



CYGP1 Design  
CYH7 Residential extensions

### **3.0 CONSULTATIONS**

3.1 No comments received

### **4.0 APPRAISAL**

#### KEY ISSUE

4.1 The key issue in the assessment of this proposal is the impact upon the character of the host building and surrounding.

#### POLICY CONTEXT

##### National Planning Policy Framework

4.2 The National Planning Policy Framework, March 2012 (NPPF) sets out the overarching roles for the planning system and it is against this Framework that the proposal should principally be addressed.

4.3 Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users

4.4 The NPPF places great importance on good design. Paragraph 130 says that 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, taking into account any local design standards or style guides in plans or supplementary planning documents.

##### Local Plan Policies

##### City of York Publication Draft Local Plan 2018

4.5 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.

4.6 Policy D1:Placemaking is relevant in that it states that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment and that development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused. Policy D11:Extensions and Alterations is also relevant as it 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.

#### Development Control Local Plan 2005

4.7 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 very limited except where in accordance with the content of the NPPF. The relevant Local Plan policies are Policy GP1(b) which requires development to 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. Also Policy H7(a) which includes the need to ensure that the design and materials are sympathetic to the main dwelling and the locality of the development and Policy H7(b) which requires that the design and scale are appropriate in relation the main building.

#### Supplementary Planning Document (SPD) for House Extensions and Alterations 2012

4.8 The SPD provides overarching general advice relating to such issues as privacy and general amenity as well as advice which is specific to the design and size of particular types of extensions or alterations. Paragraph 14.1 advises that the roof of a building is an important and prominent element of its design and that unsympathetic roof extensions can have a dramatic affect on a building's visual appearance.

#### ASSESSMENT

4.9 No.114 Fishergate is an end of terrace corner property that has commercial use on the ground floor with residential above. It lies within one of two terraces that lie circa 400m south of the city centre and front Fishergate; i.e. nos. 114-120 and 98-112. The two terraces sit between the southern edge of the Central Historic Core conservation area and the northern edge of New Walk/Terry Avenue conservation area. The Central Historic Core conservation area lies circa 70m to the north and New Walk/Terry Avenue conservation area is just circa 15m to the south (i.e. abutting the southern elevation of no.120). Another conservation area, i.e. Fulford Road conservation area, is circa 80m to the south.

4.10 Although outside of a conservation area, these terraces have retained to a considerable extent their traditional Victorian character, which adds strongly to the character of the location. The front roofs of the terraces remain undisturbed by additions, including rooflights or dormers, and the fact that this original built roof has been retained makes an important and significant contribution to the character of the townscape.

4.11 The contribution that these undisturbed roofscapes make to the character of the location is strengthened by the Light Horseman PH, which sits just to the south of no.120 and is also devoid of rooflights or dormers on the front.

4.12 It is considered that the proposed large rooflight would be out of character with, and harmful to both the appearance of the building and the street scene. Furthermore, if the development were to go ahead the LPA would have considerable difficulty resisting similar proposals within the rest of the terrace and nearby properties, leading to an even more serious erosion of the townscape.

### Permitted Development Rights

4.13 As the property, is a mixed use of commercial premises and flat, it does not benefit from permitted development rights in respect of alterations to the roof and fenestration.

## **5.0 CONCLUSION**

5.1 It is considered that the proposed rooflight would not respect the architectural period, style and detailing of the existing property and area and would be out of character and harmful to both the appearance of the building and the streetscene, thereby making an unsatisfactory and incongruous addition to the townscape. This is contrary to the NPPF, Publication Draft Local Plan 2018 Policies D1 and D11, Policies GP1(b), H7(a) and H7(b) of the Development Control Local Plan 2005 and the Council's Supplementary Planning Document for House Extensions and Alterations December 2012, in particular Paragraph 14.1.

## **6.0 RECOMMENDATION: Refuse**

1 It is considered that the proposed large rooflight would not respect the architectural period, style and detailing of the existing property and area and would be out of character with the streetscene in general, making an unwelcome intrusion in the undisturbed front roof slope of the terrace within which the application property lies and appearing as a harmful and incongruous addition to the streetscene and, as a result, eroding the contribution that the building and terrace make to character of the townscape.

The proposal is in conflict with Paragraphs 127 and 130 of the NPPF, City of York Publication Draft Local Plan 2018 Policies D1 and D11, Policies GP1(b), H7(a) and H7(b) of the City of York Draft Local Plan 2005 and the Council's Supplementary Planning Document for House Extensions and Alterations December 2012, in particular Paragraph 14.1.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In respect of the requirements set out within the National Planning Policy Framework paragraph 38 regarding adopting a positive approach towards sustainable development in their decision-taking and seeking solutions to problems identified during the processing of the application, the Local Planning Authority has considered the proposal against national and local planning policies and it was not considered that amendments or conditions would overcome the stated reason for refusal

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