



Appeal Decision

Site visit made on 6 May 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Appeal Ref: APP/C2741/W/25/3361130

191 Tang Hall Lane, YORK, YO10 3RJ

- 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 Russell McCardle against the decision of City of York Council.
 - The application Ref is 24/01150/FUL.
 - The development proposed is conversion of detached garage to a one bedroomed flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the Council adopted the City of York Local Plan, Plan Period 2017-2033 (Local Plan). This has resulted in Policy D1 in the decision notice, amongst other policies referred to in the submission, being replaced by the newly adopted policies. I have determined the appeal on the basis of the most up-to-date development plan, in particular Policies D1, DP3 and H2 are relevant to this appeal. The appellant has had an opportunity to comment on the implications of the change.

Main Issue

3. The main issue is the effect of the development on the living conditions of future occupiers with regard to outlook and privacy.

Reasons

4. The appeal site is within a residential area and is an end of terrace corner plot, divided into a ground and first floor flat with a side and rear garden. The detached double garage in the rear garden is positioned a short distance from the rear elevation of the main house and is adjacent to the driveway. The internal space within the proposed dwelling would be sufficient to accommodate the needs of future occupants, and this is not a matter of dispute between the parties.
5. The proposed windows of the dwelling would be positioned facing the driveway. These windows would be close to a low fence, and two car parking spaces, and would be the main windows serving the lounge / kitchen and bedroom. These would be rooms in which the occupants would spend much of their time. Due to their proximity, the fencing and parked cars would dominate the view from these windows, resulting in a very poor outlook for future occupants. Furthermore, the occupiers of the proposed dwelling would have no control over the comings and goings associated with the use of the parking spaces by vehicles to the adjacent

properties. The proposal would result in disturbance and loss of privacy due to vehicle and pedestrian movement of the adjacent dwellings being close to the living areas of the proposed dwelling.

6. Moreover, the proposed garden, whilst sufficient in size, would be within the relatively small space between the garage and the main house. Two windows of the first floor flat would look directly over this area and at close quarters. It would be the only external garden space afforded to the dwelling, other than the small pathway at the front, and as such the extent of overlooking would significantly erode the future occupants' privacy.
7. Accordingly, I conclude that the proposed development would substantially harm the living conditions of future occupiers with regard to outlook and privacy. As such, the development conflicts with the relevant provisions of policies D1, DP3 and H2 of the Local Plan. Amongst other things, these policies seek to ensure that residents are not unduly affected by matters such as overlooking, require a people friendly environment and requires good design that responds to its context. Furthermore, the proposal would conflict with the National Planning Policy Framework (the Framework), which seeks the creation of places with a high standard of amenity for existing and future users.

Other Matters

8. The proposal is within a highly accessible location well served by public transport links, and there is sufficient space to accommodate a bike store, bins and recycling facilities. It would also contribute to local housing mix, albeit minimally due to the size of the unit. I also recognise that the Framework promotes the effective use of land and requires that substantial weight be given to the value of using suitable brownfield land within settlements unless substantial harm would be caused. Nevertheless, as I have set out, the Framework also seeks to ensure that developments create places with a high standard of amenity for existing and future users. In this case I have found substantial harm to the living conditions of future occupiers of the proposed dwelling. The substantial harm associated with the proposal outweighs the factors that weigh in its favour.
9. The proposal would not have a visually harmful effect or have a harmful impact on neighbouring occupiers. These are not factors which weigh in favour of allowing the appeal and do not diminish the harm that I have found on the main issue.

Conclusion

10. For the reasons given above, I conclude that the proposal conflicts with the development plan. There are no material considerations that outweigh that conflict. Therefore, the appeal is dismissed.

E Heron

INSPECTOR