

## COMMITTEE REPORT

**Committee:** West & City Centre Area    **Ward:** Westfield  
**Date:** 28 November 2006                    **Parish:** No Parish

**Reference:** 06/02028/FUL  
**Application at:** 48 Wetherby Road Acomb York YO26 5BY  
**For:** Erection of 1no. detached single storey dwelling and garage to the rear of 48 Wetherby Road (resubmission)  
**By:** Mr And Mrs Jeffrey  
**Application Type:** Full Application  
**Target Date:** 28 November 2006

### 1.0 PROPOSAL

1.1 The application is the resubmission of a previously refused scheme for a detached dwelling to the rear of 48 Wetherby Road.

1.2 The previous scheme was for the erection of a one and a half storey four bedroom property. It was refused on the following grounds:

"In the opinion of the Local Planning Authority the proposed development, by reason of the plot width, the height of the proposed dwelling and the proximity of adjacent houses and gardens, would have a detrimental impact upon the living conditions of the occupiers of 50 Wetherby Road and 18 and 20 Ridgeway in terms of loss of privacy and overbearing impact. The application therefore fails to accord with Policies GP1, GP10 and H4a of the City of York Council Draft Deposit Local Plan, which states, inter alia, that development proposals should ensure that residents nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures".

1.3 In general terms the property has been redesigned to show a single storey dwelling only with a ridge height of 4.5m as opposed to 7.2m. The dwelling would have a larger footprint but this is to compensate for the loss of the accommodation within the roof. The design has removed the bulk from the building and incorporated recesses to add relief to the side elevations and the roof profile. The dwelling has been located further down the application site to reduce its impact upon neighbouring residents at 18 and 20 Ridgeway. Windows are proposed to the side elevations but these would be either obscure glazed and located behind a 1.8m boundary fence or angled so as not to face directly onto neighbours habitable rooms or main garden areas and are located behind existing mature hedges.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

## 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 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.

### 3.2 External

Neighbours - Letters of objection from 18 Ridgeway, 44, 50,54,56, 94 Wetherby Road

- Imposing when viewed from 18 Ridgeway garden and conservatory
- Loss of privacy
- The tranquillity of the garden will be lost by having the driveway running the length of the garden
- Issues of security
- Noise issues
- Would set a precedent for other properties to develop the rear garden area
- Would result in the unnecessary destruction of mature gardens and a loss of privacy
- The driveway and kerb have not been widened to allow unrestricted access to the proposed dwelling
- Inadequate parking for the existing property
- Emergency services or vehicles wider than a family car could not access the dwelling
- Loss of mature trees and wildlife habitat
- Dwelling has a large footprint and therefore the possibility of overdevelopment of the area
- Large and imposes itself on the adjoining owner
- Located very close to neighbours
- Overbearing and overlarge footprint
- Noise generated from washing machines, utility room and bathrooms will be overheard in the neighbouring garden
- Windows will open above the height of the proposed fence generating noise
- The path to the eastern side of the dwelling is narrow and would involve walking past the boundary hedge. This would at some point result in its removal

## 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.

4.3 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.

4.4 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/derelect/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.

4.5 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.

4.6 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.

4.7 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.

4.8 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 is the resubmission of previously refused scheme, which was determined at committee in July 2006. The previous scheme indicated the dwelling being located 37.4m back from the rear elevation of 48 Wetherby Road. The current scheme has pushed the dwelling further down the rear garden and is separated by a distance of 45m. It now sits centrally in the gap between 18 and 20 Ridgeway in order to reduce the impact upon these properties.

4.9 The previous scheme showed an overall length of 17.5m and an average width of 6m. The current scheme indicated a length of 21.4m and a width of 6.8m. It is apparent that the footprint has increased but this is due to the reduction in height and the removal of rooms within the roof. The original plans showed the dwelling being one and a half storey with an eaves height to the side boundaries of 3.9m rising to a central ridge height of 7.2m. The revised scheme shows an eaves height of 2.4m with a ridge of 4.5m. The accommodation would comprise of three bedrooms, a livingroom, breakfast/kitchen, utility room and bathroom. Garaging and turning would be provided to the garden area to the front of the proposed dwelling.

4.10 The dwelling has been pulled away from the boundary with number 50 Wetherby Road and has been designed with a number of recesses to each side elevation in order to provide relief and to break up the roof profile. Three windows opening into the bathrooms and utility room are proposed to the elevation facing 50 Wetherby Road. However, potential overlooking has been addressed by a proposed 1.8m boundary fence to this boundary. The neighbour has raised issues of noise disturbance but the property would be at a distance of in the region of 45m from the rear elevation of the property. To the western elevation would be two small windows opening into the hall way and one window entering into the breakfast/kitchen area. These would face onto the boundary hedge, which is to be retained, and onto the boundary between 18 and 20 Ridgeway. It would be at a distance of 12m from the side conservatory of 18 Ridgeway but would be located at an angle and not face directly onto it. Views would be obscured by the existing hedge to the boundary.

4.11 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.

4.12 The previous scheme involved the removal of 13 fruit trees, 3 conifers, 2 Hawthorne, 1 lilac and 1 ash tree. The revised scheme involves the removal of 10 fruit trees only. 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.

4.13 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 45m 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. Furthermore, the overdominance would be greatly reduced due to the reduced height and the recesses proposed to the side elevation. In addition, loss of light to 18 and 20 Ridgeway would be greatly reduced due to the reduction in height and the repositioning of the dwelling.

4.14 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 for the existing dwelling. The redesigned dwelling would have a much reduced eaves height and the general bulkiness has been reduced. Whilst the footprint has increased it is not considered that the application represents an overdevelopment of the site. There does not appear to be any loss of privacy to neighbouring residents and issues of overdominance have been removed. Officers recommend approval.

**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:-  
  
Drawing number 124/1000A received 15th September 2006  
Drawing number 124/102 received 15th September 2006  
Drawing number 124/103 received 15th September 2006  
  
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 PD5 No openings in side elevation
- 4 PD1 Part 1 Class A to E. Rem of specific Perm Dev rights
- 5 VISQ8 Samples of exterior materials to be app
- 6 NOISE7 Restricted hours of construction
- 7 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
- 8 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
- 9 The hereby approved development site shall not be raised above existing ground levels.  
  
Reason: To prevent unacceptable surface water run-off to adjoining sites
- 10 HWAY5 Access improvements details required
- 11 HWAY12 Initial 10m surfaced, details reqd
- 12 HWAY19 Car and cycle parking laid out
- 13 HWAY31 No mud on highway during construction

- 14 LAND1 New Landscape details
- 15 HT1 4.5m Height
- 16 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 £1125

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.

- 17 The new boundary fence shown on drawing no.1000A shall be erected before first occupation of the dwelling and shall be retained in the approved position thereafter.

Reason: In the interests of residential amenity in accordance with policy GP1 of the Development Control Local Plan.

**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, neighbouring residential amenity or landscape features. As such the proposal complies with Policy H9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP10, H4A, H5A, NE1 and NE8 of the City of York Local Plan Deposit Draft.

**Contact details:**

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