



Appeal Decision

Site visit made on 14 July 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/C2741/W/23/3317119

Bank House, Main Street, Heslington, York YO10 5EB

- 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 N S McTurk of Valmac Developments (Heslington) Limited against the decision of City of York Council.
 - The application Ref 22/00767/FUL, dated 7 April 2022, was refused by notice dated 11 October 2022.
 - The development proposed is the demolition of former bank and erection of 2 dwellings and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of former bank and erection of 2 dwellings and associated works at Bank House, Main Street, Heslington, York, YO10 5EB in accordance with the terms of the application, Ref 22/00767/FUL, dated 7 April 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's first reason for refusal sets out a conflict with policies in the emerging Heslington Neighbourhood Plan. This plan was subsequently withdrawn. I have therefore considered the proposal against the policies in the emerging York Local Plan and the 2021 National Planning Policy Framework (the Framework). The emerging Local Plan has not yet been adopted, and so while it appears to be at an advanced stage of preparation, I cannot yet accord it full weight. When referring to the emerging Local Plan policies, I have referred to the City of York Local Plan Publication Draft 2018 (the PDLP) as referred to in the Council's reasons for refusal.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Heslington Conservation Area; and
 - the effects of the proposal on the living conditions of neighbouring residents with regard to privacy and whether acceptable living conditions would be provided for future occupiers with regard to light, outlook and outdoor amenity space.

Reasons

Heslington Conservation Area (the CA)

4. The CA is centred on the original village pattern along Main Street and Heslington Lane although its boundary has been extended to include wider surroundings. The village has a distinctive rural identity. This stems from its agricultural origins; the subtle variations in frontage width and architectural detail of buildings including different eaves and ridge heights; the wide street verges and trees; and gaps in between buildings which provide a visual link with the agricultural setting. The buildings, many of which are 18th or early 19th century, are usually detached or in short terraces that front directly onto the street and are closely spaced with narrow gated entrances or side lanes running between them. Traditional multi-paned or four-paned sash windows are intact in most properties. The predominant building materials are pinkish brown brick with roofing of pantile and some slate. Main Street is noted for its visual unity, having retained much of its traditional form and building fabric¹.
5. The significance of the CA is in part derived from these aspects. The appellant's evidence highlights that the CA Appraisal² identifies the property currently on the appeal site as making a neutral contribution to the CA. The officer report states that the existing building has a mildly detracting impact.
6. The location of the proposed dwellings fronting directly onto the street and close to the back edge of the pavement would reflect the prevailing alignment of the built form. The scale of the proposed dwellings would not be dissimilar to those in the short terraces along Main Street.
7. The materials proposed would be consistent with the predominant palette of materials used in buildings in the CA, including red pantile roofs which are prevalent along this part of Main Street. I note the appellant's suggestion about the use of a slate roof due to the visual benefits it would bring and in facilitating the use of solar panels. However, in my judgement, the use of slate to either the front or rear roof plane would not maintain the visual unity of this part of Main Street. There is no clear evidence that solar panels could not be fitted to a pantile roof, and while they would provide a contrast with the red pantiles this would not harm the character or appearance of the CA.
8. The existing building on the appeal site is single storey. However, due to its large roof with extensive front and rear roof planes, the building has a ridge height not much lower than the adjoining two storey properties. The site does not therefore allow for views through to the countryside beyond the village. The proposed dwellings would be two storeys. Their eaves and ridge height would be higher than the existing building, although not markedly so given the nature and scale of its roof. Furthermore, the proposed dwellings would be set in from the existing dwellings on both sides. Consequently, the proposal would not result in the loss of a gap in the built form such that the rural character and urban grain of the village would be harmed.
9. The proposed dwellings would be generally deeper than other properties in the vicinity. Their depth would be similar to the existing building on the site, although I acknowledge that the scale of the proposed dwellings would appear greater at first floor level. Nevertheless, the resulting gable would not be

¹ description that accompanies the Conservation Area plan

² Heslington Conservation Area Appraisal 2009

discernible from the public domain, and it would have limited prominence from the private domain due to the nature of the extensions to the rear of the adjoining properties. Overall, the scale and massing of the proposal, its front roof slope and ridge alignment would not appear as discordant in the street scene.

10. Much of the architectural detailing would reflect the built form in the vicinity, such as the traditionally proportioned multi-paned timber sash windows, six panelled timber front doors with a glazed window above. The central passage gate may not be a characteristic of the built form in the area. Nonetheless, the way in which it would be incorporated into the front elevation is such that it would not stand out as an inharmonious feature. The dormer window on each proposed dwelling would only take up a relatively small part of the rear roof plane. Given the size and positioning, the dormer windows would not appear as an incongruous feature.
11. While many of the properties along Main Street are open to the street frontage, there are examples of properties with front boundary treatments. This includes a small, railed area to the front of The Old Orchard, the adjacent property, and at Croft Cottage on the other side of The Old Orchard, which is similar in scale and extent to that proposed. A number of other properties further along Main Street have wooden fencing to the front. The proposed railings would not therefore appear out of keeping with the area.
12. There would be no onsite parking provision, which also appears to be the case with a number of dwellings in the vicinity. The 2004 Heslington Village Design Statement sets out that new development should provide adequate parking within the curtilage of the building. However, the Council's officer report acknowledges that this document carries very little weight.
13. The Council highlights that the 2009 CA Appraisal identifies that uncontrolled parking is a negative factor. Nonetheless, from what I saw at my site visit, there are double yellow lines along parts of Main Street in the vicinity of the site and much of the remaining stretches are marked out for permit parking. I appreciate that my site visit was just a snapshot in time, but it did not appear that uncontrolled parking was of such a scale as to harm the character or appearance of the CA. Furthermore, the submitted evidence indicates that the site benefits from commercial parking permits, although I accept that there is no information on the number that would be surrendered. Nonetheless, given the context set out above, the vehicle parking that may be generated by the proposal would not be such that it would harm the significance of the CA.
14. Overall, the form and design of the proposed development would be broadly reflective of the character and appearance of the prevailing built form within the CA and would not appear as an over development of the site. I therefore conclude that the proposal would preserve the character and appearance of the CA and would not harm its significance as a designated heritage asset.
15. Accordingly, the proposal would not conflict with the requirements of Policies DP3, H2, D1 and D4 of the PDLP which, amongst other matters, require development to respect local character, deliver high quality design, and preserve or enhance the special character and appearance of conservation areas. There would also be no conflict with the design objectives in paragraphs 124, 130 and 134 of the Framework or its objectives for the historic environment set out in paragraphs 199, 200 and 206.

Living Conditions

16. There would be scope for views of the garden of 40 Main Street from the rear first floor windows and dormer windows proposed. However, views of the outdoor area nearest to the dwelling at no. 40 would be at an oblique angle and at a reasonable distance for that part of the garden further from the dwelling. In addition, the neighbouring dwelling at no. 38 has windows at first floor level which already have an outlook over the rear garden of no. 40.
17. The rear garden of the dwelling at The Old Orchard wraps around the rear of the site. The rear first floor and dormer windows would afford views of parts of the rear garden of this dwelling given their height compared to the rear extension of this property and the boundary walls that would be around the proposed dwellings. Nonetheless, a reasonable separation distance would be provided between these windows and the rear garden of The Old Orchard such that there would not be an unacceptable loss of privacy for residents of this property when in the garden.
18. During my site visit I was able to access the inside of the existing building. Even on an overcast day, it was receiving a reasonable amount of natural light. The proposed dwellings would have traditionally sized windows to the front, which would be smaller than the front windows of the existing building. However, to the rear at ground floor level there would be a full height glazed door that would extend across almost the full width of the dwellings, with a southwest orientation. Based on what I observed during my site visit, the extent of glazing proposed and the orientation of the proposed dwellings, I am satisfied that future occupiers would be provided with adequate natural light.
19. My attention has not been drawn to any space standards for outdoor amenity areas. The outdoor amenity areas proposed would not be large. However, they would be a private space of sufficient size to accommodate typical garden activities such as sitting out, gardening and drying clothes. The outdoor amenity areas would face southwest and so would receive light for a reasonable portion of the day. Given that the existing walls to the side and rear would be retained, the outdoor amenity areas would be quite enclosed. However, their width and depth would be sufficient such that the outlook for future occupiers when in the properties and outdoor amenity areas would not be oppressive. Overall, therefore, I am not persuaded that the size or nature of the outdoor amenity areas would be so detrimental to the living conditions of future occupiers to warrant refusal of the proposal.
20. Consequently, I conclude that the proposal would not result in unacceptable harm to the living conditions of neighbouring residents with regard to privacy and would provide acceptable living conditions for future occupiers with regard to light, outlook and outdoor amenity space. The proposal would not therefore conflict with the residential amenity requirements of Policy D1 of the PDLP or section 12 of the Framework, notably paragraph 130.

Other Matters

21. There are a number of listed buildings in the surrounding area. Their significance lies in part from the evidence they provide of the architectural style of the time and the historical associations with the development of Heslington. Given the nature, form and design of the proposed development, the intervening properties and separation distances, the proposal would preserve

the setting of the listed buildings and would not harm their significance as designated heritage assets.

Conditions

22. I have considered the conditions suggested by the Council and have amended the wording of certain conditions in the interests of precision.
23. As well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans.
24. To preserve the character and appearance of the CA, conditions are necessary to require samples of the external materials to be used on the development and details of certain architectural features, and to specify the finish for the windows, external doors, and the roof.
25. To ensure that the development has a satisfactory means of drainage, a condition is necessary to require the implementation of the drainage scheme. A requirement to address unexpected land contamination risks is necessary in the interests of public health and safety and the environment. In the interests of highway safety and sustainable transport a condition is necessary to require the provision and retention of areas for the parking and manoeuvring of bicycles. To protect and enhance the natural environment, conditions requiring details of biodiversity net gain and restricting when certain works take place during construction are necessary. In the interests of the living conditions of neighbouring residents, it is necessary to ensure that the boundary walls are retained at their existing height.
26. The site is within the area covered by an Article 4 Direction. This removes only certain permitted development rights and applies to alterations to the front or side elevations facing a highway. It is therefore necessary to remove rights for works permitted to take place without the need for express planning permission on a selective basis referring to classes of the GPDO³ to ensure that an appropriate outdoor amenity area is provided in the interests of the living conditions of future occupiers and to preserve the character and appearance of the CA. This includes the removal of rights concerned with the enlargement, improvement or other alteration; buildings etc incidental to the enjoyment of a dwellinghouse; additions and other alterations to the roof; porches; chimneys, flues or soil and vent pipes; gate, fence, wall or other means of enclosure; and exterior painting.

Conclusion

27. For the reasons given above, having considered the relevant material considerations, I conclude that the appeal should succeed.

F Wilkinson BSc (Hons), MRTPI

INSPECTOR

³ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

SCHEDULE OF 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 and Block Plan JSA75 LP revision A; Proposed Floor Plans JSA 77-03 revision G; Proposed Elevations and Sections JSA 77-04 revision G; Drainage Design JSA 77-06 revision A.
- 3) Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used (including bricks, roofing materials, rainwater goods, paving slabs to the front of the properties) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.
- 4) A sample panel of the brickwork to be used on the development shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used and shall be approved in writing by the Local Planning Authority prior to the commencement of above ground works. This panel shall be retained until a minimum of 2 square metres of wall of the development has been completed in accordance with the approved sample.
- 5) Notwithstanding the plans hereby approved, and prior to the commencement of above ground works, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - windows;
 - dormer windows;
 - external doors, fanlight and framing;
 - rooflights;
 - railings.

These shall be provided in accordance with the approved details before the development is first occupied.
- 6) Prior to development commencing above ground level, a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the plan shall include, but not be limited to the recommendations set out in the Bat Survey report provided by Wold Ecology Ltd., June 2022. Thereafter the development shall be constructed fully in accordance with these approved details.
- 7) The windows and external doors to the front of the properties shall be constructed from timber and have a painted finish. The window frames shall be painted in white or off-white colour and be maintained as such for the lifetime of the development.
- 8) The development shall be carried out in accordance with the details shown on the submitted Drainage Design JSA 77-06 revision A.

- 9) Notwithstanding the details on the approved plans, the main roof coverings to the front and rear shall be of matching materials being red/brown clay pantiles to both the front and rear and not slate at the rear.
- 10) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed.
- 11) During construction of the development hereby permitted, no vegetation removal or demolition works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has inspected the area no more than 24 hours prior to its removal and has provided written confirmation to the Local Planning Authority for their approval in writing that no nests or breeding birds will be harmed by the development and/or that there are appropriate measures in place to protect nesting bird interest on site.
- 12) The development hereby permitted shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of bicycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.
- 13) As shown on the approved plans, the existing boundary walls shall be retained to their existing height with new coping to the top for the lifetime of the development.
- 14) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), development of the type described in Classes A, B, C, D, E, or G of Schedule 2 Part 1 and Classes A and C of Schedule 2 Part 2 of that Order shall not be erected or constructed.