

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 11 April 2007

**Ward:** Heworth  
**Parish:** Heworth Planning Panel

**Reference:** 07/00327/FUL  
**Application at:** 101 East Parade York YO31 7YD  
**For:** Erection of detached two storey dwelling to rear of 101 East Parade  
**By:** Mr Tom Dodson And Ms Maggie Serafim  
**Application Type:** Full Application  
**Target Date:** 10 April 2007

### 1.0 PROPOSAL

1.1 This is a full planning application to erect a two/three bedroom, two-storey house within the rear garden of a large detached property.

1.2 The proposed dwelling is contemporary in style. It is 'L' shaped with a relatively large ground floor footprint of approximately 75 square metres. It incorporates several elements to reduce energy use including solar panels and the careful location of glazing. It is intended to have no off-street car parking. The proposed garden area is approximately 150 square metres.

1.3 The property is proposed to be accessed via a narrow lane that runs between 101 and 99 East Parade. There is currently a workshop and several dwellings located off the lane. The site is located in the Heworth/Heworth Green, East Parade/Huntington Road Conservation Area.

1.4 The application is brought to Committee as one of the applicants is employed within the City Strategy Directorate.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Heworth Green/East Parade 0042

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools Heworth CE Primary 0201

2.2 Policies:

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

CYH4  
Housing devp in existing settlements

CYGP9  
Landscaping

CYGP4A  
Sustainability

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highway Regulation - No objections. It is not considered that a recommendation for refusal can be substantiated on traffic generation/safety grounds - even if associated car parking were to be created on site.

Environment and Conservation - Supportive of the style of architecture. Consider the principal of development in the garden area is acceptable. However, it is considered that the proposed house should be reduced in height in order to minimise its visual impact on the setting of the existing dwelling within the garden to the rear of East Parade.

Environment Protection - No objections

#### **3.2 External**

Planning Panel - Object. Concerns in respect to the lack of off-street parking for occupiers and visitors given the pressure on on-street parking. Feel the poor quality and lighting of the private access raises safety issues for non-car users. Welcome aspects of the proposal, including sustainable approach to design.

Conservation Areas Advisory Panel - Contrary to policy GP10 (subdivision of gardens). Over-development in an area that was characteristic of houses set in large gardens. Little amenity space.

Neighbours

1 objection from 3 Parade Court - View that the development should be set further back into the site.

### **4.0 APPRAISAL**

4.1 Proposals to make more efficient use of land for residential accommodation within previously developed, accessible locations are in line with the thrust of current local and national planning policy. However, in assessing the acceptability of the

application it is important to ensure that the proposal does not cause harm to issues of significance.

4.2 Policy GP10 and H4a of the Local Plan relate to infill development and the subdivision of gardens. They place particular significance on avoiding over-development and ensuring that new development is not detrimental to the character and amenity of the local environment. Policy HE3 (Conservation Areas) seeks to protect the character and appearance of such areas.

4.3 The key issues to address when assessing this application are considered below:

#### ACCESS AND PARKING

4.4 It is intended that the property will be car free. The property is accessible on foot to a range of shops and services. The private lane that must be accessed to reach East Parade is narrow, however it is an adequate width for pedestrians to pass vehicles. Visibility when exiting from the private Lane to East Parade is also poor.

4.5 Although there are currently more than the recommended five units off the private lane it is not considered that a refusal of permission for the additional house on highway grounds could be substantiated given its accessible location. It is also considered that there would be no highways objection were a car parking space be created within the site.

4.6 The scheme incorporates cycle parking. There is reasonable overlooking of the private lane that links the site of the proposed house with East Parade.

#### STREETSCENE/CONSERVATION AREA

4.7 The property will not be clearly visible when viewed from East Parade. The main consideration is the impact on the character when viewed from the courtyard and lane at the rear of the site. There has been a reasonable amount of recent development in the area to the rear of East Parade giving a relatively eclectic character. However, it is the case that the group of long rear gardens that the application property is one of retains an attractive openness with landscaping and views to the church spire to the east.

4.8 Given that there has been much recent development in the area and there is some historic precedent of development along the axis where the home is proposed it is not considered that a proposed dwelling would necessarily harm the existing character or appearance of the Conservation Area. It is the case, however, that care needs to be taken to ensure that the development does not dominate the rear gardens. It is considered to achieve this it is important that the height of the house is kept to a practical minimum and space is retained for a reasonable degree of separation and landscaping.

4.9 The house as proposed is considered to be an attractive unfussy contemporary solution incorporating traditional materials appropriate to the location. Although the style of development keeps the ridge relatively low, it will still reach 6.8 metres. Although the garden is long it is not the case that there is adequate space and

landscaping around the proposed development for it to be significantly screened. It is also the case that the scale is such that it will not read as an outbuilding subordinate to the main house. For this reason it is felt that the development would appear unduly prominent within the existing garden area and detract from its established character.

4.10 The scheme would lead to the loss of some fairly modest trees within the garden. This is not considered to be unduly damaging.

#### IMPACT ON NEIGHBOURS' LIVING CONDITIONS.

4.11 The proposed dwelling would be relatively tight to several properties; however, in most instances it is not considered that significant harm will be caused taking account of the character of the area. The housing to the rear is far enough or 'oblique enough' to avoid undue loss of light and outlook. An existing double garage will also partly screen the development. Number 6 is a mews style property to the west across the private lane. There is a first floor bedroom window looking across the site - it is considered that the narrow width of the proposed elevation closest to this property and the limited proposed glazing is sufficient to avoid unacceptable harm.

4.12 The main concern relates to the impact on number 105 East Parade. This is a semi-detached property with a long, narrow rear garden (approximately 30m x 7m). It is considered that the living conditions within the house will not be unduly harmed given the degree of separation and limited fenestration to the rear. However, it is considered that the development of a two-storey house within 1.5 metres of the side boundary of the garden is unreasonable. The side elevation is proposed to extend for almost 10 metres and would change the character of much of 105's rear garden.

4.13 In respect to privacy it is considered that the main openings are sensitively located. Where there is an element of overlooking that may be harmful it could be addressed by obscure glazing. There is however, a balcony proposed on the south elevation at first floor level. It is considered that this has the potential to cause significant annoyance. The main neighbour impacted upon would be the host property. The balcony would only be around 6 metres away from the new rear garden boundary. This distance is considered unsatisfactory even taking account of the fact that the owners of the host property are supportive of the scheme.

## 5.0 CONCLUSION

5.1 It is considered that there may be justification for limited residential development within the rear garden of 101 East Parade. However, it is considered that the scale of the development as submitted would, detract unduly from the from the openness of the long gardens that are important to the established character. The location of the broad two-storey elevation close to the garden of 105 East Parade and the provision of a balcony close to the garden of the host property are also considered to be unreasonable in respect to the likely impact on living conditions.

5.2 Because of a delay in serving notice on the owner of the private lane the application will not expire until 6 April 2007. It is recommended that members give officers delegated authority to refuse the application once this period expires.

**6.0 RECOMMENDATION:** Refuse

- 1 The long rear garden of 101 East Parade (coupled with gardens to the east) is a positive environmental characteristic of the urban area. It is considered that because of its scale and height the proposed dwelling would appear unduly prominent within the garden and detract significantly from the area's openness. As such, it is considered that the proposal fails to comply with policy GP1 (criterion a and b) HE3, GP10 and H4a (criterion c) of the City of York Local Plan Fourth Set of Changes Approved 2005 and advice contained with Planning Policy Statement 1 and Planning Policy Guidance Note 15.
- 2 The proposed east elevation of the dwelling is located in very close proximity to the narrow garden of 105 East Parade and extends for a distance of 10 metres at two-storeys in height. It is considered that this would have a very negative impact on the open character of the garden and the occupiers' enjoyment of it. As such the proposal conflicts with policies GP1 (criterion i), GP10 and H4a (criterion c) of the City of York Local Plan Fourth Set of Changes Approved 2005
- 3 The balcony on the proposed south elevation of the dwelling would be in very close proximity to the garden of the 'host property'. It is considered that this has the potential to create conflict and detract significantly from the occupier's enjoyment of their garden. As such the proposal conflicts with policies GP1 (criterion i), GP10 of the City of York Local Plan Fourth Set of Changes Approved 2005.

**7.0 INFORMATIVES:**

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