

COMMITTEE REPORT

Date: 8 November 2012 **Ward:** Osbaldwick
Team: Major and **Parish:** Osbaldwick Parish
Commercial Team Council

Reference: 12/02932/FUL
Application at: 305 Hull Road Osbaldwick York YO10 3LU
For: Erection of a dormer bungalow to rear with access from Thirkleby Way
By: Mr & Mrs Robin Dawson
Application Type: Full Application
Target Date: 16 November 2012
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The application property is a large detached house. The front elevation faces towards Hull Road. The back of the house faces Thirkleby Way. There is much mature landscaping around the site including a belt of trees along the boundary with Hull Road. It is understood that the property was built in the 1920's and pre-dates other housing in the surrounding area. The front garden is the main external amenity space associated with the property and is approximately 40m long by 40m wide. The property is largely screened from Hull Road by landscaping.

1.2 There are vehicular accesses to the site from Hull Road and Thirkleby Way.

1.3 The applicant seeks consent to erect a dormer bungalow at the north-west corner of the garden adjacent to 54 Thirkleby Way. The bungalow is proposed to be served by a new vehicular access from Thirkleby Way. It has two dormer windows in the rear elevation. A bathroom and two double bedrooms are proposed on the first floor. The ground floor contains communal rooms along with an additional bedroom. The main area of garden is proposed to the rear and measures approximately 8m long by 12m wide.

1.4 On 28 August 2012 a planning application was submitted for a double garage with two bedroom annex within the garden of 305 Hull Road adjacent to 56 Thirkleby Way. This application was withdrawn on 22 October 2012. There is no other recent planning history relating to the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYGP6
Contaminated land

CYNE1
Trees, woodlands, hedgerows

CYH4
Housing devp in existing settlements

CYL1
Open spaces in new residential devts

CYGP4
Environmental sustainability

3.0 CONSULTATIONS

3.1 Internal

Environmental Protection Unit - No objections subject to an informative being included relating to contamination, construction noise and car recharging (for electric vehicles).

Flood Risk Management - Object to the originally submitted plans because of insufficient drainage information. No objections to the additional information submitted, subject to conditions.

3.2 External

Parish Council

Object to the proposal for the following reasons:

The proposal represents 'garden-grabbing' and detracts from the streetscene and the setting of the host property.

There should be no further crossing points of Thirkleby Way as this section of road is not suitable for it. If in the future the host property or proposed house is intended to be occupied as a student let the Parish Council will oppose the change.

Neighbours

Objections were received from the occupiers of 54 and 56 Thirkleby Way. The following issues were raised:

Concerned about the safety of vehicles exiting on to the bend on Thirkleby Way. The design and access statement is incorrect in that it says the bungalow would align with nearby houses (there are only bungalows). It is also incorrect in that it says the proposed bungalow is well away from adjacent properties (it is next to number 54). Presume that the bungalow would be a family home and not let.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- Principle of development on garden land.
- Impact on residential amenity.
- The impact on the streetscene and landscaping.
- The quality of accommodation being created.
- Highway and parking issues.
- Drainage.
- Open space provision.

PRINCIPLE OF DEVELOPMENT

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. The framework 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. One of the core principles 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 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role.

In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.4 Paragraph 49 of the National Planning Policy Framework (NPPF) states that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' However, Paragraph 53 requires local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Whilst written significantly before the NPPF the Development Control Local Plan Policy GP10 'Subdivision of Gardens and Infill Development' follows this theme by stating that planning permission will be granted for sub-division of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment. Policy H4a 'Housing Windfalls' sets more detailed criteria for assessing applications for residential development on non-allocated sites (such as the application site) by stating that developments will be granted where:

- the site is in the urban area and is vacant or underused; and
- the site has good accessibility to jobs, shops and services by non-car modes; and
- it is of an appropriate scale and density to surrounding development; and
- it would not have a detrimental impact on existing landscape features.

4.5 The application site is within the defined settlement limit. Whilst the site is used as a domestic garden, its size in relation to the host dwelling is very large. The proposed residential development would make more efficient use of this sustainable site. York has a shortage of housing, particularly family sized housing. Given the need for new housing, the size and sustainability of the site and the NPPF's presumption in favour of sustainable development, it is considered that the broad principle of development is acceptable.

4.6 The most recent change to the Sustainable Design and Construction Interim Planning Statement removes the requirement for developments of less than 10 dwellings to achieve Code for Sustainable Homes Level 3 and 5 per cent on-site renewable energy. However, a sustainability statement continues to be a requirement under Policy GP4a.

4.7 The site is well related to shops, schools and bus services. The applicant's statement states that the aim is to create a light, spacious dwelling that includes high levels of insulation and is designed to efficiently use water and energy.

IMPACT ON RESIDENTIAL AMENITY

4.8 The key properties affected are considered below:

299 Hull Road. This is a modern two-storey detached dwelling. It is considered that there is adequate separation to the proposed dormer bungalow to avoid undue harm in respect to light and outlook. The rear garden length of the proposed dormer bungalow is relatively short at 8m. There will be some additional overlooking of the rear garden of number 299, however, it is noted that the area that would be most overlooked is some way from the main house and already overlooked from adjacent properties on Hull Road. There is also a reasonable degree of landscaping along the boundary edge which will provide some screening, particularly during the summer.

54 Thirkleby Way. This property is a bungalow. It has a small extension to the rear adjacent to the site of the proposed dwelling. There is a kitchen window in the side elevation; however, the outlook from this opening is limited by a tall hedge located along the boundary with the application property. The main light and outlook is from the glazed patio doors to the rear of the kitchen-diner. This will be largely unaffected by the proposals. There will be a little overlooking of the rear garden from the proposed dormers; however, views from the new home would be relatively oblique.

305 Hull Road

The host property is very large. There is very limited fenestration on the rear elevation facing the proposed dwelling. Living conditions will still be very good. The main area of garden is to the front of the host property and is more than adequate to meet the needs of the existing home.

4.9 It is noted that some residents in Osbaldwick have concerns in respect to the number of 'student houses' in the area. Following the introduction of the Article 4 directive in April 2012 planning permission would be required to let the home to 3 or more unrelated individuals. Any such application would need to be considered on its merits should it be submitted.

IMPACT ON STREETSCENE AND LANDSCAPING

4.10 The street is made up of post war dormer bungalows; most have pyramidal roofs, though two nearby bungalows have a gable roof form. It is considered that the design of the house will sit relatively comfortably with nearby dwellings. It is a little closer to 54 Thirkleby Way than is the normal separation distance in the area, however, the gap of 2.7m is not considered so tight as to appear cramped. It is noted that much of the front elevation of the proposed dwelling is set back behind number 54 and this will reduce its prominence.

4.11 The dwelling is close to the rear of the host dwelling, however, the rear elevation of the original house makes little contribution to the streetscene. In addition the area where the proposed bungalow is closest to the original house is not particularly prominent from Thirkleby Way. The agent has stated that the owners intend to retain most of the hedgerows within the rear garden. In assessing the impact of the proposal some regard should be had to the fact that permitted development rights currently exist to erect outbuildings and extensions between 305 Hull Road and Thirkleby Way and as such it cannot necessarily be assumed that this area will always remain free of development.

4.12 The property is adequately separate from significant trees in the site to avoid harm to its landscaped setting.

4.13 Bungalows on Thirkleby Way generally have low boundaries around their front gardens. To help ensure that the application property respects this character permitted development rights have been removed for boundaries in excess of 1m forward of the property. Other boundary details are covered by condition.

QUALITY OF ACCOMMODATION CREATED

4.14 The home would provide suitable living accommodation in respect to internal and external space. It is well related to local shops and service and a main bus route into the city.

PARKING AND HIGHWAY ISSUES

4.15 An integral garage is proposed along with several parking spaces on the driveway. Cars would need to reverse into or out of the garden. It is understood that the road can be relatively busy at certain times of the day; however, the speed of traffic is not such to cause undue concern and existing homes in the street generally exit and enter their drives in a similar manner. Revised plans have been received slightly widening the visibility splay to the east. This also ensures there is sufficient land within the ownership of the occupants of the dormer bungalow to ensure that they can retain adequate visibility splays. The proposal was discussed informally with officers in Highway Network Management and no objections were raised.

DRAINAGE

4.16 The application site is within Flood Zone 1 and should therefore not suffer from river flooding. At present the site is mainly green and undeveloped. The proposed development would reduce the amount of land within the application site which is permeable. Amended plans have been submitted to indicate that a surface water drainage system is viable that would limit surface water run-off to a level equivalent to a green field site.

The Council's drainage engineers initially considered the submitted drainage information inadequate, however, this has now been rectified and drainage matters can be addressed by condition.

OPEN SPACE PROVISION

4.17 The applicant is not proposing to provide on site communal open space. Therefore in line with Policy L1c of the Draft Local Plan and the supporting planning guidance (July 2011) a commuted sum payment is required to fund the provision or improvement of children's equipped play space, informal amenity open space, and outdoor sports facilities. The application is for one 3 bedroom house. The required commuted sum payment is £2,004.

4.18 The applicants have confirmed that they are happy to pay the required commuted sum. This sum would be sought through a Section 106 Agreement with the above heads of terms used as the basis for drawing up the agreement should Committee Members be minded to approve the application.

5.0 CONCLUSION

5.1 The National Planning Policy Framework and policies H4a (Housing Windfalls) and GP10 (Subdivision of Gardens and Infill development) of the City of York Local Plan do not state that new housing development ('garden grabbing') is by definition unacceptable. It is considered appropriate to grant consent for such development providing the dwelling is not detrimental to character and amenity and it is well related to shops and services, and the host property retains adequate amenity space.

5.2 Although 305 Hull Road is a relatively grand house sitting within significant grounds, the rear elevation is fairly blank, has limited architectural merit and it is not considered that the rear of the property contributes significantly to the appearance of Thirkleby Way. The proposed dormer bungalow is no higher than adjacent bungalows and will not be unduly prominent in the street as it is proposed to the side of number 54. The bungalow would be relatively close to part of the rear elevation of number 305, however, this is not considered to detract from significant views of the property and most of the clearly visible area of rear garden will remain undeveloped. It is noted that using permitted development rights extensions and detached garages could be erected at the rear of number 305 and it is considered that this could have a greater visual impact than the relatively discretely located dormer bungalow.

5.3 It is not considered that the proposal would have a significant adverse impact on neighbour's living conditions and there would be acceptable access for vehicles. The property is of a good standard in terms of size and outlook and would provide valuable family accommodation.

5.4 For the reasons stated it is recommended that the application be approved subject to a S106 agreement relating to contributions to open space provision.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Proposed location plan D/44-PL-00A received 25/10/12

Proposed layout plans D/44-PL-53B/54B received 25/10/12

Proposed elevations D/44-PL-52 received 30/8/12

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

3 Notwithstanding the information contained on the approved plans, the ridge height of the approved development shall not exceed the ridge height of 54 Thirkleby Way.

Reason: To ensure that the approved development does not have an adverse impact on the character of the surrounding area.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the construction of the house and drive shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

5 Details of all means of enclosure and access gates to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

6 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Any hard surfaced areas to be created at the front of the property shall be made of porous materials, or provision shall be made to direct run-off water from the hard surfaced areas to a permeable or porous area or surface within the curtilage of the dwelling house.

Reason: To provide for appropriate on-site vehicle parking facilities in the interests of highway safety, and in order to ensure that any such facilities are sustainably drained.

7 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles 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.

8 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

The details shall include the following requirements:

- (i) Discharge rate 2.25 l/sec.
- (ii) Storage volume 13.9 m³.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (enlargement of the dwelling house) and B (enlargement and addition to the roof), of Schedule 2 Part 1 of that Order shall not be constructed at the house.

Reason: To protect the appearance of the dwelling house and in the interests of residential amenity the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

10 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no fences, walls gates or other means of enclosure shall be erected in excess of 1m in height forward of the application property.

Reason: To ensure that the front boundary treatment respects the character of the area.

11 The hours of loading or unloading on the site and construction work which is audible at the site boundary shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday with no working on Sundays or public holidays

Reason: To protect the amenities of adjacent residents

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:

- principle of development;
- density, design, landscaping and visual impact ;
- impact on neighbouring amenity;
- access and highway safety;
- sustainability;
- drainage;
- open space, affordable housing and education provision.

As such the proposal complies with the overall aims and objectives of the National Planning Policy Framework, and Policies GP1, GP10, GP6, NE1, H4, L1, GP4 of the City of York Development Control Local Plan.

2. FOR INFORMATION - HIGHWAYS

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Improvement/Increasing width of highway - Section 62/72 - Michael Kitchen 551336

3. CONTAMINATION

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately.

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In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

DEMOLITION AND CONSTRUCTION

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(i) All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

(ii) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(iii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers' instructions.

(iv) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(v) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(vi) There shall be no bonfires on the site.

4. In order to facilitate the uptake and recharging of electric vehicles / bikes / scooters within the garage, it is recommended that the applicant should install a standard domestic 13A electrical socket on an internal or external wall. This should be capable of charging at a minimum of 3KWh for up to 8 hours without overheating the cabling or socket.

Ideally, a 13/32Amp socket should be supplied which can offer up to 7KWh continuous charging with a control and protection function on a specific circuit (to avoid overload through use of other appliances on the circuit). Where mounted on an external wall, a suitable weatherproof enclosure for the socket will be required.

Contact details:

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