

COMMITTEE REPORT

Date: 10 November 2011 **Ward:** Osbaldwick
Team: Householder and **Parish:** Murton Parish Council
Small Scale Team

Reference: 11/02371/FUL
Application at: 1 Meam Close Osbaldwick York YO10 3JH
For: First floor side extension
By: Mr and Mrs Luke-Wakes
Application Type: Full Application
Target Date: 7 November 2011
Recommendation: Approve

1.0 PROPOSAL

THE SITE:

1.1 The application site is a modern detached dwelling, described on the submitted plans as a three bedroomed house positioned, towards the head of a residential court yard. The dwelling is set back from the highway and is visually prominent within the street scene by virtue of the open plan nature of the front garden. To the side of the dwelling is an attached garage which has been converted into a habitable living room. It has an additional conservatory on the rear elevation adjacent to the side boundary of the property at 2 Redbarn Drive. The rear garden is of an ample size and adequately screened from adjacent properties with a public footpath running along the side and rear of the property providing access to the rear.

THE PROPOSAL:

1.2 Planning permission is sought to erect a first floor extension above the existing attached converted garage on the side elevation which is attached to the garage of the adjacent dwelling at 3 Meam Close. The extension would be set down from the main ridge by approx 500mm forming a gable pitched roof and set back from the principal elevation by approx 400mm, incorporating two new first floor windows for the purpose of creating one larger bedroom and one additional bedroom. The total height of the first floor measured in conjunction with the existing attached garage would not exceed approx 7.6 metres by approx 6.6 metres in length. The proposal would incorporate facing brick work and concrete interlocking tiles.

REVISED PLANS:

1.3 The application is subject to revised plans dated 19th October 2011 (Job no 292/100A site block plan/ elevation and floor plans) submitted to amend the gable wall so as to fall within the application site without the need to rely on construction over the dividing wall. The detail presented allows for a timber framed gable with tile hanging to the gable with lead work flashing over the top of the existing tiled roof. In addition a timber lockable shed would be provided in the rear garden for the purpose of storing cycles and bins.

PROPERTY HISTORY:

1.4 Reserved Matters application for the erection of seventy dwellings approved 31.07.2000 (ref: 00/00942/REM).

Conversion of attached garage into a habitable living room (QUERY/07/0089)- no planning permission required.

1.4 This application has been brought before East Area Planning Sub-Committee due to the concerns by Councillor Warters on the following issues. A site visit is proposed in order for Members to fully understand the context of the site.

- Over development of the site
- Parking Issues related to the proposal
- Impact on neighbour amenity
- Drainage/sewerage concerns

1.5 A Daylight and Sunlight Assessment has been submitted in order to determine effects of neighbouring over shadowing and loss of light.

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:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal:

Highway Regulation(Network Management) - verbal reply no objections. Any further comments updated at the Committee Meeting 10th Nov 2011.

3.2 External:

3.3 Murton Parish Council – Objections relate to:

(a) Increased occupancy will lead to more parking which was not taken into account when property was constructed. It is feared that the house will become multiple occupancy making the car parking situation worse.

(b) Architecturally the extension does not fit into the aspect of neighbouring properties and will look out of place.

3.4 Osbaldwick Parish Council: This parish have made a request to be consulted because the application site is close to the parish boundary. No comments at the time of writing. Any comments would be updated at the Committee Meeting 10th Nov 2011.

3.5 Responses to neighbour consultation letters sent 19.09.11 : One letter of objection from the occupiers of 3 Meem Close on the following issues:

- Property to be occupied by students exceeding 6 people.
- Rubbish/Noise.
- Loss of car parking spaces.
- Incorrect room layout information on the floor plans.
- Construction on to a party wall.
- Devalue of property.

3.4 Neighbor reconsultation letters sent 19th Oct 2011 regarding the revised design. No comments received at the time of writing. Any comments would be updated at the Committee Meeting 10th Nov 2011.

4.0 APPRAISAL

4.1 Key Issues:-

- Impact on street scene
- Impact on neighbours.

RELEVANT POLICES AND GUIDANCE

4.2 PLANNING POLICY STATEMENT 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 DRAFT LOCAL PLAN POLICY CYH7 - states that residential extensions will be permitted where (a) the design and materials are sympathetic to the main dwelling and the locality (b) the design and scale are appropriate to the main building (d) there is no adverse effect upon the amenities of neighbours.

4.4 DRAFT LOCAL PLAN POLICY CYGP1 - sets out a series of criteria that the design of development proposals are expected to meet. These include requirements to (a) respect or enhance the local environment, (b) 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; (c) 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; (e) 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 (i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that two/first floor storey side extensions states that two - storey side extensions should be set down from the original roof line and set back behind the building line. Furthermore the scale of the new extension should not dominate the original building resulting in a 'terracing effect' by closing the gap between the application property and neighbouring property.

DESIGN

4.6 The design of the first floor side extension incorporates a gable pitched roof, set down from the main ridge and set back from the front wall by virtue of an existing single storey forward projection forming a porch area. This design provides a visual break on the principal elevation and reduces the dominance and the potential for over development. The extension would incorporate a gabled roof, to provide the roofspace required for the additional accommodation.

VISUAL APPEARANCE:

4.7 The dwelling fronts onto a public area comprising of various styles and design. There is an established section of mature shrubs and trees which provides some seasonal and all year screening from the main body of the house. Whilst it is accepted that the position of the extension would reduce the existing amount of open space between the host property and the adjacent dwelling at no 3 Meam Close, it would not result in a terracing effect, by virtue of its set down design of the proposed roof. The wider area incorporates various styles of dwellings, incorporating two and three storeys; and apartments including some within private courtyards. On this basis, with the use of matching brick and tiles, the proposal is considered to be of a mass and design that is compatible to the design of the dwelling and immediate surrounding area.

THIRD PARTY OBJECTIONS / IMPACT ON NEIGHBOURS:

OCCUPATION BY STUDENTS:

4.8 Consultation responses have been received from 3 Meam Close relating to the extension resulting in the provision of additional bedrooms to the property and occupation by students. The issue that the dwelling may be occupied by students is not a material planning consideration; the key issue is the manner in which the property is occupied. Provided that facilities within the property such as kitchens and bathrooms are shared, and the property is occupied as a single dwelling, then there would be no material change of use for which planning permission would be required. Should the property be occupied by more than six people, either now or in the future, and then the property would be likely to fall outside the "Class C4" use class, and planning permission would be required. It is considered that this matter can be addressed by means of an informative on the decision notice. Other (non-planning) legislation relating to noise, untidy land, rubbish and late night noise can be dealt with under separate legislation. Concerns over the devaluing of the price of dwellings in this area do not carry weight in the determination of the applications which must be based on planning grounds i.e. the level impact on neighbours, design, and visual appearance.

LOSS OF CAR PARKING:

4.9 Issues relating to the existing and proposed car parking problems have been addressed by the Highways Authority and no objections have been received. In addition a lockable timber shed would be provided in the rear garden which will accommodate cycles.

LOSS OF LIGHT/OVERSHADOWING:

4.10 On the basis that the size and scale of the extension would not exceed the length of the existing dwelling or the length of adjacent attached dwellings, it is not considered that the proposal would have any significant additional impact on the amount of sunlight entering the adjacent property, which is located in a north -west position. No principal rooms or garden areas would be materially affected. It is concluded that the adjacent property at (no3) would not be significantly overshadowed particularly taking into account the orientation of the properties concerned. In terms of overlooking and loss of privacy the windows proposed would be located to the front and rear on the first floor extension, and as such would not create any additional overlooking than the present situation. In terms of the dwellings on the rear boundary on Redbarn Drive, there are already existing rear windows facing towards these properties and gardens. At a similar distance, such that overlooking and privacy issues would not be significantly different than the existing arrangement.

PARTY WALL ACT:

4.11 In this regard, the applicant would be required to adhere to the terms of the Party Wall Act, which is separate from planning legislation. Indeed, work could not commence on the development until the applicant has complied with the provisions contained within the Act.

DRAINAGE:

4.12 Councillor Warters has raised issues with regards to the impact of the existing drainage/ sewerage system. There is no specific evidence that the proposed development would exacerbate this situation. Drainage connections are a matter that would be dealt with under the Building regulations.

5.0 CONCLUSION

5.1 The design and materials are considered acceptable therefore the proposal is not considered to detract from the character and appearance of the residential area. The neighbouring gardens are well screened and it is not considered that the development will appear overbearing or give rise to any unreasonable loss of amenity to adjoining residents. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans -
- 3 VISQ1 Matching materials -

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 amenity and living conditions of adjacent occupiers given the location of the extension above the former garage and the positioning of the windows and the
- the impact on the street scene given the use of appropriate materials and sympathetic design

As such the proposal complies with Policies GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft and the 'Guide to extensions and alterations to private dwelling houses'

2. THE PARTY WALL ETC ACT 1996:

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available from City Strategy at 9 St Leonard's Place or at:

<<http://www.communities.gov.uk/publications/planningandbuilding/partywall>>

Furthermore the granting of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

3. INFORMATIVE:

It should be noted that the occupation of the property by up to six individuals living together as a single household would currently not require planning permission, as at the date of this permission. However, should the property be occupied by more than six people, either now or in the future (whether as a result of this development or not), then there is a possibility that the property would fall outside the "Class C4" use class and planning permission may then be required. In those circumstances further advice should be sought from the Local Planning Authority.

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