

## COMMITTEE REPORT

**Date:** 6 June 2013                      **Ward:** Haxby and Wigginton  
**Team:** Major and                      **Parish:** Haxby Town Council  
                    Commercial Team

**Reference:** 13/00660/FUL  
**Application at:** Westholme 200 York Road Haxby York YO32 3EX  
**For:** Erection of 5no. detached two storey dwellings with associated  
                    garages, access and landscaping  
**By:** Mr Daniel Gath  
**Application Type:** Full Application  
**Target Date:** 18 June 2013  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of five detached houses within the rear garden of 200 York Road in Haxby. The site is approximately 0.3 ha in size. Access to the proposed dwellings would be between the existing dwelling at 200 York Road and an electricity substation to the south. The access point would be off a lay-by which is accessed at two points along York Road.

1.2 The application site is bounded by an electricity sub-station and the residential garden 198 York Road as well as the rear gardens of a number of dwellings along Eastfield Avenue, Sunnydale and Pinelands. The application site is not within a Conservation Area and no buildings in the immediate vicinity are listed. The whole of the application site is within Flood Zone 1 which is the lowest flood risk category.

1.3 The proposed development consists of three no. 3/4 bedroom houses and two no. 4/5 bedroom houses. Two of the houses would contain integral garages with the other three having detached single garages. An additional garage is proposed to serve the host house.

1.4 This application has been brought before Planning Committee at the request of Cllr. Cuthbertson due to the concerns raised by local residents. Additionally the application has been brought before Committee because the applicant's agent is married to a Council employee. A site visit is recommended so that Members can assess the visual impact of development, the access arrangements and the impact on neighbouring residential amenity.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

### 2.2 Policies:

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

CYH4A  
Housing Windfalls

CYGP15  
Protection from flooding

CYL1C  
Provision of New Open Space in Development

CYED4  
Developer contributions towards Educational facilities

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 Highway Network Management - No objections to the proposed development in highway terms. The site is currently a large rear garden to a house fronting on to a lay by arrangement on York Road adjust north of the junction with Eastfield Avenue. The proposed access is on to the lay-by off York Road. The proposal is for 5 new dwellings in the grounds of the existing house which is to be retained. The 6 dwellings are proposed to be served from a private drive which accommodates single lane traffic flow before opening and allowing passing places. Each dwelling has a garage capable of accommodating both cars and cycles.

Access to the site is from an adopted highway lay-by which has two in/out accesses on to York Road.

The lay-by currently provides access to 4 properties including a cycle shop business. The level of traffic generated by these proposals will not have a material impact on the adjacent highway network. Adequate visibility is achievable at the access on to the highway.

### 3.2 Design, Conservation, and Sustainable Development (Landscape Architect) -

The rear garden area is exceptionally large relative to the surrounding neighbouring gardens. Formerly there was a sizeable pond in the centre that has recently been filled in and seeded, with tell tale signs of irises re-emerging from their rhizomes, and young willows around the old margins and centre. Otherwise the majority of the vegetation is confined to the garden perimeter. The northern boundary is marked by a mixed hedge including Elder and Holly. The western boundary is marked by a loose privet hedge. Random trees around the perimeter include of a mix of young conifers, willow, fruit trees, laurels and a large hazel adjacent to a poorly formed Ash. A larger group of older trees, some in poor condition, remains in the western corner of the site. The latter form good seasonal screening between properties but are not in themselves worthy of enforced retention. The former vegetation breaks up the boundaries nicely, though the conifers could become problematic closer to their mature size. A mature weeping birch in the rear garden of 198 York Road overhangs the site; its spread could easily be accommodated within a propose rear garden. None of the trees at the rear of 200 York Road are worthy of protection by way of a tree preservation order (TPO) but some of the young trees are suitable for incorporation into a final landscape scheme.

There are concerns however that the proposal represents over development of the site due to short garden lengths relative to the size and number of the proposed dwellings and their proximity to neighbouring properties. Whilst it would be possible to physically protect and retain the vegetation as shown in the submitted plans it is unlikely that they would be retained by future owners due to the space they take up within the limited garden sizes; thus the trees should not be considered as contributing towards effective, long-term screening.

3.3 Education - £11,984 is sought towards the provision of one primary school place at Headland Primary which is currently at capacity.

3.4 Leisure - A commuted sum should be sought towards off-site open space provision/upgrade given that no communal open space is provided on site.

3.5 Flood Risk Management - Insufficient information has been provided by the Developer to determine the potential impact the proposals may have on the downstream watercourse because the suitability and connection to the existing site outfall should be proven. Should the above be proven then the Flood Risk Management Team would have no objections to the development in principle. A condition is recommended to be added to any approval if the application is approved.

3.6 Environmental Protection Unit - A contaminated land screening assessment is required to be submitted.

## EXTERNAL

3.7 Haxby Town Council - strongly object to this application on the following grounds:

- Overdevelopment of the site due to the number of new dwellings being proposed.
- Concern about the limited access to the site.
- This development would have a detrimental impact on the site and in particular on the mature trees currently there.
- Concern about drainage issues because the land being built on was the site of a former pond. Houses in the vicinity are believed to be already subject to flooding.

3.8 Local Residents - Two letters of support have been received. One letter states that Haxby needs more family sized housing. Another states that the drainage problems in the area are not the fault of the applicant and that residents do not have a right to a view.

19 letters of objection have been received. Below is a summary of the comments made:

- The plot is not large enough for the number of houses proposed, the application would overdevelop the site;
- The development would harm the character and visual amenity of the area and the local environment;
- The proposed houses are close to boundaries and would harm residential amenity through loss of privacy, light and by being overbearing;
- The proposal would result in a loss of outlook from neighbouring houses and gardens;
- The proposed development would result in the loss of the landscaping which is remaining;
- The proposed garages have high pitched roofs and are close to boundaries;
- This application has been submitted very recently after a pond was filled in which contained wildlife including Great Crested Newts;
- The access isn't safe for the number of houses proposed;
- There are drainage problems in the area and the proposal would add to this;
- The application is backland development and the level of development is unacceptable;
- The proposed access driveway would create noise and disturbance to existing residents;
- The proposal would further reduce the environmental habitat of the area;
- There may be potential for some new development on this site but not of this level;

## 4.0 APPRAISAL

4.1 The key issues are:

- The principle of development
- The impact on the character and appearance of the area
- The impact on neighbouring residential amenity
- Highway safety, car and cycle parking
- Drainage
- Ecology
- Open space and education requirements

### PRINCIPLE OF DEVELOPMENT

4.2 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.

4.3 The application site is within the settlement limit of Haxby. It is therefore considered to be within a sustainable location and has good access to services and facilities by non-car modes. Whilst the site is used as a domestic garden, its size in relation to the host house is very large. The addition of some new residential development on this site 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 new residential development on this site is acceptable.

## IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

4.4 The application site is within a residential area. However, within this area are a number of different forms of development. York Road is defined by large detached frontage houses with substantial green undeveloped garden spaces. To the south along Eastfield Avenue are semi-detached houses set within smaller plots but with rear gardens which are 25-30m in length. To the west is a more modern higher density suburban type development of smaller cul-de-sacs off the main circulation roads. There are public and private views into the site from the east, south, and west and private views across gardens from the north. The size and scale of the gardens of houses along this part of York Road help to create clearly defined character areas and give York Road much of its visual quality. The substantial green garden areas provide a sense of openness and relief from more recent higher density residential development. The garden of the application site is the most substantial in the area and significantly contributes to the character of the area given that it is the first house along York Road after Eastfield Avenue.

4.5 The proposed development is not of high density in relation to a typical urban development, however with the context of this site and its surroundings would appear as an overdevelopment of the site which would significantly harm the character and appearance of the area. Existing open public views from the east, south, and west would be altered and hindered by the level of development proposed. The five houses proposed for this site are significant in size, are located around the site, and have little space between them. The character and form of the area would therefore be substantially affected. The proposed houses are approximately within 1m of the boundary of houses along Pinelands and Eastfield Avenue, the sense of space to the rear of these dwellings would be lost and in the case of Pinelands the houses would appear somewhat cramped in given that they do not have large gardens.

4.6 Views from York Road to the west would be significantly altered. At present one looks over and between the electricity substation to the south of the host house at 200 York Road towards an undeveloped and green area. Significant landscaping and a pond have been removed from the site in recent times, however the site has retained its sense of being undeveloped and open. The proposed development would introduce an access road along a substantial length of the application site. This would serve five substantial houses with plot 5 sitting only 19m from the main rear elevation of the existing house. Between these two structures would be a large single garage adding to the appearance of a high density development within this context. At present there are open views from York Road of over 100m from York Road to the end of the site. The vast majority of this view is green and undeveloped. It is Officer opinion that had a development been submitted which allowed greater separation distances between proposed houses and also retained a significantly larger space between the rear of the host house and proposed new development, then the important character and qualities of the area could be

retained. Such a lower density scheme set back further from York Road would have allowed a much more significant landscaping scheme to help to retain the open and green undeveloped character and form of the site.

4.7 The proposed plans include the retention of some landscaping within the site. However, the relationship between much of the retained landscaping and the proposed houses is such that it is considered future occupants of the houses would be likely to remove or reduce it. The level of development including houses, access road, car parking areas, and garages does not provide scope for significant additional planting. New planting on the site could soften the appearance of the development whilst retaining a sense of the area retaining some of its green appearance. A development of lesser density could achieve this, which is considered important in terms of protecting the character and appearance of this backland open garden area and its setting as viewed from surrounding areas.

4.8 Paragraph 53 of the NPPF states that 'Local planning authorities should 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.' Paragraph 61 states that '...decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.' Paragraph 64 states that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.' It is considered that the proposed development fails to take the opportunities available for successfully integrating a new development into the site which takes account of the character and form of the area. The development imposes itself on the area and does not successfully integrate with the existing natural and built environment. Therefore, it is considered that the proposal would represent an overdevelopment of this back garden area which is contrary to the aims of the 2005 DCLP and the NPPF.

#### IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

4.9 There are considered to be two key considerations in this respect, the first is the impact of the proposed access on the amenity of the residents of the host house. The second is the impact of the proposed new houses on the living conditions of neighbouring residents. 2005 DCLP Policy GP1 'Design' seeks to protect neighbouring residents from development which is overbearing, overshadows, or results in a significant loss of privacy or outlook.

4.10 The proposed access would pass to the side of the host house which contains two secondary windows. There would be a separation distance of approximately 3m. Between the access and host house would be a new brick wall and an area of landscaping.

A revised plan has been received which reduces the width of the access point and as such cars are not passing as close to the front windows of the host house as was the case on the originally submitted plan. It is considered that the access arrangement shown on the revised plan is acceptable and would not result in a significant loss of amenity through noise or disturbance for residents of the host house.

4.11 The proposed development includes houses close to site boundaries. A number of garden areas back onto the application site and therefore any development would have some impact on amenity. Plots 4 and 5 would face towards the rear gardens and rear of houses along Eastfield Avenue with the rear of the houses facing towards the garden of 198 York Road. Whilst these dwellings will be visible from the gardens of these neighbouring houses and windows would be visible, it is considered that the level of separation is sufficient to not cause a loss of privacy or appear so dominant as to justify refusal of the planning application.

4.12 The relationship between the proposed houses at plots 1-3 and houses along Eastfield Avenue, Sunnydale, and Pinelands is tight. At their closest point plots 1 and 3 are only 1m off the shared curtilage boundary. Therefore the buildings will appear dominant from some areas of the neighbouring gardens. However, the houses have been aligned so as to not sit directly behind houses at Pinelands and an acceptable separation distance has been provided between the proposed houses and neighbouring house windows. Subject to appropriate conditions requiring side elevation windows to be obscure glazed and not allowing new openings to be inserted, it is not considered that there would be a loss of privacy or outlook sufficient to justify refusal of the application.

#### HIGHWAY SAFETY, CAR AND CYCLE PARKING

4.13 The proposed development would be served by a single road access off a lay-by adjacent to York Road. This access would serve the five new dwellings as well as the host house. Highway Network Management considered that the proposed access arrangement is acceptable and it would not cause significant highway safety issues. There would be a passing place approximately 35m into the site. Highways consider that the level of use of this access would be low. Should a vehicle want to enter the site but have to wait within the lay-by until a car exiting the site has pulled out, it is considered that this would not cause a significant safety problem.

4.14 Each dwelling has two car parking spaces as well as a garage. Whilst this is a little above maximum standards, in this instance no objections are raised given the lack of other space for visitor car parking. The amount of car parking provided on site should ensure that there is no off-site car parking which could cause an obstruction. The proposed garages are large enough to be able to store a car as well as bicycles.



The site is within a sustainable urban location and cycle parking provision helps to encourage sustainable transport choice. It is considered that the level of car and cycle parking is acceptable in this location.

## DRAINAGE

4.15 The application site is within Flood Zone 1 and should therefore not suffer from river flooding. A substantial amount of drainage information has been submitted with this application which has been considered by the Council's Flood Risk Engineer. At present the site is green and undeveloped and therefore any development has the potential to increase the amount and speed of surface water runoff unless it is adequately controlled. The applicants are proposing the use of underground storage tanks which would collect surface water and would then release this at a controlled rate into the existing drainage system. This principle is considered acceptable by the Flood Risk Engineer. Additional information was requested about the connection point to the sewer. However, it is considered that the applicants have demonstrated that the site can be properly drained and should the application be approved a condition could be added to any approval requiring full drainage details to be agreed prior to starting work on site.

## ECOLOGY

4.16 Draft Local Plan policies NE6 and NE7 seek to protect and enhance existing natural habitats, particularly on sites where there are protected species. A number of objections from local residents make reference to the fact that a substantial pond on this site was drained and filled in. Some objections state that the pond contained Great Crested Newts which are a protected species. However, the Local Planning Authority has no evidence that the pond contained Great Crested Newts. The pond had not been surveyed for a number of years, however the last time it was surveyed there was no evidence of Great Crested Newts on site.

4.17 The Council's Ecologist/Countryside Officer is aware of this application and has not raised any concerns or objections to what is proposed. There is no specific wildlife value on the site which is worthy of protection.

## OPEN SPACE AND EDUCATION REQUIREMENTS

4.18 The applicant is not proposing to provide on site communal open space. Therefore in line with Policy L1c of the 2005 Development Control 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 required commuted sum payment is £11,684 which the applicant has confirmed they are willing to provide through a Section 106 agreement.

4.19 Policy ED4 of the 2005 DCLP seeks financial contributions towards local education facilities to meet the additional demand created by a new residential development. The consultation response from Adults, Children and Education confirmed that the development needs to fund one primary school place at the Headland Primary. The requested sum is £11,984 which again would be secured through a Section 106 agreement if the application is approved.

## **5.0 CONCLUSION**

5.1 The application proposal is considered to be an overdevelopment of a green and open backland garden area causing harm to the character and appearance of the area. The application is therefore recommended for refusal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The application site is currently green, undeveloped and open and plays an important part in defining the attractive frontage development which characterises this part of York Road whilst providing an important space visually between developments to the south and west. Views are afforded across the site from numerous public vantage points in the surrounding area. The proposed development is considered to be of high density within this backland garden setting resulting in a cramped and overdeveloped appearance which does not respect the character and appearance of the area. The level of hardstanding combined with the amount of built development is at odds with the existing character and form of the application site and surrounding area. In the long term it is considered that the proposed development would result in the loss of existing green landscaping, which contributes to the character and appearance of the area, given the density of development and the lack of space around the proposed dwellings. The proposed development fails to take the opportunities available for successfully integrating a new development into the site which takes account of the character and form of the area. The development imposes itself on the area and does not successfully integrate with the existing natural and built environment. The application is therefore considered to be contrary to the 2005 Development Control Local Plan Policies GP1 'Design' parts a), b), and c), GP10 'Subdivision of Gardens and Infill Development' and H4a 'Housing Windfalls' parts c) and d) as well as advice contained within the National Planning Policy Framework particularly paragraphs 53, 61, and 64.

## **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 an attempt to achieve a positive outcome:

- discussions with the applicants about concerns and sought amendments to reduce the number of houses within the proposal which, subject to design, may have resulted in a positive recommendation.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

#### **Contact details:**

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