

COMMITTEE REPORT

Date: 13 October 2011 **Ward:** Haxby And Wigginton
Team: Major and **Parish:** Haxby Town Council
Commercial Team

Reference: 11/01804/FUL
Application at: Land Adjacent To 5 South Lane Haxby York
For: Four no. semi-detached dwellings
By: Mrs Toni Grainger
Application Type: Full Application
Target Date: 13 September 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of four houses on an area of land with a frontage of approximately 27 metres to South Lane in Haxby. The depth of the site is approximately 18 metres. The application site is former garden land associated with 8, 10, and 12 York Road. The gardens appear not to have been in use for a significant period of time and have become somewhat overgrown. The proposal consists of two pairs of semi-detached houses. The proposed houses are two stories in height and each would contain two bedrooms. The houses would front directly onto South Lane and would include gardens to the rear.

1.2 Each dwelling would have one off-road car parking space, accessed off the existing private drive which serves dwellings along this part of York Road.

1.3 The boundary of Haxby Conservation Area runs along the north side of South Lane. The proposed houses are south of South Lane and are therefore not within the Conservation Area.

1.4 This application is being referred to Planning Committee for determination at the request of Cllr. Tony Richardson, over concerns about the backland development, overdevelopment, harm to the streetscene and conservation area, insufficient car parking and a loss of amenity to residents of York Road. A site visit is recommended to fully understand the concerns raised by residents.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

CYHE2
Development in historic locations

CYT4
Cycle parking standards

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit - Awaiting response following submission of a screening assessment of contaminated land. Update to be provided at Committee.

3.2 Drainage - The suggested discharge rate of 5 l/sec is far higher than permitted. Other information such as existing and proposed surfacing, drainage, ground and finished floor levels should also be provided. The submitted document does not specify storage volumes and the details show rainwater harvesting tanks which are not permitted with regards to surface water attenuation.

3.3 Education - No education commuted sum would be required for this development given the capacity of existing schools and the existing intake.

3.4 Highway Network Management - There are no objections in principle. However, information submitted with the application indicates that the area of land to be used for car parking bay 4 is not currently within the applicants' ownership. Therefore there are question marks as to whether it can be constructed. The existing access on site is 4.2m in width and the proposed plan shows a 4.8m wide access, therefore it would be necessary to extend the width of the dropped crossing. Conditions and informatives are recommended to be added to any approval to control the surfacing of vehicle areas, cycle parking and vehicle crossing works.

3.5 Leisure - No correspondence received.

3.6 Conservation - By virtue of scale, massing, siting and design, the proposed development would not be overly intrusive in views into or out of the conservation area. The proposed development preserves the setting of the conservation area. Should the granting of planning permission be recommended, conditions should be attached requiring the submission of building materials for approval.

EXTERNAL

3.7 Local MP - A letter of objection has been received from Julian Sturdy. The letter states that the proposal is a prime example of overdevelopment of garden land. The letter goes on to say that 'garden grabbing' should not become commonplace and it is evident that the construction of 4 dwellings on this small site would have a dominating and unwelcome impact on the surrounding area. Concern is raised that not enough car parking has been provided as it is impractical to assume that each household would only have one car. There are already car parking problems in the area and additional housing would create further difficulties. A final concern is raised regarding the impact of four additional houses on Haxby's already problematic drains and sewers.

3.8 Haxby Town Council - Strongly object to the proposed development on the following grounds:

- this is backland development;
- the proposal is an overdevelopment of the site;
- the proposal would dominate the streetscene and faces directly into Haxby Conservation Area;
- there is insufficient car parking;
- the houses would cause a loss of amenity within the gardens of the houses on York Road.

The Town Council fully supports the objections of local residents and strongly suggest a site visit is made.

3.9 Neighbours - Twelve letters of objection received from local residents. Ten letters objected to the proposed development with the following concerns raised:

- the area already has car parking problems and the proposal only has one space per dwelling which would lead to more on road car parking demand;
- the proposal would result in cars being parked on both sides of South Lane which could block the road for emergency vehicles;
- the car parking spaces shown on the approved plans are already being used by local residents so the proposal would lead to a displacement of cars onto local roads;
- four new houses would place additional strain on a drainage system which has had problems in the past;
- the plan shows houses being built up to the footpath which does not leave room for wheelie bins and recycling boxes to be put out on collection day without causing an obstruction to people with pushchairs;
- the applicant doesn't own a section of the site planning permission should not be granted;
- the proposal is an overdevelopment of the site;
- the current government has raised objections to using gardens for development;
- the area has a high water table with waterlogging a current problem, the addition of new houses as well as the removal of the oak tree which has already taken place will make the current problem worse;
- the proposed houses would result in the overlooking of neighbours gardens;
- a proposal for three houses instead of four would allow more scope for car parking spaces which would allow existing local residents and future occupiers of the proposed houses to park off the road;
- the proposal would result in more cars using South Lane which would add further danger to children and pedestrians using the road;
- the proposal would result in a loss of light for neighbours as the houses are high;
- the proposed houses would extend in front of the existing building line;
- the proposal would result in the loss of open space, the gardens should be reinstated;
- the development site is not previously developed land as stated within the application;

One letter was received from a local resident which stated that they were pleased to see this long-neglected piece of land be developed however the proposed plans raise concerns about a lack of car parking, road safety, and access. It is also stated that the access for occupiers at 16, 18, 20, 22, 24 and 26 York Road is maintained over the private road which runs around the back of the houses. A further letter was received from a resident who did not object to the development of houses on this site but felt they should be set back further into the site in order to protect the privacy of residents on the opposite side of South Lane. A further concern was expressed that the proposal allows for the conversion of attic rooms in the future which would result in a further loss of privacy for neighbours.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of development;
- Visual impact and design;
- Neighbouring amenity;
- Bin and bicycle storage and car parking; and
- Drainage

PRINCIPLE OF DEVELOPMENT

4.2 City of York Draft Local Plan Policy GP1 states that development proposals will be expected (amongst other things) to respect or enhance the local environment, and 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. It also states, importantly in this case, that proposals should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 Development Control Local Plan Policy H4a sets the criteria for assessing proposals for windfall housing sites which come forward, such as the application under consideration. The policy states that proposals will be granted planning permission where they are located in an urban area and the site is vacant or underused and involves infilling or redevelopment. Part b) states that sites should have good accessibility to jobs, shops and services by non-car modes. The final parts of the policy require proposals to be of an appropriate scale and density to surrounding development and not have a detrimental impact on existing landscape features.

4.4 The application site is within the built up settlement limit of Haxby. The site is close to services and facilities such as schools, play areas, shops and a regular bus service into York. The site is considered to be in a sustainable location and is therefore likely to reduce the need to travel and helps achieve the Council's aim of reducing dependency on the private car. The application site is no longer used as private garden land. The majority of the site is owned by the applicants and the use of the gardens ceased sometime ago. The former gardens affected by the proposed development are at the rear of 8, 10, and 12 York Road. These houses would continue to have yard areas at the rear and therefore would still have access to an area to store bicycles and bins and hang out washing. The former gardens are separated from the walled yards by the private access road which serves the dwellings. It is considered that the principle of residential development on this site is acceptable.

4.5 A number of local residents have stated that the proposal represents backland development and that it is 'garden grabbing' and is not previously developed land. However, development described as "backland" usually refers to development on a site to the rear of other existing buildings, without a highway frontage. The proposed dwellings clearly have a highway frontage to South Lane and whilst the application site is to the rear of dwellings on York Road, it is not considered that the proposal constitutes backland development. The application site is former garden land and is therefore not classified as previously developed land. Whilst national planning policy seeks to prioritise previously developed land over greenfield sites, it is not stated that sites such as this are unsuitable for development. Priority continues to be given to previously developed land for new housing, however windfall sites such as this can contribute significantly to meeting the housing needs of the city. Latest information shows a demand for two and three bedroom family type accommodation in the city and the proposal would go some way to help meeting that demand.

VISUAL IMPACT AND DESIGN

4.6 The proposed development fronts onto South Lane. The proposed houses are set close to the pavement on South Lane in order to allow the maximum level of separation from the rear of the houses to neighbouring gardens. It is considered that houses fronting directly onto streets is an effective way of making efficient use of land, in appropriate circumstances. The dwelling opposite the application site, known as Wren Cottage, is sited immediately adjacent to the highway. The proposal consists of two pairs of semi detached houses which softens the overall appearance of the proposed development by allowing glimpse views between and to the side of houses.

4.7 The proposed houses are of simple design. They are two storey in height with pitched roofs. The houses would be constructed of brick with a clay pantile roof. The houses would be 5.1m in height to the eaves and 8.1m to the ridge. Each house would have a central kitchen and bedroom window on the front elevation with the entrance being to the side of the property via a single storey porch. The simple design and modest proportions of the houses would not compete with the larger houses within Haxby Conservation Area to the north. No objections are raised by the Conservation Officer. A condition could be added to any approval to control materials to ensure the finished quality of the proposed houses was acceptable.

NEIGHBOUR AMENITY

4.8 The proposed development has resulted in a number of objections being received from local residents, with views expressed that the proposed development would result in a loss of light and privacy for some adjacent properties. The proposed houses would be located to the north of the remaining gardens of houses at 14 to 26 York Road. The nearest garden is at 14 York Road which is between

8.5m and 9.3m away. The proposed houses are north of this garden and therefore the impact on natural light is not likely to be significant. The houses would be 5.1m in height to the eaves and 8.1m to the ridge with each dwelling containing two first floor windows in its rear elevation. It is considered that as a result of the height and length of development the proposal would have a detrimental impact on the level of enjoyment of users of the garden. The garden would feel enclosed and dominated by the four houses. The garden area is long and narrow measuring approximately 25m by 5m. It is considered that the scale of the dwellings at such a short separation distance would have an unacceptable impact on the enjoyment of this garden area. In addition it is considered that with eight first storey windows within the rear elevation the proposal would result in an unacceptable loss of privacy within the garden of 14 York Road. Whilst a 2m high fence could be erected on the boundary to help maintain privacy, this in itself would have a detrimental impact by enclosing what is a narrow garden.

4.9 The side elevation of the proposed houses would be located to the rear of dwellings at 8, 10 and 12 York Road. The proposed dwellings would be separated from the curtilage of the houses on York Road by an access road and the proposed car parking spaces for the four houses. The main two storey element of 8, 10, and 12 York Road sits approximately 16m away from the nearest part of the proposed houses. It is considered that this is sufficient to maintain a reasonable level of outlook for these properties. The only window in the side elevation of the proposed dwellings serves a bathroom. This window could be obscure glazed to maintain privacy.

4.10 Wren Cottage sits on the opposite side of South Lane, approximately 9m to the north. This dwelling abuts the highway and contains four windows which look towards the application site. These four windows (based on the approved plans) serve a kitchen/dining room, a sitting room, and two bedrooms. These windows, along with the two windows in the side elevation, are the primary windows in the house in terms of providing outlook and light. It is considered that given the existing comings and goings along South Lane and the level of privacy which could reasonably be expected within a dwelling which fronts onto and has its primary windows onto the street, that the proposal does not unduly harm privacy through overlooking. However, given that Wren Cottage faces south towards the application site, has the majority of its primary windows in the front elevation with no primary windows to the rear, and the separation distance of just 9m, it is considered that the proposal would result in an unacceptable loss of light and outlook from this dwelling.

BIN/CYCLE STORAGE AND CAR PARKING

4.11 Each dwelling would have access to the rear garden without having to pass through the house. The two end houses have independent access to the side with the two houses in the middle having a shared access. This allows for bins and recycling boxes to be stored within the back garden and away from the public

domain. On refuse and recycling collection days the bins and boxes can be moved to the roadside. There is space between the front door of each dwelling and the roadside so that they can be stored for collection without blocking the free passage of pedestrians on the footpath. Each dwelling has an enclosed and secure cycle parking store within the rear garden.

4.12 Concerns have been raised by local residents regarding the lack of car parking associated with the proposed development and more widely within the local area. Whilst there may be a car parking issue in the area it is important to assess this application on its own merits. The proposal is for four 2-bedroom houses. The Council's maximum car parking standard is one car parking space per two bedroom house. Therefore the proposal complies with the Council's standards in terms of car parking numbers. The application site is within a sustainable location close to everyday facilities and services. In addition, future residents would have access to a regular bus service to York city centre. It is considered that the level of car parking proposed is adequate for the number and size of houses proposed in this location. There is on road car parking on South Lane for visitors. It is not considered that the proposal would have a significant impact on the level of on road car parking demand in the area.

DRAINAGE

4.13 The application site is within Flood Zone 1 as identified by the Environment Agency. Flood Zone 1 is the lowest category in terms of flood risk. Drainage information submitted with the application appears a little confused and the Structures and Drainage Team were not satisfied with the proposed surface water attenuation or runoff rate. However, it is considered that there is a technical solution which would ensure that the site drained sustainably. The proposed dwellings have reasonable sized rear gardens within which an underground storage tank could be located. Rain water would drain into the storage tank and would then be discharged at a controlled rate to reduce the risk of flooding in the area and further downstream. It is considered that should the application be approved a condition could be added to ensure that adequate surface water drainage works are installed

5.0 CONCLUSION

5.1 It is considered that the principle of development is acceptable. The site has a frontage onto South Lane and the former gardens have been redundant for over a year. The type of dwellings proposed are in line with current housing need in the city. It is considered that the car and cycle parking and bin storage arrangements are acceptable and in line with local planning policies.

5.2 The application site is constrained by its close relationship with neighbouring dwellings and gardens. It is considered that the size and scale of the proposed dwellings would result in harm to the enjoyment of the garden of 14 York Road. The

garden runs parallel to the proposed houses with a separation distance of between 8.5m and 9.3m. It is considered that the proposal would appear dominant and overbearing when viewed from this garden. In addition, 8 first storey windows would face towards this garden which would result in a loss of privacy through overlooking. For this reason, the application is recommended for refusal. The separation distance between the proposed dwellings and Wren Cottage and the size of development proposed would result in a loss of natural light and outlook for residents of this dwelling.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed development, by virtue of its size, height, and the number and position of windows within the rear elevation, would result in a loss of amenity for neighbouring residents. The garden of 14 York Road is long and narrow and the proposed dwellings run parallel to this with a separation distance of between 8.5m and 9.3m. It is considered that the proposal would appear dominant and overbearing when viewed from the garden of 14 South Lane and would result in a loss of privacy through overlooking from the eight first storey windows within the rear elevation of the proposed houses. In addition, the proposed dwellings would be sited to the south of Wren Cottage with a separation distance of approximately 9m. It is considered that the proposal would result in a loss of light and outlook from Wren Cottage, harming the level of amenity currently enjoyed. Therefore the application is considered contrary to Policies GP1(criterion i) and H4a of the Development Control Local Plan.

7.0 INFORMATIVES:

Contact details:

Author: Michael Jones Development Management Officer

Tel No: 01904 551339