

COMMITTEE REPORT

Date: 16 February 2022 **Ward:** Osbaldwick And Derwent
Team: East Area **Parish:** Osbaldwick Parish Council
Reference: 22/00003/FUL
Application at: 9 Bransdale Crescent Osbaldwick York YO10 3PB
For: Single storey flat-roof rear extension, rear dormer and replacement of former detached garage with a replacement attached garage to side (retrospective)
By: Miss Mika Maguire
Application Type: Full Application
Target Date: 1 March 2022
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 No. 9 Bransdale Crescent, Osbaldwick, is a detached bungalow, located within a residential street running off Baysdale Avenue. The proposal seeks retrospective consent for a single storey flat-roof rear kitchen/living room extension, a flat-roof rear dormer and a replacement attached garage.

Ward Councillor Call-in

1.2 The application has been called in to sub-committee by Councillor Warters, on the grounds of negative impact on neighbouring amenity and inappropriate design, which if approved would set a very bad precedent.

Planning History

1.3 21/02238/LHE – Refused 30.11.2021 as the proposal did not comply with the permitted development rights limitations for large single storey rear extensions.

2.0 POLICY CONTEXT

Publication Draft Local Plan 2018

2.1 The Publication Draft Local Plan 2018 for the City of York ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

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- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of conformity of the relevant policies in the emerging plan with policies in the previous NPPF (published March 2012).

D11 – Extensions and Alterations to Existing Buildings

Draft Development Control Local Plan 2005

2.2 The Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. Its policies are material considerations when they are in accordance with the NPPF although it is considered that their weight is very limited.

H7 – Residential Extensions

3.0 CONSULTATIONS

Osboldwick Parish Council

3.1 No response received.

4.0 REPRESENTATIONS

Neighbour Notification

4.1 One letter of objection received:

- Development 99% completed
- Already refused under the LHE process
- Inaccuracies relating to the number of trees
- Inaccurately states there is a 'Tall Perimeter hedgerow' on the shared boundary
- Overpowering effect due to height of parapet wall
- Loss of privacy into the side garden
- Out of character

5.0 APPRAISAL

KEY ISSUES

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

POLICY CONTEXT

5.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development. Paragraph 130 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including that they are sympathetic to local character, surrounding built environment and their landscape setting. The NPPF also places great importance on good design. Paragraph 134 says that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

2018 Draft Local Plan

5.3 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporate trees.

2005 Development Control Local Plan

5.4 Draft Local Plan Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

House Extensions and Alterations Supplementary Planning Document (2012)

5.5 The SPD provides guidance relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings.

A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street-scene. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

ASSESSMENT

Visual Impact on the Bungalow / Street-Scene

5.6 The flat-roof garage is being constructed from brick to match that of the original bungalow, with a white soffit to match that on the existing property. It will incorporate a roller-shutter door. The finished structure will be very similar in scale to that which it has replaced and will not harm the visual amenity of Bransdale Crescent. The rear replacement dormer has been constructed from red-brick, to match those of the original bungalow and rear extension. Whilst large, if constructed in isolation the dormer would be within permitted development limitations. Rear dormers are a feature of similar adjacent bungalows. The rear extension, as completed, is approx 3.2m height, spans the entire width of the original bungalow and projects approx 6.0m to the rear. It has been constructed in brick which match those of the existing property. The rear garden is quite spacious and very wide, in consequence reasonable external amenity space is retained. The rear extension is almost completely screened from any public views from Bransdale Crescent and not prominent from public views on Tranby Avenue. It is not considered the development significantly harms the character and appearance of the host bungalow, or immediate surrounding area.

Impact on neighbour amenity

5.7 In terms of No.11 Bransdale Crescent, which lies to the south-west of the application property, the rear extension is set well back from the shared side/rear boundary. A side and rear extension was added to this property, under a 1988 permission. The side elevation of the extension as built faces towards the blank side elevation of the structure added to the neighbouring property. In terms of No.7 Bransdale Crescent, which lies to the north of the application property, the configuration of the rear extension means it angles away from the shared side/rear garden boundary. There is a timber fence running along this boundary. There are no additional windows on the facing side wall of the extension and again no significant neighbour amenity issues arise.

5.8 In terms of No.19 Tranby Avenue, the configuration of the respective properties means that the principal external amenity space, of this neighbouring dwelling (its side garden) borders the rear garden boundary of the application property. In terms of amenity; there is a minimum of approx 9.6m separation between the extension and shared garden boundary and a maximum separation of approx 15.6m. There is

a patio seating area to the rear of this neighbouring dwelling. The development is larger and closer to the boundary than what it replaces but it is not considered that it overshadows or over-dominates the neighbouring property, or results in any significant loss of privacy. It is recommended that a condition is imposed on any planning permission to restrict the use of the flat roof as a roof terrace because of the impact on the amenity of adjoining houses.

6.0 CONCLUSION

6.1 The development is considered to be appropriately designed and not to harm the appearance of the streetscene or residential amenity. It would comply with the National Planning Policy Framework (2021), policy D11 of the Publication Draft Local Plan 2018, policy H7 of the 2005 Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations'

7.0 RECOMMENDATION: Householder Approval

1 The roof of the rear extension shall not be used as a roof terrace or area for domestic use or sitting out.

Reason: In the interests of the living conditions of adjoining properties.

8.0 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 (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. Informative regarding Electric Vehicle (EV) Charge Points

The Government's Electric Vehicle Homecharge Scheme' offers a grant to reduce the cost of installing a home electric vehicle charge point. For more information see the Office for Zero Emission Vehicles' (OZEV) website at:

<https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>. All electrical circuits/installations should comply with the electrical requirements in force at the time of installation.

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