



### **3.0 CONSULTATIONS**

#### Fishergate Planning Panel

3.1 No response received

#### Neighbour Notification

3.2 No responses received

### **4.0 APPRAISAL**

#### KEY ISSUES

4.1 The key issue in the assessment of this proposal is the impact upon the character of the host building and surrounding townscape and the amenities of nearby residents.

#### POLICY CONTEXT

##### National Planning Policy Framework

4.2 In the absence of a formally adopted local plan the most up to date representation of key relevant policy issues is the National Planning Policy Framework, March 2012 (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. In Paragraph 17 it sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is the fourth principle, which advises 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.

##### City of York Publication Draft Local Plan 2018

4.3 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.4 Policy D11:Extensions and Alterations is relevant and advises that development proposals will be supported where, inter alia, they respond

positively to the immediate architectural context, local character and history in terms of the use of materials and detailing, scale and proportion, landscape design and the space between buildings and protect the amenity of current and neighbouring occupiers.

#### City of York Council Development Control Local Plan 2005

4.5 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is very limited except where in accordance with the content of the NPPF. The relevant Local Plan Policies are Policy GP1, which requires development to respect or enhance the local environment, be of a design that is compatible with the character of the area and neighbouring buildings, protect private, individual or community amenity space and ensure residents are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. 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.

#### Supplementary Planning Document (SPD) for House Extensions and Alteration

4.6 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations and was approved on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and general amenity as well as advice which is specific to the design and size of particular types of extensions or alterations. Paragraph 15.1 advises that garages and other outbuildings, wherever possible, should reflect the style, shape and architectural features of the original building and not be detrimental to the space around it and that outbuildings should clearly be smaller in scale to the house. Paragraph 15.3 advises that garages and other outbuildings must not have a detrimental impact on the residential amenity of neighbours ensure that the proposal does not dominate the house or clash with its appearance.

4.7 Paragraph 16.1 advises that granny annexes will normally only be approved when they are small in scale (1 bedroom) and occupied by direct relatives of family living in the original house. When considering creating or adapting accommodation for relatives, regard should be

given to future alternative uses for the accommodation and whether, if no longer needed, it can be incorporated back into the main house.

## ASSESSMENT

4.8 The application property has a large rear garden, which is 32m long and 15m wide, and there rows of mature trees and shrubs along the rear boundaries with the properties on either side (ie. nos. 13 and 19 Barmby Avenue). To the rear are the detached bungalows of nos. 24 and 26 Grants Avenue. These have fairly small rear gardens but they both have detached brick outhouses that abut the rear boundary with the application property; there is a 2m high close boarded fence along the rear boundary with these properties. There is also a large mature tree circa 7-8m high near to the rear boundary with these properties within the garden of the application property.

4.9 It is proposed to erect the annexe towards the rear of the garden, circa 8m from the rear boundary. The location of the building has been revised and its rear elevation would be set in 1.1m from the shared side boundary with no.19 (existing boundary shrubs have already been removed to facilitate this) and its front elevation would be set back circa 7.4m from the shared side boundary with no.13. There would be a pair of glazed doors to the lounge and a bedroom window on the front elevation (facing the rear garden of no.13), a small kitchen window on the side facing towards no. 26 Grants Avenue and a small window on the rear elevation (facing no.19 Barmby Avenue) serving the wet room. Two other windows (to the lounge and bedroom) would face towards the application property.

4.10 Although the proposed annexe is not in the same style as the host building it is simple in design and set back a considerable distance from it. The use of timber for the external walls is considered to be acceptable and as the roof is flat the synthetic rubber roofing material would not be seen from ground level.

4.11 Although there are glazed doors and a window to habitable rooms that face towards no.13 Barmby Avenue, these would be 7.4m from the boundary between the two properties that has mature shrubs along it. There is a small window on the rear elevation facing no.19 Barmby Avenue. This serves a wet room and in the initial submission it was shown to be side opening but and it was not apparent whether the glazing was clear or opaque. Officers have now secured a design in which the window has opaque glass and is top opening only. In view of

the above, it is considered that the privacy of these neighbours would not be eroded. Furthermore, in terms of size and scale it is not considered that the scheme would erode the amenities of neighbours.

4.12 In the initial submission the annexe came to within 0.5m of the side boundary with no.19 Barmby Avenue. Officers were concerned that this may necessitate the removal of shrubbery along the boundary that currently affords some privacy to the neighbour. A revised plan has now been submitted in which the annexe is shown to be 1.1m from the boundary and it is considered that this will enable the shrubbery to be retained. The applicant's agent has advised that the large tree near to the rear boundary would be removed as part of the proposals but that a new one would be planted to replace it.

4.13 The annexe is relatively small in scale, providing only one bedroom, and with the fact that the occupancy of the annexe can be restricted to direct relatives by condition, it is considered that the requirements of local plan policy and the Council's SPD can be satisfied in this case.

## **5.0 CONCLUSION**

5.1 The proposed annexe is of a design that is compatible with application property and the character of the area. It is also considered that there will be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy. The proposal is considered to be acceptable and complies with national guidance in the NPPF, Development Control Local Plan Policies and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

## **6.0 RECOMMENDATION: Householder Approval**

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details including the use of materials detailed therein:-

1700.2 - Revision 1 and 1700.5 – Revision 2

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

3 The proposed additional accommodation shall only be occupied by  
Application Reference Number: 18/00625/FUL Item No: 4g

direct relatives or non-paying guests of the residential occupants of 17 Barmby Avenue and shall not be used as a separate residential unit including letting as holiday accommodation.

Reason: The site cannot accommodate a separate unit of residential accommodation without detrimental impact on the amenities of adjacent residents through additional activity and car parking requirements and the character and amenity of the area through the creation of a separate curtilage. As such it is considered that any proposal to use the development as an independent residential unit would need to be considered on its own merits with regard to the potential impact on neighbours.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the window to the wet room shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and non-opening unless the part of the window which can be opened is more than 1.7 metres above the floor of the room in which it is installed.

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

## **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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Plans were revised to set the annexe further away from the rear boundary with no.19 Barmby Avenue and to incorporate a top hung opaque glazed window on this boundary.

Account has been taken of all relevant national guidance and local

policies and with the attachment of conditions the proposal is considered to be satisfactory.

## 2. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk), with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

### **Contact details:**

**Author:** David Johnson Development Management Assistant

**Tel No:** 01904 551665