

COMMITTEE REPORT

Team: West Area
Date: 22 June 2006

Ward: Westfield
Parish: No Parish

Reference: 06/00222/FUL
Application at: 48 Wetherby Road Acomb York YO26 5BY
For: Erection of 1no. detached dwelling and garage to the rear of 48 Wetherby Road
By: Mr And Mrs Jeffrey
Application Type: Full Application
Target Date: 29 March 2006

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a detached dwelling within the rear garden area of 48 Wetherby Road.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Air safeguarding Air Field safeguarding 0175

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYNE1
Trees, woodlands, hedgerows

CYNE8
Green corridors

3.0 CONSULTATIONS

3.1 External

Neighbours - letters of objection received from 33, 44,50, 52, 54, 94 and 104 Wetherby Road and 18 Ridgeway on the following grounds:

- Would set a precedent
- Loss of trees and hedgerows
- Loss of privacy
- Loss of light
- Very close to the site boundary with number 50 Wetherby Road and access may be required to construct and maintain the dwelling
- Would be an eyesore
- Inadequate access for fire engines
- Out of character
- Noise disturbance due to access drive
- Would allow easier access to the rear of properties which may result in increased crime
- Proposed 1.8m close boarded fence will prevent intruders being seen
- Recent garage extension at number 44 Wetherby Road abuts the application site extension. When removed it will leave an unsightly side elevation which was built overhand in concrete block.
- Application form states no alterations to the present vehicle access but this is not possible as access can not be gained without alterations
- Possible conflict with pedestrians due to the high boundary fence
- Loss of wildlife

York Natural Environment Panel - Contrary to GP10 because the development would result in the loss of aggregated garden space - a valuable wildlife habitat. In roads must be resisted - this is the reason for setting up GP10

3.2 Internal

Drainage - The development is Flood Risk Zone 1 and should not suffer from river flooding. The development should not be raised above the level of the adjacent land, to prevent new run-off from the site. A topographical survey of the site and the adjacent land should be submitted to prove this. The intention is to dispose to soakaway a test should be carried out in winter to prove that the ground has sufficient capacity to accept surface water discharge

Environmental Protection Unit - No objections but concerns over noise disturbance during the construction phase and the possibility of contamination being found during any construction works. Suggest conditions

Lifelong Learning and Culture- As there is no on site open space provision, commuted sums should be paid to the council for amenity open space, play space and sports pitches

Highway Network Management - There are no highway objections to the principle of the development however it is noted that access to the site will entail the use of the existing drive to house number 48 as the sole means of access to the site, and demolition of the existing garage and an annex to house number 48. Revised plans indicate adequate car parking can be achieved for both properties but alterations will be required to the dropped crossing to provide unobstructed access to the drive for the new dwelling. Condition suggested

Landscape Officer- No implications regarding the character of Wetherby Road as the property and trees to be removed are not visible. However, concerns are raised regarding the precedent that may be set. The value of gardens as wildlife habitat is recognised by English nature. Once one back garden development is permitted along this stretch of Wetherby Road, it opens up the entire rear garden area to piecemeal development and a gradual deterioration of a valuable habitat resource. Thus in my opinion the development principal would be against the general objectives of the local plan policy 'Nature conservancy and amenity' and policies NE1 and NE8. Trees in these rear garden areas are of nature

conservation value by way of the accumulative potential for shelter, nesting and feeding habitat.

Countryside Officer - The long back gardens form an uninterrupted green wedge in form the adjacent countryside. However, the proposal lies at the inner end of this wedge and so will have limited effect in wildlife terms. Similar development elsewhere within the area would have a greater effect.

4.0 APPRAISAL

4.1 Key Issues

- Impact upon character of the area
- Impact upon residential amenity
- Impact upon wildlife

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are GP1, GP10, H4a, H5a, NE1 and NE8. Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

Policy GP10 'Subdivision of Gardens and Infill Development' states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

Policy H4a 'Housing Windfalls' of the CYLPDD states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

Policy H5a 'Residential Density' states that the scale and design of residential developments should be compatible with the character of the surrounding area and must not harm local amenity. Applications for all new residential developments, dependant on individual site circumstances and public transport accessibility, should aim to achieve net residential densities of greater than: 60dph in the city centre; 40dph in the urban area and 30dph elsewhere in the city of York.

Policy NE1 'Trees, Woodlands and Hedgerows' seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss and by seeking appropriate protection measures when they are proposed for removal. Appropriate replacement planting will be sought where trees are proposed for removal.

Policy NE8 'Green Corridors' states that planning permission will not be granted for development, which would destroy or impair the integrity of green corridors and stepping stones (e.g. river corridors, roads, railway lines, cycleways, pockets of open space and natural or semi-natural vegetation etc). Conversely development that ensures the continuation and enhancement of green corridors for wildlife will be favoured.

4.2 The application site is a semi-detached property located along Wetherby Road, close to the roundabout with Beckfield Lane and Ridgeway. It has a long rear garden measuring in the region of 79m long by, on average, 11m wide. To the east the garden bounds the gardens of three residential properties and to the west, a garden of similar size to the application site. The application seeks permission for the erection of a detached four bedroom dwelling within this rear garden area. The dwelling would be located 37.4m back from the rear elevation of the existing property. This would allow for a garden area of 21m long to be retained for the original dwelling and garaging and turning for the new dwelling. The new dwelling would have an overall length of 17.5m allowing for a rear garden area of 24m in length to be provided.

4.3 The dwelling would be constructed as one and a half storey, with rooms within the roof. It would provide a livingroom, kitchen and sun room to ground floor and four bedrooms and a family bathroom to first floor. The dwelling would have an eaves height to the side boundaries of 3.9m rising to a central ridge height of 7.2m. The majority of the window openings would be to the front and rear elevations, facing up and down the garden, with limited windows to the eastern elevation opening into the kitchen and only velux rooflights to the western elevation. Due to this design there would not be any levels of unacceptable overlooking as window-to-window distances of 38m can be achieved between the existing dwelling and the proposed, well in excess of the guideline of 21m. Patio doors are to be provided to the eastern elevation, which would face onto the boundary with 18 Ridgeway. This would give a distance of in the region of 10m to the neighbours property. However, a 1.8m high close boarded fence is proposed to this elevation and as such no overlooking will arise.

4.4 In order for the development to be accessed a drive would be located along the boundary with the neighbouring property at 44 Wetherby Road. At present the existing dwelling has a single storey garage extension which is proposed to be demolished. This would leave adequate space for the new access to be provided whilst retaining two off road car parking places for the existing property. The application plans indicate the erection of a two storey extension to attach to the existing dwelling, but retaining adequate space for the new access. However, no plans have been received and these will be considered under separate application. It is not considered that the drive to this location would have a serious detrimental impact to neighbours in terms of noise and it would abutt the garage of number 44 Wetherby and vehicle movements for one dwelling would be limited.

4.5 In order for adequate turning to be provided in the site for the new dwelling a number of fruit and conifer trees are proposed to be removed. This will total 10 fruit trees and 3 conifer, a further 3 fruit trees, 2 Hawthorne, 1 lilac and 1 ash tree will be removed within the rear of the site, although no justification has been received. However, these trees are not protected and as such the applicant could remove them without the need for a planning application. Furthermore, they would not be worthy of retention by way of Tree Preservation Orders and as such is acceptable in terms of Policy NE1. Concerns are raised regarding the loss of the number of trees but it is considered, by the countryside officer, that at this location to the end of this green corridor there would be limited effect in wildlife terms. Policy NE8 relates to the retention of green corridors. However, as this site is located at the end of the corridor, adjacent to properties facing Ridgeway it could be considered that the development would not destroy or impair the integrity of this green corridor.

4.6 There would be a limited amount of overshadowing to the rear garden area of number 50 Wetherby Road but this would be at a distance of 37m from the rear elevation of the property and as such would not be the most used part of the garden area. It would also only be during the morning as the gardens are south facing. However, there may be an element of overshadowing during the evening to the occupiers of 18 Ridgeway, which lie to the east of

the development site. This would mainly be the rear/side garden area and would not be into any habitable rooms due to the orientation of the dwelling within the site. The conservatory to the side would be the most affected but it is felt it would be difficult to uphold a reason for refusal based on loss of light.

4.7 Regarding visual intrusion the dwelling would be located within a large plot of land and would be seen in context with neighbouring residential properties along Ridgeway. If the dwelling were proposed to the rear of a property further along Wetherby Road concerns would be raised as the dwelling would be seen in context with a number of large open adjacent gardens and would be much more visually prominent. The issue regarding precedent is similar. The proposed site is unique as it sides onto existing residential properties as opposed to only garden areas. Other properties wishing to develop land to the rear would have to be considered on their own merits but the level of visual intrusion created would be a major factor. Furthermore, the application site has a large area of land to the side which can accommodate the proposed driveway. The majority of other properties along Wetherby Road do not have this land and as such access would be difficult to achieve.

5.0 CONCLUSION

5.1 It is considered that the site is of an acceptable size to accommodate a detached dwelling with access whilst retaining adequate levels of amenity space and privacy. The dwelling will impact upon neighbouring residents but not to a level that could warrant a refusal. The visual intrusion would be reduced by reason of its location adjacent to residential properties and it would not create a precedent as its location within the street is unique. As such Officers recommend approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

124 - 100B, 124-101, 124-102

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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 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 in the side elevations of the property.

Reason: In the interests of the amenities of occupants of adjacent residential properties.
- 4 PD1 IN Rem of specific Perm Dev rights
B and C
- 5 VISQ8 Samples of exterior materials to be app

- 6 VISQ4 Boundary details to be supplied
- 7 NOISE7 Restricted hours of construction
- 8 Any suspect contaminated materials detected during site works shall be reported to the Local Planning Authority. Any remediation for this contamination shall be agreed with the Local Planning Authority and fully implemented prior to any further development of the site.

Reason: As our in-house research has shown no obvious potential source of contamination at the site, the watching brief is recommended

- 9 Prior to works commencing on site details of the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure acceptable drainage of the site

- 10 The hereby approved development site shall not be raised above existing ground levels.

Reason: To prevent unacceptable surface water run-off to adjoining sites

- 11 HWAY5 Access improvements details required

- 12 HWAY12 Initial 10m surfaced, details reqd

- 13 HWAY19 Car and cycle parking laid out

- 14 HWAY31 No mud on highway during construction

- 15 LAND1 IN New Landscape details

- 16 HT1 IN Height
7.3 metres

- 17 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1804

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

**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 the character of the area, residential amenity or the loss of significant landscaping. As such the proposal complies with Policies L1c,GP1, GP10, H4a, H5a, NE1 and NE8 of the City of York Local Plan Deposit Draft.

2. INFORMATIVE:

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

Contact details:

Author: Heather Fairy (Mon - Wed) Development Control Officer
Tel No: 01904 551668