

## COMMITTEE REPORT

**Date:** 6 June 2019                      **Ward:** Rural West York  
**Team:** Major and                      **Parish:** Nether Poppleton Parish  
                Commercial Team                      Council

**Reference:** 19/00472/FUL  
**Application at:** 8 Sandyridge Nether Poppleton York YO26 6LU  
**For:** Variation of condition 2 of permitted application 18/00541/FUL  
(erection of dormer bungalow in rear garden) to alter design  
and external appearance of approved dormer bungalow  
**By:** Mr M Bryan  
**Application Type:** Full Application  
**Target Date:** 10 June 2019  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.2 Planning permission was granted on 11 July 2018 for the erection of a dormer bungalow within the garden of 8 Sandyridge (18/00541/FUL). The current application seeks to vary condition 2 (approved drawings) to allow for the purchaser of the site to alter the design and external appearance of the dwelling.

1.2 As approved the dormer bungalow formed a linear dwelling incorporating cat slide dormers to the front elevation and a small forward projecting gable element. The revised scheme proposes a dwelling of the same length but incorporating a larger forward projection. Modern zinc clad dormers would run flush with the elevations, incorporating one to the front and two to the rear. Minor alterations are also proposed to the access to the site.

1.4 The application has been called to committee by former Cllr Steward on the grounds of overdevelopment of the site and transport issues.

### 2.0 POLICY CONTEXT

2.1 Policies:

Upper Poppleton and Nether Poppleton Neighbourhood Plan

PNP4        Village Design Statement  
PNP6A      Development with Upper Poppleton and Nether Poppleton  
PNP 11      Climate Change and Renewable Energy

Draft Plan 2018

D1 Placemaking  
ENV5 Sustainable drainage

### Deposit Draft Local Plan 2005

GP1 Design  
GP4a Sustainability

## **3.0 CONSULTATIONS**

### INTERNAL

#### Flood Risk Management Team

3.1 No objections to the development in principle but in line with our Sustainable Drainage Systems Guidance for Developers (August 2018) a 30% climate change allowance should be imposed across all storms and not the 20% used in the Drainage Report.

#### Highway Network Management

3.2 No objections

### EXTERNAL

#### Nether Poppleton Parish Council

3.3 Object to the application as the scheme conflicts with Policy PNP6 due to:

- Loss of amenity to neighbouring residents
- Lack of garden and amenity space
- Inadequate parking and access
- Inaccessible for fire engines
- Does not accord with the Village Design Statement
- Potential loss of adjacent Copper Beech Tree
- The property will be visible from the rear rooms of 5 Easthorpe Drive

#### Neighbours and Publicity

3.4 Four objections received on the following grounds:

- Concerns over the proposed access and its junction with Sandyridge
- Potential vehicular conflict with vehicles reversing
- Potential loss of trees to the boundary which add to the character of the area

## 4.0 APPRAISAL

### Key Issues

- Design
- Impact upon Amenity
- Highway Implications

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The Upper Poppleton and Nether Poppleton Neighbourhood Plan (Poppleton Plan), which came into effect from 19 July 2017 is the relevant adopted plan.

### Upper Poppleton and Nether Poppleton Neighbourhood Plan (Poppleton Plan)

4.2 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.

4.3 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.

4.4 Climate Change and Renewable Energy Policy PNP 11 states that new developments that exceed the Building Regulations with regard to energy conservation and use of renewable energy technology will be particularly supported. Developers may also wish to consider harvesting of rain water and storm run-off, grey water recycling, porous surface provision wherever appropriate, solar photo voltaics for energy capture and high standard insulation of floors, walls, and roofs to reduce energy consumption.

### Poppleton Village Design Statement

4.5 Poppleton Village Design Statement states inter alia that proper assessment of the character of the surrounding environment should be taken into account when development is proposed and that the size and massing of extensions should harmonise with neighbouring properties and spaces; contemporary design should complement and be in sympathy with existing building character and that adequate car parking spaces should be provided within the curtilage of the property to avoid on-street parking.

#### National Planning Policy Framework, February 2019 (NPPF)

4.6 Paragraph 7 of the National Planning Policy Framework states that planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as supporting the delivery of homes, seeking high quality design and a good standard of amenity for all existing and future occupants, taking full account of flood risk, encouraging the effective use of land, and conserving heritage assets in a manner appropriate to their significance.

4.7 Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking, this means approving development proposals that accord with the development plan without delay.

4.8 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

4.9 Section 10 of the NPPF requires local planning authorities, when determining planning applications, to ensure flood risk is not increased elsewhere as a result of the development.

## Draft Local Plan 2018

4.10 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 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 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).

4.11 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The following policies are relevant to consideration of this application:

- Policy D1 'Placemaking'. This policy supports development proposals where they improve poor existing urban and natural environments; enhance York's special qualities and better reveal the significances of the historic environment. Detailed design issues should be addressed by development proposals
- Policy ENV5 'Sustainable drainage'. This policy includes detailed drainage requirements for site drainage and a preference for SUDS.

### The Development Control Local Plan (incorporating the fourth set of changes) (approved April 2005) (DCLP).

4.12 This plan is not adopted policy but has been approved for development management purposes. Policies in the DCLP carry very little weight but are capable of being material considerations in the determination of planning applications where these are consistent with those in the NPPF. The following policies from the DCLP are considered relevant:

- Policy GP1: "Design" is a criteria based policy that seeks high levels of design.
- Policy GP4a: "Sustainability" requires development to have regard to the principles of sustainable development.
- Policy T4: Requires new developments to provide cycle parking in accordance with Council standards.

## SITE

4.13 The application site forms the existing large side garden area which was associated with the detached dwelling of Folly House. The application site lies to the end of a short cul-de-sac and is accessed via a private drive. The parcel of land wraps behind the rear elevation of the neighbouring property at Encombe and lies immediately to the rear of properties facing onto Millfield Lane and Long Ridge Lane.

4.14 Planning permission has been granted for a dwelling in this location. This application seeks amendments to the attached conditions to allow for alterations to the design, scale and access. The existing approved scheme is still capable of being implemented and the principle of erecting a dwelling on site has been set.

## AMENDMENTS TO THE DESIGN

4.15 A core principle in the NPPF states that planning should proactively deliver homes and thriving local places that the country needs. This is re-affirmed in chapter 6 of the NPPF which relates to the delivery of a wide choice of high quality homes.

4.16 The site is not located within the York Green Belt, nor is it sited in, or within the setting of a heritage asset. The development plan for the purposes of s.38 of the Act is the Poppleton Neighbourhood Plan. Policy PNP6A is particularly relevant. It supports in principle the construction of a single dwelling within the curtilage of a domestic property subject to the criteria outline in section 4.3.

4.17 Section 7 of the NPPF emphasises the importance of good design, and states that it is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 60 also makes reference to promoting or reinforcing local distinctiveness.

4.18 The 18/00541/FUL approval granted permission for a three bedroom dormer bungalow. The dwelling incorporated three cat slide dormer windows to the front elevation and a small forward projecting gable element. It incorporated two attached garages with a lower lying ridge height to the main portion of the dwelling in order to achieve a visual break. Access was via a drive which was partially shared with 8 Sandyridge before splitting into a separate drive ways.

4.19 The current scheme seeks revisions to create a more contemporary designed dwelling. The property would still be a dormer bungalow but as opposed to the pitched cat slide roofs three zinc clad flat roof dormers are proposed, one to the front and two to the rear. These would be built off the front and rear elevations as opposed to being inset above the eaves as previously approved. Ground floor windows and access points have also been reconfigured due to amendments to the internal layout.

4.20 In terms of external appearance the amendments appear acceptable. The area is characterised by a variety of differently designed dwellings. Long Ridge Lane and

Millfield Lane comprise mainly bungalows, some with dormer windows, whilst Sandyridge comprises detached two storey dwellings. The majority of nearby dwellings are traditional in appearance. The application site is set well back from the highway with very limited views into the site from public vantage points. The modern dormer windows would not be readily visible from outside of the site and would not appear intrusive or out of place within its setting.

## SCALE

4.21 As approved the dormer bungalow had an overall length of 23m and a depth of 7.8m. The revised scheme indicates a similar length but a depth of only 6.5m. However, the revised scheme now proposes a 7.4m long forward projection which would result in an increased footprint of 40 metres squared. The overall height of the proposed dwelling would be approximately 300mm lower than the approved scheme but the eaves would be 500mm higher. Due to the addition of the front element the dwelling needs to be pushed 2.7m further back into the site. However, this still retains a rear garden some 6m deep by 26m wide and a now enlarged front garden area.

4.22 The proposed scheme would fill the width of the site but this is no different from the previously approved scheme or from existing dwellings facing onto Longridge Lane. The addition of the front element adds to the massing of the development but it does not appear to be overly large within the context of the site. Adequate amenity space is still provided around the dwelling for the occupiers. The dwellings to the south east of Sandyridge are located in larger plots than those lying opposite. The wider residential area is relatively high suburban density and as such it is not considered that the proposed revised massing of the dwelling would have a detrimental impact upon the character of the area or the grain of development.

## IMPACT OF DEVELOPMENT OF AMENITIES OF EXISTING DWELLING AND NEIGHBOURING OCCUPIERS.

4.23 The revisions indicate dormer windows to the rear elevation where previously none were proposed. However, there would be no loss of amenity for neighbouring residents. A strip of land 14m deep lies immediately to the rear of the application site. This parcel of land forms part of the garden of 5 Easthorpe Drive. The dormer windows would overlook this land but it lies approximately 30m from the rear elevation of the house itself. When assessing loss of amenity due to overlooking, it is considered that the area immediately to the rear of dwellings is the area most often utilised by residents for sitting out and entertaining and is afforded more protection from overlooking. As such loss of privacy to an area of land over 30m away from the rear elevation is afforded less weight, as is the situation in this instance.

4.24 The dwellings to the rear of this strip of land, facing Millfield Lane lie over 30m away and as such no issues of loss of privacy arise. Likewise properties to the south east facing Longridge Lane lie approximately 28m away. One high level ground floor

window is now proposed to this elevation but no issues are raised due to the elevated position of the opening. A bedroom window is proposed to the gable end facing the adjacent neighbour at Encombe but again this is some distance away from the private amenity space and any views are blocked by a high mature Leylandi hedge. Only first floor roof lights are proposed facing onto Folly House

## HIGHWAY CONSIDERATIONS

4.25 Policy PNP 6A of the Neighbourhood Plan supports the construction of a single dwelling within the curtilage of an existing dwelling subject to criteria that includes a requirement for 'appropriate levels of parking and vehicular access to the City of York Council standards'

4.26 Whilst the majority of the drive is only 2.5m in width there is scope for vehicles to stop at the entrance and exit of the site for vehicles to pass each other. Adequate turning is provided for both properties and two car parking spaces are proposed for each dwelling. Cycle parking can be provided within the garages

4.27 Concerns have been expressed that the vehicular access would result in conflict with vehicles existing or accessing adjacent driveways. Whilst the access would be close to that of Folly House and Encombe vehicular movements would be at low speeds, particularly as the site is served off a cul-de-sac, and the relationship between drives is not uncommon. Furthermore, due to the proposed drive length vehicles will be likely to be exiting the site in a forward gear giving improved visibility.

## DRAINAGE

4.28 A detailed drainage strategy has been submitted for the site which indicates 20% climate change allowances as opposed to the 30% requested by the Council. As such the condition attached to the original permission still applies.

## 5.0 CONCLUSION

5.1 It is considered that the proposed amendments to the design, siting and scale would not have any detrimental impact upon the amenities of neighbouring residents or the character of the area. Amendments to the vehicular access would not result in vehicular conflict at the junction with sandyridge. The application therefore accords with the NPPF, Upper Poppleton and Nether Poppleton Neighbourhood Plan, Policy D1 and T1 of Draft Plan 2018 and policies GP1 and GP4A of The Deposit Draft Local Plan 2005.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve



1 The development shall be begun not later than the 11th July 2021

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Drawing numbers:

MB-18-009 Rev P2 Proposed Site Plan Roof Plan

MB-18-010 Rev P4 Proposed Site Plan Level 00

MB-18-00-011 Rev P4 Proposed GA Floor Plan Level 00

MB-18-012 Rev P4 Proposed GA Floor Plan Level 01

MB-18-13 Rev P4 Proposed Elevations Level 01

MB-18-014 Rev P4 Proposed Elevations South-East and North-West

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

3 VISQ8 Samples of exterior materials to be app

4 HWAY19 Car and cycle parking laid out

5 VISQ4 Boundary details to be supplied

6 Prior to occupation, the garage space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable.

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy.

#### Notes

- Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request.
- All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

7 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.

8 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.

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 City of York Council's Strategic Flood Risk Assessment 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 20% 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 a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above. For smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

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.

## **7.0 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 attached appropriate conditions in order to achieve a positive outcome.

#### **Contact details:**

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