

COMMITTEE REPORT

Committee: West/Centre Area

Ward: Rural West York

Date:

Parish: Askham Bryan Parish Council

Reference: 07/00663/FUL

Application at: Cherry Tree House 68 Main Street Askham Bryan York YO23 3QS

For: Erection of new detached dwelling after demolition of existing dwelling (re-submission)

By: Mr And Mrs R Urwin

Application Type: Full Application

Target Date: 17 May 2007

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a 7-bed detached dwelling to replace an existing 2-storey detached dwelling. The proposal includes the formation of a basement which includes a gym and study/library, a porch, boot room, gardener's room, wine cellar, glazed link service corridor, a tots room, playroom, entrance hall, music room, formal dining room, drawing room, sitting room, TV room, laundry, kitchen, study, and terraced area at ground floor level, as well as garaging for 4 vehicles. At first floor level it is proposed to create 7 bedrooms incorporating a master bedroom suite, guest room and nanny's apartment. Each bedroom is to have its own en-suite and the master bedroom is to include a first floor balcony. Within the roof space it is proposed to create a cinema room and attic playroom and store room

1.1.1 68 Main Street (Cherry Tree House) is an existing detached dwelling which is 14.80 m in length, 21.50 m if the detached garage is included x 5.20 m in width up to 15.20 m x 6.70 m in height to its ridge level (highest point). It is proposed to demolish this dwelling and erect the larger replacement.

1.1.2 The proposed site is located within the Askham Bryan Conservation Area. This irregular shaped site measures 0.62ha. Cherry Tree House (no.68 Main Street) is located adjacent Main Street but is set back from the road by approximately 70.00 m. There is an existing vehicular access (3.00 m wide) which serves Cherry Tree House. There are a number of mature trees which bound the site to the north and south elevations. The site falls away by approximately 2.00 - 2.50 m from front to the rear.

1.1.3 The proposed dwelling is a detached, two storey house with a pitched roof. The windows are to the front (south) and rear (north) elevations. The length of the proposed dwelling is approximately 23.00 m, the width 16.60 m to approximately 30.00 m is and approximately 8.20 m in height to ridge level. There appears to be a difference in ground level of approximately 2.00-2.50 m from the rear of the dwelling to the rear of the site.

1.1.4 A parallel application (07/00669/CAC) seeks Conservation Area Consent for the demolition of Cherry Tree House. These applications should be considered collectively as identified in PPG15 paragraph 4.27.

1.2 HISTORY

1.2.1 Planning permission (07/00241/FUL) for the erection of a replacement dwelling was previously withdrawn on 08.03.2007 due to advice received from the Council. Officers advised that the 'east wing' shouldn't result in loss of privacy to the occupier at No.66. The separation distance between the first floor of the existing dwelling and the back of No. 66 had been reduced in the previous scheme from 22.00 m to 20.00 m. Officers advised that this wasn't acceptable. The first floor element should be set further back (north elevation) so as not to further impact upon the amenity of no.66 than the existing situation. Whilst no prescriptive figure was given, it was confirmed that it should ensure the existing situation was preserved. The submitted scheme has therefore been amended to preserve the existing separation distance of 22.00 m. The ground floor element of the 'east wing' has been set further back than the existing built arrangement throughout both schemes.

1.3 COUNCILLOR REQUEST

1.3.1 This application is reported to sub committee at the request of Cllr Hopton.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Askham Bryan 0023

2.2 Policies:

CYGB2

Development in settlements "Washed Over" by the Green Belt

CYGP1

Design

CYHE3

Conservation Areas

CYHE5

Demolition of Listed Buildings and Buildings in Conservation Areas

CYH4

Housing devp in existing settlements

3.0 CONSULTATIONS

3.1 INTERNAL

- 3.1.1 Highway Network Management.
- 3.1.2 No Comment as of 09 May 2007
- 3.1.3 Urban Design and Conservation
- 3.1.4 The Council's Conservation Officer states that the applicant proposes to demolish the existing detached house. She states Cherry Tree House is situated on a large plot to the north of Main Street. The house is approached along a driveway adjacent to the boundary of the garden to no. 70 Main Street. The existing house is set back from Main Street and screened from the road by a number of mature trees. The house dates from the 1970's.
- 3.1.5 The Council's Conservation Officer considers that the principle of the development of a new house of a similar scale to the existing house and within the existing building footprint is generally acceptable. She further states that the design of the new house should take into account of the character and setting of the conservation area.
- 3.1.6 However she does note that the proposed house appears to have a larger scale and massing to the principal south elevation than the existing house. She further notes that the proposals include a garage wing close to the western boundary of the plot, with accommodation on the first floor. This wing protrudes forward of the principal elevation. It is likely that the development of the wing will be detrimental to the amenity of the roof light windows of the adjacent residential building to the rear of no. 70 Main Street.
- 3.1.7 Finally the Council's Conservation Officer considers that the proposed materials and finishes appear to be of a traditional character. She advises that the fenestration should be timber with a painted finish to take account of the setting of the building within the conservation area. She concludes by asking that samples of the natural slate roof finish and reclaimed or handmade bricks should be submitted for approval.
- 3.1.8 Environmental Protection Unit
- 3.1.9 The Council's EP unit advise the imposition of conditions relating to recommended hours for carrying out construction work, contaminated material and an informative relating to the carrying out of works on site.
- 3.1.10 Sustainability Officer
- 3.1.11 The officer comments that details of the application offer very little information relating to sustainable design and construction of the proposal and do not include a sustainability statement in accordance with policy GP4a of the Local Plan. The officer further states, that the limited information which is contained in the Design and Access Statement, however reference is made to 'the incorporation of environmentally friendly energy production methods' (page 1) and that 'The proposed dwelling would have no greater impact on issues of sustainability than the existing dwelling; although in some regards the dwelling

would be an improvement as it would incorporate a renewable energy system and energy efficient materials and building techniques' (last page). The officer notes that these statements are not supported by detailed information.

3.1.12 The officer further comments that, the demolition of an existing dwelling it's replacement with a larger sized but better laid out one on the same site is not sustainable in terms of its use of resources (building materials etc). However the new development will be subject to the 2006 Building Regulations so, if approved, the new property will be substantially more energy efficient than the existing. In the long term the carbon footprint of the new dwelling may be less than the existing (no figures are offered by the applicant). However the layout of the new dwelling does not offer the best use of natural light and heat with all of the main living areas being situated on the north elevation (although it is recognised that the orientation of the site does pose difficulties in this respect).

3.1.13 In light of the current Supplementary Planning Guidance (Sustainable Design & Construction) being a draft document (i.e. not adopted by the Council), the Council's Sustainability Officer considers it unreasonable to seek a sustainability statement, in this instance. However, she notes that the application does state that renewable energy and energy efficiency will be incorporated into the building.

3.1.14 She does note however that the current Building regulations do not include water conservation or space for recycling. She suggests additional details of these should be provided. Therefore she considers that conditions could be attached, if the application were approved, to enhance the sustainability of the scheme.

3.5 EXTERNAL

3.5.1 Askham Bryan Parish Council

3.5.2 The Parish Council raise no objections to the proposal.

3.5.3 2 site notices were posted regarding the proposed development and also notifying of development within the Conservation Area. Objections have been received from 2 separate persons regarding the impact of the development upon no. 66 Main Road. These comments relate to:-

- The garage would overlook the garden of no.66;
- Reduce sunlight to the rear garden of no.66;
- Loss of privacy due to overlooking from 3 rear windows;
- Reduce the quality of life of the occupant/s of no.66 during demolition and construction;
- Detrimentially affect the value of no.66's value;
- Increased noise levels would also reduce the quality of life of no.66;
- The occupant of no. 66 is ill and does not want more stress from this development; and

- The Conservation Area status should give some weight when reaching a decision against this application.

4.0 APPRAISAL

4.0 OFFICERS REPORT

4.1 The main considerations are:

- Principle of development;
- Impact on visual amenity of area; and
- Impact on residential amenity;

4.2 POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 Planning Policy Statement Note 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

4.2.3 Draft local plan policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.2.4 Draft local policy H4 includes that planning permission will be granted within defined settlement limits on land not already allocated on the Proposals Map where it involves infilling, redevelopment and it is of an appropriate scale and density to surrounding development.

4.2.5 Draft local plan policy HE3 states that development within conservation areas will only be permitted where there is no adverse effect on the character and appearance of the area.

- 4.2.6 Draft local plan policy HE5 states that demolition within conservation areas will only be permitted where the buildings do not positively contribute to the character or appearance of the conservation area.
- 4.2.7 Draft local plan policy GB2 'Development in Settlements "Washed Over" by the Green Belt' states that proposals for new buildings within Green Belt villages will be permitted providing they are located within the built up area of the settlement; the location, scale and design is appropriate to the form and character of the village and surrounding property; and, the proposal would constitute limited infilling and not prejudice the openness or purposes of the Green Belt.
- 4.2.8 Askham Bryan Village Design Statement - aims to guide and influence the design of development in a way that preserves and enhances the character and distinctiveness of Copmanthorpe. All developments should retain and enhance site features and should be carried out with great sensitivity, to respect its historic buildings and their settings.
- 4.2.9 Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt.

4.3 PRINCIPLE OF DEVELOPMENT

- 4.3.1 The site lies within the defined settlement boundary of Askham Bryan. The property, which is to be demolished, is also located within the Askham Bryan Conservation Area. The proposed residential use conforms with the immediate locale. The proposal involves the demolition of an existing dwelling and the erection of a larger replacement. As such, the scheme constitutes redevelopment and should be judged against local plan policies H4 and GB2.
- 4.3.2 Policy GB2 "Development in settlements 'washed over' by the Green Belt" it states that the proposed development should be located within the built up area of the settlement. It is considered that by the site's position within the settlement boundary is acceptable in policy terms. Policy GB2 further states that the location, scale and design of the proposed development should be appropriate to the form and character of the settlement and the neighbouring property. Policy GB2 states that the proposed development is acceptable if it constitutes limited infilling but should not prejudice the openness or the purposes of the Green Belt. Policy H4 reiterates points addressed in GB2.
- 4.3.3 This particular area of Askham Bryan is characterised by a variety of house sizes and designs. Whilst the proposed replacement dwelling is larger than the existing dwelling, it is considered to be of an appropriate scale. This is due to:-
- the size of the plot/site;
 - being set back from the highway;

- being well screened (meaning that the dwelling would only be partly visible from the highway); and
- the existing grain of development nearby.

4.3.4 The proposal therefore satisfies the requirements of policy GB2 and H4 of the Council's Local Plan. As a consequence the principle of development is acceptable. Whilst the principle of residential use is acceptable, the impact of the development on the visual amenity of the area and the amenity of adjacent residents need to be considered further.

4.4 IMPACT ON VISUAL AMENITY/ CHARACTER OF THE CONSERVATION AREA

4.4.1 The proposal is linked to the demolition of the existing house on the site. This is a substantial, modern property, which does not contribute to the character and appearance of the conservation area. Policy HE5 states that permission will only be granted for the demolition of dwellings within a conservation area if they do not positively contribute to the character and appearance of the area. The proposed replacement dwelling whilst not traditional in design would have a more neutral impact upon the conservation area. As such, it is considered that the development would not have a detrimental impact upon the character and amenity of the local environment. As a consequence the proposal satisfies policies HE5 of the Local Plan and policies GP1, H4 and HE3.

4.5 IMPACT ON RESIDENTIAL AMENITY

4.5.1 One of the principal concerns with regard to the application is the impact the proposal would have upon neighbouring residents, in particular the resident of 66 Main Street.

4.5.2 It is recognised that the proposed dwelling, if built, would give rise to some late evening overshadowing over part of the large garden of no.66. Indeed the occupant of no.66 states that the proposal will cause significant loss of light. However, it is considered that this proposal will have no additional detrimental impact when compared to the existing situation.

4.5.3 Concerns were also raised by the occupant of no.66 regarding the separation distance between habitable room windows and loss of privacy. The proposed first floor windows would have a distance of approximately 22.00 m between the rear bedroom window of 66 Main Street and the proposed dwelling, this is the same separation distance as the existing relationship. It is therefore considered that this relationship would not be significant enough to warrant refusal on these grounds.

4.5.4 To the West side there is a blank wall, which would not be affected as a result of this application. There are two roof lights, which may be overshadowed as a result of the application, however these roof lights are secondary light sources and not considered to significantly harm the amenity of adjoining occupiers to the west (no.70).

- 4.5.5 With regard to noise and disturbance, this may be mitigated through conditions recommended by the Environmental Protection Unit.
- 4.5.6 As such, the proposed development will not unacceptably reduce the amenities currently enjoyed by the adjacent properties and in particular no.66 Main Street. As a consequence the proposal satisfies policies GP1 and H4 of the Local Plan.

5.0 CONCLUSION

- 5.1 It is considered that the development is acceptable in principle. The proposed dwelling's design and materials together with the demolition of the existing unsympathetic house will have a neutral effect upon the Askham Bryan Conservation Area and it will not have any significant detrimental impact on the amenity currently enjoyed by adjacent residents, subject to relevant conditions being implemented. .
- 5.2 As a consequence the proposed detached two storey replacement dwelling is considered to acceptable and is recommended for approval as it satisfies local plan policies GB2, GP1, HE3, HE5 and H4 of the City of York Development Control Draft Local Plan, Policy E8 of the North Yorkshire County Structure Plan and the Askham Bryan Village Design Statement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2
- 2 VISQ8
- 3 HWAY9
- 4 HWAY19
- 5 HWAY32
- 6 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturday and no work at all shall be carried out at Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during construction of the development from noise.
- 7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A-E; of

Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents 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 1995.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order re-enacting that order with or without modification), no new window openings shall be created in the north, east or west elevations of the proposed dwelling other than those shown on the submitted plan.

Reason: To protect the privacy of neighbours.

- 9 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

- (1) AB4 - Ground Floor General Layout;
- (2) RP2 - Attic Floor Plan;
- (3) FF2 - First Floor General Layout;
- (4) Section CC;
- (5) Section BB;
- (6) East Elevation;
- (7) Garden (north) Front;
- (8) Front (south) Elevation; and
- (9) West Side Elevation.

All plans date stamped 22/03/07

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

- 10 Prior to the commencement of the hereby approved development, written details of the renewable energy systems, energy efficient materials and building techniques to be incorporated in the proposal, as suggested by the Design and Access Statement, should be submitted to the Local Planning Authority. Development should not commence until written approval has been received by the Local Planning Authority.
- 11 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.10 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the

existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

7.0 INFORMATIVES: Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the locality, highway safety. As such, the proposal complies with policies GB2, GP1, HE3, HE5 and H4 of the City of York Development Control Draft Local Plan, Policy E8 of the North Yorkshire County Structure Plan, the Askham Bryan Village Design Statement, national planning guidance contained in Planning Policy Statement 1 " Delivering Sustainable Development ", Planning Policy Statement 3 " Housing" and Planning Policy Guidance Note 2 "Green Belts".
2. You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

The developer's attention should be 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 attached to any planning approval:

- (a) 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".
- (b) 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.
- (c) 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.
- (d) 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.

- (e) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
 - (f) There shall be no bonfires on the site.
3. The following details regarding water efficiency measures should be included within the hereby approved dwelling. Measures should include:
- Dual flush WCs (4/6) litre
 - Showers with nominal flow rates less than 9 litres/minute
 - Flow restricted spray taps
 - Water meter installed
 - Water butt installed
 - Consideration of the use of rainwater harvesting.
4. To assist occupiers to recycle, further details should be included within the development to promote re-cycling. Such measures should include:-
- Adequate provision for the storage of 2 180 litre wheeled bins, recycling box and two bags.
 - Provision of a compost bin with instructions.

Contact details:

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