



Appeal Decision

Site visit made on 21 January 2025

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/C2741/W/24/3349800

2 Norfolk Street, York YO23 1JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Sam Chamberlain against the decision of City of York Council.
 - The application Ref is 24/00385/FUL.
 - The development proposed is erection of 1no. dwelling to rear following demolition of detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government has published its Housing Delivery Test results alongside the publication of a revised National Planning Policy Framework (The Framework) in December 2024. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the comments made in reaching my decision.
3. The Council refers to policies in the emerging Publication Draft York Local Plan 2018 (the PDLP). Although this has been subject to full examination and the Main Modifications have been consulted on, I am not aware of the extent of any unresolved objections to the policies of this document. The PDLP has not been formally adopted as part of the statutory development plan. On that basis I have given these policies only limited weight in accordance with paragraph 49 of the Framework.

Background and Main Issues

4. The appellant submitted amended plans with the appeal which raised the eaves and ridge of the roof, and which in turn increased the minimum room height within the proposed dwelling. The Council and third parties have had the opportunity to comment on the amended plans as part of the appeal process. On that basis, and due to the limited nature of the amendment, I do not consider that the interests of any party would be harmed if I proceed to determine this appeal on the basis of the amended plans. The Council has confirmed that the amended plans address its concerns on the internal living space provided by the proposal.
5. On that basis, the main issues are the effect of the proposal on the:
 - Character and appearance of the area;

- Living conditions of neighbouring residents in respect of outlook and light, as well as neighbouring and future residents with regards to external amenity space; and
- Cycle and waste storage.

Reasons

Character and Appearance

6. The appeal proposal is located to the rear of 2 Norfolk Street, which is part of a substantial terrace facing onto Bishopthorpe Road. The appeal proposal would face onto Norfolk Street, which is characterised by tall, terraced properties of distinctive but uniform designs, which descend down a slope towards Rowntree Park. The scale and designs of the terraces create a strong streetscape which adds to the character and appearance of the area.
7. The extant garage on the appeal site appears as a relatively modern nondescript structure. There is a larger double garage on the opposite side of Norfolk Street, and a mixture of single storey offshoots and outbuildings to the rear of the host terrace.
8. The appeal proposal has been designed to reflect a 'coach house' type structure and would be of a scale that is subordinate to nearby dwellings. However, there are no outbuildings of a similar arrangement, scale and design in the immediate area. Within that context the proposal would appear as a contrived and incongruous development within this attractive streetscape, even allowing for the removal of the nondescript garage. The proposal would be subordinate to nearby dwellings, but this would merely give this free-standing dwelling an unfortunate diminutive appearance.
9. The proposal would use a palette of materials similar to other buildings in the area, and the windows in the main front elevation would be of a uniform design. But these considerations would not be sufficient to mitigate for the unacceptable scale and arrangement of the proposal within the streetscape.
10. The Council refers to the overdevelopment of the site. However, even given the constraints of the site, I do not consider that the proposal would appear as an overdevelopment due to its limited scale. Nevertheless, this does not lead me to a different conclusion on the overall harm to character and appearance.
11. The appellant has referred to examples of coach houses on corner terraced properties elsewhere in York. But these are some distance from the appeal site and do not set a prevailing context for the appeal proposal. It has also not been demonstrated that the circumstances of those other developments are a direct parallel to the appeal proposal, including in respect of site history and the quality of the streetscape.
12. I conclude that due to its scale, design and arrangement, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to Policy D1 of the PDLP due to the harm to the character and quality of the area. The proposal would also be contrary to the Framework with regards to achieving well-designed places.

Living Conditions

13. The existing garage projects to the boundary with 114 Bishopthorpe Road. However, as has been noted as part of a previous Appeal Decision, the garage is slightly offset from windows in a rear offshoot of No 114 and as a result it was determined that the garage has a limited impact on the neighbouring property in terms of outlook and light. On that basis, the proposed dwelling has been designed so that the relevant windows of No 114 align with the single storey element of the proposal.
14. However, the single storey element will project further along the boundary with No 114 than the garage and will be higher than the existing boundary wall. The 2-storey gable wall of the proposal would also be significantly higher than the garage. Even allowing for the single storey element and the offset of the gable wall, the scale and proximity of the proposal would have an unacceptable enclosing effect on views from the nearest windows on No 114 as well as on part of its external amenity area. Although the affected windows have a north facing aspect, due to its massing and proximity, the proposal would also lead to a significant reduction in the amount of daylight reaching those windows.
15. The proposal would reduce the amount of external amenity space that currently serves the rear of No 2 and the proposed dwelling would also have limited external amenity space. However, the Council has no adopted standards for external amenity space, and the extent of amenity space for both the existing and proposed properties is not unusual for this built-up urban area. Residents would also have good access to the nearby Rowntree Park. On that basis, the proposal would provide appropriate external amenity space for existing and future residents.
16. Notwithstanding my conclusions in respect of external amenity space, the proposal would lead to significant harm to the living conditions of residents of No 114 with regards to outlook and light. The proposal would therefore be contrary to the Framework which seeks that developments ensure a high standard of amenity.

Cycle and Waste Storage

17. The proposal would result in the loss of the garage to the rear of No 2. The Council has expressed concern that the loss of the garage would require further cycle parking spaces to be provided within the site. However, the appellant has confirmed that the garage is leased to a third party and is not available for the parking of cycles.
18. The appellant also contends that residents of No 2 have no cycle parking facilities. But this does not reflect observations on my visit where I saw that bicycles were kept to the rear of No 2, albeit that they were in the open yard. Although these cycles were not kept on the extent of the appeal proposal at the time of my visit, given the number of residents of No 2 it is reasonable to assume that the extant external space as a whole provides cycle parking for those residents.
19. Based on what I have seen and read, the 2 cycle spaces proposed would not be sufficient to serve both the existing and future residents. It has therefore not been demonstrated how a reasonable number of cycle parking spaces can be provided to meet the needs of residents of No 2 within the reduced external amenity area.

Given the constraints of the site, including the relationship with waste storage areas, I do not consider that there is a reasonable degree of certainty that this matter could be addressed by condition.

20. In respect of waste storage, the existing bin storage area for No 2 would be unaffected by the proposal and would continue to provide an appropriate area for that purpose. Suitable bin storage would also be provided for future residents of the proposed dwelling.
21. Notwithstanding my conclusions in respect of waste storage, it has not been demonstrated that the proposal would make suitable provision for cycle parking for residents of No 2. The proposal would therefore be contrary to Policy T1 of the PDLP with regard to providing sufficient cycle storage.

Planning Balance and Conclusion

22. There are no relevant adopted development plan policies, and paragraph 11(d) of the Framework therefore applies. This states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole having particular regard to key policies.
23. The proposed dwelling would add to the mix and supply of housing in the area, and would be in a sustainable location with good access to services. However, even given the Council's housing land supply position as set out in the appellant's Statement of Case, the benefits arising from a single dwelling carry no more than moderate weight in favour of the appeal.
24. The proposal would not be an efficient use of land due to the identified harm arising from the development, including in respect of character and appearance, cycle storage and amenity. On balance, the proposal would be contrary to the policies of the Framework taken as a whole, and in respect of key policies individually and in combination. I give the identified harm and the conflict with the Framework significant weight.
25. The adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The proposal would not represent sustainable development and the appeal should therefore be dismissed.

David Cross

INSPECTOR