

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Guildhall
Date: 22 March 2007 **Parish:** Guildhall Planning Panel

Reference: 06/01704/CAC
Application at: 34 St Marys York YO30 7DD
For: Demolition of dwelling in the Conservation Area
By: Hogg Builders
Application Type: Conservation Area Consent
Target Date: 25 September 2006

1.0 PROPOSAL

1.1 This application seeks Conservation Area Consent to demolish the existing house and garage at 34 St Mary's. The accompanying full application to redevelop the site, to build 7 apartments, is also on the Agenda before Members. As described in the report on the full application, the site was the subject of previous planning appeals.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

CYHE3
Conservation Areas

CYHE4
Listed Buildings

CYHE5

3.0 CONSULTATIONS

INTERNAL

3.1 Urban Design and Conservation -

The site contains a modest house and garage dating from the early C20. They are an incongruous element in the street, which is otherwise composed of mid-Victorian buildings. The house and garage are not considered to be typical of the character and appearance of this part of the Conservation Area. Their contribution to the streetscene is in preserving the space between buildings, which has allowed the monkey puzzle tree to mature.

EXTERNAL

3.2 Planning Panel -

Object to the application, because the wholly negative report (submitted with the application) succeeds in showing that the existing building is dissimilar to others nearby. However the Panel is not persuaded that the building - which could be alternatively portrayed as a "charming anachronism" - deserves to be demolished for its own sake. Demolition should only be considered in the context of the new buildings proposed of which the Panel has not received sight (please note: this Conservation Area Consent application was received by the Panel in advance of the full application for redevelopment of the site. When the latter was received the Panel raised no objections to the redevelopment).

3.3 St Mary's Conservation Group - object to the application. The Group's comments are summarised in the accompanying report for the full application.

3.4 Neighbours (letters sent to near neighbours upon receipt of application; then also to people who objected to the previous refused scheme(s) or during the appeal procedure. Last overall expiry date 30 October).

Objectors to the full application also object to this Conservation Area Consent application. 25 letters were received originally, with a further 19 letters in association with the revised scheme. Objections are summarised in the full application report.

3.5 Site Notice (expired 13 September)

No comments received.

3.6 Press Advert (expired 13 September)

No comments received.

3.7 Conservation Areas Advisory Panel -

The Panel have no objection to either the demolition or the new build, but are concerned that the Monkey Puzzle tree is protected during the development.

4.0 APPRAISAL

4.1 Key Issues

- Effect upon the character and appearance of the Conservation Area, and the setting of adjoining Listed Buildings.

4.2 The relevant DRAFT LOCAL PLAN POLICIES are:-

POLICY HE3 - CONSERVATION AREAS - within Conservation Areas, demolition of a building (whether Listed or not) will only be permitted where there is no adverse effect on the character and appearance of the area.

POLICY HE4 - LISTED BUILDINGS - development in the immediate vicinity of listed buildings should not have an adverse effect upon their character, appearance or setting.

POLICY HE5 - DEMOLITION - where buildings make a positive contribution to the character and appearance of the Conservation Area, their demolition will not be permitted. Where, exceptionally, demolition is permitted, it will only be on condition that a contract for redevelopment has been agreed.

THE APPLICATION SITE AND ITS SURROUNDINGS

4.3 The application site and its surroundings are described in more detail in the accompanying "FUL" application. The house and garage at 34 St Mary's were built on the 1930's, in a pleasant suburban style of its time. The monkey puzzle tree in the front garden is a feature in the streetscene. The tree would be retained.

EFFECT UPON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA, and the SETTING OF ADJOINING LISTED BUILDINGS

4.4 The existing house is pleasing and well-established and has become a familiar part of the streetscene. The house does have an appeal of its own, but does not share the architectural qualities of its neighbours. The Planning Inspector concluded that the house does not make a positive contribution to the character or appearance of the conservation area, and there was no presumption in favour of its retention.

4.5 Several objectors say that the space around the house has become a valued part of St Mary's character; offering contrast and relief in an otherwise built-up, strongly urban street. Officers believe, if redevelopment is to be considered, a sense of this space should be retained by leaving gaps on either side of any new building. The monkey puzzle tree should also be protected, as a feature in its own right.

4.6 Officers agree that the house does not harm the Conservation Area. However the existing house and space around, and over it, are not considered to be of sufficient quality to justify refusal of redevelopment in principle. This is subject to an appropriate replacement being achieved, that maintains and enhances the character of the Conservation Area.

5.0 CONCLUSION

5.1 Officers are able to support this application. It is appreciated that the existing house has become a familiar part of the streetscene. There is a charm about it being an exception to the character of the rest of St Mary's. The sense of space that the site also allows to enter into the street is valued. However, subject to a suitable redevelopment scheme being implemented, officers believe it is not possible to sustain a refusal of the demolition of the existing house and garage. The monkey puzzle tree will be retained.

5.2 A contract needs to be agreed for the redevelopment scheme prior to demolition. On this basis, officers believe that the proposal will not be detrimental to the character and appearance of the Conservation Area, nor to the setting of adjoining Listed Buildings. The proposal complies with Policies HE3, HE4 and HE5.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIMEL2
- 2 PLANS2
- 3 DEM1

7.0 INFORMATIVES: Notes to Applicant

1.
INFORMATIVE
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 character and appearance of the conservation area, and the setting of adjoining Listed Buildings. As such the proposal complies with Policy E4 of the North Yorkshire County Council Structure Plan (Alteration No. 3 Adopted 1995) and Policies CYHE3, CYHE4 and CYHE5 of the City of York Development Control Local Plan, incorporating the 4th set of changes (April 2005).

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