



**Notice of a public meeting of  
Area Planning Sub-Committee**

**To:** Councillors Hollyer (Chair), Crawshaw (Vice-Chair),  
Craghill, Daubeney, Fisher, Galvin, Melly, Orrell,  
Waudby, Perrett and Webb

**Date:** Tuesday, 30 November 2021

**Time:** 5.30 pm

**Venue:** The George Hudson Board Room - 1st Floor West  
Offices (F045)

**AGENDA**

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

**2. Minutes** (Pages 3 - 16)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 12 August 2021 and 11 November 2021.

**3. Public Participation**

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Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

### 4. **Plans List**

To determine the following planning applications:

- a) **29 Station Road, Haxby [21/02026/FUL]** (Pages 17 - 38)  
Conversion of existing house into two dwellings with single storey rear extension, side and rear dormers, 2no. rooflights to front and 4no. rooflights to side – resubmission. [Haxby and Wiggington Ward]
- b) **27 Lock House Lane, Earswick [21/01755/FUL]** (Pages 39 - 56)  
Link extension to side, raising of roof height to side and garage to provide upper floor, front and rear extensions to garage. Single storey extensions to front, single storey extension to rear with terrace above, and dormer to rear. [Strensall Ward]

### 5. **Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

### Democracy Officer:

Jane Meller

Contact details:

- Telephone: (01904) 555209
- Email: [jane.meller@york.gov.uk](mailto:jane.meller@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
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- For receiving reports in other formats

Contact details are set out above.

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我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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**Good ventilation is a key control point, therefore, all windows must remain open within the meeting room.**

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

### Testing

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- You may wish to wear a face covering to help protect those also attending.
- You should wear a face covering when entering West Offices.
- Visitors to enter West Offices by the customer entrance and Officers/Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass is clearly visible at all time.
- Regular handwashing is recommended.
- Use the touchless hand sanitiser units on entry and exit to the building and hand sanitiser within the Meeting room.
- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

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- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you should not attend the meeting.**

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City of York Council

Committee Minutes

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Meeting	Area Planning Sub-Committee
Date	12 August 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Fisher, Galvin, Melly, Waudby, Perrett and Lomas (Substitute)
Apologies	Councillors Craghill, Orrell and Daubeney

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#### 14. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda.

Cllr Fisher declared that Cllr Pearson, who was to speak in objection to Cedar House 29 Station Road Haxby York YO32 3LU's application was his nephew, but since Cllr Pearson was speaking as a Ward Councillor and had no personal interest in the item himself, it was deemed that Cllr Fisher's interest was not prejudicial or pecuniary.

Cllr Perrett declared that Cllr Webb, who was to speak in objection to 62 Heworth Road York YO31 0AD's application was her partner, but indicated that they had not discussed the issue together and that the interest was not prejudicial or pecuniary.

#### 15. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 8 July 2021 be approved and then signed by the Chair as a correct record, subject to the amendment of Cllr Mary Urmston's public participation under Minute 11, which now reads as below:

'Cllr Mary Urmston (on behalf of Fulford Parish Council) spoke in objection to the application. She explained that the Parish Council was unable to support the expansion due to concerns about the felling of twenty trees which would result in harm to the public amenity and concerns around access arrangements.

She asked why the number of car parking spaces had increased and noted that the access road was never intended as a parking area. She noted concerns about parking on the northern boundary. She was asked and explained the history of the turning circle and previous assurance that had been made about the access to the site.'

## **16. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

## **17. Plans List**

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

## **18. Bright Beginnings Day Nursery 47 Rawcliffe Drive York YO30 6PD [21/00066/FUL]**

Members considered an application which sought the demolition of a small existing rear extension and its replacement with a single storey rear extension to form a small kitchen extension.

The Head of Planning and Development Services gave a presentation on the application, noting that there had been changes to the application since it was first submitted, with considerable reduction in the scale of the proposed changes. It was noted that Cllr Smalley, who had initially objected to the application, had withdrawn his objections since these changes were made, agreeing that the impact on amenities had been much reduced. Members asked officers a number of questions to which they answered that:

- The proposed development would extend 2.3 meters further than the existing extension, roughly doubling its size.



- The condition requested by Public Protection around kitchen odours was not considered necessary for a kitchen of the proposed size.

It was reported by the Chair that there were no public speakers registered to speak in support of or objection to this application, and members indicated that they had no more questions to ask on the application. After debate, Cllr Fisher moved approval, seconded by Cllr Crawshaw. A named vote was taken and by unanimous approval it was:

Resolved: That the application be approved subject to the conditions in the report.

Reason: To achieve a visually acceptable form of development.

**19. Cedar House 29 Station Road Haxby York YO32 3LU  
[20/01958/FUL]**

Members considered an application which sought permission for the conversion of the existing property into two dwellings (dwelling 1 and 2) with associated extensions and alterations and the construction of a new dwelling (dwelling 3) in the rear garden with access from Ash Lane.

The Head of Planning and Development Services gave a presentation on the application. This was followed by an update with recent additional information and representations made. Members asked officers a number of questions to which they answered that:

- There was existing access to the rear of the property, and that although the development would cause an increase in traffic in the lane, the increased traffic would not in the opinion of highways officers meet the threshold for a severe or unacceptable impact on safety as set out in paragraph 111 of the NPPF.
- New passing places would be installed as part of the development to help ensure that traffic can flow.
- In order for the passing place to be clearly marked, the gravel surface of the lane would have to be replaced with paving and a sign installed.
- Officers considered the proposals to be acceptable from a planning point of view, and clarified that private disputes

over ownership of land did not fall under the remit of the planning process.

- While there was no way to enforce the use of the vehicle turntable in forward gear, the possibility of cars reversing was not enough to recommend refusal of the application.
- There was enough room for bin storage for each of the proposed properties.
- There were spaces reserved in the plan for cycle storage.
- Emergency services were consulted on the proposed width of the lane after the installation of the new passing places and raised no objections.
- There was a previous application for the property in 2003 which was refused and dismissed at appeal, and that the comments of the planning inspector for that application had been taken into consideration when creating the present application.

### Public Speakers

Diane Flowers spoke in opposition to the application as a local resident. She explained that she considered the new bungalow to be out of character with the surrounding properties and that the application ignored the influence the new property would have on its surroundings. She further explained that she considered the application to have ignored the City of York Design Guide, arguing that the application will lead to overdevelopment, noise and light pollution, and restrict natural light to other properties. She also referred to previously rejected similar applications on the site and on a nearby property.

Richard Bailey spoke in opposition to the application as a local resident, citing errors and omissions in the planning officers' report. He explained that he owns part of Ash Lane and the turning circle and that since the report encouraged parking in the lane for delivery vehicles and visitors, it was encouraging trespass on his land. He further explained that he considered that it had not been established that the new properties had a right to use the turning circle, so they would be forced to reverse down to the lane. He explained that, in his opinion, no considerations had been given to previous refusals of similar applications, and that traffic along the lane had only increased since those refusals.

Paul Lee spoke in support of the application as the owner of the property. He thanked officers for their work on the application and highlighted the passing places as an addition to the application which, in his opinion, would increase access, visibility and safety. He explained that the needs and objections of neighbours were considered during the creation of the proposal. He referred to the proposals as having as minimal an impact as possible, and described the designs as making the best use of the space available. He addressed concerns around access, explaining that in the 5 years he has lived at the property, there had never been any issues around access, and that vehicle usage of the lane would continue to be low. He explained that there was a 280 square meter communal turning head for all residents which would negate any need to reverse out of the lane.

Cllr Edward Pearson spoke in objection to the application as Ward Councillor on behalf of local residents. He explained that he was not in principle opposed to the sub division to the house, but that the manner of division proposed in the application was inappropriate in his eyes, being out of character with the local area. He explained that the new properties would not benefit from any outdoor amenity space and that many previous applications had been rejected along Ash Lane for reasons of access. He considered the application to be contrary to the City of York Council's Highway Design Guide on shared driveways.

In response to questions from committee members, Cllr Pearson stated that he believed that large vehicles such as bin lorries could not turn in the lane, and while a smaller vehicle such as a delivery van could do so, it would limit access to anyone else attempting to use the lane at the same time.

In response to further questions from members, officers noted that:

- The passing places are a new addition compared to previous applications and that one of the previous applications referred to by a public speaker was for a 13-bed nursing home, which would have created much larger volumes of traffic than the current proposal. It was also noted that there had been significant changes to planning policy since past refusals.
- The planning inspector from a previous application of May 2005 was of the opinion that a very similar proposal would

lead to overdevelopment and was out of keeping with its surroundings.

- Dwelling 1 would retain permitted development rights if the application were approved, but that there would be no opportunities to implement these rights due to a lack of remaining space after the building of the proposed development.
- The development will have some impact on light to surrounding properties, but it was not considered by officers to be of a degree that would merit recommending refusal of the application.
- That the proposed passing place measured around 4.4 metres in width, and the general width of a car is 1.8 metres, which would allow cars to pass, although some larger vehicles may have to wait at the widest point at the top of the lane.
- Visibility splays would be within the acceptable limit.
- Officers do not consider the proposals to be overdevelopment because each dwelling retain adequate and appropriate outside amenity space such as bin storage.
- Officers had not deemed it necessary to install additional lighting on the lane.
- Cars currently reverse into the lane to park, and leave the lane in forward gear.

After debate, it was moved by Cllr Fisher and seconded by Cllr Melly to refuse the application. A named vote was taken and Cllrs Fisher, Lomas, Melly, Perrett, Waudby and Hollyer voted in favour, with Cllrs Crawshaw and Galvin abstaining. The motion was carried and it was therefore:

Resolved: That the application is refused.

Reason:

1 - The proposed erection of 1 dwelling and the conversion of an outbuilding to a dwelling by virtue of their scale, design and layout would result in the creation of dwellings which would be out of keeping with the existing character of the locality and result in significant harm being caused to the character and appearance of the area which is considered unacceptable in principle. The proposals would constitute an overdevelopment of a constrained site which contributes to the character and layout of the area and is considered to be inappropriate for a development of this nature in this location. The proposals would

therefore conflict with Section 12 of the National Planning Policy Framework (NPPF), in particular paragraphs 130 and 134 and Policy D1 of the emerging Publication Draft City of York Local Plan 2018.

2 - It is considered that insufficient information has been submitted to enable an assessment of the impact the proposal will have on the trees both on an adjoining the site and the associated biodiversity impacts. The proposal would, therefore not be in accordance with guidance contained within section 15 of the NPPF and policy G14 (Trees and Hedgerows) of the Publication Draft Local Plan (2018).

[The meeting adjourned from 17:38 to 17:52].

## **20. 62 Heworth Road York YO31 0AD [20/02010/FUL]**

Members considered an application which sought full planning permission for the provision of two dwellings at the rear of 62 Heworth Road, which was a two storey property fronting the public highway with rear outbuildings and linear garden plot. The site comprised a collection of buildings in the northern part immediately south of no.62 and an area to the south that was undeveloped with overgrown vegetation. It was accessed by an existing private lane that also served the Nags Head Public House to the west and commercial building behind it. The area of land was bounded to the east and south by residential properties on Heworth Road and East Parade. It lay within the Heworth/Heworth Green/East Parade/Huntington Road Conservation Area No.5 ("Heworth CA"). The site fell within Flood Zone 1 (low probability).

The Head of Planning and Development Services gave a presentation on the application. A question was raised by a member regarding amenity space, officers responded that the only outside space for 62 Heworth Road was its driveway.

### Public Speakers

Lee Vincent, an architect and agent acting on behalf of the applicant spoke in favour of the application. He emphasised that he considered the proposal to be modest in nature and referred to the mitigation efforts on the impact on neighbouring

properties. He explained that in his opinion the property would provide a high standard of amenity for existing and future users, he also referred to the positive impact the development would have on biodiversity, and he referred to development's adherence to the City of York Council's Climate Change Policy. Referring to a previous question from a member, he clarified that the driveway for 62 Heworth Road was at the front of the property and that the area marked driveway on the papers was in fact an amenity space.

Molly Newton, a local resident, spoke in objection to the application. She raised her concerns that the development would not create affordable housing and would have a detrimental impact on biodiversity, claiming that it did not take into account that the area is a priority habitat. She referred to the heritage plum tree in her garden, which had been mislabelled as an ordinary apple tree, concerned that the development would affect its roots. She also suggested that the Council's Biodiversity Action Plan had not been adhered to, stating that a detailed ecology report had not been carried out. Finally, she stated that she had not been consulted on the impact of the development on her property, and raised concerns about the impact of increased traffic near the local primary school.

In response to a question from members, Mrs Newton stated that her greatest concern in regards to biodiversity was that three trees were due to be felled with no plans for them to be replaced. Furthermore she stated that there had been no communication from the applicants at any stage regarding air, light or noise pollution.

Cllr Robert Webb (Ward Councillor for Heworth Ward) spoke in opposition to the application. He emphasised that the property the application related to was situated in a conservation area and referred to the National Planning Policy Framework provisions for such areas. He explained the he considered the proposal to be harmful to a heritage asset and in his opinion the current proposal is not dissimilar to an application for the same site rejected last year. Finally, he raised concerns around increased traffic levels around the local primary school.

In response to questions from members, Cllr Webb stated that the development is surrounded by residential properties which

would be able to view it and that access to the development would be shared with the nearby pub.

In response to further questions from members, officers stated that:

- Trees in conservation areas are afforded extra protection, although on this occasion the consulted landscape architect had determined that none of the trees due to be felled were worthy of a tree protection order, which is why there were no proposals to replace them in the application. Furthermore, there would be little space left after the development for the planting of any replacement trees.
- That root protection measures for the heritage plum tree on Mrs Newton's property could be conditioned if required by members.
- It was possible to have discussions with the applicant around replacing the trees outside of the proposed development, but that may prove difficult.

Following debate, it was moved by Cllr Crawshaw and seconded by Cllr Lomas to reject the application. A named vote was taken, with Cllrs Crawshaw, Fisher, Lomas, Melly, Perrett, Waudby and Hollyer voting in favour and Cllr Galvin voting against. It was therefore:

Resolved: That the application is refused.

Reason:

The proposed single storey detached dwelling by virtue of its scale, design and layout would result in the creation of a dwelling which would be out of keeping with the existing character of the locality and result in significant harm being caused to the character and appearance of the area which is considered unacceptable in principle. The proposal would constitute an overdevelopment of a constrained site which contributes to the character and layout of the area and is considered to be inappropriate for a development of this nature in this location. The proposals would therefore conflict with Section 12 of the National Planning Policy Framework (NPPF), in particular paragraphs 130 and 134 and Policy D1 of the emerging Publication Draft City of York Local Plan 2018.

, Chair

[The meeting started at 4.30 pm and finished at 6.40 pm].



Meeting	Area Planning Sub-Committee
Date	11 November 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Craghill, Daubeney, Fisher, Melly, Orrell, Perrett and Webb
Apologies	Councillors Galvin and Waudby

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## **25. Declarations of Interest**

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda.

Cllr Fisher declared that he was a member of the Campaign for Real Ale and that the interest was not prejudicial or pecuniary.

## **26. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 13 October 2021 be approved and then signed by the Chair as a correct record.

## **27. Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

## **28. Plans List**

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**29. Castle Howard Ox, Townend Street, York, YO31 7QA  
[21\_00537\_FULM]**

Members considered an application which sought permission for the conversion of the public house to 16 no. studio apartments for student accommodation. In addition there would be a two storey extension to the side/east elevation and rear/north elevation and a single storey extension to the north following the demolition of the existing extensions. A communal room was proposed on the ground floor, there would be external cycle and bin store and outside communal space.

The Development Manager gave a presentation on the application. This was followed by a number of questions from members, to which the officer answered that:

- The cycle parking provision had undergone various revisions in order to achieve the correct layout and mix of cycle parking storage types.
- The open space contribution and the cost of removing the site from the resident's parking zone R25 was included in the Section 106 agreement. The Development was not required to make a sports provision contribution due to the provision via the University's sports facilities. It was not considered reasonable to request a contribution to the CYC Travel Plan due to the size and car-free nature of the site.
- As an existing building it was not necessary to add a requirement for a turning point for waste removal vehicles.
- All rooms have a window and/or roof light.
- In paragraph 5.23, there was a typographical error – the building itself is a **non-designated** heritage asset.

Public Speakers

Alastair Cliffe, the agent acting on behalf of the applicant, spoke in favour of the application. He explained that the pub had been vacant for a number of years and that the building has been marketed for community use without success. He emphasised that the site was brownfield land and that there was a growing need for purpose build student accommodation within York. They had worked with various CYC Officers to agree a sympathetic design ensuring that it was clear that the extension was a later addition. They were over target concerning their obligations regarding CO2 emissions, cycle parking. The

accommodation would be managed by the Urbanite brand, who operate in the city already and were experienced in managing student accommodation.

He was joined by the architect Nick Watson to respond to questions from members. They confirmed the following:

- There was a management plan working with the existing Coal Yard student accommodation to work with residents and students to manage waste collection, changeover days and the communal garden.
- Prior to the applicant purchasing the pub, it had been closed and was marketed as a pub since 2017. There had been no bids received from pub operators, when it was marketed informally. It was then marketed actively, as a pub, for seven months.
- There would be a construction environment management plan that outlines how the site and construction parking would be managed.

In response to further questions from members, officers noted that:

- A construction environment management plan had not been required due to the size of the project. The site would be managed effectively through the Council parking management service and scaffold licenses. A plan for unloading and/or constructor parking could be required, if necessary.
- On the basis of all the facts, officers had taken the view that on balance an additional period of marketing would be unlikely to achieve any bids to operate the site as a pub or gain any further insight on its viability. The marketing exercise was normally taken as the test of financial viability.
- The wording of the Policy HW1 (Protecting Existing Facilities) of the Emerging Local Plan provides that 'development proposals which involve the loss of community facilities or facilities last used by the community will not be supported unless it can be demonstrated that....(iv) in the case of commercial facilities, evidence is provided that demonstrates the facilities are no longer viable'. Paragraph 6.10 of the Emerging Local Plan states 'evidence that facilities have been marketed for a year without success will be required to demonstrate they are unviable'

- CYC have no policies that stipulate the minimum size of student accommodation.

After debate, it was moved by Cllr Crawshaw and seconded by Cllr Perrett to refuse the application. A vote was taken and the motion was carried. It was therefore:

Resolved: That the application be refused.

Reason:

1. The application had not fulfilled the requirements of Policy HW1 in that the applicant had not demonstrated that the pub was unviable. It was considered that the conversion of the pub to student accommodation would fail to make a positive contribution to a sustainable community.

Following the vote, Cllr Fisher requested that his vote, which was against the motion to refuse, be minuted.

Cllr A Hollyer, Chair

[The meeting started at 4.30 pm and finished at 5.45 pm].

**COMMITTEE REPORT**

**Date:** 30 November 2021      **Ward:** Haxby and Wigginton

**Team:** West Area      **Parish:** Haxby Town Council

**Reference:** 21/02026/FUL

**Application at:** Cedar House 29 Station Road Haxby York YO32 3LU

**For:** Conversion of existing house into two dwellings with single storey rear extension, side and rear dormers, 2no. rooflights to front and 4no. rooflights to side - resubmission

**By:** Mr Paul Lee

**Application Type:** Full Application

**Target Date:** 28 October 2021

**Recommendation:** Approve

## 1.0 PROPOSAL

1.1 This application seeks permission for the conversion of the existing property into two dwellings with associated extensions and alterations including a new access from Ash Lane. The host dwelling is a large semi-detached property accessed via Station Road with existing vehicle access to the rear garden via the adjacent Ash Lane. This lane also serves 1 and 2 Cedar Court. The large rear garden is bounded on three sides by a brick boundary wall.

1.2 The application is a resubmission of application 20/01958/FUL which included a detached dwelling to the rear garden. The application was refused at sub-committee August 2021 for the following reason:

The proposed single storey detached dwelling by virtue of its scale, design and layout would result in the creation of a dwelling which would be out of keeping with the existing character of the locality and result in significant harm being caused to the character and appearance of the area which is considered unacceptable in principle. The proposal would constitute an overdevelopment of a constrained site which contributes to the character and layout of the area and is considered to be inappropriate for a development of this nature in this location. The proposals would therefore conflict with Section 12 of the National Planning Policy Framework (NPPF), in particular paragraphs 127 and 130 and Policy D1 of the emerging Publication Draft City of York Local Plan 2018.

The detached dwelling does not form part of the current application.

Application Reference Number: 21/02026/FUL

Item No: 4a

## PLANNING HISTORY

1.3 The following planning applications have previously been submitted for this and surrounding sites:

- 3/57/459/PA – Construction of a dwelling to the rear of 29 Station Road. REFUSED (March 1984) due to site incompatibility with surrounding development, overdevelopment and unsatisfactory highway access (length and narrow width)
- 3/57/459C/PA – Change of use of one dwelling into two and erection of single storey rear extension to form lounge. REFUSED (December 1988) due to length and width of access lane and proposed parking area to front garden would be detrimental to residential amenity of neighbouring properties.
- 3/57/459D/PA - Change of use of one dwelling into two and erection of single storey rear extension to form lounge. REFUSED (November 1989) due to impact on amenity of neighbours and length and width of access lane re vehicle movements.
- 03/04114/FUL – Erection of detached dormer bungalow and garage on land to the rear of 36 Windmill Lane. REFUSED (May 2004), due to siting and scale of the dwelling, together with the consequent need for access via a long and narrow private drive resulting in an adverse impact on the character and amenity of the area representing overdevelopment of the site. Appeal DISMISSED (May 2005) due to over-development of the site only.

## COMMITTEE CALL-IN

1.4 The application has been called to committee by Cllr Pearson over concerns regarding its appropriateness in terms of the impact on the character of the area and highway safety grounds.

## 2.0 POLICY CONTEXT

### Publication Draft Local Plan 2018

2.1 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

Application Reference Number: 21/02026/FUL

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- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

## 2.2 Relevant Policies:

D1 Placemaking

D11 Extensions and Alterations

CC2 Sustainable Design and Construction of New Development

ENV5 Sustainable Drainage

### Development Control Local Plan 2005

2.3 The York Development Control draft Local Plan (“2005 Draft Local Plan”) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is very limited except when they are in accordance with the NPPF.

## 2.4 Relevant Policies:

GP1 Design

GP10 Subdivision of gardens and infill development

H7 Residential Extensions

## 3.0 CONSULTATIONS

### INTERNAL

#### Highways Network Management

3.1 There are no objections on highway safety grounds.

#### Flood Risk Management

3.2 No comments received.

#### Public Protection

3.3 No objections subject to the inclusion of a condition for passive provision for electric vehicle recharging points.

### EXTERNAL

Application Reference Number: 21/02026/FUL

Item No: 4a

Yorkshire Water

3.4 No objections subject to a condition requiring separate foul and surface water drainage with agreement from Yorkshire Water.

Foss Internal Drainage Board

3.5 No objections subject to condition for drainage details.

Haxby Parish Council

3.6 No objections although concern is raised regarding the side dormer window and potential loss of privacy for residents. Concern also expressed re. additional traffic into Station Road in close proximity to Ralph Butterfield School and the possible extra traffic generated from the new Haxby Station. Confirmation that percolation tests have been carried out re. drainage legislation and clarification of who has a right of way over the lane and turning circle in cedar court have also been questioned.

#### 4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 Six letters of objection have been received from neighbouring residents. The following issues have been raised:

- Significant access and highway safety issues relating to long and narrow access lane
- Lack of passing places resulting in dangerous vehicle manoeuvres
- Additional traffic and noise nuisance, including use of turntable
- No designated parking spaces for visitors and deliveries
- No right of access across Ash Lane and use of the turning head in Cedar Court for anyone other than 1 and 2 Cedar Court and 29 Station Road.
- Historic refusals of multiple applications for similar development due to the access lane
- Destruction of walled garden and impact on local environment and amenity
- Overdevelopment
- Loss of privacy, overlooking and overshadowing from side and rear dormers
- Poor outlook to nos 1 and 2 Cedar Court
- New dwelling not in keeping with appearance/scale of surrounding spacious plots



- Proposals will significantly alter the visual appearance of the access lane and wall, including the loss of mature trees and plants to the detriment of surrounding properties.
- Inaccurate information on form and drawings
- Who will be responsible for the ongoing maintenance of the lane?
- Plans fail to address cyclist and pedestrian safety

## 5.0 APPRAISAL

### KEY ISSUES:-

- Principle of development
- Design and appearance
- Highway issues
- Impact on neighbouring property
- Climate change
- Historic decisions

### Principle of Development

5.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision making this means where there are no relevant development plan policies, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The NPPF seeks to support the Government's objective of significantly boosting the supply of homes.

5.2 The NPPF requires local planning authorities to seek the efficient use of land in sustainable locations, focus development towards previously developed land and to deliver a wide choice of high quality homes. The definition of previously developed land does not however include residential gardens. Policy GP10 of the 2005 Draft Local Plan reflects NPPF policy and states that whilst subdivision of gardens may be acceptable this is subject to the proviso that there would be no detriment to the character and amenity of the local environment. Policy D1 of the 2018 Draft Local Plan states that development proposals which cause damage to the character and quality of an area will be refused and requires that proposals are appropriate for its proposed use and neighbouring context.

5.3 The site lies within an established residential area within the village of Haxby in a sustainable location close to local shops and with public transport links into the centre of York. The principle of the subdivision of the existing dwelling and garden is considered to be acceptable in this location.

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## Design and Appearance

5.4 The proposals seek to sub-divide the existing large semi-detached property into two dwellings. No. 29 would retain the main front facade with the addition of a single storey rear extension to infill between the existing boundary wall with no. 27 and the existing two storey rear offshoot. A rear dormer is also proposed. The extended no.29 would have 5no. bedrooms. The new dwelling would be formed within the two storey rear offshoot and existing single storey rear extension with a total of 4no. bedrooms. A side dormer facing east is also proposed.

5.5 Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 seeks to ensure that developments function well and add to the overall quality of the area while being visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should be sympathetic to local character and history and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

5.6 Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

5.7 The rear dormer would sit centrally within the rear roof slope and would mirror the adjacent rear dormer belonging to no. 27 in terms of height and depth. It would be wider than the existing rear dormer, however given its overall design and scale it is considered that it would not look overly large or dominant in this location. Its overall scale and proportions appear in keeping with the scale of the dwelling as a whole.

5.8 The side dormer would be located on the east elevation and would be situated relatively centrally within the side roof slope of the rear offshoot. The overall design and scale are considered acceptable and would not result in a top-heavy addition that would appear overly dominant here. It is noted that it appears to sit quite far down in the roof when viewed from the front elevation drawing, however, given the distance from the front elevation, it is likely that the side dormer would not appear incongruous.

5.9 The single storey flat roof extension to no. 29 would infill the patio space between the rear offshoot and the side boundary with no.27. The scale and design are considered sympathetic to the overall design and scale of the dwelling, and given its location, tucked away from the main garden, there would be no adverse impact to the overall appearance of the site.

5.10 Objectors have commented that the newly created dwelling formed within the existing footprint of the building does not resemble existing development in the area, with regard to the modest scale of the site and the small amount of outdoor amenity space compared with surrounding more spacious plots. They have also expressed concern that proposals appear cramped and that the site would be overdeveloped, resulting in the loss of the existing large walled garden which is an important feature with the immediate area.

5.11 The newly created dwelling would have a small courtyard garden, with adequate provision for bins, bicycles and 2no. off street car parking spaces. Although small, compared with no. 29, the rear garden of the new dwelling is considered to have adequate and appropriate outside amenity space for the corresponding size of the property. The subdivision of the garden is not considered to have a significant detrimental impact to the character of the area, with all of the existing walls that bound the garden to be retained.

#### Highway Matters

5.12 Ash Lane would provide vehicle and pedestrian access to the new dwelling. The existing side vehicle entrance would be relocated further north to the end of the plot for the new dwelling, with the new access created adjacent to this with a pedestrian and vehicle access for the retained garden for no. 29. The new dwelling would have two car parking spaces and covered, secure cycle provision. A communal bin storage area has also been provide in front of no. 29 for the collection of bins only, given the narrowness of the lane and the difficulty of refuse vehicles manoeuvring down the lane.

5.13 Objections have been raised by residents and Cllr Pearson about the use of the lane for further vehicle movements due to its length and narrow width. The site plan shows the inclusion of two passing places, one to the entrance to the lane adjacent the front drive of no. 29, and one further down the lane in front of the drive of the newly formed dwelling. This would ensure that vehicles entering and exiting the lane would have adequate space to pull over in the event of another vehicle approaching in the opposite direction. It is considered that both passing places would be well situated to provide adequate width for two vehicles.

5.14 Objectors state that there is no general right of access to turn at the bottom of Cedar Court and that no parking in the lane is permitted. Concerns have been raised by residents with regard to visitors and deliveries associated with the new dwelling, however it is unlikely that the creation of one additional dwelling in this location would give rise to unacceptable levels of additional vehicles entering and exiting the lane. Notwithstanding any land ownership issues it is considered that the passing places could provide short term parking if necessary for deliveries, with visitor parking likely within either the sites themselves or on Station Road, as per the current situation.

5.15 In order to provide adequate sight lines for both vehicle accesses, the existing side vehicle access has been relocated for better visibility of vehicles entering and exiting the new accesses and for other vehicles using the lane. No. 29 has adequate space to turn within the rear garden so could exit in forward gear. A similar turning area could not be provided for the new dwelling, therefore a turntable to allow vehicles to access in forward gear is proposed and would be secured by condition. It is considered that the proposed access arrangements could accommodate further vehicle movements without causing harm to highway safety.

5.16 Concerns have been raised by the Parish Council with regard to additional traffic caused by the proposed Haxby railway station, however this should not have an impact on vehicle movements along Ash Lane.

5.17 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.. The application site currently benefits from an existing private lane, no new access route is proposed. The primary access would be for up to four dwellings, three of which are existing accesses. It is considered that the existing lane would meet the likely highway demands of the development, which given the proposed scale is likely to be low. The addition of one further dwelling is therefore not considered to cause significant additional traffic such that there would be an unacceptable impact on highway safety.

#### Impact on neighbour amenity

5.18 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. Policy D1 of the 2018 Draft Plan states that development proposals should ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.19 The creation of the second dwelling would result in the relocation of the existing vehicle entrance to the side boundary wall facing Ash Lane and the addition of a new gated vehicle entrance for use by no. 29. The changes would result in the removal of two small trees, with the majority of mature vegetation to the north to be retained. Objections have been raised that the proposed alterations to the lane would result in significant harm to outlook, particularly from 1 Cedar Court which lies directly opposite the site. The proposals would result in the vehicle and pedestrian accesses being centralised within the wall, although these would be gated as per the present situation and as such the overall impact on outlook is not considered to be significant.

5.20 There have also been objections from residents with regard to noise nuisance from the additional development on site. These comments relate to the additional household which would occupy the rear garden, the use of the turntable and also the addition of car parking to what is currently a single rear garden. There is an existing vehicle access to the rear garden. The development would not result in significant additional vehicle movements and it is not considered that this or additional occupants would be detrimental to neighbouring amenity.

5.21 The side and rear dormers to the existing property have raised concern amongst residents due to their location and the associated loss of privacy, particularly from the side dormer on the east elevation. It is noted that both dormers could be constructed under permitted development rights as part of the existing dwelling, however as they would be installed as part of the application to sub-divide the property, it is considered appropriate to safeguard the amenity of neighbouring residents. Amendments have been made to obscurely glaze the side dormer so that there would be no overlooking to properties further along Station Road. With regard to the rear dormer, it is noted that no. 27 has a similar dormer which already results in an element of overlooking to the host and neighbouring gardens. Therefore the addition of a rear dormer to the host dwelling is not considered to cause significant further overlooking than already occurs.

#### Historic Planning Decisions

5.22 There have been a number of planning applications submitted previously for development on this and neighbouring sites, most of which have been refused due to the narrow access lane. A number of objections have stated that this has established the principle of no development on the site. The application submitted in 2003 and dismissed at appeal in 2005, was by committee members by reason of its siting and scale, together with the consequent need for access via a long and narrow private drive, which was considered to have an adverse impact on the character and amenity of the area, representing overdevelopment of the site. No

specific highway safety concerns were raised. The appeal Inspector's report did not raise highways concerns.

5.23 It is also noted that the recent sub-committee decision for 20/01958/FUL also did not consider highway safety concerns as a reason for refusal. As the current scheme proposes only one additional dwelling rather than the two previously proposed it would not be considered reasonable to refuse the current scheme on highway grounds.

### Drainage

5.24 The application site sits partly within the Foss Internal Drainage Board district. The Board has assets in the wider area in the form of various watercourses, which are subject to high flows during storm events. Soakaway tests have indicated that soakaways could be used on site to mitigate surface water flooding.

### Climate Change

5.25 Policy CC2 of the 2018 Draft Plan states that proposals for conversion of existing residential buildings should achieve BREEAM domestic refurbishment 'very good'. The scheme relates to the subdivision of an existing residential property to 2no. dwellinghouses. Given the modest scale of works required, and that the building is already in residential use, it is not considered reasonable to impose a BREEAM domestic refurbishment condition in this instance.

## 6.0 CONCLUSION

6.1 The proposed subdivision and extension to no. 29 is not considered to harm the appearance of the dwelling or cause significant impact to neighbour amenity. The newly created dwelling would be within a sustainable location, utilising an existing access lane which, given the modest additional vehicle movements, would not cause harm to highway safety. The proposals thereby comply with the National Planning Policy Framework and with Publication draft Local Plan (2018) policies D1, D11, CC2 and ENV5, the draft Local Plan (2005) policies GP1 and GP10.

## **7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:- L068-01-01; 02; 03 and 05

Reason: For the avoidance of doubt and to ensure that the development is carried

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out only as approved by the Local Planning Authority.

3 The materials to be used externally in relation to extensions to the existing dwelling shall match those of the existing dwelling in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 The hereby approved side dormer shall be obscurely glazed and fixed shut at all times.

Reason: To protect the amenity of neighbouring residents.

5 The development should incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within each parking area. The applicant shall identify the proposed location for a future Electric Vehicle Recharge Point within the development curtilage and ensure that any necessary trunking/ducting is in place to enable cables to be run to the specified location.

Reason: To ensure future electric vehicle charge points can be easily added to the property in line with the NPPF and CYC's Low Emission Strategy.

#### Notes

- Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall or garage and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

- In the UK, there is a government-grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website:

<https://www.gov.uk/government/collections/government-grants-for-lowemission-vehicles>

- The above requirement does not preclude the installation of Electric Vehicle Charge Point from the outset, if desired.

- Details of passive provision to be included within household pack for first occupant, to include location of proposed Electric Vehicle Recharge Point, trunking/ducting provided and details of distribution board location and capacity.

6 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

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Reason: In the interest of satisfactory and sustainable drainage.

7 No development shall take place until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

8 Prior to the occupation of the new dwelling the turntable shall be installed as shown on drawing no. L01.01 and retained unless otherwise approved in writing by the Local Planning Authority.

Reason: To enable vehicles to exit the site in forward gear in the interests of highway safety.

9 Prior to the occupation of the new dwelling, the passing place at the entrance to Ash Lane shall be clearly marked to identify it as separate from the drive belonging to no. 29 and thereafter shall be retained as a passing place and kept free of obstructions.

Reason: In the interests of highway safety.

10 The new dwelling shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

11 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite



receptors.

12 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

13 The roof of the rear extension shall not be used as a roof terrace.

Reason: In the interests of the living conditions of the adjoining houses.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

#### **Contact details:**

**Case Officer:** Elizabeth Potter

**Tel No:** 01904 551477

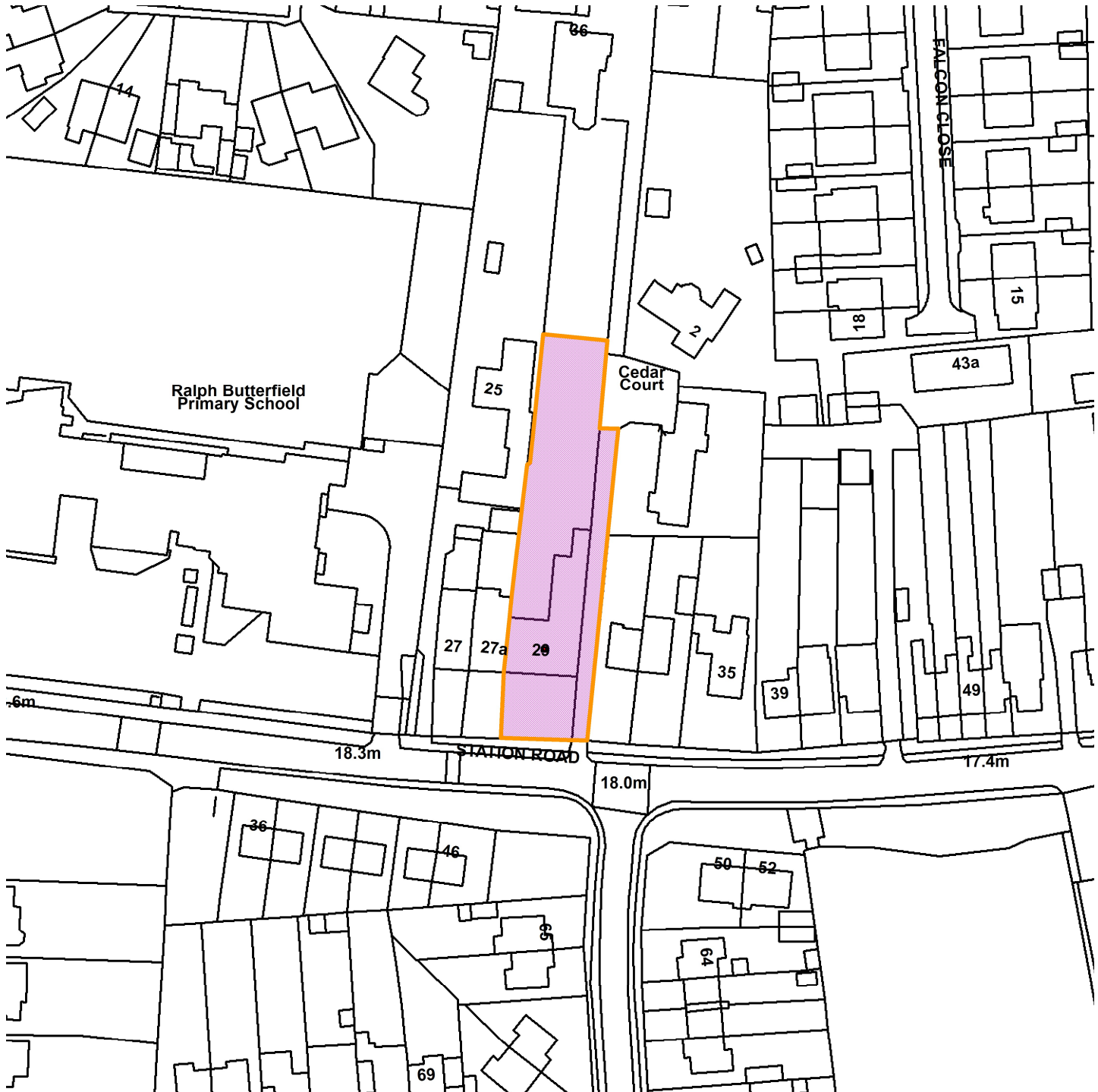
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# 29 Station Road, Haxby, YO32 3LU

21/02026/FUL



GIS by ESRI (UK)



Scale : 1:1157

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	22 November 2021
<b>SLA Number</b>	

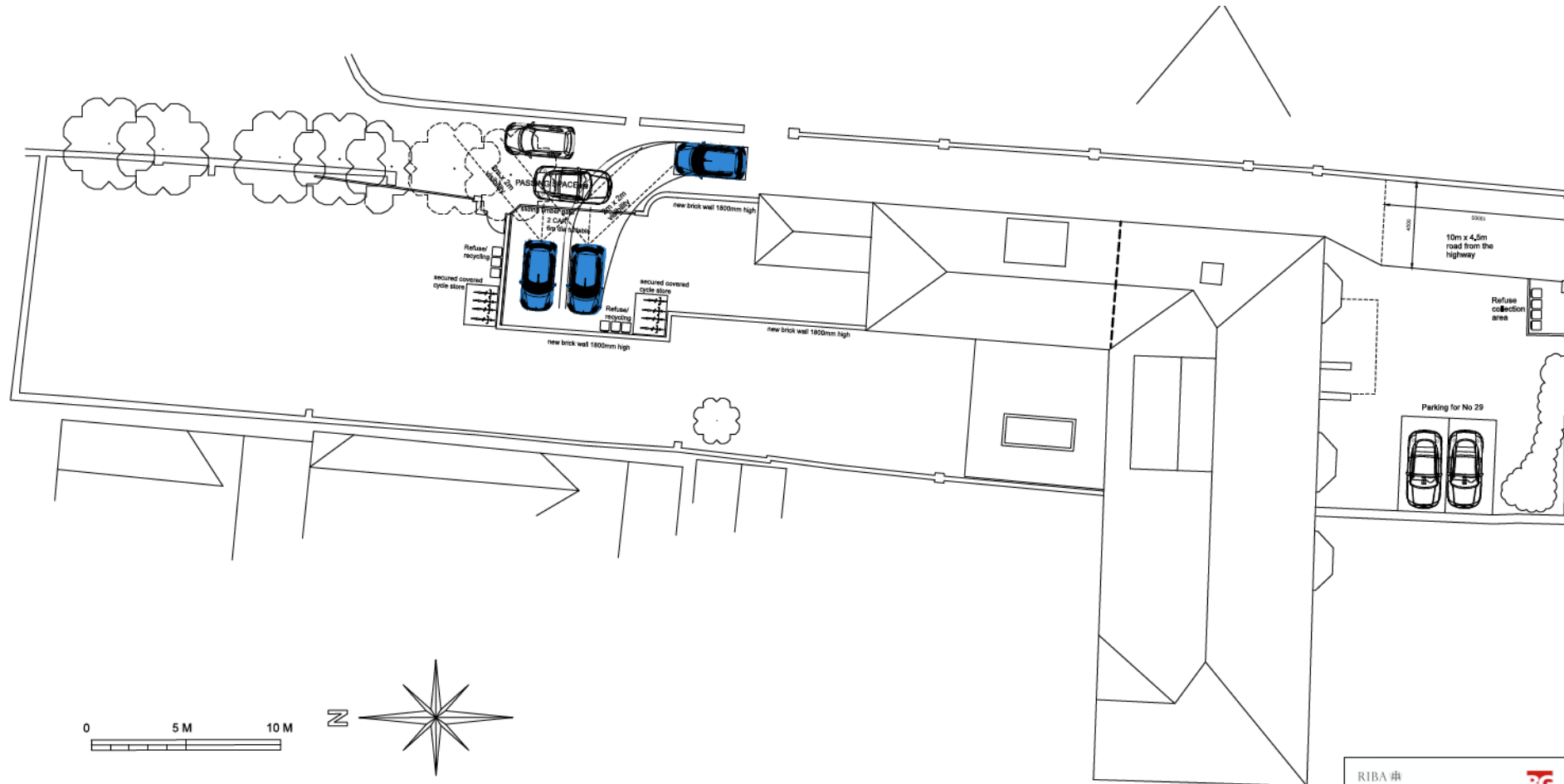
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## Area Planning Sub-Committee

21/02026/FUL

Cedar House, 29 Station Road, Haxby



SITE PLAN

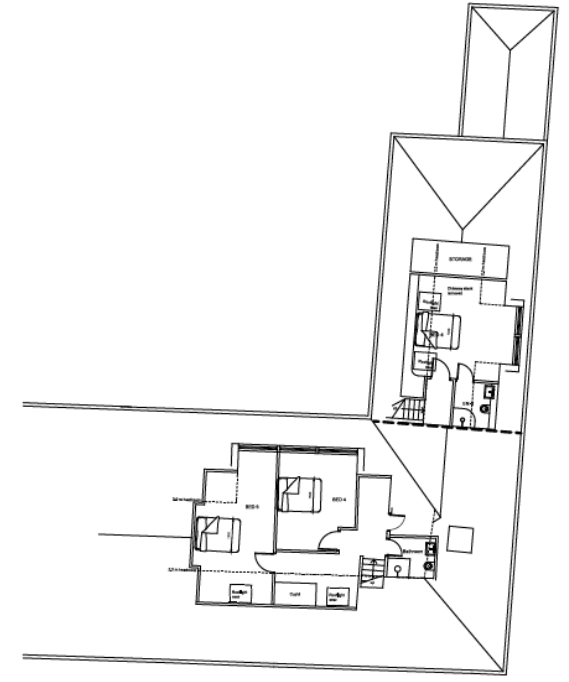
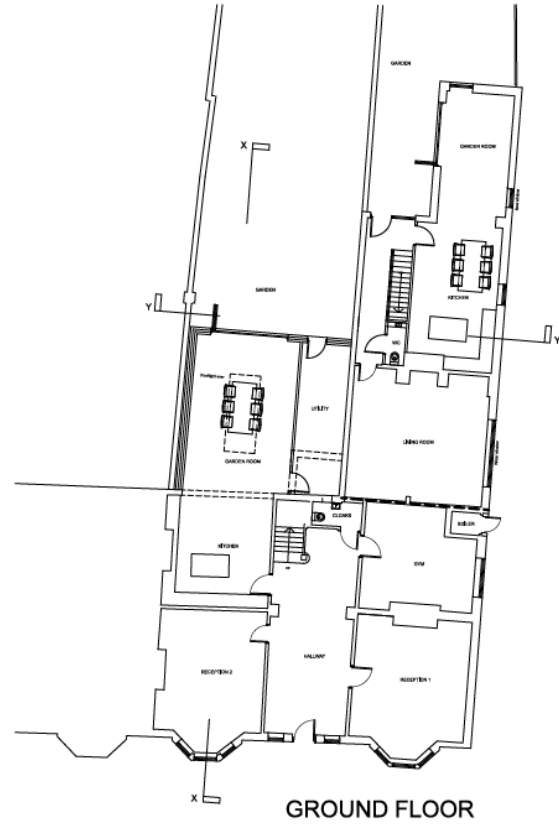
RIBA #   
**BrierleyGroom**  
 Chartered Architects

Brierley Groom LLP  
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 01925 373333  
 Founded by John Carr circa 1750

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date	
MR PAUL LEE	
project	
CEDAR HOUSE	
drawing	
SITE PLAN AS PROPOSED	
date	status
AUG. 2020	
scale	revision
1:100	
number	
L068.01.01	

# As proposed – Floor Plans



RIBA #

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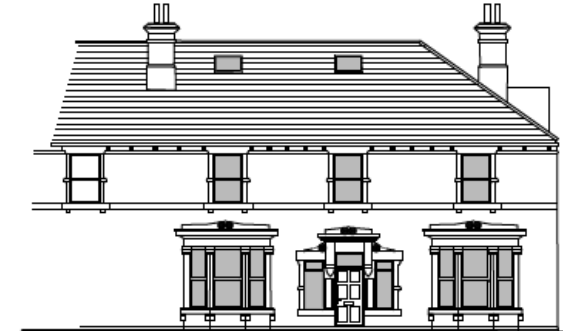
# As proposed - Elevations



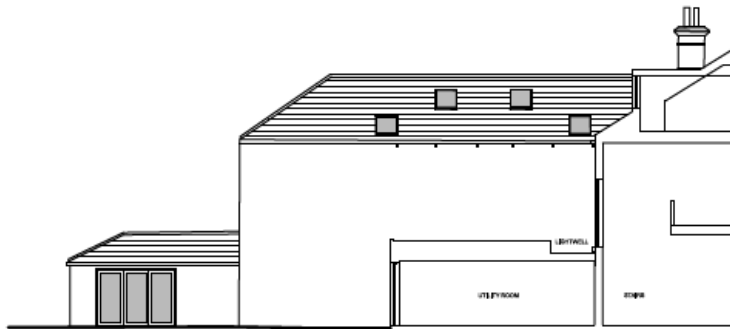
NORTH ELEVATION



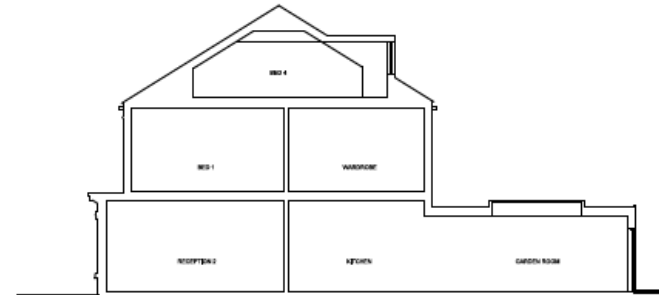
EAST ELEVATION



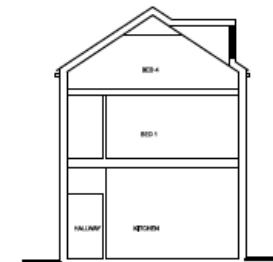
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WEST ELEVATION



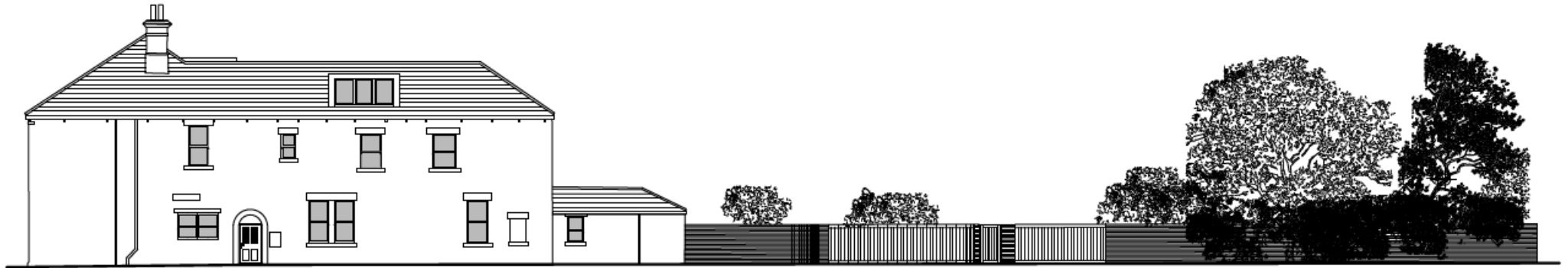
SECTION X - X



SECTION Y - Y



# Elevation to Ash Lane



EAST ELEVATION AS PROPOSED



EAST ELEVATION AS EXISTING

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**COMMITTEE REPORT**

**Date:** 30 November 2021      **Ward:** Strensall  
**Team:** East Area                      **Parish:** Earswick Parish Council

**Reference:** 21/01755/FUL  
**Application at:** 27 Lock House Lane Earswick York YO32 9FT

**For:** Link extension to side, raising of roof height to side and garage to provide upper floor, front and rear extensions to garage. Single storey extensions to front, single storey extension to rear with terrace above, and dormer to rear.

**By:** Adrian And Helena Barraclough  
**Application Type:** Full Application  
**Target Date:** 9 December 2021  
**Recommendation:** Approval

**1.0 PROPOSAL**

1.1 This application seeks permission for various additions to a two storey detached dwelling in Earswick. The proposed scheme includes:

- Single storey front extension to form an entrance hall and open porch.
- Single storey rear extension, spanning the space between two existing rear offshoots, with terrace above accessed from the first floor of the existing dwelling.
- Dormer to the rear roof slope of the existing house.
- One-and-a-half storey side extension to the main dwelling, linking the house to an existing detached garage. This extension would incorporate a dormer to the rear and a dormer to the front roof slope.
- Existing garage extended to the front and rear and increased in height, with a dormer to the side and a dormer to the rear roof slope, to facilitate additional accommodation within the additional roof space.

1.2 The application has been called in to sub-committee by Cllr. Doughty, on the grounds of visual amenity and over-development of the site.

**1.3 Property History**

- 02/03454/FUL – Single storey pitched roof extension to detached garage. Approved 10th Feb 2003.

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- 09/01603/FUL – Erection of single storey pitched roof side extension. Approved 29th Sep 2009.

## **2.0 POLICY CONTEXT**

### City of York Publication Draft Local Plan 2018

#### D11 – Extensions and Alterations to Existing Buildings

2.1 The Publication Draft Local Plan 2018 for the City of York ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of conformity of the relevant policies in the emerging plan with policies in the previous NPPF (published March 2012).

### Draft Development Control Local Plan 2005

#### H7 – Residential Extensions

2.2 The Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. Its policies are material considerations when they are in accordance with the NPPF although it is considered that their weight is very limited.

## **3.0 CONSULTATIONS**

### Public Protection

3.1 The site is not located in a Smoke Control Area, therefore the wood burning stove to be installed in connection with the proposed chimney would not have to comply with the Clean Air Act with regards to smokeless fuel or the appliance being exempted. However, the installation would have to be fitted to the manufacturer's standard and the chimney installed so as to allow for the adequate dispersal of the products of combustion, to ensure that the emissions do not cause a nuisance/affect the amenity of the neighbouring properties.

Earswick Parish Council

3.2 Objected to the proposals on the following grounds:

- Overdevelopment – the property has been extended on various previous occasions.
- Visual amenity – the scale of the extension would be overpowering and too dominant within the streetscene. The proposed front extension would take it beyond the existing building line.

Foss (2008) Internal Drainage Board

3.3 The Board has assets in the wider area in the form of River Foss. This watercourse is known to be subject to high flows during storm events. The Board commented on the application, setting out their guidelines for any increase in surface water discharge as a result of the proposed works, and where their consent would be required.

## **4.0 REPRESENTATIONS**

4.1 None received.

## **5.0 APPRAISAL**

### KEY ISSUES

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

### POLICY CONTEXT

5.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development. Paragraph 130 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including that they are sympathetic to local character, surrounding built environment and their landscape setting. The NPPF also places great importance on good design. Paragraph 134 says that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

2018 Draft Local Plan

5.3 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporate trees.

2005 Development Control Local Plan

5.4 Draft Local Plan Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

House Extensions and Alterations Supplementary Planning Document (2012)

5.5 The SPD provides guidance relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street-scene. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

5.6 Paragraph 7.4 of the SPD states that extending forward of a street's building line should be avoided, but that in exceptional circumstances it is appropriate, for example where the building line is not well defined. Section 11, which contains advice relating to front extensions, makes clear that front extensions are normally most suitable for detached properties that are set back from the road, or where the street has no established building line (paragraph 11.2)

5.7 Paragraph 12.2 advises that, if not sensitively designed and located, side extensions can erode the open space within the street and create an environment that is incoherent and jumbled. Paragraph 12.4 states that unduly wide extensions

should normally be avoided, unless they have been designed to successfully harmonise with the architectural features of the original property.

5.8 Paragraph 13.2 advises that regard must be paid to the impact of a single-storey rear extension on sunlight, its relationship to windows and the height of the proposed structure.

## ASSESSMENT

### Impact on the dwelling and character of the surrounding area

5.9 The proposed front extension and open porch would be of a reasonable scale in the context of the existing dwelling, and of an appropriate design. The house has a generously sized front garden, and the extension would be well away from all boundaries, the arrangement of the host dwelling and its neighbours is such that there is no established building line along this part of Lock House Lane. This element of the proposals is not prominent within the streetscene and is not considered to cause visual harm.

5.10 The proposed rear extension would extend between two existing single storey rear offshoots and would be of a reasonable scale and design in the context of these additions and the rear elevation of the original house. The proposed roof terrace above the proposed extension would be in keeping with the spacious and residential character of the surrounding area, and the structure as a whole would not be unduly prominent, being well distanced from the rear boundary and well screened from the public open space to the rear.

5.11 The proposed dormer to the rear roof slope of the main house would be of a reasonable scale and design, and sited well within the confines of the existing roof. This element of the scheme is not considered to harm the character of the dwelling or the wider area.

5.12 The proposed development to the south east side of the main house would serve to enlarge the existing detached garage and link it to the main dwelling by way of a wide, one and a half storey pitched roof side extension. The existing garage has previously been extended to the rear. The proposed development would enlarge the outbuilding further so as to house a garage, entertainment area and home office, with bedroom and en-suite within the roof space. This additional accommodation and living space would be linked to the main house on the ground floor by an entrance corridor leading from the front of the dwelling to the rear, and at first floor level by a living room and kitchenette.

5.13 The proposed side extension and garage extensions would be adequately subservient to the main house in terms of height, and of a sympathetic pitched roof, gable ended design. The primary elevation of the enlarged garage would be set behind that of the main house, and would not impact upon any established building line within the wider street. The footprint of the proposed development would not be significantly larger than that of the existing outbuilding, and the roof of the extension has been designed so as retain a degree of spacing between the development, the side boundary and the nearby dwelling at no.25. The proposals would remain in keeping with the character of the wider estate, and would be set well back from the front of the driveway and the part of the curtilage closest to the road, limiting their prominence when viewed from the street. At the rear, the extension would not be unduly prominent when viewed from the open public space to the west.

5.14 The proposed dormers to the front, side and rear of the proposed side and rear extension would be of a reasonable scale and design and would be in keeping with the character of the existing dwelling and the wider area.

5.15 As a whole, the proposed development is not considered to constitute overdevelopment at the site. The dwelling sits within a large garden, and the additions, although sizeable, would not appear dominant within the plot nor significantly reduce the available outdoor amenity space.

5.16 The additional accommodation that would result from the proposed development would be ancillary to the existing dwelling, accessed through the main house, and is not considered to contribute to any overdevelopment of the plot.

#### Impact on neighbour amenity

5.17 The proposed side extension would be of a reasonable height close to the boundary with no.25, and would project towards the largely blank side elevation of the neighbouring property. No windows to habitable rooms would be affected, and the extension would not project beyond the rear elevation of the neighbouring house, which is set at an angle to the host dwelling. The front projection of the garage extension would protrude beyond the line of the front elevation of the neighbouring house, by virtue of this angled arrangement, but would remain at an oblique angle to the bay windows at the front of no.25 and is not considered to have any undue impact on outlook or light.

5.18 The proposed rear dormers to the main roof of the house and the proposed side and rear extension, and the roof terrace to the rear of the main house, are not considered to cause harm to the amenity of any neighbouring house. Each element would be well distanced from the rear boundary of the garden and would overlook the open space to the rear of the site rather than any neighbouring gardens.



## Drainage

5.19 The scale of the proposed development is not considered significant in drainage terms and any additional surface water run-off would be difficult to effectively to attenuate. In these circumstances drainage details can be dealt with under Building Regulations. An informative is proposed to inform the applicant of the need for the Board's consent for any discharge in any watercourse within the Board's District.

## **6.0 CONCLUSION**

6.1 The proposal is considered to be appropriately designed and not to harm the appearance of the streetscene or residential amenity. It would comply with the National Planning Policy Framework (2021), policy D11 of the Publication Draft Local Plan 2018, policy H7 of the 2005 Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

## **7.0 RECOMMENDATION:** Approval

1 TIME2 Development start within three years

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

Drawing No. MAHB 8 (Received 27th July 2021) - Proposed Site Block Plan

Drawing No. MAHB 2 (Received 20th July 2021) - Proposed Plans

Drawing No. MAHB 4 (Received 20th July 2021) - Proposed Elevations

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

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies,

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considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

## 2. CONSENT - DISCHARGE

Under the Board's Byelaws, the written consent of the Foss (2008) Internal Drainage Board is required prior to any discharge, or increase in the rate of discharge, into any watercourse (directly or indirectly) within the Board's District.

## 3. ADVICE ON APPROPRIATE USE OF FUEL

The application property is located outside of a smoke control area and as a result any fireplace does not have to comply with the Clean Air Act with regards to smokeless fuel or the appliance being exempted.

However, the flue/chimney serving the heating appliance must be installed so as to allow for the adequate dispersal of the products of combustion, to ensure that the emissions do not cause a nuisance/affect the amenity of the neighbouring properties. The chimney to the side extension must be designed and sited so as to comply with The Building Regulations 2000 (See approved Document J).

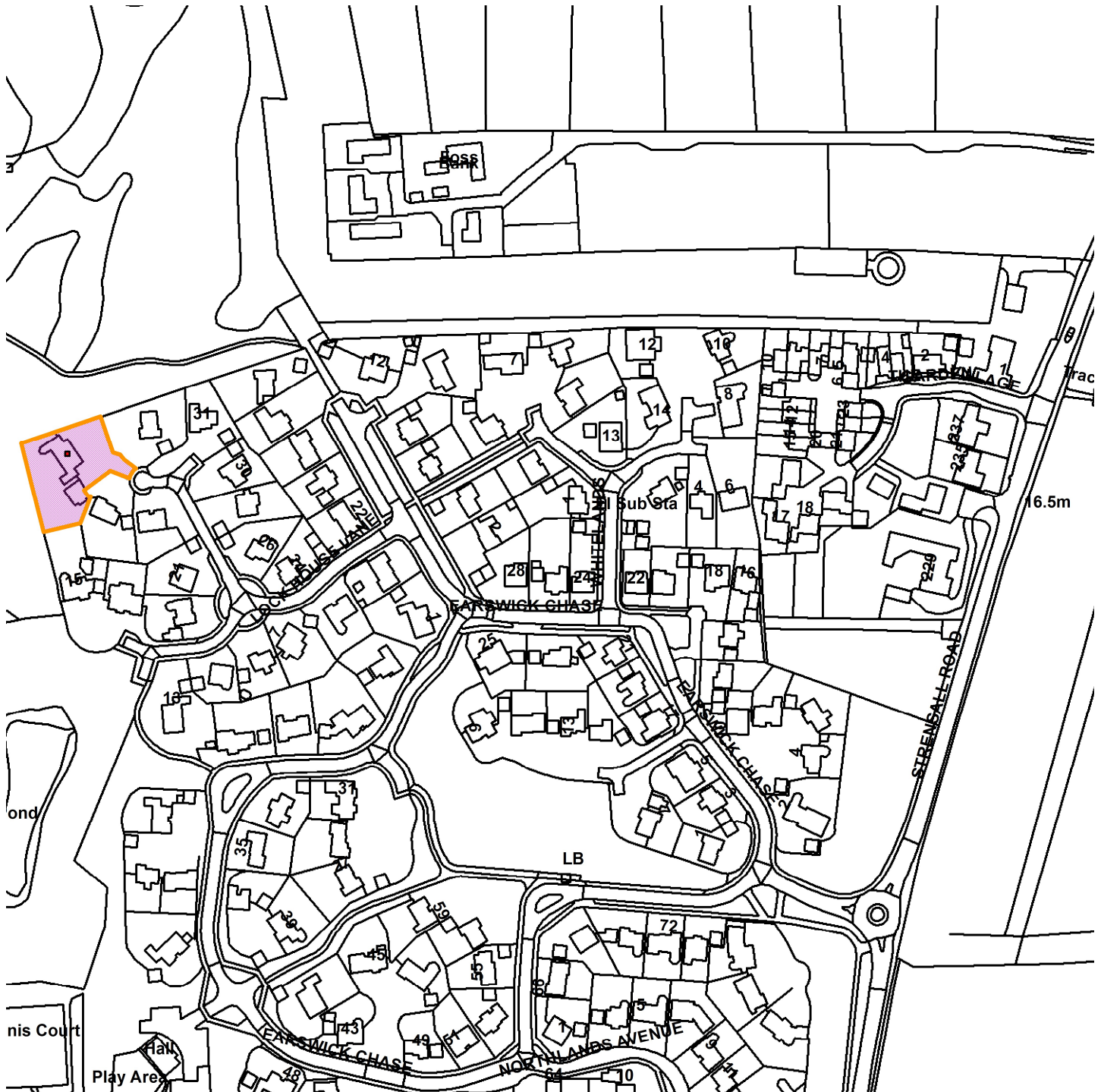
The applicant may also want to consider installing an "exempt fireplace" or that any fuel burnt is an authorised fuel as defined by the Clean Air Act 1993, in order to prevent smoke being emitted from the chimney. For details of exempt appliances or authorised fuels for use in smoke control areas please visit <http://smokecontrol.defra.gov.uk/>.

### **Contact details:**

**Case Officer:** Sam Baker  
**Tel No:** 01904 551718

# 27 Lock House Lane, Earswick, York

21/01755/FUL



Scale : 1:2513

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	17 November 2021
<b>SLA Number</b>	

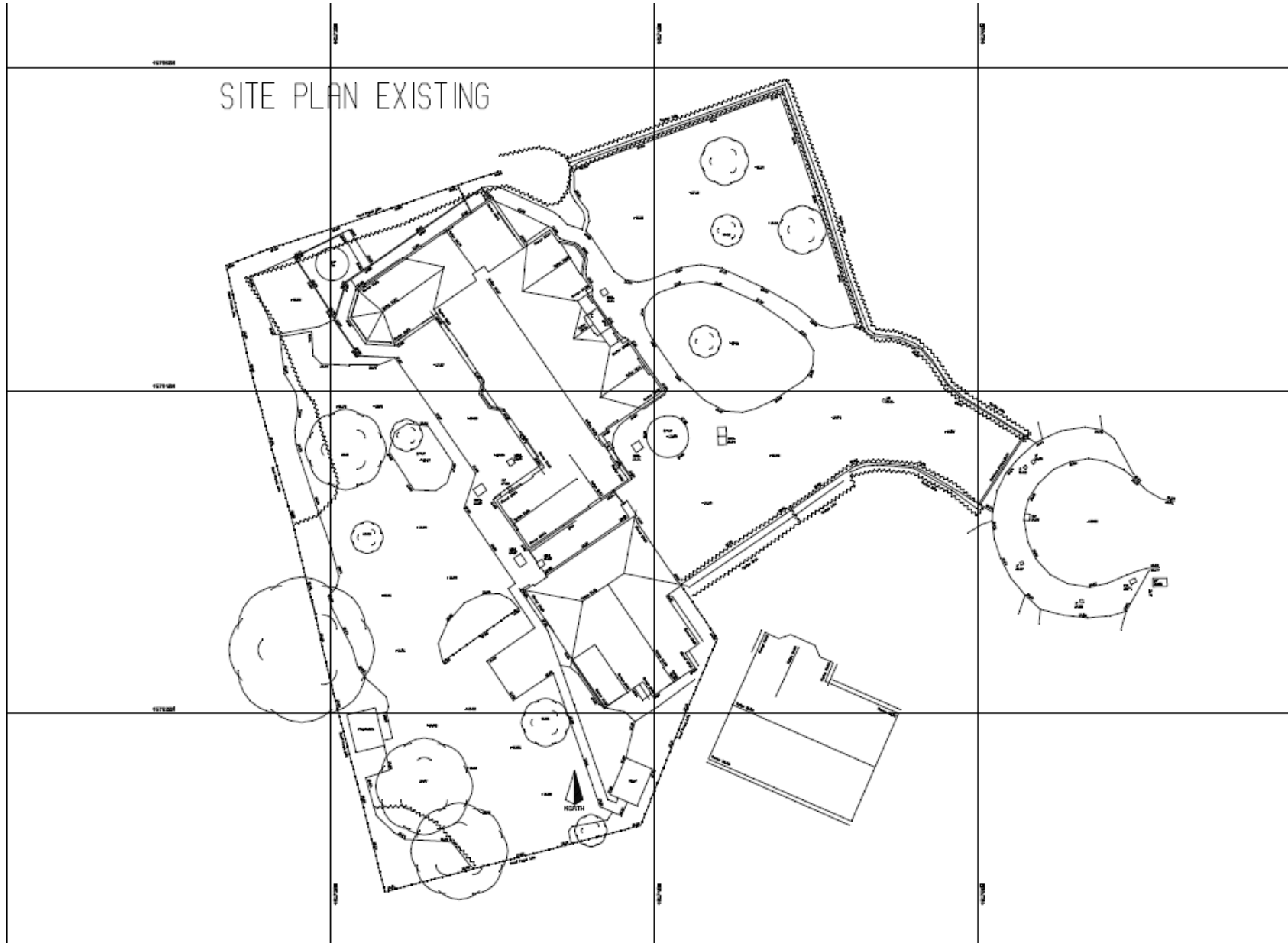
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## Area Planning Sub-Committee

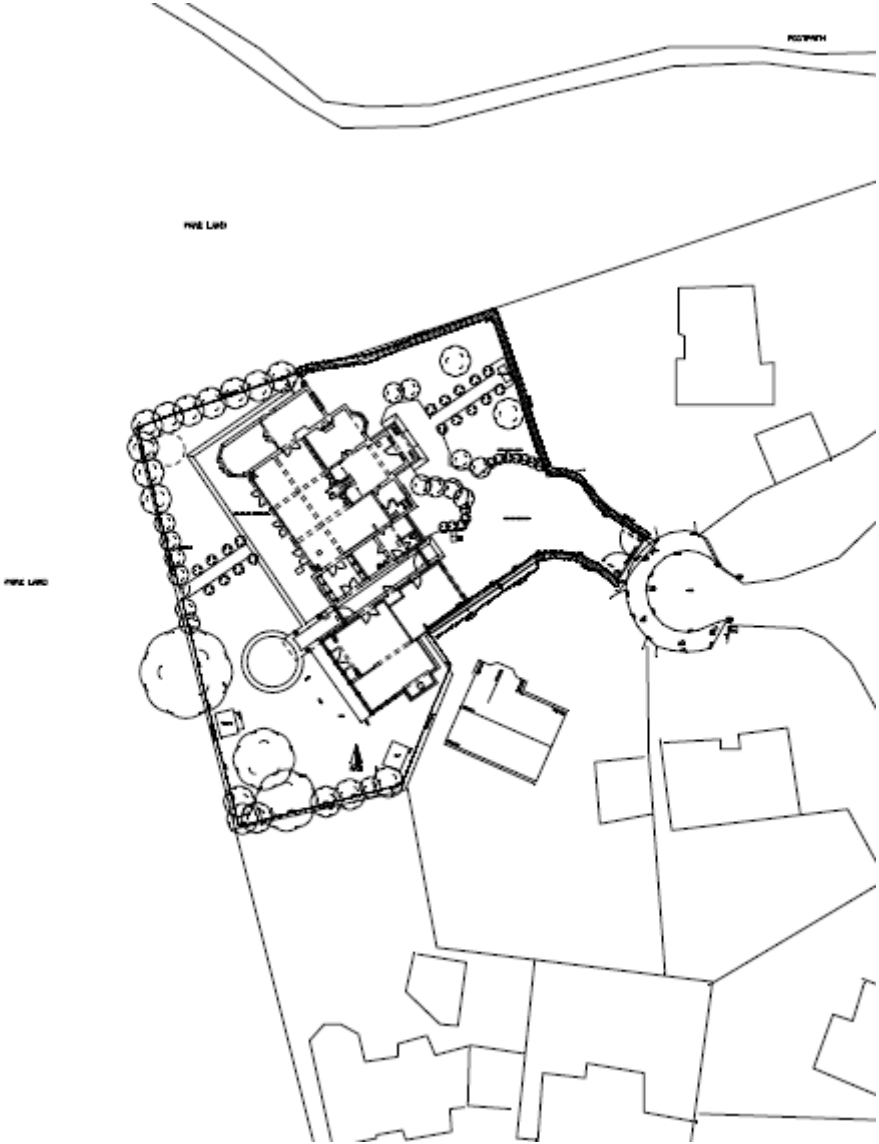
21/01755/FUL

27 Lock House Lane, Earswick



SITE PLAN EXISTING

Site Plan as Proposed

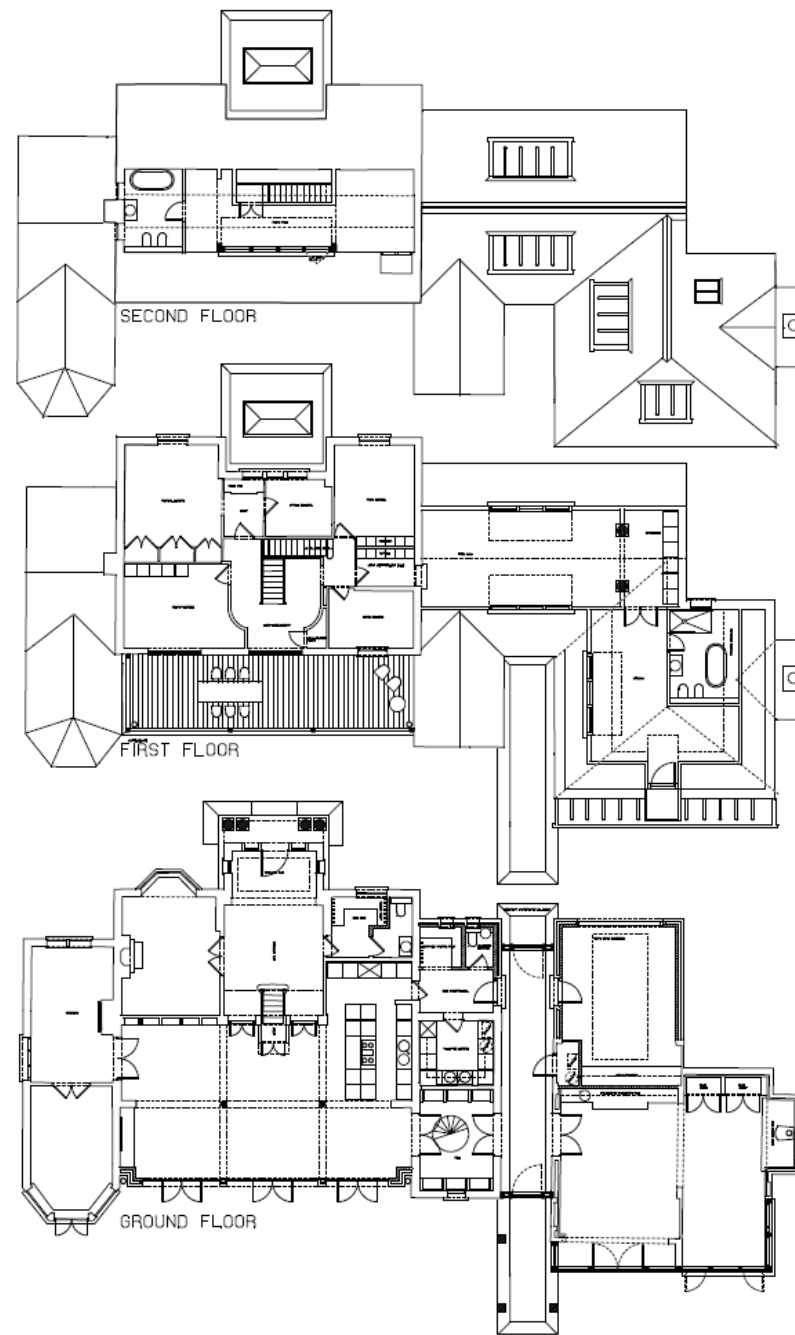


# Floor plans – as existing

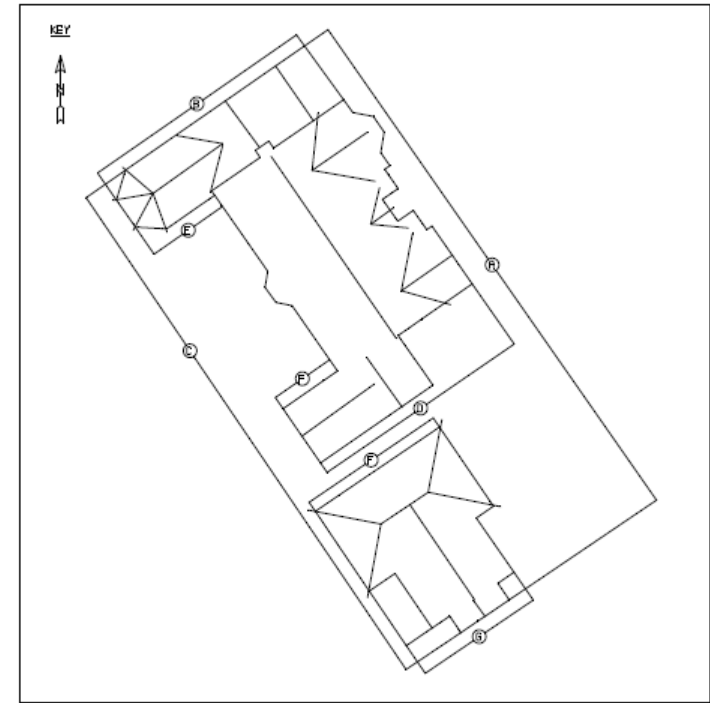
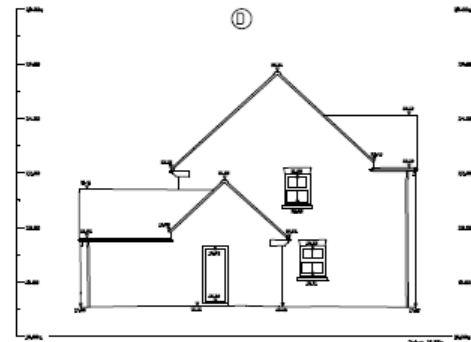
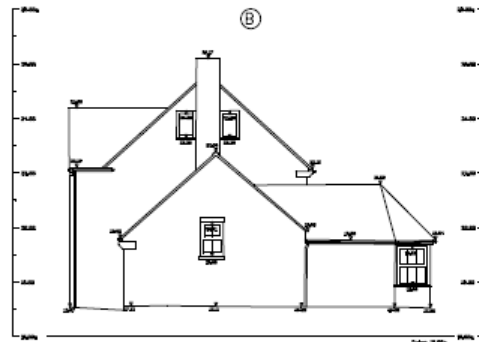
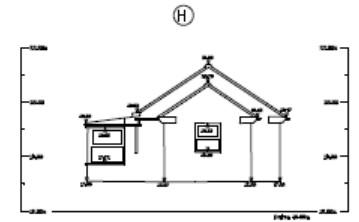
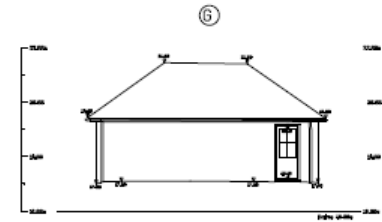
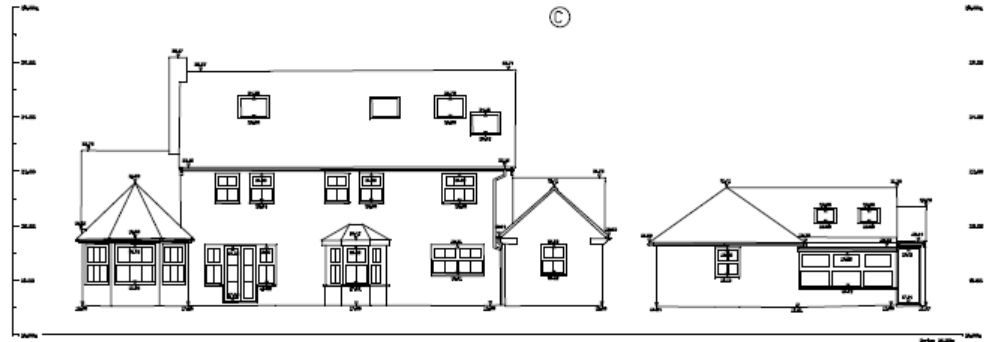
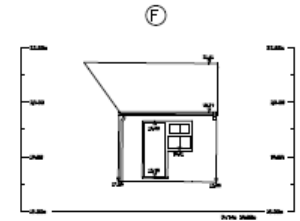
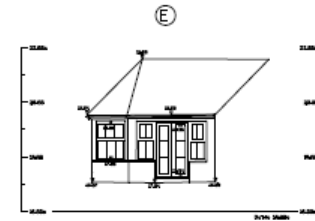




# Floor plans – as proposed



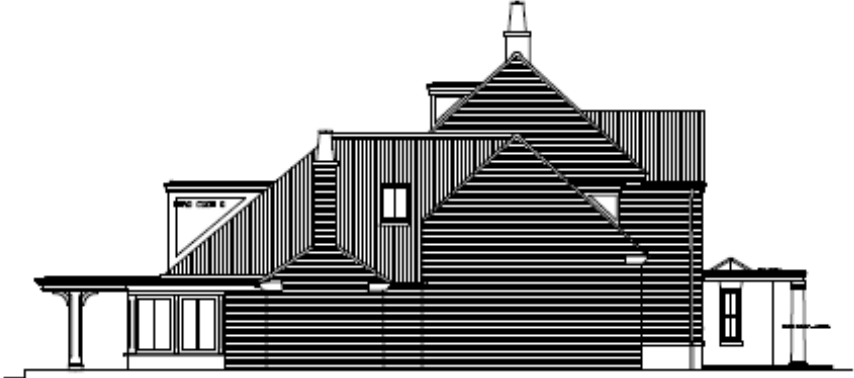
Elevations – as existing



Elevations – as proposed



SOUTH WEST, GARDEN FRONT.



SOUTH EAST FACADE



NORTH EAST FACADE



NORTH WEST FACADE

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