

## COMMITTEE REPORT

**Team:** East Area  
**Date:** 15 June 2006

**Ward:** Derwent  
**Parish:** Dunnington Parish Council

**Reference:** 06/00698/FUL  
**Application at:** 21 The Copper Beeches Dunnington York YO19 5PU  
**For:** Flat roof dormer to rear and pitched roof to existing flat roof to rear extension (resubmission)  
**By:** Mr And Mrs Flack  
**Application Type:** Full Application  
**Target Date:** 29 May 2006

### 1.0 PROPOSAL

1.1 This proposal is a re-submission of a previous scheme refused in May 2005. The reason for refusal was given as follows:

'The proposed dormer window is considered to have a detrimental impact on the character and appearance of the bungalow. This is by virtue of its size and appearance which, it is considered, dominates the existing rear roof slope and is not subservient to the main dwelling. This also has a negative impact on the character and appearance of this part of the village. Furthermore, it dominates views of the property from the houses on Church Lane and this is considered detrimental to the living conditions of the occupiers of these properties, in particular, no's 3 and 5'.

1.2 A subsequent appeal into this decision was dismissed and a copy of the Inspector's report is appended for members information.

1.3 This amended scheme has been altered to show a reduction in the size of the dormer window. The dormer in the previous scheme extended across the entire rear roof slope and measured 5.9 metres wide x 1.6 metres deep. In its revised format here it measures 2.8 metres wide x 1.4 metres deep. Its design still shows the dormer having a flat roof and extending up to the ridge of the main house.

1.4 The bungalow is located within the settlement limits of the village about 25 metres north west of the church. However, it is outside the Dunnington Conservation area. It is surrounded by residential properties on all sides with same sized bungalows to either side and two storey houses to the rear. It is a pitched roof bungalow with a smaller hipped roof projection off the rear elevation.

1.5 Permission is also sought to place a hipped roof over a small area of flat roof at the very back end of this rear projection. The area in question is very modest at 1.8 metres and the new roof will hip into the existing roof at its apex. It is no higher than the existing roof (eaves 2.2 metre and ridge 3.2 metres). There were no objections to this element of the proposal previously, either by the Council or the Planning Inspector.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

DC Area Teams East Area (1) 0003

2.2 Policies:

CYH7

Residential extensions

CYGP1

Design

### **3.0 CONSULTATIONS**

3.1 INTERNAL.

3.2 Network Management. Had no objection to the previous application for the larger dormer window so the smaller dormer is also acceptable in highway terms.

3.3 EXTERNAL.

3.4 Dunnington Parish Council.

Loft extension, flat roofed is not in accordance with the village design statement. Intrusive for houses in Church Lane.

3.5 Third Parties / Neighbours.

3 letters of objection received making the following observations.

3.6 From the owner of no. 19 Copper Beeches.

- No's 19 and 21 are very small semi-detached bungalows and are totally unsuited to upper floor accommodation and have never been designed with this in mind. Although reduced in size it is still a roof extension from the apex of a very shallow roof.
- Would be intrusive and an eyesore and will completely unbalance the back of these properties and will reduce the value of the property.
- Design not in keeping with the local area.
- Concerned at the effect of the proposal on the party wall and party roof and questions whether structurally the bungalow is adequate to take them.
- Life tenant in the property is not in the best of health and who is concerned about the intrusion on the house and loss of privacy.
- If approved, will lead to further applications to extend again.

3.7 From 3 Church Lane (to the rear of the application site).

- Scale of the proposal is not in keeping with the size of the bungalow. Inspector said that the original proposal would be unacceptably intrusive. Believes this still to be the case.
- No other examples of such extensions in the village that are so readily visible to neighbours.
- This style of bungalow was not designed to incorporate a first floor.
- Will dominate the view from the main thoroughfare running north out of the village as it passes the church.
- Loss of amenity. Would directly overlook the rear of this house which currently enjoys complete privacy. Would overlook back garden and conservatory, 24 hours a day. A small garden with no privacy will be horrendous and the house will be robbed of its most precious

asset. When you buy a house that backs onto a bungalow, you are buying privacy and that should be a serious consideration in the decision making process.

- If approved, it will set a precedent and a further application will be submitted to place a dormer over the second bedroom. The intention of the original application would then be achieved.

3.8 From 5 Church Lane.

- Would detract visually from a very pleasant locality.
- Would have a negative impact on the character of the street.
- Overdevelopment of the site and would set an inappropriate precedent in the street.
- Loss of privacy in back garden of no.5.
- Contrary to design guidelines in the Dunnington Village Design Statement.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES.

- Comparison to the previous scheme and Inspectors decision report.
- Impact on the design and appearance of the house and the street scene.
- Impact on the privacy of neighbours.

4.2 Draft Local Plan policy H7 seeks to control extensions to properties within established settlements. Such developments are considered acceptable, in principle, subject to design and neighbour amenity considerations.

4.3 The comments of the Inspector are a material consideration here and his report (attached) is very concise and well informed. The first key issue is the principle of the dormer development (the small new pitched roof over the flat roof is acceptable to both the Council and the Planning Inspector). The large, full width dormer was refused due to its size and its visual domination of the roofslope. The Inspector in his report addresses this issue and ultimately concurs with this view.

Regarding the principle however, in paragraph 4 of the report he states that

'...in the rear garden of the appeal site I did not see any rear dormers about, but, bearing in mind the varied character and appearance in this part of Dunnington, I do not take that as an objection in principle to the proposal'.

and in para. 7 says that '....taking into account the existing character and appearance of the area...the principle of a rear dormer at this property is acceptable'.

Therefore the principle of placing a dormer window to the rear of this property has to be considered acceptable.

4.4 However, on the issue of size the Inspector concluded that 'its scale and massing, would, overall, be unacceptably intrusive. It would also unacceptably unbalance the rear of nos 19 and 21'.

In order to address this point, this scheme reduces the width of the dormer by 2.9 metres and the height by 200mm. The only public view of the dormer would be from the footpath and road to the east, towards the church. The dormer is now contained to the western side of the roof closest to its boundary with no.19. Therefore views of the dormer will now be more fleeting from the front than before, given that the proposed window is now positioned further along the roof and further away from the road. Furthermore the Inspector concluded

in paragraph 3 of his report that a dormer to the rear 'would not have any material adverse impact on the Copper Beeches frontage'.

It no longer dominates the roof slope in the same way as before and is in better scale and proportion to the existing roof. More than half of the original roof is now visible and whilst the dormer is somewhat regrettably still shown with a flat roof, being on the rear elevation and largely unseen from public views this is considered acceptable. It does not project above the ridge of the bungalow. Officers accept that the previous dormer was too large, was intrusive and unacceptably unbalanced the rear of nos 19 and 21. Officers did try to get the dormer reduced in size last time but the applicant refused to do this. The Inspector noted this in para.7 of his report and whilst not attempting to redesign the proposal expresses some sympathy with those attempts. Officers therefore conclude that this smaller dormer window is an improvement on previous and better respects the existing roof. Its scale and massing is better related to the existing roof and it no longer unbalances the rear of these properties. Given that the Inspector has indicated support for the principle of a dormer window this design solution is considered acceptable.

#### 4.5 Loss of amenity / privacy.

All three objection letters refer to a loss of privacy and amenity and this was considered at some length in the previous committee report. Even allowing for the reduction in the size of the dormer window the issue regarding overlooking and loss of privacy is still largely the same. The issue is dealt with by the Inspector in para. 5 of his report and the following is directly quoted from the Inspector's report:

4.6 'I share the view in the officer report to committee that there would be an acceptable separation distance to the windows and the relationship between the 2 properties in that respect is not unusual in an urban area where the rear elevations of dwellings face each other. Taking the above into account, as well as the boundary treatment between the two properties and the low ridge line of the appeal site bungalow, I am not persuaded (on the basis of my site observations) that there would be any unacceptable reduction in privacy at the rear garden at no.3. That garden already experiences a degree of overlooking from the first floor level at an adjacent property. It follows, therefore, that I should come to a similar view in respect of no.5 and also no.19 where it and no.21 are separated by a low boundary fence that already enables mutual overlooking into, and from, rear gardens.

'Further, I give little weight to the view of the owner of no.19 that the proposal at the adjoining bungalow would result in structural problems at his property. This is a matter for control under the building regulations'.

4.7 The above sentiments are material to the objections over loss of privacy. They concur with the opinion of the Planning officer previously and whilst the reason for refusal did not specifically refer to a loss of privacy it did state that the dormer window 'dominated views of the property from the houses on Church Lane and this is considered detrimental to the living conditions of the occupiers of these properties, in particular, nos 3 and 5'. Given the Inspector's statement on this issue the Council have to conclude that the window is not harmful to the living conditions of neighbours.

#### 4.8 Dunnington Village Design Statement.

This document has been adopted by the City of York Council since the previous decision was made. The Parish Council say in their response that the scheme is not in accordance with this but not stated why. Therefore this comment has to be largely disregarded. One of the objectors does make reference to the village design statement and quotes guidelines 19a, 19d, 20 and 28. These state that proposals should respect and enhance adjacent properties and the areas in which they are sited, respect the form, layout and density of development in the locality and respect neighbour's property, privacy and amenity. The last

of those issues has been dealt with in some detail above. The other guidelines merely re-iterate what are normal development control objectives and guidelines 19a, 19d and 20 have been fully considered both by officers and a planning Inspector. These guidelines would carry more weight if the dormer was proposed to the front roof slope facing Copper Beeches and I would have little hesitation in recommending refusal if this was the case. However, given that it is on the rear elevation and largely unseen from public views, the general aims and objectives of the village design statement, ie conservation and respecting existing character are in no way compromised. The site is also outside the Dunnington Conservation area.

4.9 There are no objections to the new small area of pitched roof over the existing flat roof on the end of a previous rear extension. The Council, nor any neighbours objected to this element of the scheme in the previous application and the Inspector was also content that this was acceptable.

## **5.0 CONCLUSION**

5.1 This amended scheme is considered to address the previous reasons for refusal and given the clear and concise comments / recommendations of the planning inspector, officers now consider it to be acceptable. The proposal therefore meets the provisions of Policy H7 of the draft City of York Local Plan.

## **6.0 RECOMMENDATION: Approve**

- 1      TIME2            Development start within three years
  
- 2      The development hereby permitted shall be carried out only in accordance with the following plans:-  
  
        drawing no: FO1/488/02  
  
        or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.  
  
        Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.
  
- 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 its impact on design and appearance in the street scene, impact on the design of the bungalow and impact on neighbours. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

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