



## 2.2 Policies:

CYH7 - Residential extensions  
CYGP1 - Design

## 3.0 CONSULTATIONS

### 3.1 Internal

None consulted.

### 3.2 External

Planning Panel - Any comments awaited.

Neighbours- Occupants of 29 Penyghent Avenue states the length and height has caused them to lose light in their dining room and patio at certain times of the day, also the whole brick wall is imposing and ugly. State if the whole roof could have been designed differently and they wouldn't have had a problem with it. 33 Penyghent Avenue - no objections raised.

## 4.0 APPRAISAL

### 4.1 The key issues in assessing the proposal are:

- The impact on the streetscene.
- The impact on neighbours' living conditions.

4.2 The National Planning Policy Framework (2012) sets out the Government's overarching planning policies. It 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. A principle 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 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.

4.4 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 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.

4.5 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, 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.

#### THE IMPACT ON THE STREETSCENE

4.6 The proposal would not have a significant impact on the streetscene and would not appear out of character when viewed across the open gardens to the rear.

#### THE IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.7 There is adequate separation to number 33 to avoid the proposal causing undue harm. The key issue is the impact that the proposal would have on the living conditions of number 29.

4.8 The nearest openings on the ground floor rear elevation of number 29 are glazed doors serving a single aspect dining room. The lounge is located in a separate room towards the front of the house. The side wall of the extension is around 1m from the side of the glazed doors. As the extension is to the south-east it will impact on morning sunlight. It is not considered however, that the harm caused to the living conditions is such to merit refusal. It is the case that the amount of glazing in the dining room is relatively large and there is a generally open aspect down the garden. Although the side wall of the extension is a significant structure, it is not considered that it is so dominant to appear oppressive when sitting in most areas of the room.

4.9 The patio area that is used for sitting out is adjacent to the extension. The side elevation of the extension is relatively dominant and the extension will cut out morning sunlight from the area of garden immediately adjacent to the structure. However, the garden of number 29 is relatively long and wide and there is a degree of flexibility in respect to where the occupiers could choose to sit. It is not considered that the overall impact on the home's living conditions are unduly harmful.

4.10 In assessing the impact of the extension, regard should be had to the 'fall back' position using permitted development rights. It is the case that lean-to extensions up to 4m in height can be erected without the need for planning permission.

Although it would have been better for the occupiers of number 29 if a hipped roof had been erected on their boundary, the height of the extension is still below 4metres and falls in height towards the eaves.

## **5.0 CONCLUSION**

5.1 It is the case that the side wall of the extension is relatively dominant when viewed from number 29, however, permitted development rights typically allow for small rear extensions and such structures are often erected on side garden boundaries.

5.2 The concerns of the neighbour are recognised, however, it is not considered that the harm caused to living conditions is such to merit refusal. In considering this regard is given to the fact that the property has a large garden and most of the space is not significantly impacted upon by the structure. The dining room to the rear has glazed doors. Views from the room are largely down the garden and towards the end of the extension that is lower in height. The proposal will reduce sunlight to the room in the morning, however, the degree of impact, in comparison to a structure that could be erected using permitted development rights is not considered to be so significant to justify refusal.

5.3 It is considered that the proposal is acceptable and is recommended for approval.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Householder Approval

1 The development hereby permitted accords with the following plans:-

Drawing ACP-AP-101 received by the Local Planning Authority on 3 September 2012.

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

## **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.

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.

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