

COMMITTEE REPORT

Committee: West and City Centre **Ward:** Rural West York
Date: 3 October 2006 **Parish:** Copmanthorpe Parish
Council

Reference: 06/01772/OUT
Application at: 19 Horseman Avenue Copmanthorpe York YO23 3UF
For: Outline application for erection of single dwelling (resubmission)
By: Holgate Bridge Homes Ltd
Application Type: Outline Application
Target Date: 3 October 2006

1.0 PROPOSAL

1.1 Outline planning permission is sought for the erection of a 4-bed detached dwelling to the rear of 19 Horseman Avenue. The proposal also includes the formation of 2 no. car-parking spaces to the side of the proposed dwelling. Access to the proposed development is shown via an existing access way from Horseman Avenue, which is presently used by no.19. Turning space for both the existing and proposed property is to be shared as part of the paved yard area.

1.2 The proposed site is located within the rear garden of 19 Horseman Avenue. This rectangular shaped site measures 0.08ha. 19 Horseman Avenue is located at the end of a cul-de-sac. There is an existing vehicular access (3.00 m wide) which serves no.19. There are a number of mature trees which bound the site to the north and east elevations. The trees situated adjacent no.19's rear boundary to the east are protected by a tree preservation order. The site has a pronounced slope. The site falls away by approximately 2.00 - 2.50 m from the front to the rear.

1.3 The proposed dwelling is a detached, two storey house with a pitched roof. The windows are to the front (west) side (north) and rear (east) elevations. The length of the proposed dwelling is 14.80 m, the width is 8.80 m and the highest point of is 7.60 m above ground level. As the dwelling is a split level design there are 2 separate ridge heights. Both are approximately 7.20 m - 7.40 m above their respective ground levels. There appears to be a difference in ground floor levels of approximately 2.00-2.50 m from the front of the dwelling (adjacent Horseman Avenue) to the rear of the proposed dwelling adjacent 'The Stable' and 'East Wing House'. It appears that the proposed dwelling, if built, would be 700 mm at its highest point and 1.10 m at the lower ridge level below that of the existing bungalow to the front elevation (19 Horseman Avenue).

1.4 19 Horseman Avenue is an existing semi-detached bungalow which is 10.40 m in length x 8.70 m in width x 6.90 m in height to its ridge level (highest point). It is proposed to erect the new dwelling approximately 6.00 m away from the nearest point (northeast corner) of no.19.

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

1.6 HISTORY: Outline planning permission (05/02325/OUT) for the erection of a single dwelling was previously refused on 11.01.2006, for the following reasons:-

(a) The proposed dwelling, garage and associated works, by virtue of the small size of the plot and the close proximity to existing dwellings, would appear as a cramped overdevelopment of the site. The proposal would detract from the appearance and character of the area and as such is contrary to Policies GP1, GP10 and H4A of the City of York Local Plan Deposit Draft and guidance contained within the Copmanthorpe Village Design Statement;

(b) The proposal by virtue of the close proximity of the proposed dwelling and the proposed route of the shared access drive to no.19 Horseman Avenue would severely harm the residential amenity of the occupiers of that property by reason of overlooking, general noise and disturbance and loss of garden area. As such the proposal is contrary to Policies GP1, GP10 and H4A of the City of York Local Plan Deposit Draft and the guidance contained within the Copmanthorpe Village Design Statement;

(c) In the opinion of the Local Planning Authority the occupiers of the proposed dwelling would not enjoy a level of residential amenity that they would reasonably expect by virtue of the overshadowing of the proposed garden and east and south facing windows by surrounding trees and by virtue of overlooking from the windows and garden areas of no.19 Horseman Avenue which is situated at a higher ground level than the proposed dwelling. As such the proposal is contrary to Policies GP1, GP10 and H4A of the City of York Local Plan Deposit Draft and the guidance contained within the Copmanthorpe Village Design Statement.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Copmanthorpe Primary 0190

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYH4A

Housing Windfalls

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Highway Network Management.

Advise the imposition of condition requiring full details regarding access, parking and turning arrangements and cycle storage facilities to be submitted and approved by the LPA prior to development commencing and also standard highway condition relating to details to be submitted regarding vehicular areas surfaced.

3.3 Urban Design and Conservation

No observations received.

3.4 Environmental Protection 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.

3.5 EXTERNAL.

3.6 Copmanthorpe Parish Council object on the following grounds:-

- (i) The submission does not address the loss of open space between Horseman Avenue and Orchard Garth. One CYC's original reason for refusal (11/01/06) refers to the small size of the plot and the cramped overdevelopment of the site which this proposal would produce if allowed to proceed;
- (ii) The inadequate access remains the same;
- (iii) Precedent;
- (iv) The P.C. further comment that 'in short we see little change in this resubmission and would urge refusal a second time'.

3.7 Objections have been received from 11 neighbouring households. These comments relate to:-

- (a) Out of character - The proposed dwelling is a cramped over-development of the site and would detract from the appearance and character of the area. It is also not in proportion with neighbouring properties or the density of the area.
- (b) Loss of natural screening and impact upon wildlife and trees- The proposal would have a detrimental impact upon wildlife, trees and plants and might necessitate future works to trees to allow for adequate amenity. Trees at the rear of the site are covered by a tree preservation order.
- (c) Traffic nuisance - An increase in vehicular traffic would cause an increased danger to pedestrians and road traffic and complicate manoeuvring for the existing residents of Horseman Avenue and also complicate access for emergency vehicles.
- (d) Amenity:-

- (i) The proposed shared access would pass within just over 1.00 m from the conservatory on no.18 causing noise nuisance to the occupiers of the property;
- (ii) The proposal would diminish the existing level of privacy to no.18 and no.20 Horseman Avenue, East Wing House, 7 Orchard Garth ('The Stables') and adjacent dwellings in Faber Close (the separation distance between properties on Faber Close is less than 21.00m).
- (e) Drainage - The local drainage system has a problem with capacity. Further development will only exacerbate this problem.
- (f) Flooding - The proposal would increase the risk of flooding due to the high water table and increase of hardstanding area.
- (g) Design statement - does not satisfy the requirements of the Copmanthorpe Village Design Statement.

4.0 APPRAISAL

4.0 OFFICERS REPORT

4.1 The main considerations are:

- Principle of development;
- Impact on visual amenity of area;
- Impact on residential amenity;
- Affect on highway safety;
- Protected trees;
- Open space and education; and
- Drainage

4.2 POLICY

4.3 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.

4.4 Planning Policy Guidance Note 3 - 'Housing' (PPG3) 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. PPG3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

4.5 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.

4.6 H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.7 GP10 -Subdivision of Gardens and Infill Development: encourages the protection of wildlife and setting, suggesting that existing landscape features are incorporated into the scheme or compensated for elsewhere should their removal be required.

4.8 Policy L1c requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

4.9 Copmanthorpe 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.

4.10 PRINCIPLE OF DEVELOPMENT: The site lies within the defined settlement boundary of Copmanthorpe. There are no other relevant statutory constraints i.e. Conservation Area, etc. The proposed residential use conforms with the immediate locale. As a consequence, the proposed development of the land for residential use is acceptable in principle as it is compatible with the surrounding land uses. Whilst the principle of residential use is acceptable, the impact of the development on the visual amenity of the area, the amenity of adjacent residents and the safety of the highway network need to be considered.

4.11 IMPACT ON VISUAL AMENITY OF AREA: The existing property is a semi detached single storey family dwelling with a relatively large rear garden. A similar planning application 05/02325/OUT was refused in 2005. The refused application proposed that a new dwelling be erected directly behind no.19, within the rear garden area of the existing dwelling. The associated sub division of the garden would have resulted in the existing and proposed dwelling being left with only a relatively small garden area, which would have severely reduced the amenity enjoyed by current/future occupiers and resulted in a cramped form of development.

4.12 This current application has attempted to address the original reasons for refusal in terms of protecting the level of amenity for the existing and proposed dwelling, protecting character and appearance of the area and also not affecting adjacent neighbours amenity.

4.13 The application site is reasonably well screened from Horseman Avenue as it set within the rear garden of no.19. Due to the topography of the site the proposed dwelling would not protrude above the ridge line of the existing dwelling (no.19). There may however be some limited views available when approaching the no.19 and from certain points within the cul-de-sac. Also the proposed dwelling could be

seen from the rear outlook of properties in Orchard Garth, namely 'The Stables' 'East Wing House' and 'The Manor'. This would be particularly noticeable during autumn/winter when the deciduous trees screening the development have shed their leaves. There may be also some very limited views from dwellings in Faber Close. Finally a public footpath runs along the east boundary of the site which would afford views of the site in certain places.

4.14 Whilst the proposal is not considered to be an overdevelopment of the plot due to the siting of the new dwelling giving adequate levels of garden space for both the proposed and existing dwelling, it is considered that the development is out of character with the area. Relatively large rear gardens and informal green spaces are an attractive and characteristic feature of the immediate locality. The introduction of such a large house - as "backland development" - would not be in character with the general pattern of development in the street and could be considered detrimental to this sense of informal green space and the characteristic spaciousness and result in a layout and design at odds with and unrelated to the surrounding built form.

4.15 **IMPACT ON RESIDENTIAL AMENITY:** The relationship between the proposed dwelling and adjacent dwellings is considered to be problematical, inasmuch as it would most likely have a detrimental impact upon their amenity. Whilst there appears to be an adequate separation distance (approximately 36.00 m) between the proposed dwelling and the existing 3 dwellings to the rear (Orchard Garth), this cannot be considered the same for properties in Faber Close. The separation distance between these dwellings ranges from approximately 13.00 - 15.00m. Whilst it is acknowledged that there is a row of conifer trees and shrubbery (approximately 4.00m in height) which divide these properties from the proposed dwelling, it is considered that such a scheme may still appear incongruous and overbearing to the occupants of these dwellings. Furthermore the proposed dwelling could have a detrimental impact upon their rear gardens (only private amenity space) due to shading and loss of light, privacy and aspect. It should also be noted that these trees are not protected and could be removed by the applicant should the development be approved.

4.16 Due to the difference in land levels it is difficult to calculate the precise impact the proposal may have upon the amenity of the adjacent neighbours. However it is considered that the proposal would have a detrimental impact upon 19 Horseman Avenue. As a consequence the introduction of a substantial property within the rear garden of no.19 would create an awkward juxtaposition between each dwelling's living arrangements in terms of privacy and overlooking. It is however acknowledged that there are no significant window openings in the elevation of the proposed dwelling adjacent no.20.

4.17 It is possible (or even likely) that the proximity of the proposed house would lead to future pressures to carry out pruning or felling works to these trees. Whilst the trees to the south area formally protected, no such protection it is afforded to the belt of conifers to the east. If the height of these trees are lowered it would exacerbate the detrimental impact of the proposed dwelling upon adjacent neighbours in Faber Close.

4.18 The application includes the alteration of the internal layout of no.19 so as to mitigate the impact of the proposed dwelling upon the amenity of existing/future residents. It has been highlighted by a neighbour that this element of the application should not be given any weight. This is because such an alteration could not be controlled or reasonably enforced against, should approval be granted and the applicant either does not wish to alter the internal layout or chooses to change back to the original layout at a future date.

4.19 PROTECTED TREES: The proposed dwelling is 2 storeys in height with 4 bedrooms at first floor level. The siting of the dwelling is to the northeast side of the proposed plot which gives the maximum distance from the protected trees to the south. The main windows would be sited in the gable elevations and eastern elevation. The house would be part overshadowed by the both the protected trees and the row of conifers/shrubbery to the east for at least part of the day. Similarly, a significant part of the proposed garden will be overshadowed for much of the year.

4.20 HIGHWAYS: No highway objection has been raised regarding the access arrangements. However it is suggested a condition requiring full details regarding access, parking and turning arrangements and cycle storage facilities should be submitted and approved by the LPA prior to development commencing and also standard highway condition relating to details to be submitted regarding vehicular areas surfaced.

4.21 OPEN SPACE: Under Policy L1c there would be an open space provision requirement for this site. If the scheme were acceptable in all other respects the provision of open space could be dealt with by condition.

4.22 DRAINAGE: Foul water drainage to public sewers can be provided. Responses from neighbours indicate that there may be some difficulties in surface water drainage and the proposals would result in an increase in impermeable area and hence increased run-off. There is no evidence to suggest that suitable soakaways and permeable hard standings could not be designed to provide a sustainable drainage solution. Details of the surface water drainage works could be secured to be approved before development commences through imposition of appropriate conditions.

5.0 CONCLUSION

5.0 The proposed building would, if built, appear as an incongruous, and awkward addition that would create a cramped form of development within the area. It would therefore have a harmful effect on the character and amenity of the local environment and adjacent neighbours.

5.1 As a consequence the proposed detached two storey dwelling is considered to be unacceptable and is recommended for refusal, contrary to GP1, GP10, H4a and L1c of the City of York Development Control Draft Local Plan, Policy E4 of the North Yorkshire County Structure Plan and the Copmanthorpe Village Design Statement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The proposed development would have a harmful effect upon the character and visual amenity of the local environment due to its scale, design and siting. The proposed dwelling would appear incongruous and out of scale and proportion with the adjacent bungalows in Horseman Avenue. Also due to the siting of the proposed dwelling it would create a contrived and awkward living arrangement between the existing dwelling (no.19) and adjacent neighbours. As a consequence the proposal is contrary to Policies GP1, GP10, H4a and L1c of the City of York Local Plan Deposit Draft and the guidance contained within the Copmanthorpe Village Design Statement.

- 2 Such a scheme would create a harmful deterioration in the residential amenity of the occupiers of the existing adjacent dwellings due to creating an un-neighbourly and overbearing feature which would also have an adverse effect upon the levels of light to their rear private gardens. As a consequence the proposal is considered contrary to design guidance in PPS1 (Delivering Sustainable Development) and to policies GP1, GP10, H4a, L1c of the emerging City of York Draft Local Plan (incorporating the 4th set of changes) approved April 2005 and the Copmanthorpe Village Design Statement.

7.0 INFORMATIVES:

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