

COMMITTEE REPORT

Date: 10 November 2011 **Ward:** Haxby And Wigginton
Team: Householder and **Parish:** Haxby Town Council
Small Scale Team

Reference: 11/02447/FUL
Application at: 45 Swarthdale Haxby York YO32 3NZ
For: Timber summer house to rear (retrospective)
By: Mrs Anne Kempster
Application Type: Full Application
Target Date: 8 November 2011
Recommendation: Approve without Conditions

1.0 PROPOSAL

THE SITE:

1.1 The application site is a detached dwelling, situated within an area of similar property styles. The dwelling is situated on a corner plot with mature boundary treatment and a conservatory positioned on the rear elevation. The existing detached garage on the side elevation is situated on the shared boundary with 43 Swarthdale.

THE PROPOSAL:

1.2 Retrospective planning permission is required for the retention of a detached summer house in the rear garden. The structure has been described as a "Brecon" design comprising of large windows and glazed door. The total height when measured from ground floor would not exceed approx 2.7 metres by approx 3.7 metre in width and approx 3.7 metres in length constructed of wooden cladding tongued and grooved shiplap framework.

1.3 This application has been brought before East Area Planning Sub-Committee due to the concerns by Councillor Richardson regarding the impact on the occupiers of 3 Keldale. A site visit is proposed in order for Members to fully understand the context of the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 INTERNAL:

None

3.2 EXTERNAL:

Haxby Town Council - No objections providing neighbours are consulted.

Neighbour Response - Objections received from the occupiers of 3 Keldale relate to the following:

- Height above boundary fence resulting in an intrusive and claustrophobic impression.
- Loss of outlook from rear of house and garden.
- Proximity to fence would make maintenance or replacement difficult.
- Not consulted on the location, size and scale of the summer house, would have preferred the structure to be erected at the rear of our garage.

4.0 APPRAISAL

4.1 Key issues :-

- Impact on street scene
- Impact on amenity of neighbours

THE RELEVANT POLICES AND GUIDANCE

4.2 Planning Policy Statement 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 Draft Local Plan Policy CYH7 - "Residential Extensions" states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.4 Draft Local Plan Policy CYGP1 - "Design" sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension.

IMPACT ON STREET SCENE AND SURROUNDING AREA

4.6 The summerhouse is located at the rear of the dwelling adjacent to the shared rear boundary with no 3 Keldale. The rear garden is generously sized in terms of its width with reasonable boundary treatment. Whilst the summerhouse is visible from the adjacent rear gardens, it is seen in the context of other dwellings, garages and extensions. Thus it is not considered that the footprint, height and scale of the summerhouse are disproportionate or unduly intrusive to the host dwelling or surrounding area.

IMPACT ON AMENITY OF NEIGHBOURS

4.7 No 3 Keldale is separated from the application site by a 1.5 metre high fence and vegetation which extends almost up to the eaves of the structure. This property has a detached garage situated on the side/ rear boundary and is located within a south facing garden. The objections received from the occupiers at no. 3 relate to the height of the structure and what is felt to be an oppressive impact. This property was visited. It was noted that although the roof is slightly taller than a traditional garden building and presents a gable to no.3 Keldale, it incorporates a shallow pitch (approx 25 degrees) and thus the visible area is relatively small. The rear garden of no. 3 also has a reasonable depth of approximately 11 metres.

4.9 It would perhaps be preferable if the structure had been located at the rear of the garage at no. 3, which would have provided a greater degree of screening. However the application has to be determined as submitted, and it is not considered that the structure reduces sunlight to such a level, nor has such an oppressive or overbearing impact in terms of amenity and outlook, that the refusal of planning permission would be justified.

4.10 Indeed, if the structure was relocated a minimum of 2 metres from any boundary; it would be classed as permitted development and could be erected without planning permission. Likewise if the structure was reduced in height to 2.5 metres it would also fall within permitted development allowances. Notwithstanding the acceptable impact that the conservatory has, weight should also be attached to the applicant's fallback position, whereby a very similar structure, with a similar impact, could be erected without the need for planning permission.

5.0 CONCLUSION

5.1 The summer house is considered to be of an acceptable in size, scale and location. It is not considered that the development will appear unduly overbearing or give rise to any unreasonable loss of amenity to adjoining residents. For this reason, the proposal is considered to comply with Policies GP1 and H7 of the City of York Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve without Conditions

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, does not cause undue harm to interests of acknowledged importance, with particular reference to the effect on the amenity and living conditions of the nearby neighbours and the impact on the street scene. As such the proposal complies with Policies GP1 "Design" and H7 "Residential Extensions" of the City of York Local Plan Deposit Draft and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

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