



Appeal Decision

Site visit made on 23 November 2023

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/C2741/D/23/3327054

14 Fifth Avenue, York YO31 0XA

- 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 Helen Whittaker against the decision of York City Council.
 - The application Ref: 23/00918/FUL, dated 5 May 2023, was refused by notice dated 26 July 2023.
 - The development proposed is erection of a single storey extension to rear of the property. Loft conversion including a flat roof dormer to the rear roof slope. Replacement of all windows.
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Decision

1. The appeal is dismissed insofar as it relates to the hip to gable roof extension with dormer to rear and planning permission is refused for the proposed hip to gable roof extension with dormer to rear. The appeal is allowed insofar as it relates to the erection of a single storey rear extension and planning permission is granted for a single storey rear extension at 14 Fifth Avenue, York YO31 0XA in accordance with the terms of the application, Ref 23/00918/FUL, dated 5 May 2023, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the single storey rear extension hereby permitted shall match those used in the existing building.
 - 3) The development shall be carried out in accordance with the approved plans: ref: 1974: FAV 330-01 P3, proposed plans and elevations, and location plan, insofar as they relate to the proposed single storey rear extension only.

Preliminary Matters

2. In determining this appeal, I have based my decision on the Council's description of development as "Single storey rear extension, hip to gable roof extension with dormer to rear, replacement windows throughout" as it represents a more accurate representation for the proposal.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the building and area.

Reasons

4. 14 Fifth Avenue is a two-storey semi-detached dwelling located in a residential area comprised of dwellings of a similar age and design. The Council has raised no objection to the proposed single storey rear extension. I see no reason to disagree, in view of its form, scale and design and lack of any significant detrimental effect on the amenity of the adjoining dwelling of 12 Fifth Avenue, which has a rear conservatory. The proposed rear extension appears to be separable from the rest of the development in relation to its potential construction and would not conflict with relevant development plan policies or the Council's supplementary planning guidance.
5. Dwellings in this part of Fifth Avenue are characterised by their hipped roofs. There are flat roofed rear dormers in the vicinity at dwellings at Glen Avenue. However, their height does not appear to exceed the ridge line of the dwellings.
6. The rear dormer at the appeal dwelling would accompany, and form part of, a change of the hipped roof to a gable roof. The proposed flat roof dormer would extend for most of the rear roof slope leaving a set-back from the end of a new gable end roof slope. The dormer would exceed the height of the main ridge line of the dwelling by around 200 mm.
7. The appellant has submitted a sketch of the proposals and contends that the raised section of roof would be imperceptible from the public footpath or highway and concealed from any credible line of vision.
8. However, at my site visit it was apparent that the raised section of the dormer roof would be seen from the highway and footways when approached from a southerly direction along Fifth Avenue. The dormer would appear unduly high and top-heavy compared to the ridge line of the pair of semi-detached dwellings and overly prominent because of its height scale and bulk.
9. I find, therefore that the proposed rear dormer would be significantly harmful to the character and appearance of the building and residential area. It would conflict with policy D1: Placemaking, and policy D11: Extensions and alterations to buildings, of the City of York Local Plan – Publication Draft and policies GP1: Design, and H7: Residential alterations, of the City of York Development Control Local Plan. It would also conflict with the objectives of good design in the National Planning Policy Framework.
10. The appellant has explained that the raised section of the roof is required to provide comfortable headroom within the proposed loft, and without that feature the floor-to-ceiling height would be below 2 metres and unusable as a habitable space. Nevertheless, its proposed height would conflict with guidance in the Council's House Extensions and Alterations Supplementary Planning Document which advises that proposals to raise the roof of a dwelling to create adequate internal roof space will normally be refused unless the building is detached and/or the works can be created without creating a structure that is out of character with neighbouring properties.

Conclusion

11. I have taken all other matters raised into account. However, for the reasons given above, I conclude that the appeal should be dismissed in relation to the proposed hip to gable roof extension and rear dormer. The appeal is allowed in relation to the proposed rear single storey extension.

Martin H Seddon

INSPECTOR