



Appeal Decision

Site visit made on 7 September 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/C2741/D/23/3322266

4 Church Lane, Nether Poppleton, York YO26 6LB

- 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 and Mrs Lowe against the decision of City of York Council.
- The application Ref 22/02184/FUL, dated 18 October 2022, was refused by notice dated 17 March 2023.
- The development proposed is a loft conversion with dormer and rooflights.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's Statement of Case includes an updated version of the drawing reference P-011 Rev A, now dated March 2023 and including various measurements. All parties have had a chance to comment on this updated plan during the appeal, and the amendments provide clarification rather than physical changes. In the interests of natural justice, I therefore find that no parties would be prejudiced by my acceptance of this updated plan.
3. The adopted Development Plan for the site is the Upper Poppleton and Nether Poppleton Neighbourhood Plan 2016-2036 (UPNPNP) (2017). The Council also refers to policies in the City of York Local Plan - Publication Draft (2018) (Regulation 19 Consultation) ('the LPPD'), which has been subject to full examination, and consultation on Modifications in February 2023. Although I am unaware of the extent of any unresolved objections, its policies are material considerations insofar as they are consistent with the National Planning Policy Framework ('the Framework') (2023), and I afford them moderate weight.
4. Policies in the City of York Draft Development Control Local Plan (2005) are also material considerations for development control purposes, with limited weight except where in accordance with the Framework.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host dwelling, and of the area, with particular regard to the setting of the adjacent listed building and the preservation or enhancement of the Nether Poppleton Conservation Area (CA).

Reasons

6. The proposal is for a pitched roof rear dormer and 2 rear rooflights, on a 2 storey dwelling with detached garage. A single storey flat roof rear extension, linked to and incorporating the existing side extension, was granted in 2022,

and shown on the appeal plans in combination with the roof alterations. I have therefore based my assessment of the scheme both with and without this extension, as I have no certainty of its implementation. The property includes front and rear gardens with a wide verge to Church Lane, with dwellings on the other 3 sides and on the opposite side of Church Lane.

7. The site lies within the Nether Poppleton CA, and so I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. Section 16 of the Framework also requires that great weight should be given to the conservation of designated heritage assets, and Policy D4 of the LPPD aligns with this approach. The UPNPN further reiterates through Policies PNP3 and PNP4 that proposals should be high-quality design that preserves or enhances the special character or appearance of the CA, and should protect the village's open character and heritage assets.
8. The CA's layout contributes to its significance, tracking the village's historic origins from St Everilda's Church and Manor Farm west along the bank of the River Ouse. The continuity of Church Lane and Main Street links areas of historic and rural character, through a series of curves and changes in level, and the trees and grass verges and set back development with the beck alongside. At Main Street's western end, mostly 18th and 19th century houses and cottages cluster around the junction and down the hill, creating another focus of traditional village character. This relationship between Nether Poppleton and the river, alongside the historic buildings, retains the importance of the CA as a rural edge and a sense of identity for the village, in contrast to the suburban development beyond.
9. I also have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the impact of the proposal on the special architectural and historic interest of listed buildings and their settings. The grade II listed building Kilburn House lies adjacent at 2 Church Lane, being a mid-18th century dwelling in a prominent location on the junction of Church Lane, Millfield Lane, and Main Street. Its position and height frames longer distance views, and its gable end and boundary wall frame the immediate view along Millfield Lane.
10. Other listed buildings also frame this junction. The elevations of each vary subtly, but the same proportions and period character are shared, and they present a uniform frontage to the junction. Uniting materiality and detailing are brick frontages with symmetrical fenestration, tile roof coverings, and gable end chimneys. Collectively they have significance through their group value contribution to the CA and the understanding of the village's development.
11. The proposal would retain the majority of the dwelling's roof form, and the dormer would be in matching materials and with the same window frame glazing bar layout as the lower windows. However, it would create undue prominence and imbalance through the slightly off-centre dormer positioning, the extent of its forwards projection, and its height in relation to the first floor. This would be exacerbated by the rooflights positioned just below the ridge.
12. Altogether it would create undue dominance and a top-heavy appearance, and cause harm to the character and appearance of the host dwelling. It would not be comparative to the rooflights on Kilburn House as these are more modest in relation to the size of the roof, and are set down from the ridge.

13. The appeal site is particularly important in its positioning in direct juxtaposition to Kilburn House and at the heart of the CA. My site visit identified that the appeal site's full roof can be viewed from points along Millfield Lane, as well as in other partial views. Although many elements of the CA's significance would be unaffected, the proposals would be visible within the setting of the listed buildings, and affect their significance and that of the CA by drawing attention away from the prominence of Kilburn House.
14. The appellant suggests that were the permitted development rights not removed by the original planning consent, the rooflights could be installed under such rights, indicating that they are an acceptable degree of change. However, these rights do not exist on the property, and this general approach to rooflights does not outweigh the harm which I identify above.
15. Dormers, rooflights, and photovoltaic panels are present or approved within the CA, including on Church Lane and Millfield properties. However, the overriding characteristic for the style and form of the appeal dwelling is of largely unbroken roof slopes. That the framing of Kilburn House from Millfield Lane already includes contrasting modern development, including the particular prominence of the dwelling to its rear, does not indicate that further departures should be encouraged. The lack of objections to the proposal does not equate to a lack of harm.
16. Overall, the proposed loft conversion with dormer and rooflights would lead to less than substantial harm to the significance of designated heritage assets. I give great weight to this harm, as advised by the Framework paragraph 199. Paragraph 202 advises that less than substantial harm should be weighed against the public benefits of the proposal, and none have been suggested.
17. The development would therefore cause harm to the character and appearance of the host dwelling, to the setting of the adjacent listed building, and less than substantial harm to the character and appearance of the area, with particular regard to the preservation of the Nether Poppleton CA. The proposal would conflict with Policies PNP3 and PNP4 of the UPNPNP, and the need to achieve well-designed places as set by the Framework paragraph 130. It would also conflict with the Framework Section 16 on conserving and enhancing the historic environment, and specifically paragraphs 199 and 202.
18. Insofar as the policies are a material consideration, it would conflict with the LPPD Policies D1, D4, and D11. Amongst other things, these require development to respect and complement the historic arrangement of plots and buildings, demonstrate that it does not dominate other buildings and spaces, and respond positively to its immediate context and local character and history in terms of scale and proportion. The proposal would similarly conflict with Policies GP1, H7, and HE4 of the Development Control Local Plan, and the House Extensions and Alterations Supplementary Planning Document (2012), which broadly align with the policies described above.

Conclusion

19. The proposal would cause harm to the character and appearance of the host property, the setting of the adjacent listed building, and the CA. It would lead to less than substantial harm to the significance of designated heritage assets, and Paragraph 202 of the Framework identifies that this should be weighed against the public benefits of the proposal. No public benefits of the scheme have been presented.
20. In conclusion therefore, the scheme conflicts with the development plan as a whole. With no other material considerations indicating otherwise, for the reasons given above I conclude that the appeal is dismissed.

L Hughes

INSPECTOR