

## COMMITTEE REPORT

**Date:** 4 December 2014      **Ward:** Heworth Without  
**Team:** Householder and      **Parish:** Heworth Without Parish  
Small Scale Team                      Council

**Reference:** 14/01777/FUL  
**Application at:** 6 Westlands Grove York YO31 1DR  
**For:** Erection of two storey detached dwelling including alterations to existing dwelling  
**By:** Mr Nigel Travis  
**Application Type:** Full Application  
**Target Date:** 30 September 2014  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The site relates to the garden of number 6 Westlands Grove, a large detached property situated on a substantial corner plot. Number 6 is a dual aspect property with windows and doors facing both Elmlands and Westlands Grove. The large garden forms an open area at the junction of the two streets.

1.2 Planning permission is sought for the erection of a detached dwelling in the side garden of 6 Westlands Grove. The proposed dwelling would be a two-storey, four bed room property with a hipped roof. It would also be a dual aspect property, with windows and doors facing both Westlands and Elmlands Grove. An integral garage with space for 1 no. car and driveway parking space for an additional car would be provided. Access would be taken from Westlands Grove via a dropped kerb. Works are also proposed to 6 Westlands Grove, the host property to reduce the depth of the dining room by 1.5 metres and remove the bay window in order to provide a greater separation distance to the proposed dwelling.

1.3 The site is not allocated within the Development Control Local Plan and it does not fall within a Conservation Area.

1.4 A revised drawing was submitted during the course of application showing modifications to the proposed access, rear first floor windows and a reduction in footprint of the property; giving an 11m separation gap between the two storey elements of 4 Westlands Grove and the proposed dwelling.

1.5 The application has been called into Planning Sub Committee by Councillor Ayre due to concerns regarding over development (Policy GP10); landscape (Policy GP9); requirements of Policy H4A in terms of the location of the proposal and impact upon landscaping; loss of open space (Policy GP1) and the National Planning Policy Framework (NPPF) which is supportive of the stance within Policy GP10. A full sustainability appraisal should be undertaken.

## 1.6 SITE HISTORY

14/01079/FUL - Two storey side extension, single storey side and rear extension - Approved on the host property number 6 Westlands Grove.

## 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:

CYGP9	Landscaping
CYGP1	Design
CYGP10	Subdivision of gardens and infill devt
CYGP3	Planning against crime
CYGP15	Protection from flooding
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development

## 3.0 CONSULTATIONS

### HIGHWAYS NETWORK MANAGEMENT

3.1 The development would not lead to a material increase in traffic. Access is provided at a sufficient distance from the junction with Westlands Close and maximum parking standards would be met. However, details of the access must be resolved and the proposal should be deferred. The new access is too close to the BT cabinet on the footway and it should be 2400mm wide (clear space between gates/ gate posts). If a pier is installed for the gates to hang by, the gate side face of the pier shall be no closer than 500mm to the near side face of the BT box. We do not allow gravel within 3m of the public highway. Please allow for a sealed, positively drained surface for the first 3m from the back of the footway.

3.2 Following the submission of revised drawings no objections are raised subject to the imposition of conditions and an informative.

### FLOOD RISK MANAGEMENT TEAM

3.3 The development is in low risk Flood Zone 1, and should not suffer from river flooding. However, insufficient information has been provided, further drainage details and a soakaway test are required prior to determination.

3.4 Following the submission of additional drainage information and provision of a soakaway test no objections are raised subject to a condition requiring the approval of foul and surface water drainage schemes.

## COMMUNITIES CULTURE AND THE PUBLIC REALM

3.5 As there is no on site open space commuted sums should be paid to the Council for amenity open space to be used to improve local sites such as Monk Stray or Hempland allotments; play space at the Stray Road Play area and sports pitches within the East Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula.

## ENVIRONMENTAL PROTECTION UNIT

3.6 Raise no objections. A condition should be imposed for an electric vehicle charging point and the demolition and construction informative (including contamination advice) should be applied to protect the amenity of residents.

## HEWORTH WITHOUT PARISH COUNCIL

3.7 Any comments will be reported verbally.

## YORKSHIRE WATER

3.8 No objections.

## PUBLICITY

3.9 Thirteen objections have been made. Grounds are summarised as follows:

- Overdevelopment of the site, including extensions approved to number 6;
- Adverse impact on the street scene;
- Loss of the open corner plot characteristic of area;
- Lack of amenity space/ garden area for a large family house;
- Loss of symmetry in the pattern built development;
- Overlooking, loss of privacy, noise, loss of light;
- Insufficient provision for parking on site;
- Highway safety issues/unsafe access/garage too small;
- Increased traffic;
- Will cause on street parking and safety problems;
- Noise and disturbance during construction;
- The local school is already over subscribed;
- Will set a precedent for other applications.

3.10 Any further comments on the revised drawings will be reported verbally.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Location of Development
- Visual Impact
- Residential Amenity
- Highways, Access and Parking
- Drainage
- Open Space
- Other

## PLANNING POLICY

4.2 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.3 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development and at paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

4.4 The core principles within the NPPF state that developments should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The Framework places strong importance on significantly improving the supply of quality affordable and market housing to meet needs.

4.5 The NPPF advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In terms of housing design and layout the NPPF requires development that is safe, accessible, fit for purpose, responds to local character and context and/or is of innovative design.

4.6 Development Control Plan Policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials; avoid the loss of open spaces, vegetation and other

features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over dominant structures.

4.7 Development Control Plan Policy GP10 sets a firm policy presumption that planning permission will only be forthcoming for subdivision of existing garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment. The policy advises that space between and around existing buildings often contribute significantly to the character of an area and to residential amenity. The NPPF at para 53 is supportive of the stance within GP10 when it states that 'Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area' (Para 53).

#### Location of the Development

4.8 The site is located within an existing residential area with good access to shops, local facilities and public transport and as such is considered to be in a sustainable location as required by the NPPF. The site is not allocated in the York Development Control draft Local Plan and therefore Policy H4a, Housing Windfalls, applies. This Policy seeks to ensure that windfall housing development is located within the urban area and in a sustainable location. These expectations are met and in principle, the proposed use is compliant with both national and local policy. The detailed requirements of Policy H4a, in terms of context and landscape, and other national and local policy expectations are considered below.

#### Visual Impact

4.9 The pattern of development within the area is fairly uniform with properties set on established building lines some way back from the road behind front gardens. Properties in corner locations are in general semi-detached; set at an angle to open front gardens and they have relatively small rear gardens. It is noted that the host property is different as it is a large detached property set in a substantial corner plot and it has a dual aspect squarely facing on to both Westlands and Elmlands Grove.

4.10 This application proposes works to the host property to reduce the footprint of the existing dining room and to remove the bay window facing Westlands Grove. In addition planning permission was granted in July 2014 for extensions to the host property including a two storey extension and a single storey extension. The application has been assessed in the light of these proposals.

4.11 The proposed two-storey property would be sited within the large side garden of number 6 Westlands Grove. The bay window of the host property would be

removed to provide a 3.4 m separation gap between the host and proposed property and this would be consistent with separation gaps on Elmlands Grove. Revised drawings show a separation gap of 11 metres to number 4 Westlands Grove (2 storey to 2 storey). The proposed property would not project in front of building lines on Elmlands or Westlands Grove and a grassed garden area ranging in depth from 5.5 - 7.2 metres would be kept around the property which would be sufficient to retain the open character. Taking the above into account it is considered that the existing and proposed properties would have sufficient space to the sides and rear meaning that the site would not appear cramped or overdeveloped.

4. 12 The host property would retain a garden some 7.5 m deep and the proposed dwelling would also have a garden some 7.5 m deep. Given that corner properties in area have relatively small rear gardens it is not considered that the resultant gardens would be out of character with grain and pattern of development in the area. The revised drawing shows trees planted in the grassed margins around the proposed dwelling which would enhance the appearance of the site in accordance with Policy GP9 and it is considered that a landscape plan should be conditioned and that it should ensure that fencing is not erected to the site boundary which would compromise the openness of the plot.

4. 13 The proposed dwelling would be of a similar scale and appearance to the host property once the approved extensions are carried out and as such it would not appear incongruous within the streetscene. The removal of the bay window and reduction in footprint of the host property, as proposed by this application, is considered to be essential to preserve separation gaps characteristic of the area and a condition should be imposed to ensure this work is carried out.

4.14 Introducing the property to the side garden would square off of the corner visually, but sufficient grassed margins would be retained to preserve the openness, character and pattern of development in the area. Taking the above into account, the proposal would be consistent with Policies H4a, GP1, GP9 and G10 of the Development Control Local Plan which seek to ensure that development is not be detrimental to the character and amenity of the local environment and it would also comply with the provisions of the NPPF, para 53, which expects that good design improves the character and quality of an area and that developments respond to local context.

### Residential Amenity

4.15 The nearest neighbours to the new dwelling are the host property and number 4 Westlands Grove. As noted previously planning permission has already been granted for extensions to the host property including two storey and single storey extensions.

4.16 There would be a separation distance of approximately 3.4 m between the host property and proposed new dwelling. The new dwelling would be of a similar scale

and height and position to the host dwelling, meaning that it would not be overbearing to it. The proposed dwelling would be sited to the south of the host property and there would be some shading of the windows on south elevation of the host property, but this would be mitigated as rooms are dual aspect with large windows and undue overshadowing would not occur. The garden of host property would be shaded at points during the day when the sun is low in the sky, but this is acceptable. Only obscurely glazed windows on new property would face the host property and therefore there would be no loss of privacy in this respect.

4.17 Neighbours at 4 Westlands Grove object to the scheme in terms of overlooking, loss of privacy and loss of light. The nearest part of 4 Westlands Grove to the proposed dwelling is a blank 2 storey gable, to the front of the property facing south are sitting room windows/entrance door and there is an outdoor seating area to the rear of the property. The boundary between the properties is marked by a high hedge. Revised drawings show a separation gap of 11 m from the two storey gable of 4 Westlands Grove to the two storey element of the proposed new dwelling and this is considered to be acceptable. The new property would have similar ridge and eaves height to Number 4 and when taken into account with the separation gap, it would not appear overbearing to this occupier. The new property would be sited to the west of number 4 and due to separation gaps and orientation there would be limited shading to the south facing windows when the sun is low in the sky. There would be some shading to the rear garden and seating area but this would be when the sun is low in the sky and is considered to be acceptable. In terms of loss of privacy, one first floor window has been removed from the rear of the proposed new dwelling (which was to a dual aspect bedroom) and the remaining windows are an obscurely glazed bathroom window and bedroom window. The bedroom window would be sited at a similar distance to those on the rear of the host property and would afford no more overlooking than already exists. It is not considered that the introduction of an additional dwelling to the street would adversely affect adjacent occupiers in terms of noise and activity generated.

4.18 Due to the size of the resultant rear garden, it is recommended that permitted development rights should be removed so as to protect the amenity of adjacent occupiers.

4.19 Taking the above into account it is considered that the proposal would not adversely affect the amenity of neighbouring occupiers and the proposal would comply with the provisions of Policy GP1 and with the provisions of the NPPF.

#### Highways, Access and Parking

4.20 There would be no harmful increase in traffic as a result of the proposal and access to the new dwelling would be provided at a sufficient distance from the junction to be safe. Revised drawings have been received showing the access widened and moved away from the BT box, the garage increased in size and driveway surface amended. On site there would be a garage, space for driveway

parking and a cycle store in the rear garden; this would meet required standards. Neighbours have raised concerns in respect of increased traffic/highway safety, unsafe access, lack of parking and problems with parking in the vicinity, however given the above and the fact that there is unrestricted carriageway parking in the vicinity, the proposal is considered to be acceptable on highways grounds.

### Drainage

4. 21 The site is situated in Flood Zone 1 and as such should not suffer from river flooding. The proposal seeks to provide a soakaway and a soakaway test was carried out on site in line with the requirements of the Flood Risk Management Team. Subject to the imposition of a condition requiring details of surface and foul drainage, issues have been resolved and the proposal complies with the provisions of Policy GP15 and the NPPF which expects that flood risk from all sources is appropriately managed.

### Open Space

4. 22 Policy L1c requires the payment of a commuted sum towards off site amenity, play space and sports facilities. In line with the latest York formula, this would be £3,034 for a 4 bed dwelling. The contribution has been supplied in accordance with the policy.

### Other Issues

4.23 Neighbours have raised concerns that the scheme would set a precedent for development in the area, however it is noted that each planning application must be considered on its own merits and this scheme has been considered in relation to the particular circumstances of this site. Concerns have been raised that the local school is at capacity and that a detailed sustainability statement has not been submitted. The site is within a sustainable urban location as outlined previously and Educational Planning confirm that there are limited places available at Hemplands School, but that the proposal falls below the threshold where a financial contribution would be required.

## **5.0 CONCLUSION**

5.1 The proposed new dwelling would be in a sustainable urban location. It would assimilate within the streetscene and there would be no adverse impact upon residential amenity. There are no highways objections to the proposal. A contribution to open space has been received in line with Policy L1c.

## **COMMITTEE TO VISIT**



## 6.0 RECOMMENDATION: Approve

- 1      TIME2      Development start within three years -
- 2      PLANS1      Approved plans - 103 Rev C, 6/WEST/102
- 3      HWAY18      Cycle parking details to be agreed -
- 4      HWAY19      Car and cycle parking laid out -

5      Prior to the development coming into use, the initial 3m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

- 6      VISQ8      Samples of exterior materials to be app -

7      Prior to the commencement of development, details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority and the subsequent drainage scheme shall be carried out in accordance with these approved details prior to first occupation of the dwelling.

Details shall include:

- i).      Site specific soakaway calculations to be submitted in accordance with soakaway test conducted on site.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

8      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), development of the type described in Classes A (extensions) E (outbuildings) and F (hard-surfacing) of Schedule 2 Part 1 and Part 2 (fencing) of that Order shall not be erected or constructed. The first floor window on the side elevation shall remain obscurely glazed with top light opening only at all times.

Reason: In the interests of the amenities of the adjoining residents and the preservation of the openness of the site in accordance with Policies GP1, GP10 of the Development Control Local Plan and the requirements of the NPPF, the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country

Planning (General Permitted Development) Order 1995.

9 Prior to the first occupancy of the development , a three pin 13 amp external electrical socket which is suitable for outdoor use shall be installed. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles. To promote the use of low emission vehicles on the site in accordance with paragraph 35 of the National Planning Policy Framework.

10 Prior to the commencement of development hereby approved the works to 6 Westlands Grove to remove the bay window and reduce the width of the dining room, as shown on drawing 6/WEST/102, shall be carried out in their entirety.

Reason: To provide an adequate separation gap between the properties, which without the works to reduce the footprint of number 6, would otherwise not exist. The lack of an adequate separation gap would mean that the development would appear cramped and this would adversely affect the streetscene; this would be contrary to Local Plan Policies H4A, GP1 and GP10 and to the provisions of the NPPF which seeks a good standard of design and development in residential gardens which would not cause harm to the local area (para 53).

11 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; This 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.

12 NOISE 7 - Restricted hours of construction

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

## 1. POSITIVE AND PROACTIVE STATEMENT

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: negotiating revisions to the scheme and the use of planning conditions.

## 2. HIGHWAYS 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

Please note that the crossing will not be allowed within 500mm of the BT cabinet.

## 3. CONTROL OF POLLUTION ACT 1974

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

(g) In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

h) Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

**Contact details:**

**Author:** Clare Davies Development Control Officer

**Tel No:** 01904 553738