



Appeal Decision

Site visit made on 7 July 2023

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2023

Appeal Ref: APP/C2741/D/23/3319116

19 Lumley Road, York YO30 6DB

- 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 Arif Khalfe against the decision of City of York Council.
 - The application Ref 23/00007/FUL, dated 3 January 2023, was refused by notice dated 1 March 2023.
 - The development proposed is a rear dormer extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. There is no adopted development plan pertaining to the area, but the Council has supplied extracts from the emerging plan, and a previous non-adopted plan. Whilst it is unclear whether any outstanding objections to the relevant policies remain, I have given moderate weight to them insofar as they are consistent with national policy relating to the achievement of well-designed places, as expressed in chapter 12 of the National Planning Policy Framework (the Framework).

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal building.

Reasons

4. The appeal property is a hipped roofed, two-storey semi-detached dwelling situated on a short road amongst buildings of a similar style. A rear dormer is proposed which would feature two glazed doors giving onto 'Juliet' balconies and would include what the appellant refers to as a 'sprung' roof, and the Council identifies as a 'catslide', over these features. The cheeks of the dormer would be splayed outwards at oblique angles from the proposed roof.
5. The windows that the appeal scheme would introduce would not only be noticeably taller than those immediately below them at the first floor of No 19 but would also be out of alignment with them. For these reasons, the proposed development would have a disjointed appearance which would upset the balance of its host dwelling's rear elevation. Moreover, the positioning and size of the proposed windows, taken together with the areas cut into the rear slope to provide balconies and the dormer's unusual roof design would add cluttered complexity to No 19's roof form, and would also mean that the proposal would

read as a dominant alteration. Consequently, the proposed development would not assimilate with the previous alterations¹ that have been made to No 19 as the appellant asserts, and the use of matching materials would do little to address these incongruous aspects of its design.

6. The appellant considers the proposed development offers a more contextual design response when compared to a traditional 'box dormer'. However, it has not been suggested that the appeal property benefits from any extant permissions for a box dormer and it follows that this constitutes merely a hypothetical alternative. The perceived disbenefits of box dormers in design terms do not therefore serve to justify the adverse effects of the proposed development.
7. Alterations have been made to properties on the street, including the side and rear extension of No 19. However, although some rooflights are present on the rear roof-slopes of properties inter-visible with No 19, none of those properties include dormers to the rear. Other roof level alterations relate to hips rather than rear slopes, and are of materially different designs to the proposed development. These other alterations do not therefore provide a context with which the appeal scheme would readily assimilate.
8. The appeal scheme would not be visible from the street, and on this basis, it is clear that the effects described above would be relatively localised. Nevertheless, the aspects of the proposed development set out above, and their implications for its host building, mean that it would not accord with the Framework insofar as it requires developments to be visually attractive and sympathetic to local character including the surrounding built environment. These national policy considerations weigh heavily against the proposed development.
9. Accordingly, for the reasons set out above, the proposed development would be a dominant and incongruous one which would cause material harm to the character and appearance of its host building. For these reasons, it would conflict with the Framework; Policy D11 of the City of York Local Plan Publication Draft; Policies GP1 and H7 of the City of York Draft Development Control Local Plan; and the City of York House Extensions and Alterations Supplementary Planning Document. Amongst other matters, the policies and guidance seek to ensure that developments are sympathetic to local character including the surrounding built environment and that they respond positively to their immediate architectural context.
10. Although the proposed development would avoid harm to the living conditions of the occupiers of adjacent properties and would secure some improvement to the residential amenity of the appeal dwelling's occupants, its adverse impacts in character and appearance terms would significantly outweigh these considerations in the overall planning balance. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR

¹ Pursuant to planning permissions with the Council references: 03/00570/FUL and 15/01965/FUL