

## COMMITTEE REPORT

**Date:** 15 October 2015      **Ward:** Acomb  
**Team:** Major and      **Parish:** No Parish  
Commercial Team

**Reference:** 15/01924/OUT  
**Application at:** Lidgett House 27 Lidgett Grove York YO26 5NE  
**For:** Erection of two storey dwelling  
**By:** Cllr Keith Myers  
**Application Type:** Outline Application  
**Target Date:** 20 October 2015  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 The site is a corner plot at the junction of Lidgett Grove with Beckfield Lane. The existing house is a double fronted, 'L' shaped period 1930s/50s property with garden areas to three sides and a small rear patio area. A detached brick built single storey garage with hipped tiled roof is situated to the side of the property, adjacent to the boundary with No. 25 Lidgett Grove.

1.2 The neighbourhood is characterised and dominated by semi-detached properties with long, rear gardens. The properties are set back from the road by front gardens and driveways leading to single storey garages to the side and behind the houses. Larger, double fronted detached properties (such as this site) are often situated on corner plots at the junctions of roads. Many of the properties have been extended to the side to varying extents.

1.3 Outline planning permission is sought for the erection of a detached, two storey three-bedroom dwelling to the side of the host dwelling. All matters have been reserved. However, information accompanying the application shows the dwelling on the site of the existing garage and continuing the building line of its neighbours on Lidgett Grove. The existing drive will be retained to provide off-street parking in front of the new dwelling with a new driveway to the host dwelling.

#### Planning History

1.4 A summary of the planning history of the site is provided below.

- 7/01/7566/PA - A detached double garage with games room - Refused 1991 - Appeal allowed 1992.

- 02/02137/FUL - Change of use of ground floor of dwelling to nursery and erection of single storey pitched roof rear extension and conservatory to side – No decision made  
An appeal was dismissed on grounds of increased traffic, noise and disturbance to neighbours.
- 14/00990/OUT - Outline application for a two-storey, three bedroom dwelling to the east of the host dwelling. Refused. The loss of an important gap in the street scene resulting in a loss of openness and form of development that is uncharacteristic of the area; the unduly oppressive and overbearing nature of a two storey dwelling in close proximity to the boundary of the rear garden at 231 Beckfield Lane; insufficient information of the means of surface water drainage to enable its impacts to be assessed and the lack of open space or a scheme for provision of off-site open space were identified as the reasons for refusal.

1.5 This application is being determined at sub-committee as the applicant is an elected Councillor for the Acomb Ward.

## **2.0 POLICY CONTEXT**

### **2.1 Development Plan Allocation:**

Air safeguarding GMS Constraints: Air Field safeguarding 0175

### **2.2 Policies:**

CYGP1: Design

CYGP10: Subdivision of gardens and infill development

CYGP15: Protection from flooding

CYH4A: Housing Windfalls

CYT4: Cycle parking standards

## **3.0 CONSULTATIONS**

### **INTERNAL**

#### Highway Network Management

3.1 Any response will be reported verbally.

#### Flood Risk Management

3.2 Any response will be reported verbally.

## Public Protection

3.3 No objections. However a condition on the installation of a three pin 13 amp external electrical socket which is suitable for outdoor use is recommended. Informatives on land contamination, and construction and demolition work are also sought.

## **EXTERNAL**

### Yorkshire Water

3.4 Any response will be reported verbally.

### Acomb Planning Panel

3.5 Any response will be reported verbally.

### Neighbours Notification/Publicity

3.6 At the time of writing, objections have been received from four neighbours. In summary, the following issues have been raised. Any further responses will be reported verbally.

- The outline application for the erection of the dwelling is very similar to the application that was refused last year (ref. 14/00990/OUT). The application should be refused for the same reasons as last time.
- There is no need for additional housing in the area. The British Sugar and Civil Service sites will provide new housing in this part of York.
- Inadequate on-site parking for residents and their visitors adding to the existing congestion on-street. Parents park to walk to the school nearby.
- Highway safety concerns are raised as a result of the proximity of a second driveway to the junction of Lidgett Grove with Beckfield Lane.
- The erection of the new dwelling would have an impact on the existing trees.
- The loss of trees and the planting and construction of a high hedge/wall is not welcome.
- The proposed dwelling is too close to No.25 Lidgett Grove and will impact on privacy to all three of the neighbouring properties
- The negative impact of the new dwelling and the loss of openness on the established character of the street.
- Small gardens proposed are out of character with the area.
- The proposed dwelling would not have adequate natural light. The windows to the front would be north facing. There are limited other window openings proposed with little outlook.

- House opposite is a mirror of the host property. Clearly new dwelling and parking arrangements would be out of character in the 1930s street.
- Concerns over the impact of construction traffic and the storage of building materials on highway safety.

## **4.0 APPRAISAL**

### **Key Issues**

4.1 The main considerations are:

- Principle of development
- Visual impact
- Residential amenity
- Transport and highways issues
- Drainage
- Precedents

### **Planning Policy**

#### National Planning Policy Framework (March 2012)

4.2 The NPPF sets out the Government's overarching planning policies, paragraph 14 advises that at its heart is a presumption in favour of sustainable development. The NPPF at paragraph 9 explains that pursuing sustainable development, amongst other objectives, involves seeking positive improvements in the quality of the built, natural and historic environment in addition to people's quality of life.

4.3 At paragraph 17, twelve core planning principles are identified including proactively supporting sustainable economic development to deliver the homes, business and infrastructure needed; always seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Planning should take account of the different roles and character of different areas, promoting the vitality of the main urban areas and protecting the Green Belts around them. Planning should actively manage growth to make the fullest possible use of public transport, walking and cycling.

4.4 Housing applications should be considered in the context of the presumption in favour of sustainable development. However, paragraph 53 also advises that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

4.5 Section 7 explains that the government attaches great importance to the design of the built environment and is a key aspect of sustainable development. Paragraph 58 explains that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place using streetscapes and buildings to create attractive and comfortable areas to live; respond to local character, reflect the identity of local surroundings and materials and create safe environments. Paragraph 64 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### Development Control Local Plan (DCLP)

4.6 The DCLP (April 2005) has been adopted for Development Control purposes. Its policies carry limited weight except where they accord with the NPPF.

4.7 Policy GP1: Design states that development proposals will be expected to respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and character of the area, using appropriate building materials; avoid the loss of open spaces and important gaps within development, retain townscape features which make a significant contribution to the character of the area, provide and protect private, individual or communal amenity space; and provide individual storage space for waste recycling and litter collection. Development proposals should ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.8 Policy GP10: Subdivision of gardens and infill development, explains that planning permission will only be granted for the sub-division of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment. Further, the DCLP continues stating that space between and around existing buildings often contributes to the character of an area and to residential amenity.

4.9 Housing policy H4a Housing Windfalls, states that proposals for residential development on unallocated sites will be granted planning permission providing that the site is within the urban area and is vacant, derelict or underused or it involves infilling, the site has good accessibility to jobs, shops and services by non-car modes and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.

4.10 Policy GP15a on Development and flood risk explains developers must satisfy the LPA that any flood risk will be successfully managed and that the site can be safe. The use of sustainable drainage systems will be encouraged. Discharges from new development should not exceed the capacity of existing and proposed receiving

sewers and watercourses and should always be less than the level of pre-development rainfall run-off.

4.11 Policy T4 on cycle parking standards explains that in all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E. For dwellinghouses this is 1 covered space per 1/2 bedroom dwelling and 2 spaces per 3-bed dwelling. The same level of car parking provision is also required (1 space per 1/2 bedroom dwelling and 2 spaces per 3-bed dwelling). A visitor parking standard equal to 1 space per 4 dwellings will be required and this can be provided on-street.

## **Consideration**

### Principle of development

4.12 The site is within the urban area in a residential neighbourhood close to shops and other local facilities. Public transport bus services run along Beckfield Lane and Boroughbridge Road (A59). The NPPF generally sets a presumption in favour of residential development in sustainable locations. The principle of residential development in this general location is acceptable.

### Visual impact

4.13 The established character of the area is set by the 1930s/50s detached and semi-detached dwellings, with properties set back from the street by front gardens and driveways with generally low boundary treatment giving the street a wide open feel. The pattern of development is fairly uniform with dwellings maintaining an established building line. Properties are set on relatively large plots, benefitting from large back gardens, generally 20 to 25m in length. Corner properties are usually detached, double fronted with generous front and side gardens. Properties often have detached single garages, set back behind the dwelling frontage. This open character and gaps between dwellings enable views of the rear garden areas, adding to the suburban, green open character which is an important feature of the area.

4.14 No. 27 Lidgett Grove is such a detached dwelling on a corner plot, with No. 30 Lidgett Grove across the street mirroring it in style and layout. The insertion of a new dwelling into the garden area of the application site will reduce the openness of the site by closing a gap in the established development form. Whilst it is recognised that the high hedges and trees on the street boundaries do provide some screening of the host site, it is also these views of garden vegetation and trees that add to the open suburban character of the area. A two storey dwelling in this location is permanent and substantial built development which would close the gap between dwellings, views to garden areas and reduce the sense of openness in the neighbourhood.

4.15 Moreover, both the host and new dwelling would subsequently have relatively small outdoor amenity space compared with what is typical for the area. A fair proportion of the retained front garden areas would be given over to the off-street parking of vehicles, which would not be typical of the character of these more substantial detached dwellings on corner plots. The proposed dwelling would have no rear garden at all with a 2m high timber fence 1.1m from the rear elevation and a dense landscape screen immediately in front of the fence adjacent to the rear elevation. The proposed dwelling would have a side garden to the west just 6m in width and the front garden space would be half given over to parking leaving a front garden area approximately 7.5m by 7.5m. The host dwelling would retain its front garden and side garden areas, which although not unreasonable in size, it is uncharacteristic of the pattern of development in the area where corner properties sit grandly within their corner plots with garden space to the front and sides. The construction of the new dwelling would result in almost all the larger side garden to the east of the property lost to development. It is considered that the proposed dwelling and its host would look cramped and discordant in relation to other properties in the area which are generally spaced with the large garden areas. The high boundary treatments proposed, particularly to the front and side, would emphasise the development as being uncharacteristic of the area.

4.16 Policy GP10 on subdivision of gardens and infill development in the DCLP is clear that space between and around existing buildings often contributes to the character of the area and residential amenity. This is one such neighbourhood where it is important. The NPPF explains that planning should take account of the character of different areas. At paragraph 53 it explains that LPAs should consider setting policies to resist inappropriate development of gardens where it would harm the area. Paragraph 9 states that development should positively improve the quality of the built environment. A key principle is that planning should take account of the character of difference areas. There is clear policy support for the resistance to development which does not make a positive contribution to the quality of neighbourhoods and particularly where it would be considered as inappropriate development of garden areas. Policy GP1 Design states that development should avoid the loss of open spaces and important gaps within development and to retain townscape features which make a significant contribution to the character of the area. The proposals are found therefore to not accord with the above planning policy and would give rise to significant harm to the character of the area.

4.17 The applicant has made reference to the appeal decision (see 1.4 above) where planning permission was allowed for the erection of a detached double garage with games room over in 1992. The permission has not been implemented but the applicant has highlighted how the footprint of the two storey building was very similar to the footprint of the proposed dwelling being the subject of this application.

4.18 Respecting the Inspector's decision in this case, this planning permission was for a building incidental to the enjoyment of the host dwelling. It was not for a new dwelling which is a quite separate unit with new boundaries and levels of activity rather than an outbuilding ancillary to a dwelling. Moreover, it was a decision taken over 23 years ago. Planning policies have changed since this time in particular the introduction of GP10 supported by paragraph 53 of the NPPF. It is not considered that the Inspector's decision can reasonably be used as a precedent for the current application.

4.19 Of note, a planning application for the erection of a detached dormer bungalow to the side of no.2 Wheatlands Grove(ref. 10/01986/FUL) was refused in 2010. The application site was a similar large detached property on a corner plot. A subsequent appeal was dismissed, and the Inspector noted Policy GP10 and concluded:

"The footprint of the dwelling would occupy a substantial proportion of this restricted site resulting in a relatively small outdoor amenity space compared with what is typical for the area, as would the host dwelling. ....As a consequence, I consider the proposed dwelling would appear cramped in relation to other properties in Wheatlands Grove and Boroughbridge Road which tend to be generously spaced with deep back gardens. "

#### Residential Amenity

4.20 The new dwelling is set just 1.1m from the property boundary with No. 231 Beckfield Lane. Whilst this is approximately 15m from the rear elevation of No.231 Beckfield Lane and is to the north of the garden, a two storey elevation at the property boundary would appear dominating, overbearing and oppressive from within the garden area. It would therefore have a significant adverse impact on residential amenity for the neighbour of this property.

4.21 No. 25 Lidgett Grove is the property immediately to the east of the application site. At ground floor, the proposed dwelling would abut the property boundary as a slim one-storey side 'extension' 1.6m in width. The main two-storey elevation is then 4.4m from the side elevation of No.25 at first floor level. No.25 has a side window in this elevation orientated towards the application site, although this window appears to light non-habitable space as the window contains opaque glazing. The new dwelling to the east would have an impact on natural light to this room/space, particularly in the afternoon and evening however this would not be unduly harmful. With the two storey dwelling to the north-west of the property's long rear garden, and due to the house already benefitting from a side and rear extension, no particular loss of light or shadowing is anticipated to its long garden.

4.22 Whilst it is an outline application with all matters reserved, the applicant has advised that there would be no rear facing windows at first floor level. This could be secured by planning condition.

4.23 To the east, side elevation, the ground floor would adjoin No.25 Lidgett Grove and first floor elevations would be just 4.4m apart. To the west, side elevation, windows from habitable windows at first floor may also raise concerns with opportunities for overlooking of the host property side garden areas and ground floor main habitable rooms. Ground floor windows to the rear and east would have a very restricted outlook. Whilst there are concerns about the quality of living accommodation for the residents of the proposed dwelling this could be overcome with careful design and space planning.

4.24 The proposals are contrary to key principles of sustainable development in the NPPF at paragraph 9 which states that development should positively improve the quality of the built environment and people's quality of life. Paragraph 64 of the NPPF specifically states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Core planning principles include the need to always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy GP1 in the DCLP states that development proposals should ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures and the proposals conflict with this policy.

### Transport and Highways Issues

4.25 It is not considered that the addition of a single dwelling would have an unacceptable impact on the highway network. From a highway safety perspective, the additional driveway is set far enough from the junction at 19m to be acceptable. Off-street parking is available to comply with maximum standards and visitors are able to park on-street. Should the application be approved, conditions could be applied relating to the layout of parking areas and cycle parking provision prior to occupation.

### Drainage

4.26 The application is supported by a drainage layout plan, drainage calculations and drainage and water enquiry documents. A storm-water attenuation tank is shown on the submitted plan.

4.27 The Council's flood risk management engineer has been consulted and a response yet to be received. An update will be provided to Committee if available. It is noted that the lack of information was cited as a reason for refusal of the previous application.

## **5.0 CONCLUSION**

5.1 The erection of a dwelling within the garden area to the side of the host property being No.27 Lidgett Grove causes harm to the established character and pattern of development in the area through the loss of an important gap in development and openness in the street scene. The proposals are therefore found to be contrary to key principles of sustainable development set out in the NPPF at paragraphs 9, 17 and 64 which seek to ensure development positively enhance rather than harm residential amenity and the character and quality of the built environment.

5.2 The overbearing and oppressive nature of a two storey dwelling just 1.1m from the property boundary and garden area of No. 231 Boroughbridge Road is found to be contrary to policies GP1 Design and GP10 Subdivision of gardens and infill as the proposals are found to be detrimental to the character of the area and neighbouring residential amenity at No. 231 Boroughbridge Road.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The erection of the proposed dwelling would result in the loss of an important gap in the street scene, resulting in a loss of openness and a form of development that is uncharacteristic of the established layout and pattern of development in the locality. The proposed dwelling would have no rear garden, a small side garden and front garden half given over to the parking of vehicle(s). The host dwelling would be left with a side/front wrap-around garden only which would be uncharacteristic of the local area, some of which would be for parking of vehicle(s). The incongruous nature of the development would be further emphasised by the tall boundary treatment to the front and sides which is out-of-character in the neighbourhood. Together, these elements would be in stark contrast with the established character and pattern of development.

The proposals therefore conflict with the principles set out in the National Planning Policy Framework (NPPF) (2012), particularly paragraphs 9, 17, 53 and 58 and the objectives of Policies GP1, GP10 and H4a of the City of York Draft Local Plan adopted for development control purposes (2005). These policies seek to protect spaces between and around buildings that contribute significantly to the character of an area and for residential amenity. For housing windfalls development should be of an appropriate scale and density to the surrounding area and it is found that the proposed dwelling and its host would appear uncharacteristically cramped within the neighbourhood with small garden space.

2 The introduction of a two-storey property situated just 1.1m from the property boundary and rear garden at No.231 Beckfield Lane would appear unduly dominating, oppressive and overbearing and would create an unwelcome sense of enclosure to the garden/amenity space of the property. This would be contrary to the NPPF which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17) and that development proposals should positively improve the quality of the built environment and people's quality of life (paragraph 9). The proposals are also contrary to Policy GP1 of the Draft Local Plan (2005) which explains that development proposals should ensure residents living nearby are not dominated by overbearing structures.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

- Advised the applicant it was recommended for refusal and why and offered the applicant opportunity to withdraw the application.

However, the applicant/agent was unwilling to withdraw the application, resulting in planning permission being refused for the reasons stated.

#### **Contact details:**

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