

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Westfield
Date: 22 March 2007 **Parish:** No Parish

Reference: 07/00256/FUL
Application at: 1 Tudor Road York YO24 3AY
For: Erection of 1 no. detached dwelling (resubmission)
By: Mr J A Glavina
Application Type: Full Application
Target Date: 2 April 2007

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a 2-bed detached dwelling to the (west) side of 1 Tudor Road. Access to the proposed development is shown via a new driveway adjacent no.1's. The proposal also includes provision for cycle storage but does not include detailed turning arrangements.

1.1.1 The proposed site is located within the side garden of 1 Tudor Road. This triangular shaped plot measures approximately 0.035 ha. The proposed dwelling is a detached, two storey house with a pitched roof. The principal windows are to the front elevation (northeast) and rear (southwest) elevation. The length of the proposed dwelling is 6.40 m at it's longest point and 4.50 m at it's shortest point, the width is 6.80 m, height to eaves level is 4.80 m and height to ridge level is 6.80 m.

1.2 SITE

1.2.1 1 Tudor Road is located adjacent the junction with Tudor Road and Stuart Road. This dwelling is semi-detached and adjoins 2 Stuart Road. Both these dwellings are built on a 45° splay so as to face both Tudor Road and Stuart Road. This property is 10.00 m in length x 7.50 m in width and is 2-storey's in height. The building appears to have been built in the 50's. It is proposed to erect the new dwelling approximately 1.50 m away from the nearest point (southwest elevation) of no.1.

1.2.1 The site (1 Tudor Road and plot for proposed dwelling) is triangular in shape and has a frontage of approximately 26.00 m (adjacent Tudor Road). This is 2 to 4 times greater than front boundaries of other residential dwellings within Tudor Road. The proposed plot is bounded by dwellings to all elevations. However neighbouring dwellings sited to the north are separated by Tudor Road and neighbours to the east are separated by Stuart Road.

1.3 COUNCILLOR REQUEST

1.3.1 The application is being presented to planning at the request of Councillor Simpson-Laing

1.4 HISTORY

1.4.1 06/01900/FUL – Erection of detached dwelling was refused on 10.10.2006 for the following grounds:-

- The scale and location of the proposed dwelling and resultant loss of garden space (of 1 Tudor Road) would detract from the visual appearance of the area and this prominent corner site. Also the proposed development would appear incongruous and contrived when compared to the existing scale, pattern and form of development within Tudor Road;
- The original proposed dwelling would have a detrimental impact upon the living conditions of adjacent neighbours due to its size, scale and position. Such a development would result in an un-neighbourly and overbearing feature which would also have an adverse impact upon the levels of light and privacy to their rear gardens. The proposal would also have a detrimental impact upon the amenity of 1 Tudor Road in terms of noise intrusion from the coming and going of vehicles to the front of the property; and
- No cycle provision was provided.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYGP10
Subdivision of gardens and infill devt

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 Highway Network Management

3.1.2 The Council's Highways Officer commented that, at present there are a number of outstanding highway issues regarding this application. These are:-

- The proposed new access would be too close to an existing oak tree (this issue is further addressed in comments from highways' arboricultural officer below);
- The design of the 2 driveways would create a small triangular piece of verge; The resultant triangular verge between the two driveways would be impracticable to maintain; and
- The footways to the rear of both properties are inadequate in width to allow convenient cycle access.

3.1.3 The highways officer therefore recommends that the application should be amended to include: -

- The access to the proposed new house being coincident with the existing access to 1 Tudor Rd and at a resultant minimum width of 4.5m;
- The street lamp should be either relocated or replaced (after consultation with street lighting engineer);
- The footways to the rear of both properties should be increased to a minimum of 1.20 m wide to allow cycle access to the rear sheds.

3.1.4 Finally the highways officer commented that whilst the above recommendations should result in the "dropped crossing" being a least 2.00 m further away from the tree, the method of construction and specification of the crossing will still need to be approved by the arboricultural officer. The Officer further highlighted that the applicant would have to pay the cost of the re-siting of the street lamp.

3.1.5 Highway Network Management Arboricultural officer

3.1.6 The Officer commented that there is a very large Oak tree within the highway verge adjacent no.1. The tree creates certain limitations with regards to the possible development of the site.

3.1.7 Firstly if a highway crossover is allowed, kerbing should be no closer than 2.00 m from the tree trunk. In addition no disturbance or excavations are acceptable within the range of the tree's canopy. It should also be borne in mind also that a new dwelling will require connection to utilities i.e. water, electricity, etc. The root zone of the tree should not be infringed at any time, especially for the connection ,of the dwelling, to utilities in the highway. Finally with regard to the highway crossover the officer recommends that a single shared crossover well away from the tree may be the best option.

3.1.8 Secondly the officer raises concerns regarding the existing oak tree bounding the site. He comments that the tree has an amenity value of around £15,000 using the Helliwell valuation system and if the tree were in private ownership it would be protected with a Tree Preservation Order. For planning purposes it must therefore be treated as a protected TPO tree.

3.1.9 Also whilst the tree is not fully grown it has the potential to reach over 20.00 m in height. The potential growth of the tree may have a significant impact upon the amenity of the proposed dwelling. It is the opinion of the highway arboricultural officer that future residents would claim the shade cast by the tree is unacceptable. The officer further states that ideally the nearest windows (of the proposed dwelling) should be at least 14.00 m from the tree trunk. The officer also added that it should be borne in mind the proposed dwelling is north facing (aspect) also. This would further exacerbate the impact of the tree upon the levels of light to the proposed dwelling. The officer concludes by stating that, in his opinion, the building will be set too close to the shadow of the oak tree.

3.1.10 Environmental Health Department

3.1.11 Environmental Protection Unit: made the following raised concerns with regards to this application. The first concern is the noise disturbance to local residents while the demolition, construction work and deliveries to and from the site if a successful application is made. They recommended a condition restricting the hours of construction should be attached, should the application be approved to address this concern.

3.1.12 Although the site is unlikely to be affected by land contamination, they also recommended a condition, which places a watching brief for the discovery of any unsuspected contamination be attached should the application be approved.

3.1.13 The EPU also recommended a condition, should the application be approved, concerning hours of operation, a noise and vibration assessment, scheme of mitigation measures for adjacent neighbours, contaminated materials and the standard demolition construction informative which encompasses noise and vibration control, operation of plant and machinery, control of pollution, minimise dust emissions and no bonfires on site.

3.2 EXTERNAL

3.2.1 Neighbours

3.2.2 No comments received as of 07 March 2007

3.2.3 York Consultancy (Engineers)

3.2.4 The consultancy commented that they have no objections to this proposal.

4.0 APPRAISAL

4.1 The main considerations are:

- Principle of development;
- Impact on visual amenity of area;

- Impact on residential amenity; and
- Open space and education.

4.2 POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 PPS 3 - 'Housing' sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPG3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

4.2.3 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.2.4 Policy H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.2.5 Policy GP10 - Subdivision of Gardens and Infill Development: encourages the protection of wildlife and setting, suggesting that existing landscape features are incorporated into the scheme or compensated for elsewhere should their removal be required.

4.2.6 Policy L1c requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The site lies within the defined settlement boundary of York. There are no other relevant statutory constraints i.e. Conservation Area, etc. Central Government guidance regarding new housing is contained within Planning Policy Guidance note 3: Housing, policies H4a and H5a of the Draft Local

Plan are also relevant. The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPG3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 30 dwellings per hectare should be achieved on this site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity.

4.3.2 Due to the location of the site and its proximity to local facilities and accessibility it is considered to be a sustainable location however whilst the principle of development is acceptable there are a number of concerns regarding this proposed development. Such concerns are the impact of the development on the visual amenity of the area and impact upon the amenity of adjacent residents. These issues are discussed below:-

4.4 IMPACT ON VISUAL AMENITY OF AREA

4.4.1 The existing property (no.1 Tudor Road) is a semi-detached 2-storey family dwelling with a relatively large side garden. As a consequence of the dwelling being sited on 45° splay to Tudor Road and Stuart Road it has a larger garden area than other dwellings which directly front onto Tudor Road. The emphasis of both PPG3 and local plan policies is that development should maximise use of existing sites but that development should respect the character of the site and its surroundings.

4.4.2 The proposal would result in an additional two storey building being built within the side garden of the existing property (1 Tudor Road), between this existing property and the boundary adjacent neighbouring dwellings. There would be a distance of only (approximately) 1.30m from the side elevation of 1 Tudor Road, there is an 9.70 m (approximately) separation distance from the adjacent dwelling to the west (3 Tudor Road). 2 Stuart Road (semi-detached dwelling adjoining 1 Tudor Road) is approximately 5.50 m away from the nearest point of the proposed dwelling and 4 Stuart Road to the rear (south) is approximately 13.00 m away. To accommodate the property would require the loss of a significant amount of spacing (separation Gap) between 1 Tudor Road and 3 Tudor Road. It is recognised that the applicant has taken on board concerns raised by the Council and has attempted to satisfy the first reason for refusal by reducing the size and height of the proposed dwelling. It is further recognised that the design of the dwelling is acceptable within this location. However the positioning the proposed dwelling is still an area of concern. Whilst the proposed dwelling doesn't protrude forward of the

existing building line created by no.1 and no.3 Tudor Road, there is still a small separation gap between the proposed dwelling and 1 Tudor Road.

- 4.4.3 The applicant also states that the garden space has now been divided and is clearly shown on the plan thus providing both properties with garden area for siting out and enjoyment. Taking into account the plot is substantially smaller than other existing plots, it is still considered that this proposed relationship is out of character with the existing pattern of development within the street/area. Furthermore the garden arrangement is still awkward and would not provide adequate levels of private space for either dwelling. The garden space to the rear of no.1 would be blighted. The massing and overbearing presence of the proposed dwelling would be unacceptable and no.1's rear garden would be cast in shade for much of the day. The garden area for the proposed dwelling is principally to the front of the dwelling and therefore not private. The private rear garden space is extremely small and is also overlooked by 1 Tudor Road.
- 4.4.4 In order to provide a suitable setting for the dwelling, the size of the private garden amenity space should be in scale with the building it accommodates and should ideally be greater than the floorspace of the dwelling it supports. The proposal clearly fails in this respect. The development still gives the impression of having been squeezed into a small space within an area of more generously arranged properties. As a consequence the proposed dwelling still appears awkward and cramped in nature.
- 4.4.5 It is also considered that the proposed site layout is unachievable. Highways comment that the access pathways to the rear of no.1 and the proposed dwelling aren't wide enough. They recommend that the path widths should be increased to 1.20 m to allow ease of use for bicycles and pedestrians. However the impact of increasing the widths of the paths would either necessitate the proposed dwelling being further reduced in size or the building would have to be moved forward. If the proposed building footprint were moved forward, this would exacerbate the impact of the dwelling upon the setting of the area/street. Furthermore, if the dwelling were further reduced in size and scale, it could be argued that such a small scale dwelling would also appear out of character with the existing area.
- 4.4.6 As a consequence it is considered that whilst this current proposal is an improvement upon the previously refused scheme 'on balance' it is still inappropriate in terms of impact upon the character and appearance of the area.

4.5 IMPACT ON RESIDENTIAL AMENITY

- 4.5.1 The relationship with existing neighbouring dwellings in Tudor Road and Stuart Road still fails to satisfy the requirements of the local plan, inasmuch that the proposed dwelling would have a detrimental impact upon their amenity in terms of levels of light. It is considered that this scheme would appear incongruous and overbearing to the occupants of these dwellings. The proposed dwelling would have a detrimental impact upon the private rear

gardens of 1 Tudor Road and 2 Stuart Road and to a lesser extent 4 Stuart Road due to shading and loss of light and aspect.

4.5.2 It is also considered that the arrangement between the proposed dwelling and 1 Tudor Road creates an awkward relationship between each dwelling. The west boundary of no.1 directly abuts the proposed dwelling. Whilst not directly a material planning consideration, it is considered that such an arrangement would create problems in terms of maintenance to the new dwelling, if the ownership of the properties were ever split.

4.6 HIGHWAYS CONCERNS

4.6.1 The proposed access arrangement is unacceptable in its present form. Firstly there is a lamp post sited in between each proposed access. This is unacceptable in terms of allowing safe and easy traffic movements. The lamp post would need to be re-sited at the applicants expense. Secondly the proposed access arrangement creates a small triangular piece of verge which would be difficult to maintain. The Council's highways department recommend that a joint access is created instead which would prevent this happening.

4.7 IMPACT UPON EXISTING MATURE TREE

4.7.1 The access for the proposed dwelling is too close to the existing oak tree. The Council's Highway Network Management Arboricultural officer recommends that the access should be re-positioned further away from the oak tree. However if the access were moved, so as not to impact upon the oak tree, the driveway would most likely be positioned in a similar location to the original application. This was considered unacceptable due to impact upon the residential amenity of the no.1, in terms of noise intrusion from vehicular movements.

4.7.2 As a consequence the access is inappropriate in its current position due to the impact it would have upon the existing oak tree. However if it were moved to satisfy the arboricultural officers recommendation, then it would most likely be unacceptable in terms of impact upon 1 Tudor Road in terms of noise intrusion due to vehicular movements.

4.8 OPEN SPACE

4.8.1 Under Policy L1c there is an open space provision requirement for this site. If the scheme were acceptable in all other respects the provision of open space could be dealt with by condition.

5.0 CONCLUSION

5.1 The proposed building would, if built, appear as an incongruous, awkward addition that would create a cramped development within Tudor Road. It would therefore have a harmful effect on the character and amenity of the local environment and adjacent neighbours.

5.1.1 As a consequence the proposed detached two storey dwelling is considered to be unacceptable and is recommended for refusal, contrary to GP1, GP10, H4a and L1c of the City of York Development Control Draft Local Plan and National Planning Guidance PPS1 and PPS3.

6.0 RECOMMENDATION: Refuse

1 Out of character

It is considered that due to the scale and siting of the proposed dwelling and the resultant loss of garden space (of 1 Tudor Road) the proposed development, if approved, would lead to this prominent corner site appearing cramped and overdeveloped. The proposal would also appear incongruous and contrived when compared to the existing scale, pattern and form of development within Tudor Road and the surrounding streets. The erection of a new dwelling therefore constitutes an unacceptable form of development on this plot of land as it would have a harmful impact upon the character and visual amenity of the local environment and is therefore considered contrary to design guidance in PPS1 (Delivering Sustainable Development) and policies GP1, GP10, H4a, L1c of the emerging City of York Draft Local Plan (incorporating the 4th set of changes) approved April 2005.

2 Detrimental impact upon neighbours amenity

The proposed house will be of such a size and scale as to impede upon the living conditions of adjacent neighbours due to the dominance of its occupation upon the site and proximity to the boundary with number 1 Tudor Road, 2 and 4 Stuart Road. Such a development would result in an un-neighbourly and overbearing feature which would also have an adverse impact upon the levels of light and privacy to their rear private gardens. Furthermore the proposed dwelling would further harm the residential amenity of the occupants of 1 Tudor Road by reason of additional noise and disturbance arising from the comings and goings of occupants and their cars if the scheme were amended to satisfy Highway requirements. As a consequence this proposal is considered contrary to design guidance in PPS1 (Delivering Sustainable Development) and to policies GP1, GP10 and H4a of the emerging City of York Draft Local Plan (incorporating the 4th set of changes) approved April 2005.

7.0 INFORMATIVES:

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