

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Guildhall
Date: 30 January 2007 **Parish:** Guildhall Planning Panel

Reference: 06/02557/FUL
Application at: 42 Neville Terrace York YO31 8LN
For: Two storey pitched roof side extension and garage to rear after demolition of outside WC
By: Mr And Mrs Martin
Application Type: Full Application
Target Date: 15 January 2007

1.0 PROPOSAL

1.1 The application is for the following, a two-storey side extension that would be located in the gap between the side of 42 Neville Terrace and 76 Park Grove and a garage with a flat roof that would be attached to the kitchen which projects from the rear of the host dwelling. Associated with the proposed garage are alterations to the rear boundary treatment.

1.2 The application relates to an end terraced dwelling, where Neville Terrace meets Park Grove. Both streets are residential in character consisting of terraced dwellings. To the rear of the host is stable cottage, a residential conversion that is part single, part two storey.

1.3 The application is brought before members at the request of Councillor J. M. Looker.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Schools Park Grove Primary 0214

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objection to the proposal. Request that the existing crossover be reinstated to kerb.

Environmental Protection Unit (EPU) - Confirm that they are currently dealing with complaints of loud music coming from Stable Cottage. A warning letter was sent and EPU have not witnessed any further noise nuisance to date. A warning letter due to a complaint was also sent in 2004, after which, no further complaints were received until 2006. A watching brief for contamination is also required and the hours of construction to be controlled.

3.2 External

Planning Panel - Object. Consider that the roller shutter doors will spoil the appearance of the street, and will also be noisy. It is suggested that the existing gateway is used for vehicle access into the site.

Publicity - Letters in objection to the application have been received from the owner and occupant of 76 Park Grove and the occupants of 45 and 47 Park grove. The reasons for objection are as follows,

- Increased noise levels in the area - 42 Neville Terrace and Stable Cottage are student occupied and have a history of causing noise nuisance
- Loss of owner occupied accommodation and increased number of students in the Groves area
- Inaccuracy of plans
- Dwelling would be a HMO, no planning application for a HMO has been submitted
- Lack of car parking
- Side extension would be out of keeping and detrimental to appearance of the area
- Side extension should not prevent access to maintain 76 Park Grove.

4.0 APPRAISAL

4.1 Key issues

Design
Residential amenity
Other matters

Relevant policies of the City of York Draft Local Plan

4.2 GP1 states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance.

4.3 Policy H7 states that planning permission will be granted for house extensions where: the design and materials are sympathetic to the main dwelling and the locality of the development; the scale is appropriate; there is no adverse impact on residential amenity; proposals respect space between dwellings; and that the proposed development does not result in an unacceptable loss of private amenity space within the curtilage of the dwelling.

4.4 The proposed side extension would fill the gap between the host and 76 Park Grove. The extension would be setback 300mm from the front building line, 1.3m from the rear. The roof ridge would be set down around 1.7m from that of the host dwelling. The bricks and roof tiles would be to match those on the host; the shape, dimension and cill of the front windows would match the existing window at first floor level (above the bay window). The first floor window would also have a matching lintel. The proposed garage would be at the rear; it would extend from the existing kitchen and be against the side boundary with 40 Neville Terrace. The garage would end at the rear boundary, and be 3m wide maximum. It would have a roller shutter door and flat roof, concealed by a parapet wall, the top of which would be around 2.75m from ground level. Also associated are changes to the rear boundary treatment. The proposed appearance would be that of a 2.1m high brick wall, a gate for pedestrian access and a double garage with roller shutter doors.

Design

4.5 The proposed side extension would be a subordinate addition, setback from the front elevation and set down from the roof. Because of the setback from the front elevation and the size and position of the proposed extension, it would not be prominent when looking toward the site from either direction in the street. Although the two blocks of terraced dwellings to each side of the host are reasonably uniform in appearance, the block comprising of 2 to 30 Neville Terrace and surrounding streets such as Eldon Street consist of terraced dwellings with a subtle mix of building heights, brickwork and detailing. The variations contribute to the street scene. The detailing of the windows on the front elevation are considered to be an acceptable relation to the host dwelling. Overall it is considered that the proposed front elevation is of acceptable design.

4.6 At the rear the main visual change would relate to that at the boundary. The side extension would be inconspicuous from the public realm. The site is not within a conservation area and normally the Local Planning Authority would not control the choice of materials for garage doors. It is considered that roller shutter doors would have an acceptable visual impact provided they are coloured accordingly to blend into their surrounds. A colour can be agreed by condition. The elevation can be constructed from reclaimed brick to ensure the new areas of wall blend with those existing.

Residential amenity

4.7 The side extension because of its location and height would not cause unacceptable overshadowing over either 76 Park Grove or Stable cottage. The windows are positioned so as not to directly overlook into the windows of any surrounding dwellings.

4.8 The garage would not exceed the height of the existing boundary wall with 40 Neville Terrace. As such no overshadowing would occur over that dwelling. It is considered that there would be adequate outlook retained into the communal yard from Stable Cottage, despite the presence of the garage proposed. As the garage is single storey, there would be no unacceptable overshadowing of Stable Cottage.

Other matters

Highways

4.9 The application site is close to the city centre, transport links and local amenities. As such there is no requirement to provide additional off street parking, in accordance with Planning Policy Guidance Note 13: Transport, which seeks to reduce car dependence and improve linkages between housing, jobs, local services and local amenity. However, there is off street parking on site and on street parking is available to residents via a residents parking scheme which operates in the Groves. Importantly there is covered secure cycle storage proposed to encourage more sustainable transportation, in accordance with PPG13. Overall there is no objection to the application on highways grounds.

Noise

4.10 Noise nuisance caused by the occupants should be reported to EPU, as has been done previously. If a statutory nuisance occurs, they have powers to act accordingly. The application cannot be refused on noise grounds, as there is no proposed development that would directly cause undue levels of noise that would harm the amenity of nearby residents.

Lawful use of 42 Neville Terrace

4.11 The agent has advised that the dwelling would accommodate no more than six persons, as such the use of 42 Neville Terrace continues to be a dwellinghouse falling under Class C3 of the Use Classes Order 2005. Should the number of persons residing at the premises increase above six, it is officer's opinion that a change of use would occur, if it is the case that each room is let individually, which based on evidence received, appears to be the case. A change of use to a House in multiple occupation (HMO) would then be required. This would allow the Local Planning Authority to assess the impact of such a use, including the amenity of nearby residents. It is added that Stable Cottage is a separate dwelling, granted planning permission in 1996. The occupants of Stable Cottage and those of 42 Neville Terrace are not combined when determining the number of persons residing at the application site.

Party wall issues

4.12 These are covered under the Party Wall Act; it is not for the Local Planning Authority to resolve such matters. The accuracy of the plans (depicting 76 Park Grove) is subjective. It is maintained that the proposed appearance can be adequately ascertained from the proposed plans.

Tenure of property / character of The Groves area

4.13 It is the discretion of the owner whom occupies the dwelling. The Local Planning Authority cannot control this in this instance. The loss of owner occupied accommodation and increased number of students in the Groves area is a wider issue that should be addressed through the Local Plan / Local Development Framework. However, it is not a material planning consideration in determining this application.

5.0 CONCLUSION

5.1 It is considered that the proposed buildings would be of acceptable appearance and would not harm residents' amenity by virtue of overlooking or overdominance. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 PLANS2 Apprvd plans and other submitted details
- 2 TIME2 Development start within three years
- 3 The roof materials to be used externally shall match those of the existing building in colour, size, shape and texture and the window cills and lintels on the front elevation shall match those on the front of 42 Neville Terrace.

Reason: To achieve a visually acceptable form of development.

- 4 VISQ7 Sample panel ext materials to be approved
- 5 The part of the rear boundary wall which requires rebuilding shall be to match in all respects the remainder of the bricks on this elevation, with reclaimed bricks used where possible.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

- 6 Within one month of their installation the roller shutters and gate shall be painted in a colour and finish that shall be previously agreed in writing with the Local Planning Authority. The roller shutter and gate shall be maintained in accordance with the agreed details unless otherwise approved in writing with the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance to the development.

- 7 The garage hereby approved shall be used for domestic vehicles / cycles and storage only and shall not be converted or altered in any way without prior approval from the Local Planning Authority.

Reason; To ensure that adequate storage and secure cycle parking provision is retained in accordance with policies GP1 and T4 of the City of York Draft Local Plan.

- 8 HWAY29 IN No gate etc to open in highway

- 9 Notwithstanding the approved plans the development shall not commence until the existing vehicular crossing outside the previous vehicle entrance has been removed by reinstating the kerb to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

- 10 Any contamination detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development on site.

Reason: To protect the health and safety of workers on site, future occupiers of the site and the integrity of any proposed underground services.

- 11 No work or ancillary operations during construction and demolition, including deliveries, shall take place on site except between the hours of 0800 and 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

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 visual and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Local Plan Deposit Draft.

2.

You are advised that should the number of occupants of the dwelling increase beyond six it may be considered that a change of use has occurred, to a house in multiple occupancy, which would require full planning permission.

3.

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".

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.

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.

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.

Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

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