

COMMITTEE REPORT

Committee: East Area
Date: 10 August 2006

Ward: Derwent
Parish: Dunnington Parish Council

Reference: 06/01101/FUL
Application at: Nunthorpe Lodge Derwent Lane Dunnington York YO19 5RR
For: Erection of pitched roof detached dwelling on land to the west / rear of Nunthorpe Lodge, with access to York Street (revised scheme)
By: Mr And Mrs L A Stephenson
Application Type: Full Application
Target Date: 13 July 2006

1.0 PROPOSAL

1.1 This application is a resubmission of a previously approved scheme because the applicant wishes to amend the design of the property from that approved.

1.2 The site in question forms part of the rear garden of Nunthorpe Lodge, a medium to large detached house that stands in extensive grounds off Derwent Road, a side road off York Street.

1.3 The proposed development involves the erection of one house in the western portion of the applicants garden approx. 55 metres from Nunthorpe Lodge. The rear boundaries of no's 79 to 89 York Street meet the side boundary of the application site area. Planning permission was granted for a new dwelling at the March 2005 committee meeting on the area of land immediately to the south, this being in the grounds of Kendall House.

1.4 Access to the site is proposed via an existing unmade and somewhat overgrown farm track that runs along the western boundary of the site and discharges onto York Street between no's 89 and 91. Access to the agreed plot in the grounds of Kendall House has been agreed from this track.

1.5 Members may recall refusing planning permission for a new dwelling on this site twice last year, firstly at the March meeting and then at the May meeting. The grounds for refusal were that the location, scale and massing of the proposed house dominated and overshadowed neighbouring dwellings, its size was considered to be out of character with nearby housing and it had not been shown to the satisfaction of the Council that the work required to improve the access into the site would not harm the boundary trees, hedge and natural habitat of locally protected species, which are items of acknowledged importance. It was finally approved in August 2005 when members were content that these objections had been overcome.

1.6 The local member has requested that the application be brought to committee on the grounds of the controversial site history and the impact the development has on neighbours on York Street.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYH4

Housing devp in existing settlements

CYGP10

Subdivision of gardens and infill devt

CYGP1

Design

CYHE1

Designation of Conservation Areas

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Highway Regulation - No objections are raised. Consent for a dwelling on this site has been previously granted and the details of the access agreed. Access to the site is to be taken from York Road via an existing private track which provides adequate levels of visibility. The private lane is to be upgraded in terms of its width and surfacing to accommodate two-way traffic. Hence no objection subject to previous conditions Hwy 12, 19, 22, 28, 31, 40 and Inf.1 been re-appended.

3.3 Ecology Officer - Comments as on previous application. These were 'The land in which the new property is to be situated is of limited ecological interest, being well maintained garden etc. As such does not feel that a Great Crested Newt Survey is required despite the presence of known breeding ponds within 200m. Asks that, as a precautionary measure a condition is included requesting that the applicant provide and implement an amphibian mitigation plan prior to development commencing. This would include the hand searching of suitable habitats, eg rubble / rubbish piles, hedges etc, timing of works and the need for a DEFRA licence if any protected species are found. Also requests that the boundary hedge on the access track be retained except for access purposes. A mitigation / protection plan should also be prepared for these as well.' Same conditions to be re-appended.

3.4 Landscape Architect Officer - No objections. Comments and recommended conditions as before.

3.4 EXTERNAL.

3.5 Dunnington Parish Council - The roof has reverted to the height in the rejected application as has the closeness to the northern boundary. These points need to be addressed.

3.6 Ouse and Derwent Internal Drainage Board - No objections.

3.7 Neighbours - were consulted by letter and a site notice was placed close to the entrance of the site on York Road.

6 letters of objection received on grounds that:

- Plans are incorrect and scale is wrong on the proposed site plan. The 1.5 metre high hedge does not extend beyond the rear boundary of no.83 York St. No. 85 has never had a hedge and has a close boarded fence.
- Why does the conservation area only apply to the frontages and not the rear of the properties. Allowing this development makes a travesty of the decision of the Council's decision to make it a conservation area. (NB: This part of York St is not in the Dunnington Conservation area).
- Heavy destruction of trees and bushes has taken place within the proposed site area which has totally decimated wildlife and visitors to neighbouring gardens. Was a survey ever taken to ascertain whether bats ever nested or lived on this site.
- Dangerous junction onto York St where there has been several accidents in the past. This junction also floods causing drivers to use the full width of the road with increased risk of collision.
- disruption to neighbours lives and reduction in value of neighbours properties.
- new house is overbearing and out of scale with properties in close proximity. Sheer size of the property still vastly overshadows any of the adjacent houses with the height yet again approx. 2 metres higher than existing properties.
- passing place on the access road is right by patio of no. 89 - this creates noise and disturbance. Track is not wide enough for two vehicles to pass one another.
- design has changed again since the approval. House has gain moved back closer to the rear boundary with the gardens on York Street. Separation distance is now 17m and not 21 as previously approved. Ground floor of the north elevation now contains several clear glazed windows which given the deciduous nature of the boundary hedge will be clear visible from habitable rooms in the rear of 83 York St.
- Width of the north elevation is now 13.8m approx and extends across the entire width of no.83's garden and partly across the gardens of 81 and 85. Same elevations in previous refusals were 12.25m and 13.75m.
- House is now 9.3 metres at its highest point, 700mm higher than on the approved scheme.
- Has twice the footprint size of the houses on York St.
- Height, width and design now repeat the reasons stated for previous refusals.

4.0 APPRAISAL

4.1 Key issues.

Comparison of this amended proposal to the approved scheme with reference to previous refusals. Main considerations include:

- Suitability of design and layout.
- Impact on adjacent properties.
- Access into the site.
- Impact on the natural environment.

4.2 When considering applications for new houses, the first consideration is whether the site is acceptable in principle for this form of development. This principle has been accepted by virtue of the previous approval and cannot be revisited here. The issues are therefore restricted to site specific issues. In policy terms, PPG3 (Housing) seeks to direct the majority of new housing to brownfield sites within more sustainable, service villages. Gardens are defined in PPG3 as brownfield (previously developed) land and Dunnington is a sustainable, well serviced settlement where development should be encouraged. Planning permission

has also already been granted on the adjacent plot. The site is situated within the defined settlement limits. Members should be aware that even if this amendment is refused then the approved scheme can still be implemented. Therefore the main issue for members to consider is whether this scheme is materially worse than the one already approved.

4.3 Design and layout.

The proposal is essentially the same in that a substantial two storey dwelling remains before us. This scheme shows the house positioned further back towards the northern boundary of the site (with the properties on York St) and is more compact than previously agreed. The two schemes compare as follows:

Approved scheme:

North elevation - 16 metres.

East elevation - 11.5 metres.

South elevation - 16 metres.

West elevation - 11.5 metres.

Height - Height to eaves Shows ridge line broken up. Height ranges between 7.8 metres at lowest point to 8.8m at its highest.

Distance to boundary with houses on York Street - between 5.5 and 6.5 metres.

This scheme.

North elevation. 14 metres

East elevation. 15 metres.

South elevation 14 metres.

West elevation. 15 metres.

Height to eaves 5.2 metres, height to highest part of roof 9.2 metres.

Distance to boundary with houses on York Street - between 3.2 and 4.5 metres.

4.4 The key issue is to assess whether the alterations are materially more harmful to the amenity of the neighbours on York Street than the approved scheme. The reason for the re-submission of a new scheme is that the applicant '...is not completely at ease with the final approved scheme in terms of arrangement, massing and materiality, and feels that a better building can be produced in the long run, which is more suitable to the site and the village as a whole'. (taken from the agent's submitted statement in support of the application).

4.5 The position of the house has moved 2.5 metres closer to York St than shown on the approved layout. However, set against this, the full height gable end window that was facing the York St houses on the approved scheme has been deleted and replaced by two small obscure glazed windows (to en-suite bathrooms) at first floor level and 4 ground floor windows to a study (secondary side window), downstairs toilet, utility and secondary kitchen window. Whilst the large, two storey side window on the approved scheme did not serve any rooms (it was largely a hall and landing window) it did afford a degree of overlooking over the gardens of the neighbouring gardens which this scheme does not.

4.6 The alterations re-position the house on a more west / east orientation and results in a more defined entrance feature facing the access into the site. This scheme much more clearly identifies front, rear and side elevations by virtue of having the main fenestration details to the front and rear and secondary openings to the sides.

4.7 A rear to side relationship between properties requires a minimum separation distance of 12 metres. The distance between the conservatory on the rear of no.83 York St and the nearest elevation of this amended house is 18 metres. This compares to the approved scheme where the distance was 20 metres to the nearest brickwork and 22.5 metres to the

large, full length window facing York Street. In that case, because of this large window, officers considered that there should be a minimum 21 metre separation between the houses. However, given the more obvious west / east orientation here and that the large, full length window has now been deleted and replaced by two small first floor obscure glazed windows, then the side to rear distance requirements are considered more relevant.

4.8 Whilst it is acknowledged that the distance between the proposed house and no.83 is smaller, officers consider that given the alterations this still meets development control requirements and importantly, largely removes any significant issues of overlooking which remained a factor even in the approved scheme. Conditions are recommended to remove Permitted Development rights for any additional new windows at first floor level in the elevation facing the houses on York Street.

4.9 With regard to height, at 9.2 metres high, it is 600 mm higher than on the approved scheme. The eaves are 500 mm lower at 5.3 metres high. However, due to the changed orientation of the house, the view of the roof from the rear of the houses on York Street is slightly altered and, in the view of officers, less obtrusive. As on the approved scheme the roof is 'split level' with only the rear portion extending up to the height of 9.2 metres. Two 'wings' off the front elevation join the highest part of the roof around the house's midpoint and the height of this front portion of roof is only 7.5 metres, 500 mm shorter than the height of the lower ridge line on the approved scheme. Whilst it is acknowledged that the highest ridge line is some 600 mm higher than before, the roof is hipped steeply away from its northern boundary and the 9.2m apex is 26 metres away from the nearest neighbouring habitable room, a conservatory on the back of no.83. This rises to 30 metres from the two storey elevation. These distances are considered to be more than acceptable and far enough away so as not to cause any material loss of light or be either visually overbearing or dominating.

4.10 By re-orienting the house through 90 degrees, the main roof mass is now mainly visible from the west at the site entrance (where there are no houses) and from the parent dwelling to the east, Nunthorpe Lodge. The higher ridge line now runs in the direction away when from the York St houses whereas before it ran parallel to the boundary and was consequently more visually dominant. Therefore, whilst it is acknowledged that the house is closer to the boundary and is 600 mm higher at its highest point than on the approved scheme, officers consider that overall the visual impact of the development from the neighbour's perspective actually represents an improvement.

4.11 The access into the site is from the same private access road and the entrance to the site is in the same position. The mature tree by the site entrance remains. If approved, it is recommended to re-impose conditions 11 and 12 relating to the construction of the track / site entrance within the crown spread of any trees alongside the access track and the protection of the hedgerows alongside the access track.

4.12 The passing place is shown approx. 2 metres further south but this has no material impact on highway safety or the amenity of neighbours. The safety of the road junction onto York Street was considered previously and cannot be revisited here.

5.0 CONCLUSION

5.1 Officers consider that, for the reasons outlined above, the revised scheme is not materially any more harmful than the already approved scheme and in terms of overlooking and visual impact from the neighbouring houses on York St represents an improvement. It accords with relevant development plan and draft local plan policies.

6.0 RECOMMENDATION: Approve

1 TIME1

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

drawing no's:
G2560-01-A
G2560-02-A

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 VISQ8

4 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9.2 metres, 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.

5 HWAY12

6 Development shall not commence until details of the improvements to the private road between the site and the public highway have been approved in writing by the Local Planning Authority, and the development shall not be occupied until the approved scheme has been implemented.

Reason - In the interests of highway safety.

7 HWAY19

8 HWAY28

9 HWAY31

10 HWAY40

11 Within the crown spread of any trees alongside the access track, the driveway construction, including the kerbs, shall be of a no dig construction in accordance with Arboricultural Practice Note 1 such that:

i) it involves no excavation other than the removal of surface vegetation.

ii) The full construction is water permeable and

iii) It does not involve compaction with heavy machinery.

Prior to site preparation, building or other development operations, including the importing of materials, the driveway construction shall be approved in writing by the Local Planning Authority. The approved documents shall include the construction details, a method statement of construction and a plan illustrating where the different types of construction shall be applied.

Reason - To protect existing trees.

12 No hedgerows within the application site or along the access track shall be removed (except to implement the approved access arrangements) except with the written consent of the Council. Any section of hedge agreed to be removed and any piles of rubble, brash or other suitable cover shall be hand searched by a competent and licensed individual for any reptiles or amphibians to the commencement of any work.

Reason : In the interests of wildlife conservation.

13 VISQ4

14 All construction traffic to the site shall be from Derwent Lane only unless otherwise agreed in writing by the Local Planning Authority.

Reason. The private access road from which access to the site will be taken is considered unacceptable for use by construction traffic due to its width, construction and close proximity to sensitive hedgerows.

15 VISQ4

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

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

17 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.

7.0 INFORMATIVES:

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