

## COMMITTEE REPORT

**Date:** 8 September 2011      **Ward:** Hull Road  
**Team:** Householder and Small Scale Team      **Parish:** Hull Road Planning Panel

**Reference:** 11/01548/FUL  
**Application at:** 89 Newland Park Drive York YO10 3HR  
**For:** First floor side and single storey rear extension  
**By:** Mr Mark Harris  
**Application Type:** Full Application  
**Target Date:** 14 September 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### THE SITE

1.1 The application site consists of a traditional semi - detached hipped roof dwelling set back from the public highway and positioned within an area of similar property types. The front elevation of the dwelling incorporates projecting bay windows at both ground and first floor levels. The property hosts an integral garage which projects a modest distance beyond the rear elevation. The rear garden is of an ample size enclosed by a mixture of hedging and panelled fencing.

#### THE PROPOSAL

1.2 This application seeks planning permission to extend the dwelling at first floor level above the existing attached garage to a depth of approximately 7.5 metres. The application includes revised plans on officers' request, which have altered the design to incorporate a set down from the main ridge of approximately 400mm and a set back from the principal elevation by approximately 1.1 metres measured from the bay windows. In addition, the proposal seeks retrospective planning permission for a single storey extension across the rear elevation. It would project 2.7 m outwards from the rear of the house at one end, reducing to approximately 2.0 metres on the shared boundary.

#### PROPERTY HISTORY

1.3 Conversion of garage into habitable living space (QUERY/07/00965) - no planning permission required.

1.4 This application has been brought before East Area Planning Sub-Committee due to the level of objection from local residents and concerns by Councillor Barnes on the following issues.

- combined negative impact of development at the same time within a small area, e.g. noise
- over-development of houses that are already housing a large number of students
- erosion of quality of life for neighbouring houses
- terracing of houses which is out of character with the rest of the street
- destruction of views and aesthetics for neighbours.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

### 2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

## **3.0 CONSULTATIONS**

Internal:

3.1 None

External:

3.2 Hull Road Planning Panel - No objections.

3.3 Neighbour responses from: 86,88,89 Newland Park Drive Objections relate to: -

- Property to be occupied by students exceeding 6 people
- Rubbish/Noise
- Loss of car parking spaces
- Loss of view.
- Loss of privacy
- Extensions on Newland Park Drive causing drainage and sewer problems

## 4.0 APPRAISAL

### 4.1 Key Issues:-

- Impact on street scene-
- Impact on neighbours.

## THE RELEVANT POLICES AND GUIDANCE

4.2 PLANNING POLICY STATEMENT 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 DRAFT LOCAL PLAN POLICY CYH7 - states that residential extensions will be permitted where (a) the design and materials are sympathetic to the main dwelling and the locality (b) the design and scale are appropriate to the main building (d) there is no adverse effect upon the amenities of neighbours.

4.4 DRAFT LOCAL PLAN POLICY CYGP1 - sets out a series of criteria that the design of development proposals are expected to meet. These include requirements to (a) respect or enhance the local environment, (b) 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; (c) 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; (e) 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 (i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that two - storey side extensions should be set down from the original roof line and set back behind the building line. Furthermore the scale of the new extension should not dominate the original building resulting in a 'terracing effect' by closing the gap between the application property and neighbouring property.

## VISUAL AMENITY

4.6 In terms of visual amenity the revised drawings submitted show that the proposed extension would now be appropriately designed with a set down from the host roof and a set back from the front wall, which provides a visual break in the

development in accordance with the Council's Supplementary Planning Guidance in relation to house extensions. The extension would occupy the full width of the driveway up to the site boundary, adjacent to 91 Newland Park Drive. This dwelling has an attached garage situated in juxtaposition to the host garage. It is considered that the space above the adjacent garage, and the variation in building line, would reduce the impression of terracing and that in street scene terms the proposal is acceptable. The applicant intends to use materials that match the existing dwelling.

4.7 The proposed single storey extension would not be visible within the public realm.

## RESIDENTIAL AMENITY

4.8 The proposed first floor extension would abut the boundary of the adjacent dwelling at no 91 Newland Park Drive, however this property hosts a pitched roof garage on the side elevation separating the proposed extension from the main house of no 91. To the rear the land slopes down towards the gardens of Thief Lane and therefore the property is higher than those on Thief Lane. However, the application site has an ample sized garden providing good separation from these properties and therefore the extension would not significantly harm the outlook or create an over bearing, dominant impact for the residents on the shared boundary. Notwithstanding this there are already existing rear windows overlooking these properties and gardens so overlooking and privacy issues will be no more harmful than the existing arrangement.

4.8 The single storey rear extension would incorporate a mono -pitched roof reducing to approx 2.3 metres in height, and would be an adequate distance from the property at 87 Newland Park Drive from which it would be separated by a 1.8m boundary fence. Furthermore by virtue of the size, the single storey extension in isolation could be erected under permitted development, thus no planning permission would be required. It is not considered that the proposed development would have an unduly detrimental impact on the amenity of neighbouring properties.

## THIRD PARTY COMMENTS

4.10 Occupation by Students - Consultation responses from the surrounding residents mainly relate to the extension resulting in the provision of additional bedrooms to the property and occupation by students. However provided that facilities within the property such as kitchens and bathrooms are shared, and the property is occupied as a single dwelling by no more than six people, then there would be no material change of use for which planning permission would be required. The layout of the extended property incorporates six bedrooms with communal kitchen and living areas, with two bathrooms. The application before the Council is not for a conversion of the dwelling to self contained student flats; it is for an extension to a residential dwelling and has to be considered on that basis.

Should the property be occupied by more than six people, either now or in the future, then the property would be likely to fall outside the "Class C4" use class for which planning permission would be required. It is considered that this matter can be addressed by means of an informative on the decision notice.

4.11 Loss of parking: Local residents have raised concerns regarding concerns of loss of parking. However, there are no car parking restrictions on Newland Park Drive and the width of the highway allows cars to be parked on the roadside whilst also allowing cars to pass.

4.12 Rubbish/Noise: Issues relating to noise, untidy land, rubbish and late night noise from students could be dealt with under separate legislation such as the Environmental Protection Unit.

4. 13 Extensions causing drainage/ sewer problems: There is no specific evidence that the proposed development would exacerbate drainage problems this situation. Drainage connections are a matter that would be dealt with under the Building regulations.

4.14 Loss of view: In terms of views into the surrounding neighbourhood, whilst it is agreed the extension would alter the views and street pattern it is however, considered that the extension reflects the design of the host dwelling maintaining the character of the existing area, thus the refusal of planning permission could not be justified

4.15 Loss of privacy/ overlooking: In terms of overlooking and loss of privacy the windows proposed would be located to the front and rear on the two storey extension, and as such would not create any additional overlooking over and above the present situation. The dwellings to the rear on Thief Lane are separated by longer than average gardens separated by extensive boundary treatment.

## **5.0 CONCLUSION**

5.1 The design and materials are considered acceptable therefore the proposal is unlikely to detract from the character and appearance of the residential area. Approval is recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Approve**

1 TIME2 Development start within three years -

2 PLANS1 Approved plans - Revised plans dated 15.08.11 (drwg no H005/01&03

## 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 amenity and living conditions of adjacent occupiers and the impact on the street scene. As such the proposal complies with Policies GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

#### 2. INFORMATIVE:

It should be noted that the occupation of the property by up to six individuals living together as a single household would currently not require planning permission, as at the date of this permission. However, should the property be occupied by more than six people, either now or in the future (whether as a result of this development or not), then there is a possibility that the property would fall outside the "Class C4" use class and planning permission may then be required. In those circumstances further advice should be sought from the Local Planning Authority.

#### 3. 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).

#### Contact details:

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