

COMMITTEE REPORT

Date: 14 June 2012 **Ward:** Guildhall
Team: Householder and **Parish:** Guildhall Planning Panel
 Small Scale Team

Reference: 12/01006/FUL
Application at: 34 St Marys York YO30 7DD
For: Alterations to garage to form room in roof
By: Mr D Rose
Application Type: Full Application
Target Date: 14 May 2012
Recommendation: Householder Refusal

1.0 PROPOSAL

1.1 This application seeks permission for the increase in height of this detached pitched roof garage, in order to provide a room within the roof. Two conservation style rooflights are also to be introduced into the new roof.

1.2 This large modern 4-storey semi-detached dwelling, set back from the building line of adjacent properties to protect a mature tree to the front. The site lies within the Central Historic Core Conservation Area and sits adjacent to a Grade II Listed Building at No. 35 St Marys.

1.3 Relevant Planning History

- Application No. 06/01704/CAC - Demolition of dwelling in the Conservation Area. Approved 17.05.07
- Application No 07/02969/FUL - Erection of 2no. semi-detached 4 storey dwellings with associated garages, in connection with 06/01704/CAC. Approved 25.03.08.
- Application No. 09/00552/FUL - Erection of 2no. semi-detached 4 storey dwellings with garages (amendment of 07/02969/FUL) to allow enlargement of garages.
- Application No. 09/01096/FUL - Erection of garage with playroom above. Refused 20.07.09.

- Application No. 09/01535/FUL - Erection of garage (resubmission). Refused 24.09.09.
- Application No. 09/02052/NONMAT - Amendment to approved application 09/00552/FUL for a detached garage to raise eaves height, add a parapet gable and additional windows. Approved 10.12.09.
- Rear of 68 Bootham - Application No. 10/00016/OUT - Erection of 2 dwellings. Approved 22.07.2010

1.4 The application is brought to Committee for decision at the request of Councillor Gillies, to consider changes recent changes in planning policy and recent approval of development within the area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF
City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYGP1Design

CYH7 Residential extensions

CYHE2 Development in historic locations

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 Object due to harm to the character and appearance of the conservation area; adverse affect on the garden setting of the adjacent listed building at 35 St Marys and unacceptable loss of amenity to residents at No. 35 St Marys

EXTERNAL

Conservation Area Advisory Panel

3.2 The panel do not support the addition of an extra storey onto the garage. The proposal does not maintain the existing symmetry or the views through to the trees towards the railway.

Guildhall Planning Panel

3.3 Object due to size and scale and possible future use as granny flat.

The applicant has responded to this comment from the Planning Panel stating that the proposed use for extra storage, which could be conditioned as required.

Publicity and Neighbour Notification

3.4 Seven letters received from neighbouring residents/owners; five in support of submission stating inter alia:

- The proposed garage will look more as an integral part of the dwelling;
- The garage will enhance the characteristic of the area;
- Recent approval for dwellings to the rear of 78/80 Bootham sets precedent for area

One letter received raising no objection; and one letter raising strong objection on the following grounds:

- Additional space not required for domestic use, but for a different use;
- Loss of outlook to residents at No. 35 St Marys;
- Detract from the setting of listed building at 35 St Marys and from historic open aspect of Conservation Area;
- High blank wall will add to overshadowing to rear garden at 35 St Marys
- Does not comply with local or national planning policies

The applicant has written in support of his application stating that:

- Raising of roof is modest and garage is sited well away from adjacent listed building;

- The site is large, with generous garden; the proposed development is modest with no impact on current footprint;
- Re impact on neighbours - development at closest point is 9 metres away; no significant effect on light to the rear accommodation of no 35.; remains almost entirely unaffected;
- Recent approvals in area amount to significant change in planning circumstances to warrant positive outcome; development remains subservient to principal dwelling.

4.0 APPRAISAL

KEY ISSUES

- Visual impact on the dwelling and surrounding conservation area;
- Impact on adjacent listed building
- Impact on neighbouring amenity

PLANNING POLICY

4.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF) MARCH 2012 Para 56 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". Paragraph 131 states inter alia; that when determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage asset; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development make a positive contribution to local character and distinctiveness. Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.2 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 NPPF.

4.3 DEVELOPMENT CONTROL LOCALPLAN POLICY CYH7 states inter alia that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.4 DEVELOPMENT CONTROL LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 DEVELOPMENT CONTROL LOCAL PLAN POLICY CYHE4 states inter alia that with regard to listed buildings, consent will only be granted for internal or external alterations on development in the immediate vicinity of a listed building where there is no adverse effect on the character, appearance or setting of the building

4.6 DEVELOPMENT CONTROL LOCAL PLAN POLICY CYHE2 states inter alia that within or adjoining conservation areas and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion and materials. Proposals should maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

4.7 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension.

ASSESSMENT

4.8 When determining planning applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

4.9 The current submission is similar to application no. 09/01096/FUL, mentioned above, planning permission for which was refused due to impact on the character and appearance of the Conservation Area, the effect on the setting of the adjacent listed building and the impact on the living conditions of the adjacent occupiers at 35 St Mary`s. The subsequent resubmission (Ref: 09/01535/FUL) incorporated a slight reduction in height, but was also refused for the same reasons. Consideration

should now be given as to whether there has been any significant change to site circumstances or planning policy since these recent refusals.

4.10 The host dwelling and adjacent attached dwelling at No. 33 have now been completed, and are of high quality design and finish, enhancing the appearance of the surrounding conservation area; and also having been a winner for new residential development within the York Design Awards 2011. The existing garage sits comfortably within the site and within the adjacent site boundary wall with No. 35 St Marys. Ground levels fall away from the street, thus its appearance recedes from view, maintaining views through the rear garden and mature trees beyond. The houses on this side of the street have generous gardens which abut the tree lined boundary of the main railway line to the rear.

4.11 Although the existing garage is of significant length, the existing height is considered appropriate in relation to adjacent building and does still allow open views along the row and from the highway to the front. The garage was an exceptional introduction with the area, the impact on the characteristic openness to the rear and on views through being reduced by their low height in relation to the street; the gradual fall of gardens from north to south, and by the open separation between adjacent properties. The proposed increase in height, as previously considered, would be a significant solid interruption within the open landscape gardens, reducing their openness and the separation with the tree lined west boundary, causing harm to the character of the Conservation Area. It is also considered that the increased height and physical presence of the garage would harm the character of the garden setting of the adjacent Grade II Listed Building at no. 35 St Marys. The recently approved CYC emerging Central Historic Core Conservation Area Appraisal regards the unlisted buildings within the street as "buildings of merit"

4.12 The enlarged garage would be located to the southwest of the adjacent dwelling at no. 35 St Mary's. It is still considered to be the case that due to the increased height of the structure, residents at no. 35 would suffer loss of outlook, and additional overshadowing to the garden area, even taking into account the lower ground level of the garden at the host. The eaves height would be over 3 metres when measured from this neighbouring site, along the common boundary.

4.13 Although outline permission has recently been granted for the erection of two dwellings on land to the rear of 68-76 Bootham, with access from St Marys, it is considered that the context of this site is different to that of this current proposal, with the bulk of the development being away from the large open landscaped wedge formed by the rear gardens at St Marys. This site lies at the change in grain of between properties on Bootham and those on St Marys. The existing garages on this site having a negative impact on the character and appearance of the Conservation Area. The site is independent of the buildings around it and the development would not create overshadowing or coalescence of built forms. The

approved dwellings have a low ridge height and the courtyard setting preserves the openness onto the garden with No. 37, especially to the listed building itself. It is therefore, not considered, this recent consent would form a precedent.

5.0 CONCLUSION

5.1 There has been no significant change in circumstances since the previous application(s) to warrant a different decision on this application. Although the advice in the now superseded Planning Policy Guidance Note 15 is differently expressed in the National Planning Policy Framework, the protection of heritage assets remains a high priority. It is considered that the proposed development would have an adverse effect on the character and appearance of this part of the conservation area, an adverse effect on the setting of the adjacent listed building, 35 St.Mary`s, and would result in unacceptable harm to the living conditions of the occupiers of that property.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Refusal

1 The proposed garage due to its location, size and height, and considering the building line of the host dwelling, would significantly detract from the openness of the rear gardens/space behind the buildings on the northwest side of St Mary's. This open vista forms part of the historic character of the area and makes a positive contribution to both the character and appearance of the conservation area and the setting of no.35 St Mary's, which is a grade II listed building.

The proposal is therefore contrary to advice contained within the National Planning Policy Framework (paras. 56, 131 and 132) and also conflicts with policies GP1, HE2, HE4 and H7 of the City of York Development Control Local Plan.

2 The proposed garage building would have a detrimental impact on the living conditions of no.35 as it would be overbearing and overdominant, due to its location, size and height. As such the proposal is contrary to policies GP1 and H7 of the City of York Local Plan.

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