

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Dunnington Conservation Area CONF

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 2018 Publication Local Plan

Policy D11

Alterations and extensions

Policy D4

Conservation areas

2005 Draft Local Plan Policies:

CYGP1

Design

CYH7

Residential extensions

CYHE3

Conservation Areas

3.0 CONSULTATIONS

External:

3.1 Dunnington Parish Council – No objections but wish to ensure that if permission is granted that surface water disposal is attended to. The purpose of these measures being to ensure no further endangerment to Water Lane and the remainder of the village at the bottom of the hill from the threat of further flooding at times of heavy rain and, in particular, during storm events.

Publicity:

3.2 Neighbour, Site Notice and Press Notice consultation – No comments received.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Impact on the character and appearance of the Conservation Area.
- Impact on neighbouring dwellings.

Planning Policy:

4.2 The National Planning Policy Framework (NPPF 2018) indicates a presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. The presumption in favour of sustainable development does not apply where policies relating to preserving designated heritage assets are not met.

Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

4.3 Chapter 16 (Conserving and Enhancing the historic environment) says in paragraph 190 that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 192 a) says that when determining planning applications, local

planning authorities should take account of sustaining and enhancing the significance of any heritage asset. Paragraph 193 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 195 says that where a proposed development will lead to substantial harm to or the total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.4 Paragraph 200 goes on to state that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. However, not all elements of a Conservation area will necessarily contribute to its significance (Para 201).

PUBLICATION DRAFT LOCAL PLAN 2018

4.5 Paragraph 47 of the NPPF 2018 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.6 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.7 The relevant policies in this document are D11- Extensions and Alterations to Existing Buildings and D4 - Conservation Area.

D11 states that proposals to extend, alter or add to existing buildings will be supported where the design:

- Responds positively to its immediate architectural context and local character and history, in terms of the use of materials and detailing, scale, proportion, landscape design and the space between buildings;
- Sustains the significance of a heritage asset and/or its setting and the character and appearance of conservation areas;

- Positively contributes to the setting, wider townscape, landscape and views;
- Protects the amenity of current and neighbouring occupiers, whether residential or otherwise.
- Contributes to the function of the area and is safe and accessible.
- Protects and incorporates trees that are desirable for retention.

4.8 Policy D4 states that development proposals within or affecting the setting of conservation areas will be supported where they:

- are designed to conserve and enhance the special character and appearance of the conservation area;
- leave qualities intrinsic to the wider context unchanged, and respect important views; and
- are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

4.9 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is very limited except where in accordance with the content of the NPPF. Policy H7 - "Residential Extensions" states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours. Policy HE3 reflects the statutory obligation of the Local Planning authority and states that within conservation areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.10 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic type development. It offers overarching general advice relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings. A general principle of this guidance is that any extension should be subservient to the existing/original house and in keeping with the appearance, scale, design and character of the house and site. Development should also respect the character and appearance of the road/streetscene the development is located on. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. The underlying objectives of the document are consistent with local and national planning policies and is a material consideration when making planning decisions. Section 7 refers to Character and

Streetscene; Paragraph 7.1 advises that a basic principle is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the streetscene generally. Paragraph 7.4 outlines a series of design principles to be followed to ensure that character and streetscene criteria are met. The siting of an extension should not be detrimental to the pattern of buildings and the spacing between them, extensions should normally appear subservient, yet in keeping with the existing dwelling and area; they should respect the style and detailing of the dwelling and area; external materials should match the colour, size, shape and texture of the materials on the existing dwelling and the use of contrasting materials will be considered case by case and they should have a roof pitch and/or style that reflects that of the existing house. Section 12 deals more specifically with side extensions, with unduly wide extensions being avoided. Section 11 refers to Porches and other front extensions. This says that the fronts of houses and their distance from the pavement are generally important visual features of residential areas. An extension forward of the front wall of a house will not normally be permitted, unless: the house is set well back from the pavement, or is well screened and the extension is small, well designed and would not harm the character of the house/area.

4.11 Dunnington has an approved Village Design Statement (VDS). This document contains a number of recommendations setting out a framework for future development in the village. This document is material to the consideration of this application. It describes the history, visual characteristics and local setting of the village and the surrounding landscape in order to define principles to guide any future development. It identifies distinctive features that give the village its unique character and charm. Design Guidelines for new building developments are listed on page 16 and makes observations in numbers 28, 29, 30 and 31 that any extension should a) avoid the creation of a terraced effect between neighbouring semi-detached/detached properties b) where possible use pitched roofs with complementary roof materials and c) respect neighbours' property, privacy and amenity and consider retention of existing landscaping properties and avoid building that could result in parking outside the curtilage of the property where possible.

Development in a Conservation Area:

4.12 The application site is in the Dunnington Conservation area. In the exercise of its planning functions with regards to development in Conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

4.13 The key issue with this application is the potential impact the extension would have on the historic character and appearance of the Conservation area in line with policy outlines as described above. The proposed development to the principal elevation will replace the two existing "bow" style ground floor windows with two

“bay” windows. Each ground floor window will sit forward of the principal elevation by approx. 500mm depth by approximately 2.9 metres in width. The proposed porch will be to the main entrance which is centred between the two ground floor windows. This structure will measure approximately 800mm in depth by 2.6 metres in width forming a pitched roof of approximately 2.9 metres in height.

4.14 The proposed single storey side extension will be positioned between the main house and the side boundary, removing an existing timber shed. It will be 4 metres in width by approximately 7.5 metres in length. It will be stepped back from the principal elevation by approximately 600mm designed with new glazed openings to the front and rear elevations. The total height will be 4.5 metres forming a mono - pitched roof reducing to approximately 2.4 metres at the eaves height.

4.15 The host dwelling fronts on to Water Lane at its corner with Westwood Mews and is partly screened by the height of the boundary walls around the garden and significant vegetation. The dwellings in this part of the Conservation area are of varied designs and sizes. The extensions will appear compatible with the existing dwelling and are considered to create a cohesive appearance with it, being subservient to it. There will not be extensive public views of the side extension, partly because of the relationship of this elevation with the public highway, and also the extent of boundary treatment in place. The proposed porch and bay windows are relatively modest in scale and are considered appropriate in design, size and scale to the main house. Therefore, with the use of matching materials the proposed development is considered to preserve the character and appearance of the conservation area and would not cause undue harm to the significance of the designated heritage asset.

Neighbour Amenity:

4.16 In relation to the assessment of neighbour amenity, paragraph 13.2 of the Council’s Draft Supplementary Planning Document ‘House Extensions and Alterations’ 2012 advises that the Council will have regard to a number of factors including the impact on sunlight, the relationship to windows and the height of the structure. Paragraphs 5.2 states that an assessment should be made on issues of outlook, regard will be had to the established character of an area and the existing feeling of openness. It is important that neighbours’ do not feel unduly hemmed in by proposals.

4.17 The proposed side extension will be situated approximately 1.5 metres from the shared boundary with the detached bungalow at 6 Kendal Close. The external areas of this house have been inspected. This dwelling is located at the head of Kendal Close and incorporates a double garage situated on the extended driveway to the front of this house. The existing detached annex at the application site forms the boundary wall to the front driveway with this house. This neighbouring dwelling has an ample enclosed west facing rear garden. The depth of the extension would

remain in line with the side wall of this neighbour. It will be set a good distance away from main habitable windows and the outside patio areas serving this dwelling. As such it is not considered the side extension would appear overly dominant to these occupiers, nor would the proposal have a harmful impact on residential amenity in terms of overlooking and loss of privacy.

4.18 No other dwellings would be affected by this development.

4.19 The comments of Dunnington Parish Council about surface water drainage are noted. However, from an engineering perspective it is very difficult to attenuate surface water flows from small extensions such as that proposed. In the absence of an Article 4 Directive bringing all residential extensions within planning control, and in the absence of any such engineering solution, the cumulative impact of small residential extensions on surface water flooding is difficult to manage. Under current legislation, significant areas of side and rear garden, can be hard-surfaced or built upon, using permitted development rights, without planning permission being required. Therefore, it is not possible, at the present time, to apply such recommendations on a consistent basis. In this particular case, taking into account the amount of existing extensions to be removed, It is not considered that the new extension would be likely to result in such a significant amount of additional surface water run-off so as to justify mitigation measures.

5.0 CONCLUSION

5.1 For the reasons stated, the development is considered acceptable, would preserve the character and appearance of the conservation area. With regards to neighbour amenity the development would not create any significant harm in terms of proximity, light or overlooking. For this reason, the proposal is considered to comply with the NPPF, Policy D11 and D4 of the Publication Draft Local Plan 2018, Policies GP1, HE3 and H7 of the 2005 City of York Draft Local Plan, the Dunnington Village Design Statement and the Council's Supplementary Planning Document (December 2012). Approval is recommended.

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Revised floor and elevations plans received on 16 July 2018.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

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 advised the agent to submit accurate measurements of the extensions through the submission of revised plans. Thus a positive outcome has been achieved.

Contact details:

Author: Sharon Jackson Development Management Assistant

Tel No: 01904 551359