

COMMITTEE REPORT

Date: 16 July 2020

Ward: Rural West York

Team: West Area

Parish: Upper Poppleton Parish
Council

Reference: 19/02546/FUL

Application at: 7 Elm Tree Avenue Upper Poppleton York YO26 6HL

For: Erection of 1no. dwellinghouse following the demolition of the existing dwellinghouse.

By: Kate Messenger

Application Type: Full Application

Target Date: 27 January 2020

Recommendation: Approve

1.0 PROPOSAL

1.1 The application site contains a single storey detached bungalow constructed of part stone/part render under a concrete tiled roof. The plot features a front and rear garden and an existing detached garage and driveway with crossover. There are neighbouring dwellings to all sides of the site.

1.2 Elm Tree Avenue is a residential street, made up of a variety of dwelling types, all bungalows, some with rooms in the roof. The properties on Elm Tree Avenue include a selection of different roof planes, including a gable end fronts, much like the host property as well as properties with ridges that run parallel with the road. There is a reasonably consistent building line. The spacing between each property is relatively similar in each case. Nearly all the properties on Elm Tree Avenue are detached.

1.3 The application site does not lie within the Upper Poppleton conservation area and is located within flood zone 1, which is identified as an area with a low probability of river flooding.

1.4 Planning permission is sought for the erection of 1no. dwelling following the demolition of the existing buildings on site.

1.5 The proposed replacement dwelling is of a single storey design with additional living space in the roof. The design is similar to the existing dwelling but also replicates the style of some neighbouring properties as it looks to increase its footprint. Proposed materials will match the original dwelling currently in situ.

1.6 The dwelling will be a maximum of 10.16 metres wide and a maximum of 15.3 metres deep (including the front bay window). The building will be 5.9 metres high to the ridge of the roof.

1.7 The application is a revised submission. The original proposal was deemed to increase the size of the existing dwelling significantly and was not considered compatible when comparing it to the existing structure and the surrounding properties. The revised scheme has reduced the footprint of the dwelling, as well as reducing its overall height and has including a small set back of the garage. It was also decided that due to the level of work proposed, this application should be considered a replacement dwelling, rather than extensions to the existing property.

Call-in

1.8 The application was called to sub-committee by Cllr Anne Hook for the reasons listed below:

- The footprint of the property will more than double in size, which will increase problems with surface drainage, which, in turn, will adversely affect those properties immediately opposite to and downhill from the enlarged property.
- Extension of the property by 2.4m to the rear will create undue proximity to the bungalows at 22 and 24 Dikelands Lane.
- The creation of a first-floor living space equal in size to the current ground floor of the property will give a clear line of sight into 22 Dikelands Lane, including the bedroom, resulting in loss of privacy to that property.
- Properties on Elm Tree Avenue are all bungalows, and the reconstructed property will dwarf neighbouring properties, destroying the look and feel of the avenue.

2.0 POLICY CONTEXT

Upper Poppleton and Nether Poppleton Neighbourhood Plan

PNP4 Village Design Statement

PNP6A Development with Upper Poppleton and Nether Poppleton

Draft Development Control Local Plan 2005

GP1 Design

GP4a Sustainability

Publication Draft Local Plan 2018

D1 Placemaking

DP3 Sustainable communities

3.0 CONSULTATIONS

EXTERNAL

3.1 Upper Poppleton Parish Council objects on the following planning grounds:

- This is overdevelopment of the site.
- The proposed development would be too close to the neighbouring property.
- Neighbours strongly object to the loss of privacy.
- There is a history of surface water retention and drainage in this area.

3.2 The Ainsty Internal Drainage Board has assets in the wider area in the form of various watercourses. While they do not object to the scheme, they do request details are submitted and agreed with both the council and them self in relation to the provision of surface water drainage works prior to commencement of any works.

3.3 Yorkshire Water does not object to the application but does request that conditions are added in order to protect the local aquatic environment and Yorkshire Water infrastructure.

INTERNAL

3.4 The Flood Risk Management Team has no objections to the development in principle, but in line with both Yorkshire Water and the Drainage Board comments, conditions should be attached in order to protect the local aquatic environment and public sewer network.

4.0 REPRESENTATIONS

Neighbours and interested parties

4.1 Ten neighbours objected to the application. Revised proposals were the subject of re-consultation of neighbours and interested parties. A summarised of the objections are as follows:

- The windows at the rear would have an adverse effect on privacy and cause overlooking.
- The proposed dwelling would be overbearing and dominate
- The proposed dwelling would not be in keeping with a street made up of mainly bungalows.
- Proposed works cause concerns over drainage of both rainwater and also foul water.
- Due to the increase in height, the proposed dwelling will cause overshadowing and loss of light to neighbouring properties.

- By increasing the size of the existing bungalow, it set a precedent which could lead to loss of bungalow on Elm Tree Avenue.
- Parking concerns.
- Works are not considered to be in keeping with the Neighbourhood plan or design guide.
- It is suggested there are several covenants on the property which would not allow the proposed works.
- If approved, it has been suggested that conditions are added with regards to working hour, reinstating the front wall and erecting fencing so as to maintain neighbours privacy.
- Concerns with regards to builders accessing neighbours land.
- Concerns over Covid-19.

5.0 APPRAISAL

KEY MATERIAL PLANNING CONSIDERATIONS:

Design and impact on the streetscene
Neighbour amenity

RELEVANT PLANNING POLICY:

The National Planning Policy Framework (February 2019) (NPPF)

5.1 The National Planning Policy Framework, February 2019 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development, summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

5.2 In NPPF Chapter 4 Decision-making, Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.3 In NPPF Chapter 5 Delivering a sufficient supply of homes, Paragraph 68 advises that small sites can make an important contribution to meeting the housing requirements of an area and supports the development of windfall sites within existing settlements for homes.

5.4 In NPPF Chapter 12 Achieving well-designed places, Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting;
- create places that are safe, inclusive and accessible and promote health and wellbeing with a high standard of amenity for existing and future users.

5.5 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says 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, taking into account any local design standards or style guides in plans or supplementary planning documents.

Upper Poppleton and Nether Poppleton Neighbourhood Plan 2017

5.6 The Neighbourhood Plan is the Development Plan for the application site. Section 38 of the 2004 Act states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

5.7 Village Design Statement Policy PNP 4 states that proposals for development within the villages of Upper Poppleton will be supported where they bring forward high-quality design appropriate to their character and appearance. All new developments within the settlement limits of the villages should respect the Design Guidelines.

5.8 Housing Policy PNP 6A Development with Upper Poppleton and Nether Poppleton states that within the settlement limit of the two villages, as shown on the Policies Map, proposals for the subdivision of an existing dwelling or for the construction of a single dwelling within the curtilage of a domestic property will be supported where the proposals are:

- In character with the surrounding development;
- Designed to safeguard the amenities of existing residential properties;
- Designed to provide appropriate elements of garden and amenity space; and
- Designed to provide appropriate levels of parking and vehicular access to the City of York Council standards at the time of application.

Poppleton Village Design Statement

5.9 Poppleton Village Design Statement, adopted August 2003, includes design guidelines and advises that to conserve the special character of the traditional communities, the size, scale and massing of new buildings and extensions should harmonise with neighbouring properties and spaces; space should be maintained around dwellings. The use of local characteristic details and materials is to be encouraged.

Publication Draft Local Plan (February 2018)

5.9 The Publication Draft Local Plan ('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. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF.

5.10 Policy DP3 'Sustainable communities' sets development principles including respecting and enhancing the historic character of York, delivering high-quality design, layout and scale, ensuring appropriate building materials are used. Development should create a high quality, locally distinctive place which relates well to the surrounding area and its historic character, promoting sustainable modes of travel and for development not to contribute to flooding.

5.11 Policy D1 'Placemaking' (read with May 2018 minor modifications) requires development to enhance, respect and complement the historic arrangement of street blocks, plots and buildings, demonstrate that it is of an appropriate density and does not dominate other buildings particularly those of historic interest. Development should not be a pale imitation of past architectural styles, use appropriate materials and demonstrate best practice in contemporary urban design and placemaking, creating active frontages to streets. The design should consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

York Development Control draft Local Plan 2005

5.12 The York Development Control 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 the policies should be afforded very limited weight except when they are in accordance with the NPPF.

5.13 Development Control Local Plan Policy GP1 refers to design for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity. Development proposals will be expected to 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. Development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

5.14 Development Control Local Plan Policy GP4a) of the York Development Control Local Plan sets out a clear policy requirement for new development proposals to adhere to the principles of sustainable development particularly through minimising the use of non-renewable resources through materials and construction methods as well as designing for the minimal use of energy through the life of the building.

ASSESSMENT

5.15 The existing dwelling appears to be one of the few properties on Elm Tree Avenue that feature a good size space at either side of the property. The majority of dwellings are characterised by small gap to one side and a garage or driveway to the other. This extra level of space has offered the opportunity to further develop the site, while still maintain a similar and acceptable appearance to its surroundings. A 1m space would be retained to the northern boundary, 0.9m to the southern boundary. The existing building measures 4.9m in height to the ridge and has an eaves height of 2.35m. The replacement dwelling will increase in height by 1m to 5.9m high and will also increase the eaves marginally by around 0.1m. Although the roof will sit higher than the existing dwelling, it is not considered to cause significant harm due to the pitch of the roof and its positioning, with the highest point sitting almost centrally in the plot, mitigating the increase in height with regards to dominance and scale. The new dwelling includes a flat roofed garage to its side (adj. 9 Elm Tree Avenue) and to the rear of this the roof of the dwelling is extended to the side, the ridge running at 90 degrees to the central ridge but 0.5m lower, with a half hip detail to reduce the impact on no.9, although its eaves height on this facing elevation would be higher than the rest of the house. With regards to the increase in height in relation to the surrounding properties, it is considered to be in keeping with a number of other properties on the street sitting at a similar height. The original proposal showed a height of 6.2m, but following amendment, 5.9m is considered to be more in keeping with the street. Although the application looks to increase the overall floor area, the main body of the building is considered to be similar in appearance to the existing dwelling, and the overall appearance and size of the proposed dwelling is deemed to be comparable to the other properties on the west side of the street. While it is acknowledged that Elm Tree Avenue is predominantly made up bungalows, there are a number of properties that do features first floors, one of them being the existing dwelling at 7 Elm Tree Avenue. Though the property will feature a first floor, it will still maintain its appearance as a bungalow style dwelling, especially when considering the eaves of the building will be generally similar to the existing property.

IMPACT ON NEIGHBOUR AMENITY

5.16 Although the replacement dwelling will see an increase in height and width compared to the existing structure, it is not considered to cause any of the surrounding or attached properties any significant harm. Objections have been raised with regards to privacy and overlooking, amendments were sought to address this issue and subsequently the dwelling has been reduced in length so as to set the rear elevation back from the rear boundary. The current distance from the existing house to the rear boundary is 11.4m, this will reduce to 9.3m, and although the dwelling will be closer to the rear neighbours, it is not considered to cause any significant privacy or outlook issues, with the dwelling still over 21m from the rear neighbour's rear dining room window and the existing boundary fence still screening the ground floor from view. As well as seeking a reduction in length, the first-floor windows have also been reduced in size and are deemed to be similar in proportion to the current windows at first floor.

5.17 With regards to the loss of light and overshadowing the proposed dwelling is not considered to cause any major loss of light or shadowing to any of the attached properties. However, due to the orientation and the design of the proposed dwelling, No. 9 Elm Tree Avenue is considered to be slightly affected and could see some shadowing to its side elevation. This being said, it would be unlikely to be significant due to the height and slope of the roof of the side element of the proposal.

Other Issues

5.18 In relation to other comments received; the existence of a covenant on the property is not a planning matter and would be a civil matter. However the granting of planning permission does not override any restrictive covenant. A builder will need to request permission before accessing adjacent land, but this is a civil matter and cannot be dealt with through the planning process.

STORAGE AND PARKING

5.19 The proposed replacement dwelling is located on a lightly trafficked residential street. The existing crossover will remain along with the driveway. An attached garage will be provided with further parking on a driveway to the front. The new attached garage is below usual standards in terms of its length but a car can be parked within it. Space will remain at either side of the property in order to store bins and bicycles at the rear if chosen to rather than being stored in the proposed attached garage.

DRAINAGE AND FLOOD RISK

5.20 The Flood Risk Management Team are aware of the ground conditions and drainage systems in the area. Conditions with regards to the surface and foul water drainage details are recommended.

6.0 CONCLUSION

6.1 The proposed replacement dwelling, although materially larger than the existing bungalow is not considered to be out of place in this location and is also not considered to have any detrimental impact upon the amenities of neighbouring residents due to this it is deemed to comply with the NPPF, PNP4 and PNP6A of the Upper Poppleton and Nether Poppleton Neighbourhood Plan, Policy D1 and DP3 of Draft Plan 2018 and policies GP1 and GP4A of The Deposit Draft Local Plan 2005.

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:-

Proposed Plans & Elevations - Drg No. 485-04D (Dated March 2020)

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

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

Reason: In the interest of satisfactory and sustainable drainage.

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

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then in accordance with the City of York Council's Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommended discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

In some instances design flows from minor developments may be so small that the restriction of flows may be difficult to achieve. However, through careful selection of source control or SuDS techniques it should be possible to manage or restrict flows from the site to a minimum 0.5 l/sec for individual residential properties, please discuss any design issues with the City of York Council Flood Risk Management Team.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

6 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (extensions), B (roof additions), C (roof alterations), D (porches) and E (curtilage buildings) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: Because of the new developments increased roof area and footprint and the positioning of adjacent residential properties the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

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) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Amended scheme, reducing the height and length of the proposed dwelling.

2. The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

3. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

Contact details:

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