

application site would severely restrict the visibility of vehicles going into and out from the application site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYH7

Residential extensions

CYGP1

Design

3.0 CONSULTATIONS

3.1 Neighbours notified, first consultation expired 24 November 2006, second consultation expired 4 December 2006 and third consultation will expire on 12 December 2006 following the change of description. 4 letters of objections have received to this date (30 November 2006) raising the following concerns:

- the proposal will exacerbate the flooding problem, in particular the garden area at 147 Heslington Lane,
- the proposal will produce a 7 to 8 bedroom student house and would create an adverse impact on neighbouring residential amenity.
- there are not enough off-street parking spaces within the application site,
 - the proposal would create highway hazard to any vehicle trying to access Heslington Lane from Wilsthorpe Grove,
 - There is currently an issue with 'studentification' of the area.
- the size of the dwelling will be doubled as the result of the development,
- the proposal would create a detrimental overbearing impact when viewed from the public highway,
- the car parking entrance is not feasible because Wilsthorpe Grove is an unadopted and private road,
- the proposal would obstruct daylight entering into 12 Wilsthorpe Grove,

3.2 Parish consulted. Response received 24 November 2006 raising the following concerns:

- There will be insufficient car parking space,
- No information has been provided regarding the removal of garden plants to facilitate car parking,
- There are no mentioning of new vehicular access and the proposed floor space increase.

3.3 Highways consulted - No objections.

3.4 Council's Building Control Section has been consulted on drainage matters and has raised the following comments:

The drainage proposals shown in the application are broadly in accord with the requirements of the Building Regulations, in that the surface water drainage to the new roof, appears to connect to a suitable outfall and in that it joins the existing surface water system. There may be guttering and fall pipe sizing issues, however they will be resolved by the Building Control body that supervises the work.

3.5 Yorkshire Water Consulted - Response received 23 November 2006. No comments.

3.6 Council's Structures and Drainage Engineer consulted - No objections subject to provision of drainage details prior to start on site. This will be resolved by the Building Control body that supervises the work.

4.0 APPRAISAL

4.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the surrounding area, in particular whether or not it would create a condition prejudicial to highway safety.

4.2 Compared to the previously refused planning application the revised scheme shows the width of the two storey extension would be reduced to 3.4m from the original 4.4m. In addition, it would be set 0.9m back from the front elevation of the original dwelling, with the rear elevation of the extension projecting to the rear by 1.5m. The conservatory in the previous application has been omitted from the revised scheme and the vehicle access and parking spaces have been re-positioned to the front garden area of the domestic curtilage.

4.3 Overall, it is considered that the revised scheme as described above is an improvement compared to what was originally submitted, in that it would be a lot less overbearing when viewed from the front highway and that it would be less likely to affect the level of daylight entering into the rear ground floor habitable window at 149 Heslington Lane (due to the fact that the conservatory has now been omitted from the scheme).

4.4 The proposal would not be directly facing the property at 12 Wilsthorpe Grove. Furthermore there would be a distance of more than 25.0m in between the two structures. Having taken the above into account it is not considered that its detrimental impact upon this neighbouring property could justify the refusal of planning permission.

4.5 With regard to the issue raised concerning vehicle parking provision, PPG13: Transport (published 2001) stresses that it is important to discourage users of the building from driving to the site by restricting the availability of parking in order to

restrict vehicle movements. Furthermore, Appendix E of the City of York Draft Local Plan 2005 stated that each development proposal is assessed "using the maximum standard as a starting point". In relation to this development, the applicant proposed to provide 2 parking spaces for what would be a 5 bedrooms dwelling. Having considered the above national and local planning policies, it is not regarded that the concern raised regarding the number of parking spaces can be a reason for refusing planning permission. The potential damage the proposal would have on Wilsthorpe Grove is a civil matter and cannot justify the refusal of planning permission.

4.6 The Local Highway Authority has been consulted and has raised no objections to the proposal. Therefore the concern raised regarding the positioning of the proposed vehicle access and parking spaces could not justify the refusal of planning permission.

4.7 What has been submitted is a householder planning application and not an application for the Change of use of an existing dwelling-house to a House in multiple occupation (HMO). This application must therefore be assessed against the criteria set out in the Residential extensions policy (policy H7) and not the policy on Conversion (H8) of the City of York Draft Deposit Local Plan 2005. A Change of Use planning application will normally require to be submitted to and approved by the Local Planning Authority if there will be more than six unrelated people who do not live together as a single household within the application site, and if the proposed development would result in a material change of use of the site.

4.8 In determining planning applications issues concerning the existing drainage capacity is not a material planning consideration that could warrant the refusal of planning permission. However the above issue is a Building Control matter and will be resolved by the Building Control body that supervises the work.

4.9 Having taken the above into account, it is considered that the proposed development accords with the policies set out in the City of York Local Plan and the Supplementary Planning Guidance on 'Guide to extensions and alterations to private dwelling houses'. Hence, this application is recommended for approval.

5.0 CONCLUSION

The proposed development would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area. The proposal accords with the policies set out in the City of York Local Plan and is therefore considered acceptable.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years

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

1146-2, 1146-1 and 1146-3

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 PD5 No openings in side elevation

4 VISQ1 Matching materials

5 Notwithstanding the information contained on the approved plans, the area marked as paved area shall be gravelled and details of the gravel material shall be submitted to and approved in writing by the Local Planning Authority. Once gravelled it shall not be removed at all times without the prior written consent of the Local Planning Authority.

Reason: In order to reduce the rate and the volume of surface water runoff in the interest of the amenities of residential property nearby.

6 HWAY18 Cycle parking details to be agreed

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 residential and visual amenities. As such the proposal complies with Policies GP1 and H7 of the City of York Local Plan Deposit Draft.

2. The applicant is reminded that a change of use planning application will be required to be submitted to and approved by the Local Planning Authority if there will be more than six unrelated people who do not live together as a single household within the application site, and if the proposed development would result in a material change of use of the site.

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