

## COMMITTEE REPORT

**Date:** 30 November 2021      **Ward:** Haxby and Wigginton

**Team:** West Area      **Parish:** Haxby Town Council

**Reference:** 21/02026/FUL

**Application at:** Cedar House 29 Station Road Haxby York YO32 3LU

**For:** Conversion of existing house into two dwellings with single storey rear extension, side and rear dormers, 2no. rooflights to front and 4no. rooflights to side - resubmission

**By:** Mr Paul Lee

**Application Type:** Full Application

**Target Date:** 28 October 2021

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This application seeks permission for the conversion of the existing property into two dwellings with associated extensions and alterations including a new access from Ash Lane. The host dwelling is a large semi-detached property accessed via Station Road with existing vehicle access to the rear garden via the adjacent Ash Lane. This lane also serves 1 and 2 Cedar Court. The large rear garden is bounded on three sides by a brick boundary wall.

1.2 The application is a resubmission of application 20/01958/FUL which included a detached dwelling to the rear garden. The application was refused at sub-committee August 2021 for the following reason:

The proposed single storey detached dwelling by virtue of its scale, design and layout would result in the creation of a dwelling which would be out of keeping with the existing character of the locality and result in significant harm being caused to the character and appearance of the area which is considered unacceptable in principle. The proposal would constitute an overdevelopment of a constrained site which contributes to the character and layout of the area and is considered to be inappropriate for a development of this nature in this location. The proposals would therefore conflict with Section 12 of the National Planning Policy Framework (NPPF), in particular paragraphs 127 and 130 and Policy D1 of the emerging Publication Draft City of York Local Plan 2018.

The detached dwelling does not form part of the current application.

Application Reference Number: 21/02026/FUL

Item No: 4a

## PLANNING HISTORY

1.3 The following planning applications have previously been submitted for this and surrounding sites:

- 3/57/459/PA – Construction of a dwelling to the rear of 29 Station Road. REFUSED (March 1984) due to site incompatibility with surrounding development, overdevelopment and unsatisfactory highway access (length and narrow width)
- 3/57/459C/PA – Change of use of one dwelling into two and erection of single storey rear extension to form lounge. REFUSED (December 1988) due to length and width of access lane and proposed parking area to front garden would be detrimental to residential amenity of neighbouring properties.
- 3/57/459D/PA - Change of use of one dwelling into two and erection of single storey rear extension to form lounge. REFUSED (November 1989) due to impact on amenity of neighbours and length and width of access lane re vehicle movements.
- 03/04114/FUL – Erection of detached dormer bungalow and garage on land to the rear of 36 Windmill Lane. REFUSED (May 2004), due to siting and scale of the dwelling, together with the consequent need for access via a long and narrow private drive resulting in an adverse impact on the character and amenity of the area representing overdevelopment of the site. Appeal DISMISSED (May 2005) due to over-development of the site only.

## COMMITTEE CALL-IN

1.4 The application has been called to committee by Cllr Pearson over concerns regarding its appropriateness in terms of the impact on the character of the area and highway safety grounds.

## 2.0 POLICY CONTEXT

### Publication Draft Local Plan 2018

2.1 The Publication Draft City of York Local Plan 2018 ('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 2018 Draft Plan policies can be afforded weight according to:

- 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

Application Reference Number: 21/02026/FUL

Item No: 4a

- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

## 2.2 Relevant Policies:

D1 Placemaking

D11 Extensions and Alterations

CC2 Sustainable Design and Construction of New Development

ENV5 Sustainable Drainage

## Development Control Local Plan 2005

2.3 The York Development Control draft Local Plan ("2005 Draft Local Plan") was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is very limited except when they are in accordance with the NPPF.

## 2.4 Relevant Policies:

GP1 Design

GP10 Subdivision of gardens and infill development

H7 Residential Extensions

## 3.0 CONSULTATIONS

### INTERNAL

#### Highways Network Management

3.1 There are no objections on highway safety grounds.

#### Flood Risk Management

3.2 No comments received.

#### Public Protection

3.3 No objections subject to the inclusion of a condition for passive provision for electric vehicle recharging points.

### EXTERNAL

Application Reference Number: 21/02026/FUL

Item No: 4a

## Yorkshire Water

3.4 No objections subject to a condition requiring separate foul and surface water drainage with agreement from Yorkshire Water.

## Foss Internal Drainage Board

3.5 No objections subject to condition for drainage details.

## Haxby Parish Council

3.6 No objections although concern is raised regarding the side dormer window and potential loss of privacy for residents. Concern also expressed re. additional traffic into Station Road in close proximity to Ralph Butterfield School and the possible extra traffic generated from the new Haxby Station. Confirmation that percolation tests have been carried out re. drainage legislation and clarification of who has a right of way over the lane and turning circle in cedar court have also been questioned.

## 4.0 REPRESENTATIONS

### Neighbour Notification and Publicity

4.1 Six letters of objection have been received from neighbouring residents. The following issues have been raised:

- Significant access and highway safety issues relating to long and narrow access lane
- Lack of passing places resulting in dangerous vehicle manoeuvres
- Additional traffic and noise nuisance, including use of turntable
- No designated parking spaces for visitors and deliveries
- No right of access across Ash Lane and use of the turning head in Cedar Court for anyone other than 1 and 2 Cedar Court and 29 Station Road.
- Historic refusals of multiple applications for similar development due to the access lane
- Destruction of walled garden and impact on local environment and amenity
- Overdevelopment
- Loss of privacy, overlooking and overshadowing from side and rear dormers
- Poor outlook to nos 1 and 2 Cedar Court
- New dwelling not in keeping with appearance/scale of surrounding spacious plots

- Proposals will significantly alter the visual appearance of the access lane and wall, including the loss of mature trees and plants to the detriment of surrounding properties.
- Inaccurate information on form and drawings
- Who will be responsible for the ongoing maintenance of the lane?
- Plans fail to address cyclist and pedestrian safety

## 5.0 APPRAISAL

### KEY ISSUES:-

- Principle of development
- Design and appearance
- Highway issues
- Impact on neighbouring property
- Climate change
- Historic decisions

### Principle of Development

5.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision making this means where there are no relevant development plan policies, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The NPPF seeks to support the Government's objective of significantly boosting the supply of homes.

5.2 The NPPF requires local planning authorities to seek the efficient use of land in sustainable locations, focus development towards previously developed land and to deliver a wide choice of high quality homes. The definition of previously developed land does not however include residential gardens. Policy GP10 of the 2005 Draft Local Plan reflects NPPF policy and states that whilst subdivision of gardens may be acceptable this is subject to the proviso that there would be no detriment to the character and amenity of the local environment. Policy D1 of the 2018 Draft Local Plan states that development proposals which cause damage to the character and quality of an area will be refused and requires that proposals are appropriate for its proposed use and neighbouring context.

5.3 The site lies within an established residential area within the village of Haxby in a sustainable location close to local shops and with public transport links into the centre of York. The principle of the subdivision of the existing dwelling and garden is considered to be acceptable in this location.

Application Reference Number: 21/02026/FUL

Item No: 4a

## Design and Appearance

5.4 The proposals seek to sub-divide the existing large semi-detached property into two dwellings. No. 29 would retain the main front facade with the addition of a single storey rear extension to infill between the existing boundary wall with no. 27 and the existing two storey rear offshoot. A rear dormer is also proposed. The extended no.29 would have 5no. bedrooms. The new dwelling would be formed within the two storey rear offshoot and existing single storey rear extension with a total of 4no. bedrooms. A side dormer facing east is also proposed.

5.5 Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 seeks to ensure that developments function well and add to the overall quality of the area while being visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should be sympathetic to local character and history and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

5.6 Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

5.7 The rear dormer would sit centrally within the rear roof slope and would mirror the adjacent rear dormer belonging to no. 27 in terms of height and depth. It would be wider than the existing rear dormer, however given its overall design and scale it is considered that it would not look overly large or dominant in this location. Its overall scale and proportions appear in keeping with the scale of the dwelling as a whole.

5.8 The side dormer would be located on the east elevation and would be situated relatively centrally within the side roof slope of the rear offshoot. The overall design and scale are considered acceptable and would not result in a top-heavy addition that would appear overly dominant here. It is noted that it appears to sit quite far down in the roof when viewed from the front elevation drawing, however, given the distance from the front elevation, it is likely that the side dormer would not appear incongruous.

5.9 The single storey flat roof extension to no. 29 would infill the patio space between the rear offshoot and the side boundary with no.27. The scale and design are considered sympathetic to the overall design and scale of the dwelling, and given its location, tucked away from the main garden, there would be no adverse impact to the overall appearance of the site.

5.10 Objectors have commented that the newly created dwelling formed within the existing footprint of the building does not resemble existing development in the area, with regard to the modest scale of the site and the small amount of outdoor amenity space compared with surrounding more spacious plots. They have also expressed concern that proposals appear cramped and that the site would be overdeveloped, resulting in the loss of the existing large walled garden which is an important feature with the immediate area.

5.11 The newly created dwelling would have a small courtyard garden, with adequate provision for bins, bicycles and 2no. off street car parking spaces. Although small, compared with no. 29, the rear garden of the new dwelling is considered to have adequate and appropriate outside amenity space for the corresponding size of the property. The subdivision of the garden is not considered to have a significant detrimental impact to the character of the area, with all of the existing walls that bound the garden to be retained.

#### Highway Matters

5.12 Ash Lane would provide vehicle and pedestrian access to the new dwelling. The existing side vehicle entrance would be relocated further north to the end of the plot for the new dwelling, with the new access created adjacent to this with a pedestrian and vehicle access for the retained garden for no. 29. The new dwelling would have two car parking spaces and covered, secure cycle provision. A communal bin storage area has also been provide in front of no. 29 for the collection of bins only, given the narrowness of the lane and the difficulty of refuse vehicles manoeuvring down the lane.

5.13 Objections have been raised by residents and Cllr Pearson about the use of the lane for further vehicle movements due to its length and narrow width. The site plan shows the inclusion of two passing places, one to the entrance to the lane adjacent the front drive of no. 29, and one further down the lane in front of the drive of the newly formed dwelling. This would ensure that vehicles entering and exiting the lane would have adequate space to pull over in the event of another vehicle approaching in the opposite direction. It is considered that both passing places would be well situated to provide adequate width for two vehicles.

5.14 Objectors state that there is no general right of access to turn at the bottom of Cedar Court and that no parking in the lane is permitted. Concerns have been raised by residents with regard to visitors and deliveries associated with the new dwelling, however it is unlikely that the creation of one additional dwelling in this location would give rise to unacceptable levels of additional vehicles entering and exiting the lane. Notwithstanding any land ownership issues it is considered that the passing places could provide short term parking if necessary for deliveries, with visitor parking likely within either the sites themselves or on Station Road, as per the current situation.

5.15 In order to provide adequate sight lines for both vehicle accesses, the existing side vehicle access has been relocated for better visibility of vehicles entering and exiting the new accesses and for other vehicles using the lane. No. 29 has adequate space to turn within the rear garden so could exit in forward gear. A similar turning area could not be provided for the new dwelling, therefore a turntable to allow vehicles to access in forward gear is proposed and would be secured by condition. It is considered that the proposed access arrangements could accommodate further vehicle movements without causing harm to highway safety.

5.16 Concerns have been raised by the Parish Council with regard to additional traffic caused by the proposed Haxby railway station, however this should not have an impact on vehicle movements along Ash Lane.

5.17 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.. The application site currently benefits from an existing private lane, no new access route is proposed. The primary access would be for up to four dwellings, three of which are existing accesses. It is considered that the existing lane would meet the likely highway demands of the development, which given the proposed scale is likely to be low. The addition of one further dwelling is therefore not considered to cause significant additional traffic such that there would be an unacceptable impact on highway safety.

#### Impact on neighbour amenity

5.18 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. Policy D1 of the 2018 Draft Plan states that development proposals should ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.



5.19 The creation of the second dwelling would result in the relocation of the existing vehicle entrance to the side boundary wall facing Ash Lane and the addition of a new gated vehicle entrance for use by no. 29. The changes would result in the removal of two small trees, with the majority of mature vegetation to the north to be retained. Objections have been raised that the proposed alterations to the lane would result in significant harm to outlook, particularly from 1 Cedar Court which lies directly opposite the site. The proposals would result in the vehicle and pedestrian accesses being centralised within the wall, although these would be gated as per the present situation and as such the overall impact on outlook is not considered to be significant.

5.20 There have also been objections from residents with regard to noise nuisance from the additional development on site. These comments relate to the additional household which would occupy the rear garden, the use of the turntable and also the addition of car parking to what is currently a single rear garden. There is an existing vehicle access to the rear garden. The development would not result in significant additional vehicle movements and it is not considered that this or additional occupants would be detrimental to neighbouring amenity.

5.21 The side and rear dormers to the existing property have raised concern amongst residents due to their location and the associated loss of privacy, particularly from the side dormer on the east elevation. It is noted that both dormers could be constructed under permitted development rights as part of the existing dwelling, however as they would be installed as part of the application to sub-divide the property, it is considered appropriate to safeguard the amenity of neighbouring residents. Amendments have been made to obscurely glaze the side dormer so that there would be no overlooking to properties further along Station Road. With regard to the rear dormer, it is noted that no. 27 has a similar dormer which already results in an element of overlooking to the host and neighbouring gardens. Therefore the addition of a rear dormer to the host dwelling is not considered to cause significant further overlooking than already occurs.

### Historic Planning Decisions

5.22 There have been a number of planning applications submitted previously for development on this and neighbouring sites, most of which have been refused due to the narrow access lane. A number of objections have stated that this has established the principle of no development on the site. The application submitted in 2003 and dismissed at appeal in 2005, was by committee members by reason of its siting and scale, together with the consequent need for access via a long and narrow private drive, which was considered to have an adverse impact on the character and amenity of the area, representing overdevelopment of the site. No

specific highway safety concerns were raised. The appeal Inspector's report did not raise highways concerns.

5.23 It is also noted that the recent sub-committee decision for 20/01958/FUL also did not consider highway safety concerns as a reason for refusal. As the current scheme proposes only one additional dwelling rather than the two previously proposed it would not be considered reasonable to refuse the current scheme on highway grounds.

### Drainage

5.24 The application site sits partly within the Foss Internal Drainage Board district. The Board has assets in the wider area in the form of various watercourses, which are subject to high flows during storm events. Soakaway tests have indicated that soakaways could be used on site to mitigate surface water flooding.

### Climate Change

5.25 Policy CC2 of the 2018 Draft Plan states that proposals for conversion of existing residential buildings should achieve BREEAM domestic refurbishment 'very good'. The scheme relates to the subdivision of an existing residential property to 2no. dwellinghouses. Given the modest scale of works required, and that the building is already in residential use, it is not considered reasonable to impose a BREEAM domestic refurbishment condition in this instance.

## 6.0 CONCLUSION

6.1 The proposed subdivision and extension to no. 29 is not considered to harm the appearance of the dwelling or cause significant impact to neighbour amenity. The newly created dwelling would be within a sustainable location, utilising an existing access lane which, given the modest additional vehicle movements, would not cause harm to highway safety. The proposals thereby comply with the National Planning Policy Framework and with Publication draft Local Plan (2018) policies D1, D11, CC2 and ENV5, the draft Local Plan (2005) policies GP1 and GP10.

## **7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:- L068-01-01; 02; 03 and 05

Reason: For the avoidance of doubt and to ensure that the development is carried

Application Reference Number: 21/02026/FUL

Item No: 4a

out only as approved by the Local Planning Authority.

3 The materials to be used externally in relation to extensions to the existing dwelling shall match those of the existing dwelling in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 The hereby approved side dormer shall be obscurely glazed and fixed shut at all times.

Reason: To protect the amenity of neighbouring residents.

5 The development should incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within each parking area. The applicant shall identify the proposed location for a future Electric Vehicle Recharge Point within the development curtilage and ensure that any necessary trunking/ducting is in place to enable cables to be run to the specified location.

Reason: To ensure future electric vehicle charge points can be easily added to the property in line with the NPPF and CYC's Low Emission Strategy.

#### Notes

- Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall or garage and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

- In the UK, there is a government-grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website:

<https://www.gov.uk/government/collections/government-grants-for-lowemission-vehicles>

- The above requirement does not preclude the installation of Electric Vehicle Charge Point from the outset, if desired.

- Details of passive provision to be included within household pack for first occupant, to include location of proposed Electric Vehicle Recharge Point, trunking/ducting provided and details of distribution board location and capacity.

6 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

7 No development shall take place until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

8 Prior to the occupation of the new dwelling the turntable shall be installed as shown on drawing no. L01.01 and retained unless otherwise approved in writing by the Local Planning Authority.

Reason: To enable vehicles to exit the site in forward gear in the interests of highway safety.

9 Prior to the occupation of the new dwelling, the passing place at the entrance to Ash Lane shall be clearly marked to identify it as separate from the drive belonging to no. 29 and thereafter shall be retained as a passing place and kept free of obstructions.

Reason: In the interests of highway safety.

10 The new dwelling shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

11 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors.

12 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

13 The roof of the rear extension shall not be used as a roof terrace.

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

## **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.

#### **Contact details:**

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