses, ages and styles based upon a linear medieval layout, which contributes to the importance of the BCA as a designated heritage asset. The site is a traditional nineteenth century building in a long narrow plot extending back from the street frontage and contributes to the significance of the Conservation Area in this respect.
7. The proposed roof extension would sit below the ridge of the main roof but above the ridge of the two-storey roof at the rear (the secondary roof). Although the proposal would incorporate a flat roof, thereby limiting the height of the roof extension, it would span a significant width of roof and form a bulky and incongruous addition to the building. The scale of the proposal would engulf the roof valley between the main and secondary roof and introduce an uncharacteristic and discordant built element to the existing building. This conflicts with guidance contained in the Draft House Extensions and Alterations Supplementary Planning Document 2012 (SPD) which seeks to avoid unsympathetic roof extensions that harm the balance and appearance of the building.
8. While the proposed roof extension would be located at the rear of the building and would not extend the full width of the main roof, the substantial height of the building would allow glimpsed views of the rear roof profile in the narrow gap between No.48 and No.50 Main Street. Moreover, I saw at my site visit that clear views of the proposed development would be obtained from the junction of Main Street and Acaster Lane due to the single storey height of the adjacent dwelling at No. 54 Main Street. The scale and design of the proposal would close the void between the roof slopes and add visual clutter to the roof, drawing the eye. It would be at odds with the architectural merits of the host building and would dilute the positive contribution the building makes to the BCA. The use of anthracite black zinc would not overcome the harm I have found.
9. The Framework confirms that great importance should be attached to the design of the built environment. As part of this innovation, originality and initiative should not be stifled. However, the Framework also indicates that it is proper to promote or reinforce local distinctiveness. Taking into account its size, design and context, the proposal would disrupt the relative harmony of the appearance of properties along this part of Main Street. The dominance of the proposed roof extension would result in notable harm to the character and appearance of the BCA.

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. I find the extent of the development's harm to the BCA, as a designated heritage asset, would be 'less than substantial'. In such circumstances, paragraph 202 of the Framework indicates that this harm should be weighed against the public benefits of the proposal. However, no substantive public benefits have been put forward to outweigh the harm that would be caused to the Conservation Area, a matter to which I give great weight in line with the Framework.
11. On the above basis, the proposal would harm the character and appearance of the host building and fail to preserve or enhance the character and appearance of the BCA. The proposal would therefore conflict with Policies D4 and D11 of the PDLP and Policies GP1 and HE2 of the DCLP which state, amongst other things, that proposals should respond positively to their immediate architectural context, respect or enhance the local environment and have no adverse effect on the character and appearance of the Conservation Area. Furthermore, the proposal would also conflict with the provisions of the Framework in terms of requiring good design as well as conserving and enhancing the historic environment.

### **Other Matters**

12. The appeal site is located in close proximity to a Grade II listed building, the Ebor Inn. Mindful of the statutory duty set out in Section 66(1) of the Act, I have had special regard to the desirability of preserving its setting. The historic linear built form surrounding the building positively contributes to its significance. Nevertheless, given the extent of the proposal and the physical and visual separation from this listed building and its setting, I consider that the proposed development would not harm and would therefore preserve its setting. I note the Council had no concerns in this regard either. As such, there would be no conflict with the Act or the heritage protection policies of the Framework in this regard.
13. The appellant contends that the proposal provides an opportunity to address the permanently leaking valley, however, no compelling evidence has been put to me to demonstrate the condition of the building, or that other repairs could not be undertaken.
14. Although there were no objections to the proposed development, a lack of objection is not a reason to approve unacceptable development.

### **Conclusion**

15. For the reasons given above, the proposed development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
16. Accordingly, the appeal is dismissed.

*A Veevers*

INSPECTOR