

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 15 March 2007

**Ward:** Fishergate  
**Parish:** Fishergate Planning Panel

**Reference:** 07/00199/FUL  
**Application at:** The Gimcrack 294 Fulford Road York YO10 4PD  
**For:** Amendment to previously approved scheme 04/00559/FUL for conversion of coach house to dwelling  
**By:** Wrigley Developments Ltd  
**Application Type:** Full Application  
**Target Date:** 27 March 2007

### 1.0 PROPOSAL

1.1 This application is an amendment to the previously approved scheme for the conversion of this old Coach House building which stands next to the main Gimcrack building. This has recently been refurbished and converted into flats and a new development of houses has been erected to the rear of the site.

1.2 The conversion of the Coach House was permitted as a freestanding planning permission (ref no. 04/00559/FUL) to that for the conversion of the main building and the erection of the houses. The conversion has largely been completed and the building has been purchased. However the scheme that has been implemented on the site is different from that shown in the approved plans and that is the reason for this application. It is therefore partly retrospective.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford Road 0039

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

CYH4  
Housing devp in existing settlements

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYT13

Car park standards in York CC/District C

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL**

**3.2 Highway Network Management.**  
No highway implications.

**3.3 Urban Design and Conservation.**

The Gimcrack Hotel is an unlisted building within the Fulford Road conservation area. The hotel with its ancillary stable block and coach house face the main road. They are mentioned in the conservation area statement as being important buildings associated with the local Barracks and former Cavalry Regiment.

The hotel has recently been converted into flats and the stable block itself forms an independent dwelling. The new windows of the stable block (in the approved scheme) were designed to allow for the different needs of outlook and light whilst avoiding being too domestic in character. Approved drawings of the front elevation showed the existing window openings being reused.

Unfortunately a different scheme has been implemented with lowered cills. The windows to the side and rear of the property have much larger pane sizes than the approved ones and the front windows are of a conventional vertical sash type. The new window types are inconsistent within themselves and significantly reduce the inherent non domestic character of the building.

The main living area is at the front of the building and the floor level is low in relation to the previous approved cill level. The cills have consequently been lowered in the implemented scheme to allow for outlook and a requirement for increased light. This alteration could be justified if the window design more closely reflected the original concept. Proposals show that the additional glazing bars would restore some of the agricultural character of this ancillary building. They also would restore a relationship between all the windows.

Given the amendment of lowering the front cill level (desired to improve the quality of the interior and its relationship with outside) the proposals appear to restore sufficient character and consistency to the building to be acceptable.

Please condition:

- 1) large scale details of windows
- 2) all windows to be in timber

### 3.4 EXTERNAL

3.5 Fulford Parish Council.  
Comments awaited.

3.6 Third Parties.

1 letter of objection was received from the occupier of 292 Fulford Road. Comments as follows.

Concerned about overlooking into this property from the windows on the north elevation. At the previous committee meeting it was raised as to whether a fence was proposed on this boundary but nothing was shown and nothing is shown on these plans either. It was said at the previous meeting that a boundary fence was proposed.

## 4.0 APPRAISAL

### 4.1 KEY ISSUE

- design and impact on the Conservation Area.

4.2 The issue here is the impact the alterations have on both the building and the conservation area. Whilst it is regrettable that the building was not converted in accordance with the approved scheme and the Council were not made aware of these changes this in itself is not a reason for refusing planning permission. This issue has to be whether the alterations are harmful in their own right. If the changes are considered to be acceptable then planning permission should be granted.

4.3 The original window openings were shown to be re-used in the approved scheme and the main alteration in the work that has taken place has been to make these significantly larger in order to allow more light into the main living rooms. The changes and their impact are described in detail in para. 3.3 above but essentially the impact these changes have had are to unbalance the building and make it more domestic in appearance. This harms the character of the building and consequently its setting and historical context within the Conservation area.

4.4 To compound this harm the glazing details further impact on the appearance of the building as they have been fitted with large panes and vertical sash types. The windows at the front differ in style from those to the side and rear. Officers advised the applicant that these windows as fitted were unacceptable.

4.5 The plans that have subsequently been submitted with this application show the new window sizes retained but additional glazing bars within them. This will increase the number of panes from 4 in all windows as fitted to 6 or 8 (depending on the size of the window) in a casement style. All the windows are shown to be the same style and this helps restore some character and consistency to the appearance of the building. The proposed changes improve the appearance of the building when compared to the work unlawfully carried out and this results in a style of building more consistent with its previous appearance albeit still with larger window openings. Despite this, the issue has to be whether this increase in size is so harmful to the

building and the Conservation area as to justify refusal for the scheme. Officers are of the view that it isn't. The windows on the front of the building facing Fulford Road are the smallest and in terms of scale the most appropriate to the elevation they sit within. As this is the most visible elevation from public views then this is considered to be acceptable. The need for extra light within the building is acknowledged and the windows in the approved scheme were probably somewhat inadequate in this regard. Officers consider that amended plans for the windows as submitted are therefore an acceptable compromise.

4.6 The other alteration shows an additional window in the northern elevation facing no. 292 Fulford Road. This will be a secondary kitchen window. The internal layout of the building is different from that in the approved plans although in planning terms this is not an issue. However this results in the kitchen being on the opposite side of the building than in the approved plans and this has stimulated the need for the extra window. The window looks towards the house and garden of 292 Fulford Road and will afford views into this side and rear area of this site. However there is a further window in this elevation that was approved as part of the permitted scheme although this is now shown to be a sitting room on this latest set of plans as opposed to a bedroom on the approved plans. The building is only single storey and therefore ground floor windows will not afford significant views into the adjacent site and the distance between this building and no.292 is approx. 16 metres with an east-west orientation. 16 metres is significantly above normal side to side relationships. However the concerns of the objector are noted about the shared boundary and given that the 2 rooms on that side of the building are now principal rooms (Kitchen and sitting room) and given that the boundary hedge is somewhat fragmented and bare at this point, some additional boundary treatment can be justified. There was a condition pertaining to the need to agree boundary treatment on the approved scheme and given the changes to the plans and the poor condition of the hedge officers consider that it can be justified this time as well. Condition 6 is recommended here.

4.7 The only other change to the appearance of the building is the removal of the chimneys shown in the approved scheme. Officers have no objection to this as they were not original features of the building and generally chimneys would not be on what was a former stable / coach house building.

## **5.0 CONCLUSION**

5.1 The building has not been converted in accordance with the approved scheme and the window alterations that have been carried out on site are considered to be unacceptable. However the alterations to the windows details as shown on the submitted plans are an improvement and return some balance and character to the building in line with its former use.

5.2 The amendment is therefore considered to be acceptable, subject to conditions.

**6.0 RECOMMENDATION:** Approve

- 1 The revised window details as shown on the approved plans (drawing no. ref 04:53:122) shall be completed not later than the expiration of six months from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

drawing no's  
- 04:53:122 rev G  
- 04:53:20 rev A  
- 04:53:126

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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 any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials, including brickwork, roof slates, joinery and rainwater goods, to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All windows and doors should be of timber construction and the existing rainwater pipes should be reused or replaced with cast-iron pipes where necessary. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance given the historic importance of the building and its location in the Fulford Road Conservation Area.

- 4 Before the development commences, large scale detailed drawings of the following items shall be submitted to and approved in writing by the Local Planning Authority the works shall be carried out in accordance with the approved details.

- Drawings at a scale of 1:5 showing cills, soldier courses, jambs and other joinery sections for windows and doors;
- Drawings at a scale of 1:10 showing eaves, verges and cross-sections through window/door reveals;

Reason: So that the Local Planning Authority may be satisfied with these details given the importance of this building in the Fulford Road Conservation Area.

- 5 The building shall not be occupied until car and cycle parking provision has been provided on site, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority beforehand. The cycle parking provision shall consist of a covered and secure enclosure. These areas shall thereafter be retained solely for such purposes.

Reason: In the interests of highway safety and to promote use of cycles thereby reducing congestion on the adjacent roads.

- 6 Details of a means of enclosure around the approved dwelling shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the dwelling is occupied.

Reason: In the interests of the visual amenities of the area and the residential amenity of future occupants of the dwelling.

- 7 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, B, C, D and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

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.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

1. 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 visual amenity, the Fulford Road conservation area, protected trees, residential amenity and highway safety. As such the proposal complies with Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP10, H4, HE2, HE3 and T13 of the City of York Local Plan Deposit Draft.

### **Contact details:**

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