

COMMITTEE REPORT

Committee:

Ward: Heworth Without

Date: 13 October 2011

Reference: 11/01467/FUL

Application at: Stray Garth Community Home 7 - 9 Stray Garth York YO31 1EL

For: Change of use to dwelling with granny annexe, erection of two storey front extensions, two rear dormers and alterations to rear to create roof terrace (resubmission)

By: Mr AP and Mrs PM Smith

Application Type: Full Application

Target Date: 15 September 2011

Recommendation: Approve

1.0 PROPOSAL

1.1 The application site lies to the south of Elm Moor Lake off Stray Garth in Heworth. The building was last used as a residential care unit comprising of 11 bedrooms and associated facilities. The property became surplus to requirements to the North Yorkshire and York Primary Care Trust in 2006 and was put on the open market for sale. The property has been vacant since 2006.

1.2 Planning permission was granted earlier in 2011 (ref. no. 10/02838/FUL) to convert the former residential institution (use class C2) into a residential dwelling comprising 4 bedrooms with 2 bed granny annexe (use class C3). The conversion included the creation of a roof terrace at the rear of the property. Work has started on this conversion work with the applicants hoping to move into the dwellinghouse in the near future. The applicants now wish to make some further physical alterations to the building, hence this new planning application. The extensions consist of the insertion of one roof light and two dormer windows within the rear elevation, one serving a bedroom in the roof space of the main house and one to create a bedroom in the roof space of the granny annexe. Further alterations shown on the submitted plans consist of a two storey front extension, reducing the width of two windows and bricking up one window on the front elevation, and replacing a window with a Juliet balcony at the rear.

1.3 Internally, the submitted plans show that the granny annexe would contain 2 bedrooms as approved within application 10/02838/FUL. The bedrooms would be larger than previously approved and it is understood that this accommodation is to be used by the mother and father of the applicants. The submitted plans show that the number of bedrooms within the house would be reduced from four as previously

approved to three, with more generous sized rooms and a first floor gallery area accounting for the reduction in the number of bedrooms.

1.4 The application has been brought before Planning Committee for determination at the request of Cllr. Ayre, in order to assess the impact the proposals would have on neighbouring amenity. A site visit is recommended to assist in this assessment.

1.5 Officers have recently been informed that work has commenced on site to install the dormer windows. The applicants have explained that the reason for starting work was that they need to make the property watertight before winter and that one of the recommendations of the bat survey was that no work to the roof should take place after 31st October. There has also been an issue at the site with tools being stolen from the property and the applicants are keen to occupy the house to avoid further potential thefts. The applicants have been made aware that any works that are carried out prior to a decision being made are entirely at their own risk.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYNE6
Species protected by law

CYNE7
Habitat protection and creation

CYH4A
Housing Windfalls

CYC3
Change of use of community facilities

CYH7
Residential extensions

3.0 CONSULTATIONS

INTERNAL

3.1 Ecology - The above scheme is for the renovation of the former care home involving extensive internal and external alterations such as re-roofing, new dormers and a large two storey front extension, and follows a change of use consent granted earlier this year (Ref: 10/02838/FUL). Following on from these earlier applications, further bat survey work has been carried out including additional internal and external inspections of the building and a number of evening emergence surveys. The latest survey report submitted as part of this application (July 2011) outlines these results and concludes that the building is no longer used as a bat roost. Earlier surveys (2007) had identified a small roost within the soffit box/eaves due to the presence of bat droppings on a window sill, although following further inspections, three emergence surveys and two endoscope surveys of this area, this was found to be no longer occupied.

There is an acceptance of the findings of the survey and the recommendations set out within the document. The level of survey work and the survey methodology is acceptable and no EPS licence would be required for this work. Based on the likely size and status of the roost which had been present within the building in the past, it is also not considered that the loss of this roosting space is likely to have a significant impact on the local bat population, provided that adequate mitigation is in place. A suggested method statement has been outlined within section 6 of the survey report, and this should be followed during all stages of the work and all contractors involved should be made aware of these issues. Also included within this section, are proposals for new roost creation within the building including the reinstatement of the original roosting space, leaving small gaps between the walls and eaves allowing access into an enclosed space within the soffits. Bat tiles are also to be installed during the roofing work which would provide additional roosting opportunities either in between the tile and the roofing felt, or providing access into an internal roof void. A suitable condition should be included with any approval to ensure these works are carried out.

EXTERNAL

3.2 Heworth Without Parish Council - No correspondence received.

3.3 Neighbours - Three letters from local residents have been received. One letter from a resident of 15 Meadow Way stated that whilst they consider that the two storey front extension would have some effect upon the amount of sunlight entering their garden and conservatory at certain times of the year, there is no objection to the application. 15 Meadow Way is the house immediately to the east of the application site. Two letters were received from 5 Stray Garth and 23 Elmfield Terrace. Both object to the proposed dormer window over the granny annexe due to

a loss of privacy. 5 Stray Garth is the next door house to the west, the back of Elmfield Terrace faces towards the application site and is set approximately 50m to the west. The letters also raise queries about whether a granny annexe should normally have three storeys and whether the application form is incorrect in that it states that the site is not within 20m of a watercourse, that construction work has not started, and that there are no trees or hedges on the development site.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of change of use;
- Impact on the living conditions of neighbours;
- Design and visual amenity.

PRINCIPLE OF CHANGE OF USE

4.2 The previously approved application 10/02838/FUL considered the principle of the change of use of a former residential institution into a dwellinghouse with granny annexe as acceptable. There has been no change in site circumstances and no significant shift in local or national planning policies and therefore the same conclusion is drawn with this application. For information, the section of the Officers report which examined the principle of the change of use is reproduced in paragraphs 4.3 and 4.4 below.

4.3 Policy C3 of the City of York Development Control Local Plan states that planning permission will only be granted for the redevelopment or change of use of social, health and care homes where the scale and design of the redevelopment proposal is appropriate to the character and appearance of the locality. Furthermore it must be demonstrated that the existing building is surplus to, and no longer capable of meeting the existing or future needs of the local community.

4.4 According to the Design and Access Statement submitted with the application the property became surplus to requirements by the North Yorkshire and York Primary Care Trust in 2006 and was put on the open market for sale. Previous planning decisions have established the acceptability of the loss of a C2 (residential institution) use in this case. The principle of the proposal is thus considered to be acceptable.

IMPACT ON THE LIVING CONDITIONS OF NEIGHBOURS

4.5 The proposed two storey front extension is considered to have a minimal impact on neighbouring amenity. The extension protrudes approximately 1.1m in front of the existing building line. The extension would be set down from the ridge of

the main house and due to its location towards the centre of the front elevation, it is set well away from neighbouring properties and would not appear overbearing or result in any significant overshadowing.

4.6 The proposed narrowing of both a bathroom and en-suite window on the first floor of the front elevation is considered to have no detrimental impact on the living conditions of neighbours. The insertion of a larger window with Juliet balcony on the rear elevation, instead of the previously approved standard height window, is also considered to have little impact on neighbouring amenity. A Juliet balcony does not allow greater scope for views to the side than a standard window opening. Given the location of the opening approximately 7m off the nearest resident boundary and the fact that it does not face towards any neighbouring properties, this alteration is considered acceptable.

4.7 Within the rear roof slope the applicants are proposing the installation of one roof light and two dormer windows. The roof light generally allows views upwards towards the sky and would not have a significant impact on the levels of privacy enjoyed by neighbours. The dormer window over the main house area is set well away from neighbouring boundaries and faces north towards the lake at the rear of the property. The proposed dormer window over the granny annexe is set in around 1.5m from the west side of the building. The window is set off the shared curtilage boundary with 5 Stray Garth by approximately 10m. Objections have been received from the occupiers of both 23 Elmfield Terrace and 5 Stray Garth to the proposed dormer window on the grounds of overlooking and loss of privacy.

4.8 However, officers do not consider that the proposed dormer window would not result in an unacceptable loss of privacy, due to the separation distance and the fact that the window does not directly face towards any dwellings or gardens therefore only offering oblique sideways views. A further consideration is that the window in question would serve a bedroom and therefore does not provide the primary outlook from the dwelling. Also it is noted that there are existing windows within the rear elevation of the property and whilst the proposed dormer window is at a higher level than the existing windows, the level of outlook it affords towards neighbouring properties is fundamentally the same. It is not considered, therefore, that the proposed dormer windows result in significant new overlooking or an unacceptable loss of privacy for neighbours.

DESIGN AND VISUAL AMENITY

4.8 The proposed alterations do not have a significant impact on the overall scale and massing of the building. The proposed front extension is considered to give some visual relief to the extensive frontage of the property. Subject to the use of suitable materials it is considered that this proposed extension would have a positive visual impact on the appearance of the building. The alterations to the type and size of the window openings is considered to have a minimal impact. The dormer

windows to the rear are significant in scale, however given their set down from the ridge and set in from the sides of the building, it is not considered that they would be visually prominent from the streetscene and therefore would not have a significant impact on the character and appearance of the area. The design of the dormers incorporate pitched roofs and do not dominate the roof slope, given their scale in relation to the length of the building.

5.0 CONCLUSION

5.1 For the reasons outlined above, it is considered that the proposed development complies with relevant local planning policies and is therefore recommended for approval subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out in accordance with the following plans:-

Proposed site plan 2010-11/10c, proposed ground floor plan 2010-11/11c, proposed first floor/roof plan 2010-11/12c, and proposed elevations 2010-11/13b received by CYC on 01/06/11.

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

2 The occupation of the granny annexe as shown on plans ref nos.: 2010 - 11/11c and 2010 - 11/12c hereby approved shall at all times be limited to the immediate family of the occupant(s) of the main dwelling at 7-9 Stray Garth, York, YO31 1EL

Reason: To prevent the granny annexe from being sub-divided into a separate residential unit in the interests of visual and residential amenities.

3 The doorway connecting the granny annexe with the main dwelling as shown on plans ref nos.: 2010 - 11/11c and 2010 - 11/12c hereby approved shall not be blocked, removed or altered at any time.

Reason: To prevent the granny annexe from being sub-divided into a separate residential unit in the interests of visual and residential amenities.

4 The floor area of the granny annexe as shown on plans ref nos.: 2010 - 11/11c and 2010 - 11/12c hereby approved shall not, at any time be enlarged.

Reason: To prevent the granny annexe from being sub-divided into a separate residential unit in the interests of visual and residential amenities.

5 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 (extension of dwellinghouse), B (enlargement of roof) and E (erection of outbuilding) of Schedule 2 Part 1 of that Order shall not be erected or constructed without planning permission.

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 or any Order revoking or re-enacting that Order.

6 The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

7 Notwithstanding the information contained on the approved plans prior to the commencement of development details of the screens to be erected within the roof terrace area as shown on plan reference number 2010-11/12c shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the dwelling shall not be occupied until the approved screens have been erected. The approved screens shall not, at any time be removed, and in the case where the approved screens are damaged or destroyed they shall be replaced by similar screens.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

INFORMATIVE:

To comply with this condition the screens are expected to be obscured and be erected along the east and west boundaries of the terrace.

8 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the first occupation of the dwelling. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

9 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.	

Reason: In the interests of the amenities of occupants of adjacent residential properties.

10 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority and shall be installed prior to first occupation of the dwellinghouse hereby approved.

Reason: In the interests of the visual amenities of the area

11 Within two months of the date of this decision, full details of the proposed measures for bat mitigation and conservation which are to be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority.

The measures shall include:

i. Details of what provision is to be made within the new building to replace the features lost through the renovation of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.

ii. The timing of all operations

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Local Planning Authority. If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

Reason :To take account of and enhance the habitat for protected species.

INFORMATIVE: It should be noted that national planning guidance contained within Planning Policy Statement 9 states that the replacement/mitigation proposed should provide a net gain in wildlife value.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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 to:

- Principle of change of use;
- Impact on the living conditions of neighbours;
- Design and visual amenity.

As such the proposal complies with Policies GP1, NE6, NE7, H4A, H7 and C3 of the City of York Development Control Local Plan.

Contact details:

Author: Michael Jones Development Management Officer

Tel No: 01904 551339