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# Appeal Decision

Site visit made on 20 December 2023

**by J Smith MRTPI**

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

**Decision date: 30 January 2024**

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**Appeal Ref: APP/C2741/D/23/3331422**

**9 Farmers Way, Copmanthorpe, York YO23 3XU**

- 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 Graham Daniels against the decision of City of York Council.
  - The application Ref 23/00403/FUL, dated 27 February 2023, was refused by notice dated 25 July 2023.
  - The development proposed is single story pitched roof garage to the side and single story pitched roof rear extension.
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## Decision

1. The appeal is allowed and planning permission is granted for single story pitched roof garage to the side and single storey pitched roof rear extension at 9 Farmers Way, York YO23 3XU in accordance with the terms of the application, Ref 23/00403/FUL, dated 27 February 2023, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
    - A) 2023/104/P AL(0)01 – Site Location Plan and Block Plan
    - B) 2023/104/P AL(0)02 – Existing and Proposed Plans and Elevations
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those described on the planning application form.
  - 4) Notwithstanding condition 2, no development shall take place until final details of the front porch design have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

## Preliminary Matters

2. In my assessment of the evidence before me, it was noted that there was a discrepancy shown on drawing 2023/104/P AL(0)02 (Existing and Proposed Plans and Elevations). This discrepancy was an error shown in the proposed elevations, which illustrated a gabled roof form in some elevations, and a hipped roof shown in others. The Council has no issue with either roof form. The appellant was requested to comment and stated that a gabled roof was chosen. As such, I have assessed the proposal on this basis.

## **Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the street scene.

## **Reasons**

4. 9 Farmers Way is a detached bungalow which forms part of a staggered row of bungalows in close proximity to each other. The appeal property is different from its neighbours as its principal elevation is turned, with the gables of the roof facing the side boundaries of the site. The adjacent bungalows have gables facing onto Farmers Way. The appeal property therefore has a wide frontage compared to adjacent dwellings. A public footpath is situated to the side of the property which is enclosed by high fencing and garage buildings which are built up to the boundary at the appeal site and at 7 Farmers Way.
5. The proposed side extension would not be excessively wide as it would be smaller in width than the principal elevation of 9 Farmers Way. I do note that there would be no set down in the ridge of the roof as normally required by the Copmanthorpe Village Design Statement 2002 (VDS) and the House Extensions Supplementary Planning Document 2012 (the SPD) to ensure subservience to the existing property. However, the proposed development would provide a continuation of a coherent, uniform ridgeline along the principal elevation. During my site visit I noted that similar developments to other bungalows had taken place in the wider estate with no set down in the ridge.
6. The proposal would extend into the rear garden along the side boundary of the appeal site, replacing a flat roof garage adjacent to the public footpath. Due to the staggered row of the bungalows and the close relationship between neighbouring properties, the public footpath is the only public vantage point from which the proposal would be clearly visible.
7. The proposed roof would be higher than the existing garage. However, the extension would follow a similar length to the projection of the other bungalow properties located in this row. Furthermore, the hipped roof would contribute to its subservience. This would not result in a dominating structure or unacceptably enclose the adjacent public footpath. Moreover, whilst the scale of the extension to the property would be sizeable relative to the existing dwelling, much of this enlargement would not be read holistically from the public realm.
8. I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the host dwelling and the street scene. It would comply with Policy D11 of the City of York Local Plan 2018 and the SPD and the VDS which require proposals to respond positively to its local character in terms of scale and proportion and not have an overbearing impact on pedestrian footpaths.

## **Other Matters**

9. Comments were provided which suggested that there would be a loss of parking space. I note that the Council have assessed this matter to which they find the proposed parking space acceptable, and I find no reason to disagree.

### **Conditions**

10. In addition to the statutory time condition [1], I have applied conditions specifying the approved plans [2] and the external materials to be used [3] in the interest of certainty and to safeguard the character and appearance of the area. I have applied a pre-commencement plans condition [4]. This is to clarify and finalise the roof design of the porch to the front elevation of the appeal property prior to its construction. This is in the interests of clarity and certainty.

### **Conclusion**

11. I conclude that the proposal would comply with the development plan. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise. Therefore, the appeal is allowed.

*J Smith*

INSPECTOR