

COMMITTEE REPORT

Committee: East Area
Date: 11 April 2007

Ward: Strensall
Parish: Strensall And Towthorpe
Parish Council

Reference: 06/02710/FUL
Application at: 5 Northfields Strensall York YO32 5XN
For: Erection of 1 no. 5 bedroom dwelling house to rear of 5 and 6 Northfields
By: Potts And Capeling
Application Type: Full Application
Target Date: 2 February 2007

1.0 PROPOSAL

Planning permission is sought for the construction of a detached house on land to the rear of the above properties.

Members may recall that an application was considered at planning committee on the 9th February 2006 for two dwellings on the same site and that this application was refused for four reasons. The reasons related to the density of development being inappropriate to the character of the area, the loss of landscape features from the site, the inappropriateness of taking access from Northfields to serve the development and the relationship of the proposed scheme to the existing houses on Northfields. There was also a refusal on half the application site for the construction of a detached dwelling in 1999, this application was similarly refused because of the density of the development and the impact of the proposal on the landscape value of the site.

Since the submission of the last application the applicants have taken down the mature hedging to the front of the site and all vegetation/trees within it. The fence adjacent to the hedge has also been removed and re-erected so that it forms the back boundary of the application site. The applicants, who took the view that they did not own the hedge facing Netherwoods on the last application, have taken legal advice and had it confirmed in writing that this land is theirs. This is in dispute by Hogg the builders who believe the hedge is theirs, Hogs are now proceeding to legal action to have the hedge and fence reinstated.

This application is for the erection of a detached 5 bedroomed dwelling fronting Netherwoods with access from that road.

Two amendments have been submitted to the original scheme. The first amendment increased the distance to the side boundary with 1 Northfields to 1.75 metres. The second amendment was in response to the concerns of the landscape architect about the impact of the development on trees within the garden of 12 Netherwoods. The amendment shows the building pulled off the boundary so that it is now 2.25 metres away and the remodeling of the garage part of the dwelling which increased the height and depth of the building.

The application is supported by a design and access statement.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

3.0 CONSULTATIONS

Internal

Highway Network Management

There is a discrepancy between the s.38 adoption drawing and the applicants proposed site plan. It would appear as though part of the public highway is being enclosed within the site. I would ask that the applicant revises their site plan using the s.38 plan for reference, the drive length will be reduced to 5.3 metres and as such the dwelling would benefit from being pushed back slightly to provide an absolute minimum drive length of 5.5 metres with non protruding garage doors conditioned. Permission should not be issued until revised plans are received.

The proposal is to construct a single dwelling in the garden of the existing properties nos 5&6 fronting Northfields. Access is to be taken from the existing highway on Netherwoods via a new dropped vehicular crossing, which will be formed under Section 184 of the 1980 Highways Act at the applicants expense.

Visibility at the proposed means of access is considered suitable given the low number of units served by Netherwoods and the negligible level of traffic that will be generated by the proposed dwelling.

Car and cycle parking for the proposed dwelling have been provided in accordance with the relevant CYC maximum standards. Three conditions are suggested to ensure satisfactory access arrangements.

An amended plan was submitted to deal with the concerns of the highways authority. Highways now raise no objections to the proposal subject to conditions relating to car and cycle parking arrangements

Environmental Protection Unit

No objections in principle subject to a watching brief condition related to contaminated land and a condition controlling hours of working.

Urban Design and Conservation

Landscape Architect

Considers that it would be suitable to reinstate a hedge along the front boundary. A predominantly beech hedge would be appropriate possibly including Holly and Privet to compliment existing hedges. There is also scope for the planting of two new small trees at the two ends of the front garden.

Trees at the bottom of 12 Nether wood were retained by condition on the original Netherwoods scheme and should be protected now. to protect trees the building should be redesigned such that the building footprint is kept a minimum of 2.5m away from the site boundary and hardstanding should be 1.5m from the boundary. At the moment properties 1-6 Northfields and 12 Netherwoods relate well to each other around the space that this rear garden area affords. Due to the massive size of the dwelling this spatial quality will be lost. The size of the property would be disproportionate to the resulting small depth of rear garden, consequently the new house would have a dominating effect.

Comments on the amended proposal

Following the latest amendment, the proposed building is now set an adequate distance away from the neighbouring trees to enable their protection.

The reduction in the width of the property has also given it more 'space' and helped to reduce its physical and hence visual impact. I therefore withdraw my previous objection.

External Consultations

Parish Council

The PC has arrived to it's comments on the grounds of the application as presented. As there is currently an ongoing issue of the ownership of a strip of land and that a piece of ancient hedge has been destroyed without permission. We can only look at this application as garden infill but as an overall comment we wish to object strongly to this scheme on the following grounds:-

The mass density and size of the property seems to indicate a 5 bedroomed house at a density of approx 20-22 dwellings per ha. this is in conflict with policies H3c and H5a of the York draft local plan and advice in PPG3 and draft PPS3. The design is in such a location likely to cause a visual change in the street scape and local vista and contrary to policies GP1 and H7. The development appears to be a windfall development within a back garden. The development is not affordable housing and would be against the draft local plan.

The PC are also concerned that the development has been progressed without formal planning permission, as noted is under land dispute. This development is in the first stages of site development and has not only destroyed irreparable local natural history the development may affect surrounding natural features. The parish council are conscious that all members of the locality have concerns over this development and as such a wide and inclusive discussion should be entered into at the earliest opportunity.

14 letters of objection have been received covering the following points:-

- two previous applications have been refused on this site as contrary to policies GP10 NE1 and GP1
- the applicant on the previous application seemed to accept that he did not own the land between the site and the highway (where the hedge has been removed) however they now seem to consider that they have ownership
- the hedge on the boundary has been removed without any proof being given to the occupiers of Netherwood that they have ownership
- Ownership of the ransom strip is now been challenged
- deliberation of the development should be delayed until the issue of the ransom strip has been resolved

- when the houses on Netherwood were constructed greenery had to be disturbed as little as possible and new boundary treatment had to be hedges to match existing
 - 1 Netherfields, following the removal of the hedge and fence, looks on to a dump and disused garage
 - the applicant is issuing a direct challenge to the planning authority by claiming previous decisions are defective
 - design and access statement is littered with untrue and inaccurate statements and expressions of opinion which have no basis in reality
 - It is untrue to say that the gardens were unused no. 6's has in recent years been improved
 - Both houses to the rear of the site have undergone extensions it is inconsistent to reduce the gardens to such an extent
 - the amenity value of the site has been destroyed for neighbours and the applicants.
 - the site provided an important wild life habitat. NE1 says that such amenities should be preserved
 - there are two previous refusals on this site in the objectors view there has been no changes to the site which would allow the council to reverse this decision
 - the proposed dwelling will be built close to plot boundaries and would
 - The building is so close to the boundary with 12 Netherwoods that trees within no. 12 will be put in jeopardy
 - In the objectors opinion the fencing and hedge removed by the applicants are not within their ownership and the applicants should not have signed certificate A to say that they own all the land to which the application relates.
 - the proposals are in clear contravention of policy GP10.
 - Netherwoods was designed as a single sided development with no footpaths to the north side, the proposal could not comply with the requirements of GP11
 - the proposed dwelling would dominate houses adjacent to the site including those on the opposite side of Netherwoods
 - The original scheme for Netherwoods showed tree protection measures for all trees including those that have been removed by the applicant and those within the garden of 12 Netherwoods. The remaining trees are now under threat from the position of the proposed dwelling
 - the loss of the trees would loose a habitat for eighteen recorded protected species and would expose a blank wall of 4.2 metres which would be intrusive and overpowering
 - The basis on which the applicants established ownership is not credible the objector believes that Hogg can prove their ownership
 - there are no changes in circumstances which would allow the council to reverse previous decisions on this site
 - the proposed dwelling is close to plot boundaries and would be directly overlooked and be directly overlooking
 - it is understood that there is currently no access to the site and the council are not prepared to allow access from Northfields
 - the width of the road on Netherwoods was designed for single sided housing development
 - access for emergency vehicles would be restricted
 - the proposal does not satisfy highway visibility requirements
- 5 further comments have been made as a result of the amendments these can be summarised as follows:-

- Amendments are merely cosmetic adjustments, submitted with a view to diffusing certain objections to the original plans
- proposal will still take away light from the living area of 1 Northfields and resulting in looking at a large brick wall
- proposal will cast a shadow and cause loss of privacy to adjacent properties
- proposal will create a lego-land and effect, detract from the value of the adjacent housing stock and affect the future ability to re-let voids
- The fact that the gable wall has been set back makes no difference to the loss of light as the height of the roof pitch has been increased and the width of the building has been increased by 1.3 metres
- the comments of the Conservation Architect are welcomed and considered to be sufficient reason to refuse planning permission
- The concerns of the highways officer have not been addressed
- The adoption plan would benefit from being more accurately related to the situation on the ground
- A committee site visit is requested

The application has been advertised by means of a site notice posted on the 19th December 2006

4.0 APPRAISAL

The proposal raises the following key issues:-

- The principle of developing the site
- The effect of the development on the character and form of the area
- Impact upon neighbouring properties
- Impact on trees
- Planning position in relation to the dispute over land ownership
- How the proposal sits in relation to previous refusals on the application site

The Principle of Developing the Site

The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. GP10 says that permission will only be granted for subdivision of existing garden areas where this would not be detrimental to the character and amenity of the local environment. In officers opinion the principle of development of the site conforms with local and national policies

Effect on the Character and Form of the Area

Advice within policy GP10 says that development should not be detrimental to the character and amenity of the local environment. Planning policy statement 2 gives similar advice all be it in different wording.

Controversially the site is now devoid of any vegetation, trees and hedging having been removed (without the trees being covered by a tree preservation order there were no planning powers to prevent the removal of vegetation from this site).

However surrounding the site the adjacent properties are well landscaped and the hedges and trees form an attractive feature of the area. Adjacent to the site all the properties are houses, detached on Netherwoods and semi-detached on Northfields. All are reasonably substantial blocks of building. The site to some extent provides a visual break between the properties on Northfields and those on Netherwoods. The development of the plot with a detached house will lose the space between buildings and increase the sense of enclosure along the entrance to Netherwoods however in the officers view this is a change in street scene rather than anything that could be classed as detrimental to the character and amenity of the local environment in such a way that would warrant the refusal of planning permission. The introduction of new landscaping along the frontage of the new plot including a replanted hedge will help to assimilate the new development in to its surrounding.

Impact upon neighbouring properties

The site is surrounded by residential properties. The proposed house is sited towards the front of the plot. The side elevation of the proposed dwelling facing 12 Netherwoods stands 7 metres high to the ridge and 4 metres to the eaves, at 2.25 metres away from the joint boundary. The proposal is 12 metres from the ground floor conservatory and 16 metres from the main rear elevation of 12 Netherwoods. 12 Netherwoods is west of the application site. The other side elevation of the proposal stands 8.5 metres high to the ridge and 5 metres to the eaves, 1.75 metres away from the joint boundary with 1 Northfields, and 13 metres from its rear elevation. 1 Northfields is east of the plot. Both the adjoining properties will experience some loss of light in either the morning or evening but the distances between the properties meet the standards of 12 metres generally applied as a reasonable distance between side and main elevations and in the officers view this is not a reason to refuse planning permission based on proximities proposed between the dwellings.

The distance between the rear of the proposed house and the rear of properties on Northfields is approx. 22 metres and is sufficient to provide adequate privacy between properties. The front elevation of the house will be approx. 16 metres from the house on the opposite side of Netherwoods across the intervening road. Whilst this is less than would be ideal the public domain between the two sites means that generally a lesser standard of distance is acceptable, the proximity between buildings being offset by the road and proposed and existing vegetation. Again officers can not substantiate a refusal of planning permission based on the proximity between buildings.

Trees

The details of the application have been amended to take into account the concerns of the Landscape Architect. The building and hardsurfacing have been pulled away from the joint boundary with 12 Netherwoods. The Landscape Architect comments that the amended plans are sufficient to protect the trees within the garden area of 12 Netherwoods. It is also confirmed that the amendment are sufficient to overcome concerns about the dominating affect of the building.

Planning Position in Relation to the Dispute over Land Ownership

The applicant has submitted details which in his view confirm that he owns the land on which the hedge formerly stood and he has a letter from his solicitor confirming this. Hogg the Builder who constructed the houses on Netherwoods is of the opinion that the land on which the hedge stood is theirs and indeed had been maintaining the hedge since the Netherwoods estate was constructed. There are letters passing between the parties via solicitors and the issue of land ownership will continue until either ownership is proved in court or one of the parties accepts that the land is not theirs/ stops pursuing the matter. Either way the issue of land ownership does not affect the acceptability of the development as applied for although it may affect the ability of the applicant to implement the permission if it is approved. If members are mindful to approve the application an informative will be added to any decision notice issued referring to the land dispute .

Previous Refusals

There were four reasons for refusal on the last application considered on this site in February 2006. The reasons related to the density of development being inappropriate to the character of the area, the loss of landscape features from the site, the inappropriateness of taking access from Northfields to serve the development and the relationship of the proposed scheme to the existing houses on Northfields. In officers view these reasons for refusal have been over come. In terms of density the previous application was for two dwellings on the same site area, the density proposed now is 24 dwellings to the hectare this is below the requirement of policy H5(a) of the Local Plan but of course this needs to be balanced against character and form.

In relation to the loss of landscape features these have now been removed from the site, the features were not protected under planning legislation and therefore their removal could not be prevented.

The access to the site is now in dispute however access is definitely proposed from Netherwoods on this application not from Northfields. There is no basis therefore to refuse permission based on the accesses impact on Northfield properties. Lastly in relation to the impact of the development on adjacent residents and the character of the area, these issues are considered earlier in this report and the development is considered to be acceptable in these terms.

5.0 CONCLUSION

GP10 and H4(a) of the City of York local plan supports the principle of infill development within settlement limits subject to the character and form of the local environment. the principle of development is also supported by Planning policy statement 3. In officers opinion the scheme as amended is acceptable both in its relationship to adjacent sites and in terms of its impact on the character of the area.

There is a land dispute on this site which affects the applicants ability to access this site. This land dispute does not in officers view affect the acceptability of the scheme although it may well affect the ability of the applicant to implement and permission granted until any dispute is resolved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

2 VISQ8

3 HWAY18

4 HWAY30

5 HWAY31

- 6 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

- 7 Any contamination detected during site works shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed with the local Planning Authority and fully implemented prior to any further development on site.

Reason: To protect the health and safety of workers on the site, future occupiers of the site and the integrity of any proposed underground services

- 8 All works and ancillary operations during demolition and construction, including collections and deliveries to the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and bank holidays.

Reason: To protect the amenity of nearby residents

9 PLANS1

- 10 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. The scheme shall be based on the landscape proposals shown on plan no NS/02C. The approved scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

7.0 INFORMATIVES: Notes to Applicant

1. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Cafe Licence - Section 115 - Heather Hunter or Anne-Marie Howarth (01904) 551418

2. INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £2037

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

3. 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 of the development on the character and form of the area and residential amenity. As such the proposal complies with Policies H4(a), GP10 and GP1 of the City of York Local Plan Deposit Draft.

4. There is a dispute over the ownership of land over which access to this site is to be gained. The applicant should be aware that this planning permission in no way resolves the land dispute between the parties.

Contact details:

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