



Appeal Decision

Site visit made on 15 December 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/C2741/W/24/3349410

52 Moat Field, Osbaldwick, York YO10 3PT

- 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 Miss Carole Sells against the decision of the City of York Council.
 - The application Ref 24/00496/FUL.
 - The development proposed is single storey side/rear extensions, porch to front, conversion of garage to habitable space and creation of refuse storage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Miss Carole Sells against the decision of the City of York Council. This application is the subject of a separate decision.

Procedural Matters

3. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the amended description along with reference to the creation of refuse storage accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.
4. An amended plan was submitted during the application process which included re-configuring the floor-plan of the proposed development and creation of a cycle store, accessed via an additional door on the front elevation, the amended plan was considered by the Council. I have therefore considered this appeal on the basis of the revised plan.
5. The Council's reasons for refusal refer to the City of York Local Plan – Publication Draft (the Local Plan) 2018. Whilst this emerging plan appears to be at an advanced stage of preparation, I cannot give it full weight. Nevertheless, it is a material consideration that I have had regard to in reaching my decision.
6. Since the determination of the application the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2024) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

7. The Council have not raised concern with regard to the proposed rear extension, from the information before me I do not disagree.
8. The main issue in this appeal is the effect of the development comprising single storey side extension, porch to front, conversion of garage to habitable space and creation of refuse storage on (i) the character and appearance of Osbaldwick Conservation Area; and (ii) cycle storage.

Reasons

Character and Appearance

9. The site is within a residential area within the Osbaldwick Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
10. Paragraph 212 of the Framework states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm.
11. The Council have provided information relating to the conservation area which confirms that the main elements of the character and appearance of the area comprise the elements surviving from the medieval form of layout and the open rural character of the green and the relationship between building groups and the natural features of the green. I find that these elements contribute to the significance of the conservation area.
12. The area is characterised predominately by two storey semi-detached houses. The appeal property is a semi-detached house situated towards the end of a cul-de-sac facing out onto the highway, Osbaldwick Village.
13. I observed during my site visit that some similar properties in the area have been extended or altered. Notwithstanding this most of the altered properties retain the arched brick entrance detail, even if filled in by an internal porch. Whilst there are external porches to some properties within the immediate area these are not prevailing features.
14. The proposed porch would be an unsympathetic addition which would remove this arched brick detail and would not be in keeping with to the host property or surrounding area.
15. Extending the built form of the existing garage forward in line with the existing front elevation would be similar to that of the adjoining neighbouring property, No. 54 Moat Field. Extended the single storey form to a similar position to the adjoining property would provide a symmetry to the pair of houses. Whilst the garage door would be removed this is similar to the adjacent pair of semi-detached properties No's 48 and 50 where one has a garage door, and one has a window to the front of their single storey side extensions.
16. I observed during my site visit that refuse bins are currently located in front of the existing garage which is set back from the frontage of the appeal property and screened to a degree by a trellis planting box. The proposed refuse storage would be located to the front of the property, adjacent the small boundary wall. Whilst refuse storage does often occur to the front of

properties in the immediate area, the proposed bin store would be an incongruous feature within the streetscene.

17. I find that the proposed development would harm the character and appearance of the Osbaldwick conservation area. Whilst I find that the proposed development would harm the character and appearance of the conservation area, I do not find that there would be harm to its significance.
18. The proposed development would be contrary to Policies D4 and D11 of the Local Plan and the City of York Council 'House Extensions and Alterations' Supplementary Planning Document (2012), which seeks amongst other things for developments to be sensitively designed to preserve or enhance those elements which contribute to the character or appearance of the Conservation Area.
19. There is conflict with the Framework which seeks amongst other things to ensure good design of developments and protects the historic environment.

Cycle Storage

20. The Council refers to the Cycle infrastructure design (LTN 1/20) which provides guidance for local authorities on designing high-quality, safe cycle infrastructure. LTN 1/20 confirms the amount of cycle storage that would be required for residential development, 1 per bedroom. The amended plan submitted denotes a cycle store to the front of the proposed side extension, the Council considers this to be awkward and difficult to use.
21. Nevertheless, the existing layout does not designate any dedicated cycle storage whilst this may occur within the garage which would be lost as a result of the proposed development this is purely speculation.
22. I have not been provided with substantive evidence to persuade me that dedicated cycle storage for a householder development where none currently exist, and no further bedrooms are proposed is required.
23. There is no conflict with the Framework which seeks amongst other to ensure sustainable transport modes area prioritised taking account of the vision for the site, the type of development and its location.

Conclusion

24. I have concluded that the proposed development would not require dedicated cycle storage, however this does not outweigh the harm I have identified in terms of the effect of the proposed development on the character and appearance of the Osbaldwick conservation area.
25. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR