
Appeal Decision

Site visit made on 5 March 2025

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 24 March 2025

Appeal Ref: APP/C2741/W/24/3353477

44 Kyme Street, York YO1 6HG

- 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 Jamie Stuart against the decision of City of York Council.
 - The application Ref 24/00331/FUL, dated 20 April 2024, was refused by notice dated 2 May 2024.
 - The development proposed is a rear dormer/conversion of loft space to create 4th bedroom and the change of use of the property from C3 to C4.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Central Historic Core Conservation Area (the CA).

Reasons

3. The proposal is to construct a rear facing dormer and to convert the roofspace to create a fourth bedroom in connection with the change of use of No 44 Kyme Street, a mid-terrace house, into a house in multiple occupation.
4. There is no objection to the change of use of the dwelling as, on the basis of the latest information, the proposal complies with the criteria in Policy H8 of the recently adopted City of York Local Plan and the associated SPD¹.
5. No 44 comprises one of a long row of two-storey terraced properties on the southern side of Kyme Street, which in turn forms part of a series of similar Victorian terraced streets in the Bishophill area of the city within the city wall. The CA character appraisal² describes the area as 'a charming network of terraced streets, strongly reflect(ing) the character of a Victorian suburb... the regimented and repetitive nature of the architecture makes the area distinct from others in the city walls... this area is a tranquil haven with a very strong sense of identity.' Whilst there are few listed buildings in the area, 'due to their homogeneity and powerful contribution to the character of the area, the terraced streets have strong local value as a group and should be considered buildings of merit'.

¹ Controlling the Concentration of Houses in Multiple Occupation SPD 2012 amended 2014.

² Central Historic Core CA Appraisal 2012: Bishophill

6. The rooflights proposed on the front facing roofslope of No 44 as part of the proposed conversion would be relatively unobtrusive, indeed there are numerous similar rooflights on other terraced houses in the vicinity.
7. However, the proposed box dormer would occupy a large proportion of the rear facing roofslope. It would be set in only slightly from the rear eaves line, set down only slightly below the main ridgeline and project significantly above the ridgeline of the rear outrigger shared with No 42. The result would be a bulky and obtrusive addition to the roof of the property, and overly prominent when seen alongside the neighbouring unspoilt rear facing roofslopes.
8. The box dormer would face away from the public road towards the private rear passageway that runs between the back yards of Kyme Street and Newton Terrace. It would consequently be unseen in many public views. However, the passageway itself is used by numerous residents and the view of the dormer from the passageway would be awkward and obtrusive. The rear roofslopes are also visible in public views when looking from the gate at the end of the passageway on Baile Hill Terrace and in the important view from the top of the city wall. As the appellant's plan demonstrates, there is only one (smaller) rear flat roof box dormer nearby at No 25 Newton Terrace, just two at the far end of the Kyme Street/Newton Terrace passageway and one on the northern side of Kyme Street³. These examples, rather than setting a precedent for further rear dormers, demonstrate how harmful they are to the unspoilt roofscape and the otherwise charming, regimented, repetitive and homogenous terraced housing of the Bishopshill area as described in the CA appraisal.

Conclusion

9. For these reasons the proposal would significantly harm the character and appearance of the CA and conflict with Policies D1, D4 and D11 of the recently adopted City of York Local Plan. These seek to enhance York's special qualities, protect the character of its conservation areas and require extensions and alterations to respond positively to the immediate architectural context and local character. Whilst the proposal would provide an additional letting room, this benefit would not outweigh the conflict with the development plan. The proposal would also conflict with the legislative duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CA.
10. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

³ Those on properties facing Nunnery Lane are on the far side of the city wall in a different setting.