

## COMMITTEE REPORT

**Date:** 6 February 2014      **Ward:** Fulford  
**Team:** Householder and      **Parish:** Fulford Parish Council  
Small Scale Team

**Reference:** 13/03642/FUL  
**Application at:** 34 Eastward Avenue York YO10 4LZ  
**For:** Porch to front with glazed juliet balcony screen above  
**By:** Mr Ahmed Karbani  
**Application Type:** Full Application  
**Target Date:** 15 January 2014  
**Recommendation:** Householder Approval

### 1.0 PROPOSAL

1.1 The application property is a semi-detached dwelling located in a suburban residential street.

1.2 In February 2011 planning permission was granted at appeal for a number of alterations and extensions to the property, including a two storey rear extension, a two storey extension to the front including a porch, alterations to the roof, with gates, brick piers, wall and railings to the front boundary (Ref:10/00258/FUL).

1.3 The current application is to increase the length of the part-built approved front extension so that the porch would project 30cm further forward from the two storey front extension than shown on the approved scheme. In addition it is proposed that the porch has a flat fibreglass roof rather than the pitched roof which was shown on the approved scheme.

1.4 Above the flat roofed porch a glazed door has been inserted rather than a window. It is intended that the door provides access to the porch roof in case of an emergency. The porch roof is not intended to have an enclosure around it. A screen is proposed in front of the lower part of the door to restrict day to day access to the roof. The door would effectively function as a Juliette balcony.

### RELEVANT PLANNING HISTORY

1.5 In September 2011 (11/02045) planning permission was refused, on streetscene grounds, for an increase in the projection of the porch attached to the front extension by 0.5m from 1.5m to 2.0m beyond the original front building line (Ref: 11/02045/FUL).

1.6 In August 2013 (13/02010) a planning application was submitted for the following changes:

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- a. Porch/front extension increased in projection by 0.4m so that it would project 1.9m beyond the original building line.
- b. Door introduced in first floor front elevation and creation of balcony with screens above porch.
- c. Increase in ridge height of the two-storey rear extension.

1.7 The application was refused for the following reasons:

1 It is considered that the additional forward extension of the front porch and its part-glazed design would appear as an unduly prominent, incongruous and uncharacteristic addition which would be harmful to the appearance of the property and wider streetscene. As such the proposal conflicts with Government advice in relation to design contained within the National Planning Policy Framework (paragraphs 17 and 56), policy GP1 (criterion a and b), and H7 (criterion a) of the 2005 Development Control Local Plan and guidance contained in paragraph 11.3 and paragraph 7.4 (c) and 7.5 of the House Extensions and Alterations Supplementary Planning Document , approved in December 2012.

2 The proposed balcony would appear as an unduly prominent, incongruous and uncharacteristic development which coupled with its active use would be harmful to the appearance of the property and wider streetscene. In addition, it use would detract unreasonably from the level of privacy that neighbours could reasonable expect to enjoy and also lead to the perception that they were, or could be, unduly overlooked. As such the proposal conflicts with Government advice contained within the National Planning Policy Framework, in particular paragraph 17 (bullet point 4) which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, policy GP1 (criterion a, b and i), and H7 (criterion a and d) of the 2005 Development Control Local Plan, and guidance contained in paragraph 3.4, 3.5, 7.4 (c) and 7.5 of the House Extensions and Alterations Supplementary Planning Document, approved in December 2012.

1.8 The application is being brought to Committee at the request of Cllr Aspden. The reason for the call-in relates to the high level of local interest in the proposal with concerns relating to the impact that the works will have on the streetscene and privacy.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Schools GMS Constraints: Fulford 0246

### 2.2 Policies:

CYH7 Residential extensions

CYGP1 Design

## 3.0 CONSULTATIONS

3.1 It should be noted that the application was advertised as a porch with balcony above. This has been corrected and the proposal now described as a 'Juliette balcony'. The drawings have also been corrected to actually show that the porch and first floor door are attached to the extended property.

### Foss Internal Drainage Board

3.2 No objections.

### Parish Council

3.3 Object as the proposed development would be incongruous. The proposal should be refused for the same reasons as the previous application.

### Neighbour Notification

3.4 Objections received from 6 properties. The concerns raised are:

- The proposal is out of character with the home and street and would harm the symmetry of the semi-detached homes.
- A flat roofed porch is unsympathetic.
- The balcony would harm privacy.
- The current screen around the front garden is an eyesore. (Case officer response - this is not material to the assessment of this application)
- Because of steps leading into properties the porch would be impractical to use for storing a mobility scooter. (Case officer response - it would be relatively simple to affix a temporary ramp as necessary).
- Alterations have taken place to the main roof of the property that were not shown on the approved drawings. (Case officer response - this is not material to the assessment of this application)

## 4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- The impact on the streetscene
- The impact on residential amenity

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of 12 principles set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.4 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 limited except where in accordance with the content of the NPPF.

4.5 Policy H7 'Residential Extensions' sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.6 Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.7 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations.

The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. It is described as a draft as the City of York Council does not have an adopted Local Plan. The SPD offers overarching general advice relating to such issues as privacy and overshadowing as well as advice which is specific to particular types of extensions or alterations. The underlying objectives of the document are consistent with local and national planning policies and the advice in the SPD is a material consideration when making planning decisions.

4.8 In respect to porches, paragraph 11.3 of the SPD states that "Porches should not normally project excessively beyond the front of the house or be overly wide. The glazing style, door location, materials and roof pitch should respect the original building." In respect to balconies paragraph 3.4 states that they will only be acceptable where they overlook public or communal areas, or areas of neighbourhood gardens that are not typically used for sitting out or already have low levels of privacy. It also states that issues relating to noise can also be significant. Advice in paragraph 7.5 states that extensions should respect the appearance of the house and street unless a justification can be given showing how the development will enhance the streetscene.

#### THE IMPACT ON THE STREETSCENE

4.9 The works approved by the 2010 consent have been partly completed. The first floor door that was not shown on the approved plans and is now proposed has already been installed, however, no balcony has been created. The first floor door does look unusual in the front of a suburban semi-detached house, however, it is the case that the creation of a door or window in the front elevation of a dwelling does not normally need planning consent. In this context it is not considered that the works could be reasonably resisted.

4.10 A glazed panel is proposed in front of the door to restrict access to the porch roof. It is considered that the panel is a sensitive way of making the internal space safe to use. Previously, the applicant did not thoroughly explain the reasons for the works. From discussions it is understood there is (and was) no intention to use the porch as a roof garden (rather it is intended as a refuge for a person with disabilities in the event of fire).

4.11 The porch has a slightly smaller level of projection than the design which was previously refused. There are examples of the addition of porches at houses in the street, although these are of a more limited projection from the original house. The design is more restrained than the previous scheme that was refused and it is not now considered that the design and materials would be such to draw attention to the

structure. It is noted that the previous scheme would have been much taller and more incongruous through the provision of a balcony screen around its edge.

4.12 The plans indicate that the porch can accommodate a mobility scooter. Because of the relatively short length of front gardens and the desire to retain a boundary feature (walls or vegetation) car owners in the street generally park cars to the side of homes. This restricts access to the rear or side of the home for users of mobility scooters. It is understood that the applicant intends to 'future proof' the home. Although it is not a reason to approve an unacceptable scheme, where the arguments for and against a proposal are well balanced it is considered some weight should be given to the social benefit from the works. The National Planning Policy Framework states (paragraph 187) that Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. The document was issued in March 2012 and replaces previous national guidance. Paragraph 7 states that sustainable development has a social role in supporting strong, vibrant and healthy communities. It is considered that making existing homes more accessible for people with limited mobility (now or in the future) accords with this purpose providing any harm to other competing interests (such as the appearance of the streetscene) is not unduly significant. In the context the approach taken to adapt the home is not considered unreasonable.

## IMPACT ON NEIGHBOURS LIVING CONDITIONS

4.13 The previous scheme that was refused indicated that the door intended to be an access to the porch roof that would be enclosed by a glass screen. The proposed enclosure has now been removed and it is not intended to use the porch roof for recreation. It is not considered that the level of overlooking from the new door would be significantly different from that possible through a window. It is also noted that in isolation such works are typically permitted development. Subject to the porch roof not being adapted in the future so that it can be used as a balcony it is not considered any significant harm to privacy would result from the proposal. Typically permission would be required to erect an enclosure around the porch, however, to avoid any confusion a condition has been included removing permitted development rights to adapt the roof of the porch for use as a balcony.

## 5.0 CONCLUSION

5.1 The proposal has been significantly modified in respect to design from that which was refused previously. The previously proposed incongruous adaptations to allow the use of the porch as a balcony have been removed and the design of the porch simplified to better reflect the materials and fenestration of the host dwelling.

5.2 In assessing the current proposal some regard should be given to permitted development rights that exist at this home and most others around the city. For example doors and windows can be inserted in front elevations without needing planning permission and porches with a footprint not exceeding 3 sqm can normally be erected outside external doors.

The proposals put forward by the applicant may not be repeated at many other properties in the city, however, people do generally have significant rights to alter their homes to fit their needs, or aspirations.

5.3 The applicant has stated that the intension is to alter the property so it meets the requirements of a person using a mobility scooter. It is not considered that the occupier or close relations need to make use of a scooter at the present time to justify the works, given that the changes are no longer considered excessive. The benefits from making the property easier to adapt for people with disabilities are recognised and it is considered that this accords with the social element of sustainability promoted in the NPPF. Paragraphs 187 of the NPPF state that Local Planning Authorities should look for solutions rather than problems when assessing applications.

5.4 It is considered that the proposal is now acceptable in its context and as such is recommended for approval.

## **COMMITTEE TO VISIT**

### **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 plans 809.001 Rev 'B' received 20 January 2014.

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

3 The bricks and mortar to be used externally shall match those of the existing building in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 The glazed Juliet balcony screen in front of the first floor front door shall be erected prior to the completion of the roof of the porch and retained in accordance with the approved plans and the porch roof shall not be used as a balcony or roof terrace.

Reason: To ensure that the porch roof is not used as an external platform or recreation area associated with the adjacent door.

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), the roof area of the approved front porch shall not be extended, altered or enclosed.

Reason: To ensure that the porch roof is not used as an external platform or recreation area associated with the adjacent door.

## **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 order to achieve an acceptable outcome:

Revised drawings submitted to accurately show the proposed scheme  
Use of planning conditions

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