

COMMITTEE REPORT

Date: 6 September 2012 **Ward:** Skelton, Rawcliffe and Clifton Without
Team: Householder and Small Scale Team **Parish:** Clifton Without Parish Council

Reference: 12/02484/FUL
Application at: 55 Rawcliffe Lane York YO30 5SJ
For: Two storey and single storey rear and side extensions (amended scheme) (retrospective)
By: Mr Nigel Courtis
Application Type: Full Application
Target Date: 7 September 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application relates to an amendment to a previous planning permission granted in December 2011 (Ref: 11/02797/FUL) for a two storey side and single storey rear extension, on a detached dwelling at 55 Rawcliffe Lane, Clifton Without. The extension varies from that which was originally approved in that a first floor balcony has been incorporated outside one of the bedrooms, at the rear of the property. This application seeks to regularise the situation.

1.2 The application has been called to Committee for a decision by Councillor J. Watt for the following reasons:

1. This is an unacceptable attempt to bypass the due process, which resulted in planning permission for an extension without a balcony in December 2011.
2. The balcony which I understand has been constructed without planning permission will still adversely affect the amenity of number 57 Rawcliffe Lane in that:
 - a. I have been advised by the resident at No 57 that the balcony enables an overview of the No 57 garden over an area where an existing screening - willow tree is likely to have to be removed in future to avoid drain damage.
 - b. The proposed screen panel at the side of the balcony intended to screen the view of the neighbouring bedroom is insufficiently robust to be considered permanent.

- c. There is a considerable and unacceptable difference between being able to see casually into a neighbouring garden from an upstairs window and having a balcony on which you can sit and 'intrusively' view into a neighbour's private amenity space

1.3 Note: This is a revision of approved scheme ref. 11/02797/FUL.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

Schools GMS Constraints: Clifton Without Junior 0189

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal - None

3.2 External

Clifton Without Parish Council - 13/08/2012 - Note should be taken of neighbours concerns and the completion of investigations into the recently taken enforcement action.

Neighbours - The occupant of no 57 Rawcliffe Lane has not written in response to this application but did object to the previous application ref; 11/1797/FUL - on the grounds of loss of privacy from the proposed balcony.

The neighbour at no. 53 asks why in the amended plans there have been no details of the alteration to the playroom and bedroom wall that is adjacent to our property.

4.0 APPRAISAL

4.1 Key Issues

- Impact on neighbours

The relevant polices and guidance:

4.2 The National Planning Policy Framework (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). It states 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 (paragraph 64).

4.3 Draft Local Plan Policy CYH7 - states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) 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 designs of development proposals are expected to meet. These include requirements to (i) respect or enhance the local environment, (ii) 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; (iii) 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; (iv) 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 (v) 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 good design and a scale of development that respects the original dwelling are essential to making a quality extension (para 1.12).

4.6 The vast majority of the extension has already been authorised by virtue of the planning permission granted in December 2011. That application originally incorporated a first floor balcony that was subsequently removed from the plans due to concerns over the privacy of the neighbouring property at 57 Rawcliffe Lane.

However, during the construction process, a balcony was constructed served by double door from one of the first floor bedrooms, although in a different position to that which had originally been proposed. Being at the rear, the new proposals have no material impact on the streetscene.

4.7 Impact On Neighbouring Properties - In terms of 53 Rawcliffe Lane, the balcony is not considered to have a material impact as it is for the most part screened by the "L" shape of the two storey extension. It is understood that further changes have been made to the configuration of the extension adjacent to this property. This is under investigation and further clarification is being sought from the applicant/agent. An update will be given at the meeting.

4.8 In terms of no 57 Rawcliffe Lane, the separation distance from the two storey element means there are no serious issues in terms of overshadowing or over-dominance. The edge of the balcony, which has been constructed without planning permission, is approx 2.0 m further away from the boundary with this neighbouring property than the one omitted from the previous scheme and is also set further slightly back. The balcony is relatively small, measuring approx 2.8 m x 1.6 m, and it is unlikely that a large number of people would be gathered on the balcony at any one time. A person of approx 1.8 m in height, standing on the balcony, cannot look down onto this neighbouring property's patio, although the rear garden can be seen. However, the revised scheme incorporates a 1.8m high screen panel (not yet installed), and it is considered that this will provide an adequate level of privacy. It is considered that details of the screen, and a time scale within which it should be installed, can be secured by condition.

5.0 CONCLUSION

5.1 Subject to a condition requiring details of the privacy screen to be submitted and approved, and installed within a reasonable time scale, the proposal is considered to be acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing nos CRL/1/04 and CRL/1/05 received 12th July 2012.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

2 Within 28 days of the date of this permission, full details of the privacy screen to the first floor balcony shown on Drawing no. CRL/1/04 shall be submitted to the Local Planning Authority for written approval. The privacy screen shall be erected within a period of 28 days following the date of approval, and once erected shall be thus maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity and privacy of the adjacent occupiers.

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 impact on the amenity and privacy of adjacent occupiers. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan.

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