

COMMITTEE REPORT

Date: 5 July 2012 **Ward:** Huntington/New Earswick
Team: Householder and Small Scale Team **Parish:** Huntington Parish Council

Reference: 12/01461/FUL
Application at: 72 The Old Village Huntington York YO32 9RB
For: Two storey rear extension (resubmission)
By: Mr Thackray
Application Type: Full Application
Target Date: 18 June 2012
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 The application property is a mid-terraced cottage located in Huntington Conservation area.

1.2 It is proposed to erect a part two-storey and part single-storey extension to the rear of the property. The two storey extension projects 2.35m. The single storey extension projects a further 1.3m. The property currently has a single-storey rear extension that projects around 1.5m. This is to be demolished.

1.3 In February 2012 a planning application to erect a longer rear extension at the property (12/00009/FUL) was refused using delegated powers. The reason for refusal was as follows:

'The proposed full height two-storey rear extension projects 4m beyond the original rear building line of the property and is located immediately on the side boundary (south) of 74 The Old Village. It is considered that the height, length and proximity of the extension is such that it would unduly dominate and overshadow the rear first floor living accommodation and rear external amenity space of number 74 and create a structure which is out of scale with the original cottage and its densely developed location. As such it is considered that the proposal conflicts with policy GP1 (criterion b and i) and H7 (criterion d) of the City of York Draft Local Plan (fourth set of changes) approved April 2005.'

1.4 The application is brought to Committee as the applicant is employed by the City of York Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Huntington CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYH7

Residential extensions

CYGP1

Design

CYHE3

Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

Conservation - No objections.

3.2 External

Parish Council - No objections.

Neighbours:

Residents at 74 The Old Village - object for the following reasons:

1. The two-storey extension would reduce light to an already dark house and be overbearing.
2. Overshadowing of small rear garden.
3. Noise due to thinness of party walls.
4. The property/area already has inadequate car parking.
5. The roof should be slate rather than pantiles.
6. The extension will have a greater impact than the schemes refused at 78 The Village.
7. Concerns regarding neighbours accessing the site through garden.
8. Concerns that the extension is being built on land owned by 74.

Case Officer response - points 1, 2, 4 and 5 are considered in the appraisal. Points 3, 7 and 8 are civil matters or can be addressed through building regulations. The applicant has stated that they believe all of the development is on land within their ownership. Point 6 relates to the major re-configuration and extension of 78 The Village that was granted consent in 2007 after being previously refused. It is not considered that this has a bearing on the current planning application.

76 The Old village - object due to loss of privacy in garden and overshadowing. Disagree that the extension is sufficiently oblique to avoid harm.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- The impact on the street scene/conservation area.
- The impact on neighbours' living conditions.
- Parking and storage.

4.2 The National Planning Policy Framework (2012) sets out the Government's overarching planning policies. It states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. A principle set out in paragraph 17 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.

4.3 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 limited except where in accordance with the NPPF. Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.4 Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, and mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 The NPPF (chapter 12, paragraph 132) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.6 Local Plan Policy HE3 states that proposals in Conservation Areas will only be acceptable where there is no adverse impact on the character and appearance of the area.

THE IMPACT ON THE STREETSCENE/CONSERVATION AREA

4.7 The proposed extension would not be unduly prominent from public areas. It will be partly set against an existing two-storey extension. The feeling of space between 74 and 76 The Old Village will remain as will views of trees within the rear gardens. The property is unusual in that the front roofslope is clad in slates and the rear is in pantiles. It would seem sensible to use pantiles for the rear extension roof.

THE IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.8 It is noted that a two-storey extension was approved at number 70 in 2003 (03/03596). This extension is around 3.5 metres long at its longest part; however it has been stepped back to around 2.1m immediately adjacent to number 72.

4.9 The two-storey element of the extension that is subject to this application would project 2.35m past the first floor windows of number 74 and around 1m past the ground floor openings. The nearest ground floor opening serves a bathroom. The mid-point of the ground floor kitchen window is around 3m from the extension. This is considered adequate separation to avoid undue harm; this room also has an opening to the side. It is considered that the level of projection of the two-storey extension past the ground floor off-shoot of number 74 is now so modest that the overall impact on the patio and small garden in respect to light and dominance will be minimal.

4.10 The key issue is the impact of the two storey extension on the first-floor bedroom window of number 74.

4.11 The mid-point of the window is set in approximately 2.35m from the side elevation of the two-storey extension. The extension projects around 2.35m. The extension has been designed so that it complies with what is often termed the '45 degrees rule'. The 'rule' is not used in any approved guidance by the Council, however is useful in assessing whether a proposal would unduly harm daylight and outlook. On balance, it is considered that the proposal would be acceptable in this respect. In having regard to this consideration is given to the fact that the impacted window is relatively wide and the eaves height of the proposed extension is reasonably low.

4.12 As the extension is to the south consideration must also be given to the impact on sunlight. If the extension was approved it would be expected that the bedroom would receive direct sunlight in the early morning, however, direct summer sunlight would start to be blocked from around 9.00 a.m. onwards. It would be expected that during late morning during the Spring and Summer months the sun would rise above the extension and still reach the bedroom window.

4.13 The first floor rear bedroom of the application property was visited to assess the impact that the two-storey extension to number 70 had on their light on outlook. It was felt by the case officer that the outlook and light levels were still good when in the bedroom and the extension was not unduly dominant.

4.14 The single storey element of the proposed extension is modest and not considered to be such to cause undue harm. It would project past the off-shoot of number 74 by around 2.2m.

4.15 It is considered that the extension is sufficiently oblique to 76 the Village to avoid undue harm to the living conditions in the house. Elevations in number 76 that face the application property have no significant openings. There will be a little additional overlooking of the garden of 76, however, much of the small external area will remain screened.

PARKING AND STORAGE

4.16 The application property retains adequate garden space. The property has a small parking space for one car in the front garden. The proposed works increase the number of bedrooms from 2 to 3. On balance it is considered that the parking arrangements are adequate to meet the needs of the property given the location is within relatively close proximity to a range of shops, schools and services. There is also some on-street parking available in the vicinity.

5.0 CONCLUSION

5.1 For the reasons set out in this report it is recommended that the application be approved.

COMMITTEE TO VISIT

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:-

Drawings dated April 2012 received by the Local Planning Authority on 20 April 2012.

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

3 VISQ1 Matching materials -

7.0 INFORMATIVES: Notes to Applicant

1. 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).

2. 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 effect on residential amenity, car parking, the impact on the street scene and conservation area. As such the proposal complies with Policy GP1, H7 and HE3 of the City of York Development Control Local Plan.

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