



'Subdivision of Gardens and Infill Development', H4a 'Housing Windfalls' part c), and HE2 'Development in Historic Locations'.

2) It is considered that the proposed development, by virtue of its siting, design, size and massing would harm the amenity of occupants of the adjacent residential dwellings. The size of the proposed dwelling and its close relationship with neighbouring dwellings would result in a development which appears dominant and overbearing when viewed from neighbouring houses and gardens and would result in a loss of outlook to the detriment of the amenity of local residents. Therefore, the application is considered to be contrary to the Core Principles (bullet point 4 of paragraph 17) of the National Planning Policy Framework, and Development Control Local Plan Policy GP1 'Design' part i)

1.3 This revised application seeks permission for a dormer bungalow of similar footprint but with a substantially smaller mass due to a reduction in height and introduction of a hipped roof. What is proposed within this application is a three bedroom bungalow with only one bedroom with an en-suite within the roof space. The proposed bungalow has a hipped roof with only one dormer and one roof light within the roof space. The previous proposal included three bedrooms, an en-suite and a bathroom within the roof space. The proposed bungalow has an eaves height of 2.4m and a ridge of 5.4m. The previously refused application had an eaves height of approximately 2.6m with the ridge sitting 6.1m above the ground. The proposed bungalow would be constructed of brickwork with a tiled roof. Windows and doors would be painted timber. When the revised application was submitted it originally included a detached garage, however this has now been removed from the application drawing and does not form part of this application.

1.4 The application site is within Flood Zone 1 which is the lowest category of flood risk. The whole of the site is within Strensall Conservation Area. Surface water drainage would be discharged into the main public sewer via an underground storage tank with a discharge flow restrictor.

1.5 This application has been called into Planning Committee by Cllr Doughty on the grounds that the proposal is only a lightly amended resubmission of the previously refused application.

A site visit is recommended to allow Planning Committee Members to assess the changes to the proposed development in terms the impact on the character and appearance of the conservation area and neighbouring residential amenity.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area: Strensall Village

2.2 Policies:

CYGP1 Design

CYHE2 Development in historic locations

CYGP10 Subdivision of gardens and infill devt

CYH4A Housing Windfalls

CGP15A Development and Flood Risk

CYL1C Provision of New Open Space in Development

## **3.0 CONSULTATIONS**

### **INTERNAL**

#### Environmental Protection Unit

3.1 No objections subject to informatives regarding demolition and construction and the promotion of electric vehicle charge points.

#### Leisure

3.2 No on-site communal open space is proposed therefore a commuted sum should be sought for off-site open space provision/upgrade in the local area

#### Highway Network Management

3.3 No objections to the proposed development from a highways point of view. The proposal utilises an existing access and will not incur a material increase in vehicular movements onto the highway network. Car parking and turning meet the required standards.

### Flood Risk Management

3.4 The application site is within Flood Zone 1 and should not suffer from river flooding. Full drainage details to be approved via condition.

### Conservation Design and Sustainable Development

3.5 No comments received to consultation, however it should be noted that no objections were raised in respect of the previous application.

## **EXTERNAL**

### Julian Sturdy MP for York Outer

3.6 The application is a lightly amended resubmission of a previous application at this property. The proposal has the same footprint and therefore should be refused again.

### Strensall Parish Council

3.7 Object as it is felt that the previous reasons for refusal by the City Council remain relevant (13/00474/FUL) as the footprint remains the same only the height has been slightly reduced

### Foss Internal Drainage Board

3.8 Drainage details need to be approved via condition.

### Local Residents

3.9 Eleven letters of objection have been received from the following addresses 2, 4, 6, and 8 West End Close, 4 and 5 St Mary's Close, and 12, 16, and 18 York Road. A summary of the comments made are below:

- the previous reasons for refusal still stand as the application is only a small amendment from that considered unacceptable previously;
- the dwelling would be very intrusive and overpowering and would harm the character and appearance of the Conservation Area
- infill in a conservation area should not be permitted
- the dwelling would appear intrusive when viewed from West End
- the access road would be from Strensall Road in the middle of a double S bend which is currently saturated with traffic, increasing traffic and access points would be extremely dangerous and irresponsible

- the proposed house will create more surface water which will affect surrounding properties and gardens
- the proposed development would overlook houses in West End Close
- the submitted supporting statement contains a number of errors, it states that the proposal is in accordance with local and national planning policies when it is in fact contrary to the policies and advice
- the proposal would dominate surrounding buildings, would result in the loss of open space between developments, would have a detrimental impact on landscape features and would appear cramped in
- the proposal will have a significant impact on the outlook and amount of light enjoyed from the rear of 16 York Road
- the proposed house provides no natural surveillance of public spaces or paths or even the proposed access drive
- the proposal would result in a loss of privacy in neighbouring houses
- the application is contrary to Local Plan Policies GP1, HE2, H4a, and GP10 as well as guidance within the NPPF
- there are historic foul drainage issues in the area and the proposal would add to these problems

## **4.0 APPRAISAL**

### 4.1 The key issues are:

- Principle of residential development
- Impact on the character and appearance of Strensall Conservation Area
- Impact on neighbouring residential amenity
- Highways, car and cycle parking
- Drainage
- Open Space

## PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.2 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 subdivision 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 Strensall. The occupants of the proposed house would have access to local services and facilities and also those within the wider City by non-car modes. Therefore, the proposed site is considered to be within a sustainable urban location. The application site consists of a section of the side and rear garden of 14 York Road. Although garden land is no longer classified as "previously developed (brownfield) land" there are no policies at a local or national level which state that such developments are unacceptable in principle. Each application must be assessed on a case by case basis to establish whether there would be any harm. This analysis is undertaken below when assessing the likely impact on the character and appearance of Strensall Conservation Area and neighbouring amenity. However, given the sustainability of the site, the City's need for new housing, and the presumption in favour of sustainable development set out in the NPPF, it is considered that the broad principle of development is acceptable.

#### IMPACT ON THE CHARACTER AND APPEARANCE OF STRENSALL CONSERVATION AREA

4.4 Policy HE2 'Development in Historic Locations' of the Development Control Local Plan states that within or adjoining conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals should retain or enhance elements which contribute to the character or appearance of the area.

As stated above both Policy GP10 and H4a require new residential developments to not be detrimental to the character and appearance of the street scene. Policy GP1 'Design' further adds to this and states 'Developments which are considered to be likely to have a significant impact on the character and appearance of the area should be refused.'

4.5 The whole of the application site is within Strensall Conservation Area. Strensall Conservation Area was originally designated in 1979; the application site is thought to have been part of the extension of the Conservation Area in 2001. Each Conservation Area designation has supporting text which highlights the special qualities of these areas and picks out the key elements which it is particularly important to protect and preserve. The supporting text for Strensall Conservation Area does not make any reference to the application site or the land around it in terms of its special qualities. It is considered that the most prominent views of the proposed house would be from along West End. It is considered that only glimpsed views would be afforded from York Road and St Mary's Close.

4.6 Surrounding the application site are a variety of house types both in terms of height, footprint, design, and period of construction. The majority of dwellings in the area are relatively modern and no single style of design dominates. The proposed dwelling is a simple modest dormer bungalow. Dwellings along West End and York Road are predominantly two storey houses. It is therefore considered that the proposed dormer bungalow would appear secondary and generally subservient when seen from the west along West End. The current proposal has seen a reduction in both eaves and ridge height as well as a substantial reduction in the amount of first storey accommodation provided. This results in a proposal with significantly less massing and visual presence within the street scene than previously proposed. There would be some loss of space around dwellings; however the reduction in height and introduction of hipped roofs would allow more views to be retained towards other houses in the area. It is not considered that the proposed dormer bungalow would appear out of place on this site as it would be seen as a 'book end' to the cul-de-sac and seen in relation to the bungalows on St Marys Close. It is not considered that the proposed development would dominate views or create a cramped and overdeveloped appearance as seen within the context of existing twentieth century suburban housing which is the predominant character of the area as seen from West End.

It is considered that the revised proposal results in a development which would be much less visible within the surrounding area than that previously proposed. The removal of the garage from the plans also allows for a little more space around the proposed development.

4.7 Only glimpsed views of the proposed dormer bungalow would be afforded between existing houses on York Road and from St Mary's Close to the rear. It is not considered that the proposed dwelling would appear dominant or intrusive from any public vantage points in these areas. The proposed dormer bungalow is simple in design and modest in height. It is considered that the proposal generally respects the character of existing twentieth century suburban dwelling houses within the context of the application site.

4.8 Part of the proposed access would change an existing area of grass at the side of 14 York Road into hard standing for vehicular access. This will have some impact on public views of the site. However, the front of the proposed access which is closest to York Road is already hard standing so the immediate environment adjacent to the public footpath would not change. Additionally the access is proposed to contain 0.5m of green landscaping on both sides which would visually break up the amount of hard standing as well as retaining a reasonable level of green landscaping in the interests of visual amenity. It is considered that the proposed plans have overcome the previous reason for refusal relating to the impact on the character and appearance of Strensall Conservation Area.

## IMPACT ON NEIGHBOURING RESIDENTIAL AMENITY

4.9 Development Control Local Plan Policy GP1 'Design' requires developments to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The previous reason for refusal did not specify which address or addresses were of concern in respect of the impact on residential amenity. The main impact expressed in the previous Committee Report was on that of 12 York Road, it is considered that this is also the case within this application due to the siting of the proposed bungalow in approximately the same location as previously proposed. Applications such as this require a judgement to be made and the Local Planning Authority do not have specific guidance on acceptable separation distances.

It is an assessment as to whether the proposal significantly harms the amenity which a resident can reasonably expect to enjoy to an extent that it warrants refusal of the planning application. On balance the previous application was considered unacceptable and the applicants have revised the proposals in an attempt to overcome this reason for refusal.

4.10 The proposed bungalow sits on broadly the same footprint as the application which was previously proposed, therefore the separation distance remains approximately the same between the rear of 12 York Road and the proposed dwelling. This distance is approximately 12.6m on the proposed plans. The previously proposed garage which sat to the front and side of the proposed dwelling has been removed from the plans. This provides more space between the built development and the curtilage of 14 York Road. However, the most significant change is the reduction in height and the change in design with a gable end being changed into a hipped roof. This has the effect of moving the ridge 3.5 - 4m further away from the rear of 12 York Road. This combined with the hipped roof and 0.7m reduction in ridge height results in a significantly greater level of outlook from the rear of 12 York Road despite the building not being further away than previously proposed. It is considered that the proposed development retains an acceptable level of outlook within the rear windows and garden area of 12 York Road. There are no first storey windows within the south of the proposed bungalow and the bungalow is north west of 12 York Road meaning there would be no significant impact on natural light.

4.11 The proposed access to the dormer bungalow is between 14 and 16 York Road. Whilst access arrangements between existing houses are often unacceptable due to the impact this can have on neighbouring amenity, in this case it is considered that the separation distance between the side of 16 York Road and the access is sufficient to maintain a reasonable level of amenity. 16 York Road is approximately 3.2m from the shared curtilage boundary; beyond this a 0.5m wide landscaping strip would be retained to provide an additional visual buffer between the access and the side of number 16. It is considered that the 3.7m separation between the access drive and the side of 16 York Road is acceptable given the nature of the site adjacent to a busy road. It is not considered that the typical comings and goings associated with a three bedroom dwelling would harm residential amenity of this dwelling to an extent which would warrant refusal of the application.

Likewise it is considered that a reasonable level of separation is provided between the proposed access and 14 York Road, a 1.5m high boundary fence and a 0.5m landscaping strip would be created to the side of the access to provide privacy and some sound reduction for the residents of 14 York Road.

4.12 The nearest dwelling to the proposed dormer bungalow is 4 West End Close to the west. The proposed bungalow sits approximately 5.8m at the nearest point to the east side elevation of this dwelling. The rear of the proposed dormer bungalow faces towards the side and front of 4 West End. Any views from the rear window of the proposed dormer bungalow towards the front windows of 4 West End would be at an oblique angle and would not result in a significant loss of privacy. 4 West End only has two openings within its side elevation, these are considered to be secondary in nature and do not provide the main outlook or light to the house. It is considered that the proposed development would not dominate or overshadow 4 West End Close.

4.13 To the south of the proposed dormer bungalow is 18 West End. 18 West End is approximately 19.3m to the south of the proposed dormer bungalow. It is considered that this is sufficient to not significantly affect the amount of outlook and privacy enjoyed from rear windows and the rear garden of 18 West End. The proposed bungalow is set 9m back from the shared curtilage boundary. The existing 1.8m high boundary fence on this boundary is proposed to be retained.

4.14 It is not considered that the proposed development would appear dominant or overbearing when viewed from either 4 or 5 St Mary's Close to the north. Whilst the proposed dormer bungalow is only approximately 2.6m from the garden boundaries, the two bungalows to the north have fairly substantial gardens with the proposed dormer bungalow not being located directly in line with the rear elevations of these existing bungalows. Again the reduction in height of the proposed bungalow and the hipped roof design are considered to reduce any potential outlook or light issues within these dwellings and garden areas to an extent which make the application acceptable.

## HIGHWAYS, CAR AND CYCLE PARKING

4.15 The proposal would create one three-bedroom dwelling within the garden of 14 York Road. The number of vehicle movements in and out of the site would therefore be small. The proposed development would utilise an existing vehicular access which serves the existing house at 14 York Road. Highway Network Management has no objections to this access being utilised for the new house. The site does sit between a number of bends in York Road; however the advice from Highway colleagues is that serving one additional dwelling at this location would not create a significant highway safety concern. Visibility at this access point is considered acceptable. There is space within the site for a vehicle to turn around and exit the site in a forward gear, which is considered important in this location.

4.16 Off road car parking is available within the site to ensure that there is not indiscriminate parking of vehicles on neighbouring streets. A condition is proposed requiring details of cycle parking to be agreed in order to promote sustainable transport choice.

## DRAINAGE

4.17 Development Control Local Plan Policy GP15a 'Development and Flood Risk' promotes the use of sustainable drainage systems in order to reduce surface water runoff. Additionally it requires new developments on undeveloped land to not impede water flows and not increase flood risk elsewhere. The application site is within Flood Zone 1 which is the lowest flood risk category. The application proposes permeable surfaces to the access drive and vehicle parking/turning areas. However, clearly the house would reduce the amount of permeable land on site and therefore some form of attenuation is required. The applicants are proposing a drainage system which would store water and release it at a rate lower than existing. Therefore, the proposal will reduce the speed of surface water runoff from the site in accordance with the requirements of the Local Planning Authority. A condition is proposed to ensure full drainage details are agreed and that this drainage system is installed in accordance with these details.

## OPEN SPACE

4.18 Policy L1c of the Development Control Local Plan seeks to ensure that new developments provide open space for the benefit of future occupiers of any new residential scheme. For small scale developments a commuted sum is sought for off-site provision/upgrade. For a three bedroom house such as that proposed here the latest Supplementary Planning Guidance seeks a sum of £2004. The applicants have agreed to this contribution to be secured through a Unilateral Undertaking.

## 5.0 CONCLUSION

5.1 The application site is within a sustainable urban location with good access to services and facilities by non-car modes. The city is considered to have a shortage of housing. The NPPF places a strong presumption in favour of sustainable development. Local Planning Authorities are required to demonstrate strong and clear reasons for refusing any planning application for sustainable development. Without such reasons, authorities are encouraged to approve applications without delay. Any potential reasons for refusal need to be strong, robust and clearly identified, particularly given the status of the existing Development Control Local Plan.

5.2 The proposed bungalow is simple in design and has an eaves and ridge height which is significantly below many dwellings within the immediate vicinity of the site. It is considered that the development would not be harmful to the character and appearance of the Conservation Area as it would appear secondary in height to taller houses and would be seen within the context of existing twentieth century suburban housing. The removal of the proposed garage, reduction in eaves and ridge height of the bungalow and the introduction of a hipped roof reduces the visual impact of the proposed development further.

5.3 The application site borders a number of existing residential gardens and will therefore have some impact on residential amenity. However, it is not considered that the impact is sufficient to warrant refusal of the application in terms of either loss of outlook, privacy or natural light. The revised plans within this application are considered significant and overcome the previous reason for refusal relating to the residential amenity of neighbours.

5.4 Therefore the application is recommended for approval subject to the following conditions and securing a commuted sum payment for the provision/upgrade of public open space.

## **COMMITTEE TO VISIT**

**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 Plans and Elevations - Drawing Number YEW-277-012 10  
Revision B received 19/09/13

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 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 or improvement of dwellinghouse), B (enlargement of roof), C (alteration of roof), E (erection of outbuilding) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents 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.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted into the property.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

5 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 including bricks and roof tiles, 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 for this development within Strensall Conservation Area.

6 Details of all means of enclosure 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.

7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted in the garden area and alongside the access. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

8 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing Mountain Ash tree immediately to the north of the site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials or the commencement of building works.

Reason: The existing tree is considered to make a positive contribution to the amenities of this area.

9 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 5.5 metres (excluding the chimney), as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area and neighbouring residential amenity.

10 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.

Details to include:

1. Peak surface water run-off from the proposed development must be restricted to a maximum 2.71 lit/sec.
2. Site specific details of the flow control device manhole limiting the surface water to the 2.71 lit/sec.
3. Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
4. Details of connection into existing combined sewer.

Please note that the development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

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

11 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in complete accordance with the approved details.

Reason: To promote the use of cycles in the interests of sustainable development

## **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 order to achieve a positive outcome:

- Provided pre-application advice regarding building height and design
- Sought the removal of the garage from the plans

### **3. INFORMATIVE:**

The developer's attention is 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 adhered to; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch 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.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

**Contact details:**

**Author:** Michael Jones Development Management Officer

**Tel No:** 01904 551339