

## COMMITTEE REPORT

**Date:** 7 November 2019      **Ward:** Micklegate  
**Team:** West Area      **Parish:** Micklegate      Planning  
Panel

**Reference:** 19/01648/FUL  
**Application at:** 9 Bishophill Junior York YO1 6EN  
**For:** Alterations to the existing building through the reconfiguration of the existing kitchen and a new external opening to the rear garden area.  
**By:** Mr Peter Kilbane  
**Application Type:** Full Application  
**Target Date:** 14 November 2019  
**Recommendation:** Householder Approval

### 1.0 PROPOSAL

1.1 The scheme includes internal and external alterations including the creation of a new external opening to the rear garden. The property is grade II listed and is located within the Central Historic Core conservation area (CHCCA) and an area of archaeological importance.

1.2 The decision on this application needs to be made by the planning sub-committee as the applicant is City of York Councillor.

### 2.0 POLICY CONTEXT

City of York Publication Draft Local Plan 2018

D11- Extensions and Alterations  
D4 - Conservation Areas

City of York Council Development Control Local Plan 2005

CYGP1 - Design  
CYHE2 - Development in historic locations

### 3.0 CONSULTATIONS

Design Conservation & Sustainable Development (Conservation Architect)

Application Reference Number: 19/01648/FUL

Item No:

3.1 No objections to the revised scheme subject to conditions.

### Micklegate Planning Panel

3.2 No response received

## **4.0 REPRESENTATIONS**

4.1 None received

## **5.0 APPRAISAL**

### KEY ISSUES

5.1 The key issues in the assessment of this proposal are the impact upon the character and appearance of the building and the conservation area and amenities of neighbours.

### LEGISLATIVE BACKGROUND

5.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of an LPA's planning function with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

### POLICY CONTEXT

#### National Planning Policy Framework

5.3 The National Planning Policy Framework, March 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development.

5.5 Paragraph 184 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 193 states that when considering the impact on a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.

#### Local Plan Policies

Application Reference Number: 19/01648/FUL

Item No:

## City of York Publication Draft Local Plan 2018

5.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.7 Policy D11:Extensions and Alterations is relevant and advises that development proposals will be supported where, inter alia, they respond positively to the immediate architectural context, local character and history in terms of the use of materials and detailing, scale and proportion, landscape design and the space between buildings and protect the amenity of current and neighbouring occupiers. Policy D4: Conservation Areas states that development proposals within or affecting the setting of a conservation area will be supported where they; (i) are designed to preserve or enhance the special character and appearance of the conservation area and would enhance and better reveal its significance; (ii) respect important views; and (iii) are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

## City of York Council Development Control Local Plan 2005

5.8 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. Relevant policies are GP1 and HE2. Policy GP1 'Design' requires development proposals to respect or enhance the local environment, be of a design that is compatible with neighbouring buildings and the character of the area. Policy HE2 'Development in Historic Locations' advises that development in conservation areas must respect adjacent buildings and be of a design that is compatible with the character of the area and neighbouring buildings.

## City of York Council Supplementary Planning Document (SPD) for House Extensions and Alterations 2012

Application Reference Number: 19/01648/FUL

Item No:

5.9 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations and was approved on 4 December 2012. Basic principles include a requirement that development should be in keeping with the appearance, scale, design and character of both the existing dwelling and the street-scene generally (Paragraph 7.1) and that it should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

## ASSESSMENT

5.10 The proposals relate to alterations to the ground floor kitchen/dining area of the property. The architect has submitted revised proposals and the position on the various elements can now be outlined as follows.

### Replacement of existing windows to garden with large doors

5.11 The ground floor wall and existing openings which open to the garden are not original and appear to date back to 1947 alterations. The original proposals for the replacement of the existing windows to the garden with large doors has been revised and now involves two smaller pairs of glazed doors which are more in keeping with the domestic scale and acceptable.

### Replace existing door to garden with glazed opening

5.12 This element has been withdrawn from the scheme with the door now being repaired.

### Replacement of external door and windows into rear yard

5.13 With regards to the proposed replacement of the external door and windows into rear yard, neither are in their original position and the proportions/design of the windows is harmful to the character of the listed building. The repair or replacement of the door on a like for like basis with details of new glazed upper panels required by condition would not harm the appearance of the building.

5.14 Concerns about new holes in the historic fabric associated with new drainage have been addressed with the architect confirming that all new drainage will connect to existing. The proposals will not have any adverse impact on the amenities of neighbours.

5.15 In assessing the proposal officers have considered the impact it would have on the significance of the conservation area and the special interest of the listed building, as required by Paragraph 193 of the NPPF, and have judged that there will be no harm. In this respect it is considered that the proposals will preserve the

Application Reference Number: 19/01648/FUL

Item No:

character and appearance of the conservation area and in approving this application the Local Planning Authority will be properly exercising its duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **6.0 CONCLUSION**

6.1 It is considered that the proposals will preserve the character and appearance of the conservation area and the listed building and that there will be no adverse impact on the amenity of nearby occupants. As such it is considered that they satisfy national guidance in the NPPF and local policies in the Publication Draft Local Plan and Development Control Local Plan, and are acceptable.

## **7.0 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 and other submitted documents

PL12/001 and PL11

Sketch drawing of new windows to rear yard in letter dated 18 October 2019 from scheme architect

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 following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) Detailed construction drawings of all new doors and windows, including brick window head detail
- b) Details of any extraction from the kitchen
- c) Lime-rich mortar specification
- d) Structural Engineer's details for new openings to garden

Reason: So that the Local Planning Authority may be satisfied with these details.

4 Existing reclaimed bricks shall be reused for building up any existing openings on garden elevation.

Reason: To protect the historic character of this listed building.

Application Reference Number: 19/01648/FUL

Item No:

## **8.0 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 a positive outcome:

Plans were revised to secure changes to proposals for doors to rear garden and door and windows to rear yard

Account has been taken of all relevant national guidance and local policies and with the attachment of conditions the proposal is considered to be satisfactory.

#### **Contact details:**

**Case Officer:** David Johnson

**Tel No:** 01904 551665