

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: Central Area 0002

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

Micklegate Planning Panel

3.1 No objection in principle, though concerned to ensure the proposed store does not adversely affect the nearby tree.

Publicity

3.2 One letter of objection from neighbouring resident adjacent and No. 29 Albemarle Road, raising strong concern that due to the applicant being a property developer and landlord, the use of the store will be for business purposes as a workshop, rather than for private domestic use; also that loss of outlook will occur due to the close proximity of the store, along this common boundary. The future piece-meal development of the site is of concern.

4.0 APPRAISAL

KEY ISSUES

Visual impact on the building and surrounding area;
Impact on neighbouring properties

4.1 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.2 Development Control Local Plan policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.3 Development Control Local Plan policy GP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) 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; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension.

4.5 The proposed garage-style structure is proposed to store garden tools and equipment relating to the maintenance of the apartments. It is proposed to be of concrete pre-fabricated panel construction with grey fibre cement profile sheeting for the roof, with brown up and over garage door. The hardstanding area and soft boundary to the side of the building along the common boundary with No. 29 Albemarle Road is proposed to be laid with permeable river pebbles; and additional fencing is proposed along this common boundary, in line with that existing and to the same height; with timber gates to the front of this area also. An additional timber gate is also proposed to link the building with the proposed garden store to the rear. The existing concrete driveway is to be re-laid and an additional area of permeable hardstanding is proposed, to increase the width of the driveway area.

4.6 It is considered that due to the relatively modest height of the store and it being partially screened to the front by the proposed gates it will not cause harm to the appearance of the host building nor that of the surrounding area. Sufficient amenity space will remain to the rear of the apartments. The additional hardstanding proposed behind the gates and additional fencing/gate will not be open to public view; and with the surfacing being permeable, will not cause any additional drainage issues. The increased width of the driveway will not harm the appearance of the building and again is permeable.

4.7 It is not considered that neighbours to the rear at Coggan Close, being in an elevated position in relation to the host, will suffer any loss of amenity. The main

neighbouring impact will be upon those residents at No. 29 Albemarle Road. The new area of fencing along the common boundary is proposed close to this neighbouring garage, and is not considered to result in any significant loss of amenity; again the permeable nature of the additional hardstanding will not result in additional drainage issues. The existing fencing and high shrubbery and trees in place along the common boundary with this neighbouring dwelling will provide some screening of the structure. Some windows to habitable rooms on the ground floor of this neighbouring property will look towards the proposed shed; the proposed materials are not of a particularly attractive appearance, however taking into account the proposed height of the shed, approx. 2m to the eaves and 2.5 metres to the ridge, the loss of outlook is not considered to be so detrimental so as to warrant refusal.

4.8 The adjacent tree within the rear garden of no. 29 Albemarle Road contributes to the visual amenity of the area. The store will be laid on a concrete base which will minimise impact on its roots and as the tree is not the subject of any Tree Preservation Order it would be difficult to refuse the application on these grounds. The applicant should be made aware of the possible harm, by means of an informative, should consent be granted.

4.9 The objector has suggested that the store may be used for commercial purposes related to the applicant's business, however the applicant has confirmed that the store will be used for garden tools and equipment relating to the maintenance of the apartments and without any evidence to the contrary the application must be determined on that basis.

5.0 CONCLUSION

5.1 It is considered that the proposal will not seriously harm the living conditions of nearby neighbours or the appearance of the site within the surrounding area. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

- 1 TIME2 Development start within three years -
- 2 PLANS1 Approved plans - Revised plan no. 31/ALB/002 Rev B received on 27.06.12.

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 the impact on the residential amenity of neighbours or the impact upon the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and City of York Supplementary Planning Guidance to Householders (Approved March 2001).

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available from City Strategy at 9 St Leonard's Place or at:

<<http://www.communities.gov.uk/publications/planningandbuilding/partywall>>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership)

3. You are advised that the development may cause damage to the roots of the adjacent tree which is within the ownership of No. 29 Albemarle Road and located very close to the proposed store.

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