

COMMITTEE REPORT

Date: 7 February 2018 **Ward:** Rural West York
Team: Major and **Parish:** Skelton Parish Council
Commercial Team

Reference: 17/02911/FUL
Application at: 3 The Dell Skelton York YO30 1XP
For: Variation of conditions 2, 5 and 11 and removal of condition 4 of permitted application 15/01473/FUL to add an extra room at basement level, include cycle parking, increase height of dwelling, alter design and distribution of windows and include an electric vehicle recharging socket.
By: Mr Ray Leadley-Yoward
Application Type: Full Application
Target Date: 1 February 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 This application under section 73 of the Act seeks to vary conditions 2, 5 and 11 and remove condition 4 of 15/01473/FUL for the erection of a detached 3-bedroom, split-level house. The house as approved includes a new dedicated access from The Vale and off-street parking for two cars. The house has been built but is not fully in accordance with the approved scheme. The current application seeks approval for the house as built.

1.2 The main changes are:

- Condition 2 requires compliance with the approved plans. The current proposal includes revised plans that show the variations as built from the approved scheme. The main change is the addition of a semi-basement room to be used as a music room and cinema. Other changes include alteration to windows and more detail about new vehicular gates alongside the public footway.
- Condition 4 requires the height of the house to be no higher than the host house at No.3 The Dell. The house as built is approximately 360mm higher than the house at No.3.
- Condition 5 requires details of cycle parking to be submitted for approval. The application includes those details.
- Condition 11 requires the applicant to install a socket in a suitable position within the curtilage for the recharging of electric vehicles. The application shows the location of the socket.

1.3 Condition 15 requires upper floor windows on the northwest elevation to be obscure-glazed to prevent overlooking of No.3. The house was built with two windows on this elevation being clear-glazed so the application initially sought to remove condition 15. Following officer advice the applicant is no longer seeking to remove the condition and has agreed to replace the clear glass with obscured glass forthwith. Members will be updated at the meeting.

1.4 The application has been called in by Cllr Steward on the grounds that the developer has abused the system and the house is now vastly overdeveloped and looks totally unsuitable.

2.0 POLICY CONTEXT

2.1 Policies – City of York Development Control Draft Local Plan (2005):

CYGP1 – Design

2.2 Policies - City of York Pre-Publication Draft Local Plan (2017):

D2 – Placemaking

3.0 CONSULTATIONS

INTERNAL

Public Protection Unit

3.1 No objections to the location of the external socket for charging electric vehicles. The electrical circuit/installation should comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation (2015).

EXTERNAL

Skelton Parish Council

3.2 Objection.

- The extra room at basement level is a significant change and requires a new planning application.
- The new building is higher than approved.

- The failure to obscure glaze the windows on the North West is a breach of condition 15.
- The provision of cycle parking and an electrical socket were conditions of approval.
- The gates erected are too high and out of keeping with the adjacent properties.
- The application is a clear attempt to usurp and ignore the planning consent given by the council.

Neighbour Notification and Publicity

3.3 Three objections have been received raising the following planning issues:

- The application is a major change, not just a variation.
- The building is higher than the adjacent dwelling at No.3.
- The clear-glazed windows cause overlooking.
- The cycle store would prevent maintenance access to the electrical sub-station.
- The vehicular gates are visually intrusive and out of keeping with the open aspect of The Vale and The Dell.
- The colour/design/style of the house does not match any of the existing properties in The Vale.
- The external appearance fails to match any of the surrounding properties.
- The wall cladding is not compatible with the stone finish of surrounding dwellings.
- The developer has ignored the constraints of the previous planning permission.
- Some of the variations adversely affect neighbouring properties.

4.0 APPRAISAL

4.1 KEY ISSUES

- Design and appearance
- Neighbour amenity
- Sustainable transport

PLANNING POLICY CONTEXT

4.2 Section 38 of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt. The site does not lie in the Green Belt as defined in the RSS.

4.3 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes (the DCLP). It does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF, although it is considered that their weight is very limited.

4.4 Consultation on a new pre-publication draft local plan and revised evidence base was completed in October 2017. The emerging policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be very limited.

4.5 In the absence of a formally adopted local plan the most up-to date representation of relevant policy is the National Planning Policy Framework (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14).

APPLICATION SITE

4.6 Part of the mature rear garden of a detached dormer bungalow in a residential area. Immediately to the south of the site is a small electricity substation. Although the property address is 3 The Dell the bungalow faces St Giles Road and the proposed house would be accessed from The Vale. The predominant building types in the area are bungalows and 2-storey houses. Construction of the approved

house began in 2016 and is now substantially complete. The house is not yet occupied. The highway boundary comprises a 1.2m-high close-boarded fence behind a recently-planted hedge. It replaced a substantial hedge removed during construction. Part-way along the hedge, at the approved vehicular access, is a pair of substantial timber gates approximately 1.8m high.

DESIGN AND APPEARANCE

4.7 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

Roof Height

4.8 The house was built in a depression in the rear garden of the host bungalow caused by the site's historic use as a quarry and subsequent rubbish tip. The split-level design of the house reflects the variations in the topography of the site and helps to minimise the dwelling's prominence.

4.9 As approved, the higher of the two ridges of the proposed dwelling would be no higher than the ridge of the existing dormer bungalow at No.3. However, as built the ridge is approximately 0.36m higher the ridge of No.3. Condition 4 was attached to ensure that the new house would not be out of keeping with the scale of the host house. Matching (or not exceeding) the height of No.3 would have provided the house that the applicant was proposing whilst having a clear and incontrovertible level against which the height of the new house could be judged. This is essential bearing in mind the varied topography of the site. The applicant agreed to the stipulated maximum height being made a condition of planning permission. The condition does not mean that any increase in height would be unacceptable. Any application to increase the height would have to be approved and would be judged on its merits.

4.10 Now that the house has been built (albeit higher than approved) the impact on the character of the area can easily be assessed. Officers consider that the increase in height would have no appreciable impact on the character of the area and is acceptable.

Basement Room

4.11 The new room has been created by internal excavation of the building. The only visible evidence is one, small, north-east facing window below ground level. The window is obscured from view from outside the site by its low level, a retaining

wall, the overhang of the sloping roof and the close-boarded boundary fence. The room has no impact on the character and appearance of the area.

Cladding

4.12 The site abuts, to the side, an estate of predominantly 1-2 storey houses in The Vale. The houses are clad in stone of uniform character and appearance. However, the houses opposite the site and in The Dell are entirely different and very mixed in character, appearance and use of materials. They include various types, styles and colours of stone but also render and timber cladding. The application building is clad in white render and artificial stone. Bearing in mind the wide variety of materials and styles in the area the cladding used on the application building is acceptable

Vehicular Gates

4.13 A new vehicular access has been created, as shown on the previously-approved site layout plan. The access sits part-way along a recently planted boundary hedge, which replaces the substantial mature hedge that previously bounded the site. Close-boarded vehicular gates have been erected across the access. At present the gates are much higher than the new hedge, as one would expect bearing in mind the young age of the hedge. The applicant's intention is that the hedge will grow to maturity and be similar in size to the previous hedge that it replaces. The gates are good quality and in keeping with the general character of the area. When the hedge has matured the gates will not look out of keeping with the street scene.

NEIGHBOUR AMENITY

4.14 The only elements of the works that would affect the amenity of neighbours would be the clear-glazed windows causing overlooking of the occupiers of the host house. The obscure-glazing, now proposed, would remove this risk.

SUSTAINABLE TRANSPORT

4.15 The location of the socket for the recharging of an electric vehicle is in accordance with the council's requirements.

OTHER MATTERS

4.16 None of the alterations, either in isolation or in combination are sufficient to require a new, full planning application. They can reasonably be dealt with under s.73 of the Town and Country Planning Act as a variation to planning conditions of the approved scheme.

5.0 CONCLUSION

5.1 The design variations sought in the application would have no material impact on the character and appearance of the area or the amenity of neighbouring occupiers. The application raises no new planning issues and complies with national planning policy in the NPPF. The submitted details of cycle storage and vehicle recharging satisfy conditions of the previous permission. The application is acceptable.

5.2 Various other conditions of 15/01473/FUL relate to pre-commencement and/or construction matters. These conditions are no longer relevant and do not need to be attached to the new permission.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out in accordance with approved plans numbered L/71-PL-02P, L/71-PL-03P, L/71-PL-04P and L/71-PL-06N.

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 building shall not be occupied until the cycle store shown on the approved plans has been provided. It shall thereafter be retained solely for cycle storage.

Reason: In the interests of sustainable transport.

3 The building shall not be occupied until the electrical power point shown on the approved layout plan L/71-PL-06N has been installed. The power point shall comprise a 3-pin, 13-amp electrical socket to enable the recharging of an electric vehicle using a 3m length cable. The socket shall be suitable for outdoor use and have an internal switch within the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles.

4 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 Any upper floor windows on the northwest elevation of the dwelling hereby approved shall at all times be (i) obscure-glazed and (ii) non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interests of the amenities of occupiers of the adjacent residential dwelling at No. 3 The Dell.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority attached appropriate conditions to the planning permission.

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