



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: 20 December 2024

Appeal Ref: APP/C2741/D/24/3347585

24 Nursery Gardens, Osbaldwick, York YO10 3QL

- 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. Joseph Fletcher against the decision of the City of York Council.
 - The application Ref 24/00697/FUL.
 - The development proposed is a single storey side and rear extension after removal of garage and rear projections.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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 accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.

Main Issues

3. The main issues in this appeal are the effect of the development on
 - (i) the character and appearance of host property and area in general;
 - (ii) the living conditions of the occupiers of No. 26 Nursery Gardens;
 - (iii) the living conditions of occupiers of the appeal site; and
 - (iv) highway safety.

Reasons

Character & Appearance

4. The site is within a predominantly residential area, characterised predominately by bungalows and two storey semi-detached houses. The appeal property is a detached bungalow situated on a corner plot.
 5. I observed during my site visit that some bungalows in the immediate vicinity of the appeal site have been extended or altered. Notwithstanding this the proposed wrap around extension with flat roof would be uncharacteristic in comparison to other bungalows within the area and would be incongruous with the host property.
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6. The scale and design of the proposed development would dominate and be incongruous to the host property. I find that the proposed development would harm the character and appearance of the host property and the area in general.
7. The proposed development would be contrary to City of York Council 'House Extensions and Alterations' Supplementary Planning Document (2012) (the SPD), which seeks amongst other things for extensions to be subservient and sensitively designed.

Living conditions of occupiers of No. 26 Nursery Gardens

8. The proposed development would wrap around the appeal property and would be close to the shared boundary with No. 26 Nursery Gardens. I observed during my site visit that mutual overlooking occurs by virtue of the windows which exist in the elevation of No. 26 facing onto the appeal site and vice versa.
9. No. 26 has a slightly lower ground level than the appeal site and the side elevation of No. 26 is closer to the boundary than the current appeal property. The bulk of the proposed development closer to the boundary would be prominent to the outlook of the neighbouring occupiers.
10. There are windows in the existing property which overlook No. 26, notwithstanding this the proposed development would increase the level of overlooking from multiple rooms closer to the shared boundary.
11. Glazing could be obscured and a higher fence erected, as proposed by the appellant, however these would affect the outlook of the host property and harm the living conditions of the occupiers of the appeal property itself. These measures would also not alleviate the concerns I have relating to the outlook from No. 26.
12. I conclude that the proposed development would harm the living conditions of the occupiers of No. 26 Nursery Gardens. The proposal conflicts with the SPD which seek amongst other things to protect the amenities of existing occupiers of neighbouring properties.

Living conditions of occupiers of the appeal site

13. The proposed development wraps around the side of the appeal site where a detached garage is currently located and the rear of the appeal property where there is a modest conservatory. A small fence separates the area to the rear of the appeal site from the side and front garden located adjacent the highway, which gives the appearance of private amenity space.
14. The side and front garden area is relatively open with a small wall and railing boundary. The side and front garden are not private. The existing useable private amenity space would be lost as a result of the proposed development. I conclude that the proposed development would harm the living conditions of occupiers of the appeal site.
15. There is conflict with the SPD which seeks amongst other things to ensure developments provide adequate useable private amenity space.

Highway Safety

16. The appellant confirms the proposal would provide 2 onsite car parking spaces; however, this is not demonstrated on the submitted plans. The proposed development would remove the existing garage and extend the built form of the garage forward towards the highway thereby reducing the area to provide car parking and increasing the potential for vehicles to overhang the highway.
17. I have not been provided with substantive evidence to persuade me that the proposed development would provide suitable parking within the site, on this basis I find that the proposed development would harm highway safety.
18. There is conflict with the SPD which seek amongst other things to ensure developments retain adequate parking.

Conclusion

19. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR