

Planning History

1.6 In November 2012 (12/2932) planning permission was granted for a detached dormer bungalow within the same garden - this is to be located adjacent to 54 Thirkleby Way. In assessing this application it is assumed that the planning permission will be implemented.

1.7 In October 2012 a planning application for a triple garage with living accommodation above was withdrawn (12/02932).

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

2.2 Policies:

CYH7
Residential extensions

CYGP1
Design

3.0 CONSULTATIONS

3.1 Internal

None consulted.

3.2 External

Parish Council - Object to the application. Feel that the size is too large and that if it is approved the garage will be extended further.

Neighbours

Objections were received from the occupiers of 54, 56 and 58 Thirkleby Way. The concerns raised were:

The large tall structure is out of scale with the area.
Concerned that the upper floor will become a flat or a House in Multiple Occupation.

The proposal will lead to the loss of light to the adjacent bungalow and possible damage to boundary fencing and vegetation.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

The impact on residential amenity
The impact on the streetscene.
Possible use as a detached dwelling.
Parking and highway safety.

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. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role. In considering proposals for new or improved residential accommodation, the benefits from meeting people's 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 There are no site specific policies or proposals relevant to the site in the Local Plan.

4.6 Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions and alterations 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.

4.7 Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, and 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.

Impact on residential amenity

4.8 It is considered that the main neighbour impacted upon by the proposal is number 56. This property has been visited internally. The garage is located on land around 35cm higher than number 56. There is a square bay on the side elevation facing the site of the new garage. This contains a glazed door. The space is used as a lobby area/circulation space with a staircase leading to the bedroom in the roof space. It is understood from the occupier that this is used as a sitting area. Despite its use it is not considered that it is a main habitable room. The taller and deeper garage will lead to a loss of some outlook, however the level of use of the space is not considered to be so significant that the impact merits refusal. Because the opening is in the form of a bay it does allow an outlook to the front and rear as well as the side. Number 56 contains two reception rooms on the ground floor along with a bedroom.

4.9 It is not considered that the proposed rooflights in the garage will allow significant overlooking.

Impact on the streetscene

4.10 The street is made up of post-war dormer bungalows; most have pyramidal roofs, though two nearby bungalows have a gable roof form.

4.11 The garage is a relatively large structure and is similar to the scale of nearby bungalows. It is the case, however, that the host property is very large and the proposed garage is clearly located within its garden. In this context the garage would appear subservient in respect to the height and footprint of this property. Part of the garage is close to the boundary with number 56; however, because of a slight 'dog leg' in the garden it will not appear unduly cramped in respect to the side garden boundary when viewed from the street. Because of the absence of glazing on the front elevation, the structure will 'read' as a garage serving 305 Hull Road rather than a new dwelling. The steep roof pitch is well related to the roof pitch of the host dwelling.

4.12 The rear elevation of the application property, though prominent, does not make a significant positive contribution to the appearance of the street. In assessing the merits of the proposed garage regard should be given to the fact that if the structure had a flat roof that did not exceed 2.5m in height it would not typically require consent. Pitched roof detached buildings in rear gardens that are more than 2m from the garden boundary also do not normally require planning permission providing the ridge does not exceed 4m high.

4.13 It is noted that planning consent has recently been granted for a detached dormer bungalow at the opposite side of the rear garden. It is considered that there is adequate separation between the two to avoid the site appearing over-developed.

Possible use as a detached dwelling.

4.14 The scale and shape of the building is similar to nearby bungalows. It should be considered whether it would be reasonable and necessary to impose planning conditions preventing its conversion to habitable accommodation. On balance, it is considered that the insertion of windows in the front elevation would be detrimental to the streetscene given that the structure reads as an ancillary store/garage in relation to the main house. If it had the fenestration of a dwelling it is considered that it could appear visually cramped in respect to the setting of the main house. It is not considered unreasonable to include glazing in the ground floor 'rear' elevation or 'rear' roof slope given that they are not visible from Thirkleby Way.

4.15 If approved the structure (like most other domestic outbuildings in the city) could be converted to sleeping accommodation providing it is not self-contained and remains ancillary to the main house. Planning permission would be required to create a self-contained or separate dwelling. As the property has additional off-street car parking accessible from Hull Road and space to erect a small store for cycles it is not considered reasonable to require that the property cannot be used as ancillary sleeping accommodation. It should be noted that planning permission would be required to use the garage and or original dwelling as a House in Multiple Occupation (use class C4).

4.16 The applicants have agreed to a condition that no additional openings are created in the roof or front and side elevations of the garage. They have also agreed to a condition that no additional outbuildings are erected between the house and Thirkleby Way. It should be noted that conditions are in place removing rights to erect extensions on the approved new dwelling in the garden and also to restrict development on the proposed paved areas to the front of the proposed dwelling.

Parking and highway safety.

4.17 Thirkleby Way is not a heavily used route. The use should not generate additional traffic. There are existing vehicular accesses serving the property.

Planning permission is not typically required to create or widen a vehicle access to a non-classified highway such as Thirkleby Way.

5.0 CONCLUSION

5.1 The garage is a large structure in itself; however, it is small in scale in relation to the main house and its large garden. In design terms it is considered that it is logical that it should relate to the host dwelling. Although the scale is similar to nearby buildings the form is different and there are only access doors on the front elevation.

5.2 Neighbours' concerns that the building will be used as a flat are noted, however, planning permission would be required to use the building as self-contained accommodation. Planning permission would also be required to use the property as a House in Multiple Occupation.

5.3 The applicant has agreed to conditions restricting many external changes to the building and preventing the erection of further outbuildings in the front garden should the consent be implemented.

5.4 It is recommended that the application is approved subject to the conditions below.

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:-

Garage plan D/44-PL-104A received on 7 December 2012.

Layout Plan D/44-PL-25A received on 11 December 2012.

Elevation drawing D/44-PL-105B received on 16 January 2013.

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

The development shall be carried out using the approved materials.

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Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) no windows or other openings shall be created in the roof of the building, side elevations of the building or elevation facing Thirkleby Way other than those shown on the approved plans.

Reason: To protect the amenity of adjacent occupiers and the appearance of the street.

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), prior to the completion of the building approved by this consent no development of the type described in Class E of Schedule 2 Part 1 of that Order (outbuildings etc) shall be commenced between the front of the main house (305 Hull Road) and 54 Thirkleby Way and following the completion of the building no development of the type described in Class E of Schedule 2 Part 1 of that Order shall be erected between the front of the main house and 54 Thirkleby Way.

Reason: To avoid the application site appearing over-developed it is considered reasonable to remove permitted development rights for the erection of further outbuildings.

6 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 outbuilding shall be constructed as approved and thereafter shall not be extended.

Reason: To avoid the application site appearing over-developed it is considered reasonable to remove permitted development rights for the extension of the building.

7 Notwithstanding the information contained on the approved plans, the ridge height of the approved development shall not exceed the ridge height of 56 Thirkleby Way.

Reason: To ensure that the approved development does not have an adverse impact on the character of the surrounding area.

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 effect on residential amenity, car parking and the impact on the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

2. 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:

The design was amended to remove the first floor flat and conditions included to avoid overdevelopment of the rear garden.

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