

COMMITTEE REPORT

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

Reference: 07/00121/FUL
Application at: 46 Hobgate York YO24 4HH
For: Erection of new dwelling after demolition of existing
By: Ian And Mary Macbeth
Application Type: Full Application
Target Date: 16 March 2007

1.0 PROPOSAL

1.1 Hobgate is a well established attractive residential area located to the west of the city. The area is characterised by a mix of house types set in generous plots.

1.2 The applicant seeks planning approval to demolish the existing building on the site and to replace with a single two and half storey dwelling.

Relevant History

1.3 None

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

CYH4
Housing devp in existing settlements

CYGP10

Subdivision of gardens and infill devt

3.0 CONSULTATIONS

Internal

3.1 Highways - Car parking and cycle storage are provided in accordance with York City Council standards, and the dwelling will be served by an existing vehicle access. As the driveway will be less than 6 metres the garage should be fitted with non profiling doors.

3.2 Urban Design and Conservation - There are some good amenity trees in the rear garden of the property, which need not be affected by the demolition and construction of the new dwelling. Nonetheless it would be prudent to ensure that the operations do not impinge on the root protection area of the trees in the rear garden by e.g. manoeuvring vehicles and storage of materials, which could result in direct impact damage and compaction of soil.

3.3 Environmental Protection Unit - No objection

External

3.4 Neighbours - As a result of public consultation nine letters were received making the following comments;

Concerns that some of the trees would be removed/damage as a result of this application.

The new owners should be made aware that for any damage from the trees that they are liable.

The present property is made from stone and is in keeping with the area.

The new dwelling does not fit into the area, as it is large and three stories high

It would be a great shame to demolish the existing building.

The proposal may set a precedent that other houses may wish to demolish instead of renovating, destroying the existing character of the road.

The design and materials of the new building is out of keeping with the surrounding properties.

There would be a loss of outlook from the windows of 49 and 51 Hobgate directly opposite.

The building line would be moved forward and be in an over dominant position.

The area should be designated as a conservation area.

The north east corner of the proposed dwelling is sited some 4 - 5 meters further forward than the existing dwelling. This would result in the loss of amenity to the side/rear garden of 44 Hobgate.

The footprint is significantly larger than neighbouring properties, therefore detrimental to the street scene. These issues could be addressed if the property was set back to respect the existing building line.

The ridge height of the proposed dwelling is 2 to 3 metres higher than the neighbouring properties. The mass and scale is not compatible to policies GP1 (a) & (b).

There are windows on the second storey, which would overlook the bedroom window of the opposite property, these would invade privacy.
The proposal would result in a loss of space between houses.
The ridge height should be lowered.
There is a right of way that runs through the site.

4.0 APPRAISAL

KEY ISSUES

- planning policy
- impact on neighbours
- impact on character of area

PLANNING POLICY

4.1 Planning Policy Statement 3 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land and identifying suitable location for housing. PPS3 advises Planning Authorities to seek housing densities of a minimum of b 30 dwellings per hectare.

4.2 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.

4.3 Policy GP 10 'Sub division of gardens and infill development' of The City of York Local Plan Deposit Draft identifies that planning permission would only be granted for the sub division of existing garden areas would only be allowed if it would not be detrimental to the character and amenity of the local environment.

4.4 Policy H4, 'Housing windfalls' of The City of York Local Plan Deposit Draft identifies that permission would be granted in accordance with SP10 where the site is within an urban area and is vacant derelict or underused or involves filling, redevelopment or conversion of existing buildings. The site must also have good access to jobs, shops and services by non car modes. Any proposal must also be appropriate in terms of scale, density in relation to the surrounding area and would not have a detrimental impact on existing landscape features.

IMPACT ON NEIGHBOURS

4.5 The residents of 44 and 48 Hobgate and 51 and 49 Hobgate are considered to be the properties most affected by the proposal, the properties to the rear are over 35 metres away and would not be unduly affected by the proposal. One of the principal concerns of local residents is the raised ridge height and the implications this would have on overlooking and overshadowing neighbouring properties.

With regard to overlooking, the proposed orientation of the windows would mean that no additional overlooking would result should the application be approved, particularly with the properties opposite the site as there would be a distance over 21 metres maintained between windows serving habitable rooms. The shape of the site, opening up away from the highway also ensures that no overlooking would take place for the neighbouring properties of 44 and 48 Hobgate. The rear balcony and terrace have been a concern with regard to overlooking; this has been overcome by having privacy screens to prevent any overlooking upon neighbouring properties. Within the locality there are a variety of houses varying in size and massing, the proposal would be similar in height to other properties within the locality, although it is accepted that the proposed ridge height would be higher than the immediate adjoining properties 44 and 48 Hobgate by approximately 2 metres.

4.6 Concerns have been raised with regard to the accommodation in the roof space and particularly to the dormer window to the front elevation. It has been requested and agreed by the applicant that this dormer window be removed from the plans, and therefore would mitigate the issues raised by neighbouring residents opposite the site. A distance of over 20 metres would be maintained between the existing first floor windows of the properties opposite, 29 and 51 Hobgate, and the first floor windows of the application site. The loss of outlook would be minimal as a result of this application and would not be to the detriment of the residential properties within the locality.

IMPACT ON CHARACTER OF AREA

4.7 The area is not designated as a Conservation Area. Hobgate, and the streets linked to it, has a range of substantial detached and semi detached pre and post world war 2 housing. With a variety in house types, scales and design with varying ridge heights and dwelling types. The street has a very pleasant individual character and collectively forms a very attractive neighbourhood. The variety of house types adds to the mix of house designs and it part of the character of the area.

4.8 It has been contended by local residents that the loss of the existing building would be to the detriment of the street scene. The existing property is stone clad, and does not relate to any of the neighbouring properties in terms of design, and appearance and may be reasonably considered to not relate to other properties within the locality. It therefore may be reasonably considered that the loss of the dwelling would not materially affect the character and appearance of the street scene.

4.9 Issues relating to the re siting of the property in relation to neighbouring properties has also been raised by objectors. The application seeks to bring the footprint forward; this new location would be more in line to the neighbouring

properties of 44 and 48 Hobgate. Whilst it is accepted that the footprint has moved forward and is significantly larger than the existing dwelling the generous plot can comfortably accommodate a larger building, therefore may be considered acceptable. The gradual curved design also adds interest to the street scene and has been well designed for the site.

4.10 Conditions may be imposed to protect the trees on sites and the amenity of adjoining occupiers through condition, particularly during the construction phases.

4.11. Any issues regarding rights of way were not identified by the council, therefore may not be a material planning consideration with regard to this application

5.0 CONCLUSION

5.1 The erection a detached dwellings by virtue of the overall design and location represent little threat to the visual and residential amenity of the application site, those properties neighbouring and the surrounding street scene in general, meeting policies GP1. GP10 and H4 of the City of York Development Control Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

2 Before the commencement of development including demolition building operations or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees in the rear garden shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; phasing of works; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles and storage of materials; location of site cabin.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

3 VISQ8

- 4 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: In the interests of amenity

- 5 HWAY10 - Vehicular access surface
- 6 HWAY19 - Cycle parking to be laid out
- 7 HWAY30 - Non protruding garage doors
- 8 HWAY31 - No mud on highway during construction
- 9 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 10.2 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.
Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.
- 10 PD5 - No openings on side elevations
11. Prior to work commencing on site detailed drawings showing the removal of the dormer window at in the roof space on the front elevation shall be submitted to and agreed in writing by the Local Planning Authority, and the plans implemented thereafter.
Reason: To preserve residential amenity of local residents.
12. Prior to work commencing on site details of the screening, including details of proposed materials shall be submitted to and approved in writing by the Local Planning Authority and implemented thereafter.
Reason: To protect residential amenity of adjoining residents.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon the character and appearance of the locality and residential amenity. As such the proposal complies with Policy GP1 of the City of York Local Plan Deposit Draft.

2. DEMOLITION AND CONSTRUCTION INFORMATIVE

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, and would advise the following guidance, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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