



Notice of a public meeting of Area Planning Sub-Committee

- To:** Councillors Hollyer (Chair), Crawshaw (Vice-Chair),
Craghill, Daubeney, Fisher, Galvin, Melly, Orrell,
Waudby, Perrett and Webb
- Date:** Thursday, 14 April 2022
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West
Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

2. Minutes (Pages 1 - 12)

To approve and sign the minutes of the last meetings of the Area Planning Sub-Committee held on 16 February and 10 March 2022.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee. Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Monday, 11 April 2022.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting, please contact the relevant Democracy Officer, on the details at the foot of the agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission. The public meeting can be viewed live and on demand at www.york.gov.uk/webcasts .

During coronavirus, we've made some changes to how we are running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

To determine the following planning application:

- a) **20 Kerver Lane, Dunnington, York YO19 5SH** (Pages 13 - 24)
[21/02659/FUL]

To consider the full application for the erection of a two storey rear extension, following the demolition of the existing conservatory.
[Osbalwick and Derwent Ward]

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Jane Meller

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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	16 February 2022
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Craghill, Daubeney, Fisher, Galvin, Melly, Orrell, Waudby, Perrett and Lomas (Substitute for Cllr Webb)
Apologies	Councillor Webb

50. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda.

Cllr Orrell declared a personal, non-prejudicial interest in item 4c as one of the public speakers, Verna Campbell, had been the Sheriff of York during his time as Lord Mayor.

51. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 20 January 2022 be approved and then signed by the Chair as a correct record.

52. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

53. Plans List

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

54. 9 Bransdale Crescent, Osbaldwick, York, YO10 3PB [22/00003/FUL]

Members considered a retrospective full application for a single storey flat-roof rear extension, rear dormer and replacement of former detached garage, with an attached garage to the side at 9 Bransdale Crescent, Osbaldwick, York YO10 3PB. The Development Manager gave a presentation on the application and updated the committee on two additional representations.

There were no public speakers on the item and following Members' questions the Officer responded that:

- The building on the right side of the proposed west elevation was a garage.
- The original extension had projected 4 metres from the property, the new extension projected 6 metres from the house.
- There was a planning condition proposed that the flat roof of the extension could not be used as a roof terrace. An informative was included in the planning permission for electric charging points as this was a replacement and not a new building.
- If Members considered it necessary, there could be a condition added, with appropriate timescales included, for additional boundary planting.

Following a debate, Cllr Orrell moved for the approval of the application subject to the following additional conditions:

- Prior to first occupation of the extension, boundary fencing must be installed
- Hedging must be planted in the first planting season following occupation of the extension.

Cllr Fisher seconded the motion. On being put to the vote, all were unanimously in favour and it was:

Resolved: That, subject to the conditions outlined above, the application be APPROVED.

Reason: The development was considered to be appropriately designed and not to harm the appearance of the street scene or residential amenity. It complied with the National Planning Policy Framework (2021), policy D11 of the Publication Draft Local Plan 2018, policy H7 of the 2005 Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations'.

55. The Lord Nelson 9 Main Street Nether Poppleton York YO26 6HS [20/02513/FUL]

Members considered a resubmitted full application that sought to erect two dwellings on land to the rear of the Lord Nelson public house at 9 Main Street, Nether Poppleton, York, YO26 6HS.

The Development Manager gave a presentation on the application in which he outlined the plans. He also provided an update on the revised plan and highlighted the reason for the previous refusal.

Public Speakers

Richard Harper, a local resident, spoke in objection to the application. He stated that the revised plan was more detrimental than previous plans. He raised concerns regarding the dwellings being inappropriate in the Conservation Area and that there were potential problems with drainage. In response to Members questions, he described the listed buildings in the immediate area.

Paul Harper, a local resident, also spoke in objection to the application. He drew attention to the Public House being a community asset, and highlighted the Conservation Officer's report that the harm to the Conservation Area would outweigh the benefits.

Councillor Anne Hook, spoke in objection to the application as the Ward Member for Rural West York. She spoke about the inconsistencies in the application of planning policy with regard to a similar planning application. She explained that the building proposed for plot 2 was very close to listed buildings within the Conservation Area. Cllr Hook noted the comments of the Conservation Officer and raised the concerns of the Design Conservation and Sustainable Development (DCSD) team as contained within the Officer report.

In response to questions from Members, she confirmed that the public house was open and that she considered that there was insufficient parking for both the pub and the village. She also explained that she felt that the proposal constituted an overdevelopment of the site. She commented that she felt that the site should not be subdivided as the site was intrinsic to the pub.

Lionel Lennox, a local resident, spoke in objection to the application. He highlighted the reasons for rejecting the previous

application and explained that the dwelling on plot 1 was harmful to the character and appearance of the Conservation Area. He suggested reducing the floor plate and the gradient of the roof slope and make the house a 1.5 storey dwelling.

In response to questions from Members he explained that the new building would be seen from both Hallgarth Close and Ferryman's Walk.

Richard Irving, the agent for the applicant, spoke in support of the application. He referred to the planning balance and highlighted the innovative design by local architects. He noted that York Civic Trust, Highway Network Management and Flood Risk Management had not objected to the application.

In response to questions from Members, the architect explained the revision to the plans since the previous submission and spoke to the advantages of the proposal.

In response to questions from Members, Officers gave the following responses:

- There had been minor changes to plot 1 and significant changes to plot 2 which would mean that the dwelling would not be visible from any public viewpoint. The neighbourhood plan allowed for some contemporary design.
- The building plot was separate to the Public House and was therefore not considered to be a threat to the viability of the community asset.
- Condition 20 covered noise insulation and Electric Vehicles (EV) charging.

Following questions, Cllr Waudby moved to refuse the application due to the overbearing design of the buildings and the perceived harm to the conservation area. This was seconded by Cllr Fisher. A vote was taken and there were 8 votes for the motion and 3 against. It was therefore:

Resolved: That the application be REFUSED.

Reason:

- i. The scale of house 1 and subdivision of historic plot was considered harmful to conservation area and setting of listed Poppleton House
- ii. The design of house 2 was out of character with the surrounding development and harmful to the conservation area.

56. Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road, York, YO10 4QA [20/01471/FULM]

Members considered a resubmitted, major full application, for the change of use of existing bungalows (Use Class C2) to residential accommodation where care is provided (Use Class C3(b)) with construction of associated parking court and access driveway from Fulford Park. The Development Manager gave a presentation on the application and provided an update that covered additional representations and changes to the conditions.

Public Speakers

Verna Campbell, a local resident, spoke in objection to the application. She described the parking situation and driving conditions in Fulford Park and explained that another access road would cause additional congestion.

Mary Urmston, a neighbour, spoke in objection to the application. She was concerned that the plans would urbanise and therefore spoil the park. She felt that the refurbishment and subsequent rental of the bungalows and the proposed car park was for private, not public, benefit.

Jesper Phillips, a local resident, spoke in objection and raised concerns regarding the harm to protected trees, the impact on the conservation area and impact to Fulford's heritage.

Cllr Aspden, spoke in objection as the Ward Member for Fulford and Heslington. He noted the similarity to the previous application which had been refused by the Committee. He also stated his support for the bungalows return to use but, he raised concerns about the prominence of the bike store and car park and underlined the impact of the changes on the conservation area.

Cllr Juliet Koprowska spoke in objection on behalf of Fulford Parish Council. She highlighted that the parkland was a community asset and that in her view, the public benefit did not outweigh the harm to the trees and wildlife. She also raised concerns regarding the access road, the weight of the gates as well as the loss of the green corridor for wildlife.

Ray Haddock spoke in objection to the application and questioned the reasons for no previous refurbishment to the bungalows. He raised concerns regarding the impact of the access road on the

green space. He stated that from an ecological point of view, the harm outweighed the public benefit.

Marc Nelson-Swift spoke in support of the application on behalf of the applicant, the Royal Masonic Benevolent Institution Care Company (RMBI). He explained the importance of making the bungalows accessible for residents and the reasons for not extending the residential care to the bungalows.

In response to questions from Members, the applicant gave the following answers:

- The bungalows would be rented at the affordable rent rate of 80% of the market value and that the residents would be local, two from the council list and the rest on a first come, first served basis.
- It was not possible to provide physical access through the care home for vulnerable adults, current resources could not be diverted from the existing residents.
- The road way was designed as no dig in order not to damage tree roots.

In response to questions from Members, the Officers responded as follows:

- The previously proposed route for access was a reasonable distance from the tree cover, judging by the photograph.
- It would not usually be possible to remove a tree with a Tree Protection Order (TPO) unless it was deemed unhealthy. The removal of a tree with a TPO for planning purposes must be considered as part of the planning balance. Any risky from construction over the root plate of a tree could be managed. The planning balance would include the loss of the trees versus bringing the bungalows back in use.

Following debate, Cllr Crawshaw moved to approve the application and this was seconded by Cllr Galvin.

During further debate, Members noted that the applicant had made an offer to provide affordable housing and questioned if a condition could be included to ensure that this offer was adhered to. The Officer confirmed that it had not been included in the recommendations as current planning policy does not apply in this instance. Should Members take the view that it was an additional public benefit, the offer would form part of the planning balance, outside of planning policy. In the view of the Officer, it was reasonable to secure this through planning permission.

Cllr Crawshaw and Cllr Galvin, as the mover and seconder for the application, agreed that a condition or planning obligation be added to cover the affordable housing provision.

A vote was taken and with 7 votes for the motion and 4 against, the motion was passed. It was therefore:

Resolved: That the application be APPROVED subject to the completion of a Section 106 agreement and the conditions outlined in the report as well as the additional condition or planning obligation to secure affordable housing as outlined above.

Reason: Special attention has been paid to the desirability of preserving or enhancing the character and appearance of the conservation area and great weight given to the conservation of all relevant heritage assets. While harm is assessed as being less than substantial, the harm to the conservation area is nevertheless a matter of considerable importance. This harm has been weighed against the substantial public benefits of bringing back into use 10 homes for older people in need of care and the provision of affordable housing. It is concluded that, subject to safeguards provided by planning conditions and a s.106 planning obligation, the substantial public benefits of bringing forward the 10 dwellings outweigh the identified harm to the conservation area and provide clear and convincing justification for approving the application. It complies with the requirements of s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 5 (Delivering a sufficient supply of homes) and 16 (Conserving and enhancing the natural environment) of the NPPF and policies H3 (Balancing the Housing Market), H9 (Older Persons Specialist Housing) and D4 (Conservation Areas) of the 2018 eLP.

Cllr Andrew Hollyer, Chair

[The meeting started at 4.32 pm and finished at 7.37 pm].

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Meeting	Area Planning Sub-Committee
Date	10 March 2022
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Craghill, Daubeney, Galvin, Orrell, Waudby, Perrett, Webb, Fenton (Substitute for Cllr Fisher) and Looker (Substitute for Cllr Melly)
Apologies	Councillors Fisher and Melly

57. Declarations of Interest

At this point in the meeting, Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda.

In relation to item 4b, Cllrs Daubeney and Crawshaw both noted a personal interest in that they sat on the board of the Theatre Royal trustees.

Also for item 4b, Cllr Orrell noted a personal, non-prejudicial interest in that he knew Mr Crux, who was mentioned in the report, as they were both members of the Merchant Taylors Guild.

58. Minutes

Resolved: That the minutes of the last meeting held on 16 February 2022 be approved at the next meeting.

59. Public Participation

It was reported that one person had registered to speak at the meeting under the Council's Public Participation Scheme.

Cllr Warters, Ward Member for Osbaldwick and Derwent Ward, raised concerns about the council's house in multiple occupation (HMO) database. He felt that it was inaccurate and that the Committee were receiving incorrect data and basing decisions on this data.

60. Plans List

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

61. Unit 6 Clifton Moor Retail Park, Hurricane Way, York [21/02344/FUL]

Members considered an application which sought planning permission for a 1,366 sq metre extension to the existing internal mezzanine floor to allow for the relocation of Go Outdoors from its present city centre Foss Bank site. The Development Manager gave a presentation on the application.

There were no public speakers or questions from Members and therefore Cllr Crawshaw moved to approve the application, this was seconded by Cllr Webb. Members voted unanimously to approve the application and it was therefore:

Resolved: That the application be APPROVED.

Reason: Unit 6 Clifton Moor Retail Park comprises a brick and curtain wall clad retail unit approximately 2,000 sq metres in floor area lying to the western edge of the Clifton Moor Retail Park formerly occupied by Argos. Planning permission is sought for a 1,366 sq metre extension to the existing internal mezzanine to allow for the relocation of Go Outdoors from its present City Centre site. The relocation is sought as a consequence of the lease on the current City Centre premises coming to an end without the possibility of extension. A sequential test has been undertaken in accordance with the requirements of paragraph 87 of the NPPF, however no suitable and readily available alternative sites have been highlighted in the City Centre, at the edge of Centre or in terms of existing out of Centre capacity. On balance the proposed mezzanine extension is felt to be acceptable in planning terms and approval is recommended.

**62. The Magnet, 57 Osbaldwick Lane, York, YO10 3AY
[21/00304/FUL]**

Members considered a Full Application from Moorside Development Ltd for the erection of 8 no. dwellings with associated parking and landscaping, following the demolition of buildings at The Magnet public house in Osbaldwick, York.

The Development Manager gave a presentation on the application and the Development Officer provided an update to Members following the submission of a report commissioned by the applicant, concerning the viability of reopening of the Magnet as a public house. There were also some minor wording changes to Conditions 5 and 6 and an Additional Condition regarding the method of work statement had been added.

Officers responded to Member questions as follows:

- Class E included shops, day nurseries and cafes etc. and Class F was the specific community use class. Policy HW1 which covered community use specifically excluded medical facilities such as dental practices.
- There were no nominations registered for the Magnet as an asset of community value.
- The Fleurets report was an independent report commissioned by the applicant. It found that the pub was not a sustainable business.
- The heritage value of the pub was significant but not exceptional, in that it was significant to the locality. The interior could be removed without planning permission as the building was not listed.
- There were concerns regarding the marketing of the pub which was why the council had commissioned an independent assessment. This found the marketing had been adequate.

Public Speaker

Councillor Warters, Ward Member for Osbaldwick and Derwent, spoke in objection to the application. He raised concerns regarding the marketing of the property and felt in his opinion no pub would be considered viable if the site could be used for housing.

In response to further questions from Members, Officers responded as follows:

- Page 21 of the report listed the objections received by the council. The previous two applications had received more objections however these could not be considered on this application.
- Stapleton Waterhouse, authors of the report commissioned by the council, did not speak directly to any of the potential buyers and the developer identified by Cllr Warters asked not to be included in the report.

Following debate, Cllr Crawshaw moved to refuse the application due to the loss of the non-designated heritage asset and failure to meet policies DP3, D1 and D7. This was seconded by Cllr Perrett.

Some Members noted their concerns regarding how the viability of the pub had been marketed.

Members agreed to delegate the exact wording for refusal to the Chair and Vice-Chair. A vote was taken and there were 9 votes for and 2 against the motion.

Therefore the motion was passed and it was:

Resolved: That the application be REFUSED.

Reason: The loss of a non-designated heritage asset and failure to meet policies DP3, D1 and D7.

Cllr A Hollyer, Chair
[The meeting started at 4.30 pm and finished at 5.35 pm].

COMMITTEE REPORT

Date: 14 April 2022 **Ward:** Osbaldwick And Derwent

Team: East Area **Parish:** Dunnington Parish Council

Reference: 21/02659/FUL

Application at: 20 Kerver Lane Dunnington York YO19 5SH

For: Two storey rear extension following demolition of existing conservatory

By: Mr M Machin

Application Type: Full Application

Target Date: 2 February 2022

Recommendation: Householder Approval

1.0 PROPOSAL

1.1 No. 20 Kerver Lane Dunnington is a post-war two-storey detached house located in a residential area on the eastern edge of Dunnington. The application is to demolish a 4m long rear conservatory and erect in its place a two storey extension. The extension would project around 3.1m at first floor level and 4m at ground floor level. In the course of assessing the application the scheme was revised by reducing the first floor projection of the extension from 4m to 3.1m. The proposed extension has a gable roof form and a relatively low eaves and ridge height - the proposed first floor accommodation is partly within the roofspace.

PLANNING HISTORY

1.2 In 2016 (ref:16/00975/CPD) a Lawful Development Certificate for Proposed Development was granted for a two-storey three metre long rear extension and first floor side opening. This procedure did not assess the merits of the proposal, only whether it was lawful to undertake the works without first submitting a planning application. The extension has been constructed.

CALL IN

1.3 The application has been called in to sub-committee by Councillor Warters, on the grounds of it having an unacceptable and overbearing impact on 22 Kerver Lane.

2.0 POLICY CONTEXT

Local Plan Publication Draft (February 2018)

D11 – Extensions and Alterations to Existing Buildings

City of York Draft Local Plan (incorporating 4th set of changes, April 2005)

H7 – Residential Extensions

3.0 CONSULTATIONS

Dunnington Parish Council

3.1 Objections were received to the originally submitted plans as well as the revised scheme. It was stated by the Parish Council that the changes made were not considered to be a material change for the better.

3.2 The stated objections are:

- The proposal will increase the bulk/mass of the property substantially and potentially have an over powering detrimental impact on 22 Kerver Lane.
- There will potentially be a loss of privacy due to a proposed window on the ground floor which faces directly on to 22 Kerver Lane.
- There will be a potential loss of light or over shadowing due to the bulk/mass of the proposal on 22 Kerver Lane.
- There are also some inaccurate details shown on the plans which are misleading.
- The proposal conflicts with the Dunnington VDS (page 17/item 20).

4.0 REPRESENTATIONS

Neighbour Notification

4.1 An objection has been received on behalf of the occupiers of 22 Kerver Lane. Objections relate to the original scheme and the revised scheme. The objections relate to the impact on the streetscene and harm to neighbour amenity. In respect to the streetscene, it is stated that the development will, because of its bulk, harm the character of the area. In respect to neighbour amenity it is stated that harm will be caused by overlooking of the rear garden from the habitable room windows proposed in the first floor rear elevation of the two-storey extension. In addition it is considered that the proposal will unacceptably harm outlook from the conservatory.

It is considered that there is insufficient space to provide landscaping to screen the development or preserve privacy.

4.2 The representations do not consider that the revisions to the scheme overcome concerns and consider that they would in fact allow for greater overlooking of their garden. If planning permission is granted a condition should be included that no other windows are inserted in the first floor side elevation.

5.0 APPRAISAL

KEY ISSUES

5.1 Impact on the living conditions of 22 Kerver Lane and the character of the surrounding area.

POLICY CONTEXT

5.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development. Paragraph 130 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including that they are sympathetic to local character, surrounding built environment and their landscape setting. Paragraph 134 says that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

2018 Draft Local Plan

5.3 The 2018 Draft Local 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 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
- The degree of conformity of the relevant policies in the emerging plan with policies in the previous NPPF (published March 2012).

5.4 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporate trees.

2005 Development Control Local Plan

5.5 The Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations when they are in accordance with the NPPF although it is considered that their weight is very limited.

5.6 Draft Local Plan Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

House Extensions and Alterations Supplementary Planning Document (2012)

5.7 The SPD provides guidance relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street-scene. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

Dunnington Village Design Statement

5.8 Dunnington Village Design Statement was approved as planning guidance in 2006. This document contains a number of recommendations setting out a framework for future development in the village. Advice on house extensions is contained on page 17. In respect to neighbour amenity it states at Guideline 28 that proposals should 'respect neighbours' property, privacy and amenity and consider retention of existing landscaping'.

ASSESSMENT

Visual Impact on the Street-Scene

5.9 The extension reflects the form and materials of the host dwelling. The property sits within a large garden and the extension would not lead to over-development. Being to the rear it would not have a significant impact on the streetscene.

Impact on neighbour amenity

5.10 The key consideration is the impact on 22 Kerver Lane. Number 22 is a large detached house. A conservatory is located on the rear of the property and is set off the side garden boundary with number 20 by around 4.5m. On the rear intact brick elevation of the main house are glazed doors that lead into the conservatory. There is also a window retained in this wall. The room that abuts the conservatory is a dual aspect living room. There is a separate dining room on the ground floor with the only window in the room located in the front elevation. On the rear further from the boundary with number 20 is a window serving a kitchen. The property has a relatively large rear garden being around 20m wide and 13m long.

5.11 The proposal will have an impact on sunlight reaching the rear garden, however, the width and depth of the rear garden is such that the overall impact is relatively modest. It is noted that the existing patio area is to the north-west of the conservatory.

5.12 The proposed two-storey extension of number 20 would have two conventional windows in the first floor rear elevation. These would serve a single room marked on the plans as a bedroom. The existing windows in the first floor rear of the house where the extension is proposed serve a bathroom and landing. Other openings are set further from the boundary. Although the new windows will increase the opportunity for overlooking it is not considered that they would be intrusive or create a degree of overlooking that would be out of place within a residential area. The area of a garden that is normally most private is that which is immediately behind the living space. As the extension would be broadly in line with the rear of number 22 views towards this area from the first floor of the extension would be very oblique.

5.13 The Council's SPD on House Extensions has advice in respect to assessing the acceptability of two-storey rear extensions on neighbouring properties. At paragraph 13.6 on page 20 it states that 'When deciding the acceptable projection of two-storey extensions a starting point will be the '45 degrees rule''. When assessing the acceptability of a two-storey rear extension a line is drawn towards the application site at a 45 degrees angle from the nearest rear facing opening serving a neighbour's ground floor habitable room. Two-storey extensions that project beyond this line will normally be unacceptable. The two-storey extension would not project

beyond a 45 degrees line drawn from the centre of the glazed doors that sit between the lounge and conservatory. The extension would be to the side of the conservatory and would not project beyond a 45 degrees line drawn from the rear of this space. It is not considered that the level of projection of the proposed extension when coupled with the degree of sideways separation to number 20 would create a structure that would be unacceptably oppressive when viewed from within the home or garden of number 22. The extension would be clearly visible when looking sideways from the conservatory of 22 towards number 20, however, there would remain a gap of around 5.6m to the proposed structure and the overall outlook from the conservatory (which includes a glazed roof) would still be of a good standard. In assessing the quality of outlook regard is given to the existence of the views down the property's own garden as well as across the rear of neighbouring gardens.

5.14 The applicant has submitted sun-path diagrams to indicate the impact the proposal would have on sunlight reaching the neighbouring property. Being to the south-east it would be expected that the proposal would have some impact on morning sunlight, particularly at times of the year when the sun is low in the sky. However, it is not considered taking account of the depth and height of the extension and separation to number 22 that the overall loss of sunlight to the rear of the home would be such to justify refusal of the application.

5.15 The representative of the occupiers of number 22 has stated that they object to the application. However he requests that should the application be approved a condition should be included removing the permitted development right to insert additional openings in the side elevation of the proposed extension. It is not considered that this is necessary - planning permission would be required to insert clear glazed first floor openings in the side elevation. It is not considered that the removal of permitted development rights for inserting additional ground floor side openings would be necessary or reasonable. It would be very unlikely that an additional opening would be inserted in the ground floor side elevation, however, were this to occur a 2m fence would retain adequate privacy.

5.16 Given that the proposed extension roof has a low eaves height and there may be the potential using permitted development rights (however unlikely) to erect a box dormer to the side of this, it is considered reasonable given the concerns of the neighbour to remove permitted development rights for the extension roof to be enlarged once it is constructed.

6.0 CONCLUSION

6.1 The development would not have a significant impact on the streetscene. It would bring two-storey development closer to the conservatory/rear garden of 22 Kerver Lane, however, it is not considered that the extent of the negative impact of this on the reasonable enjoyment of the home and garden would be such to justify refusal of the application. The proposal as revised would comply with the National

Planning Policy Framework (2021), policy D11 of the Publication Draft Local Plan 2018 and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

7.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

2 The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

3 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Drawing MAC-546-05-11 Rev. C received on 14 February 2022.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

4 Notwithstanding the provisions of Article 3 (Schedule 2, Part 1) of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes B (additions to roof) of that Order shall not be carried out to the approved extension.

Reason: To protect the outlook of the neighbour at 22 Kerver Lane.

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) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Depth of first floor element of extension reduced.

Contact details:

Case Officer: Neil Massey

Tel No: 01904 551352

Application Reference Number: 21/02659/FUL

Item No: 4a

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20 Kerver Lane, Dunnington, YO19 5SH

21/02659/FUL



Scale : 1:1541

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	01 April 2022
SLA Number	

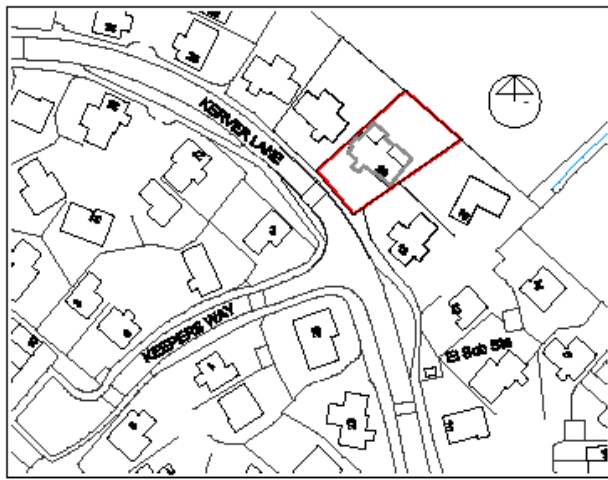
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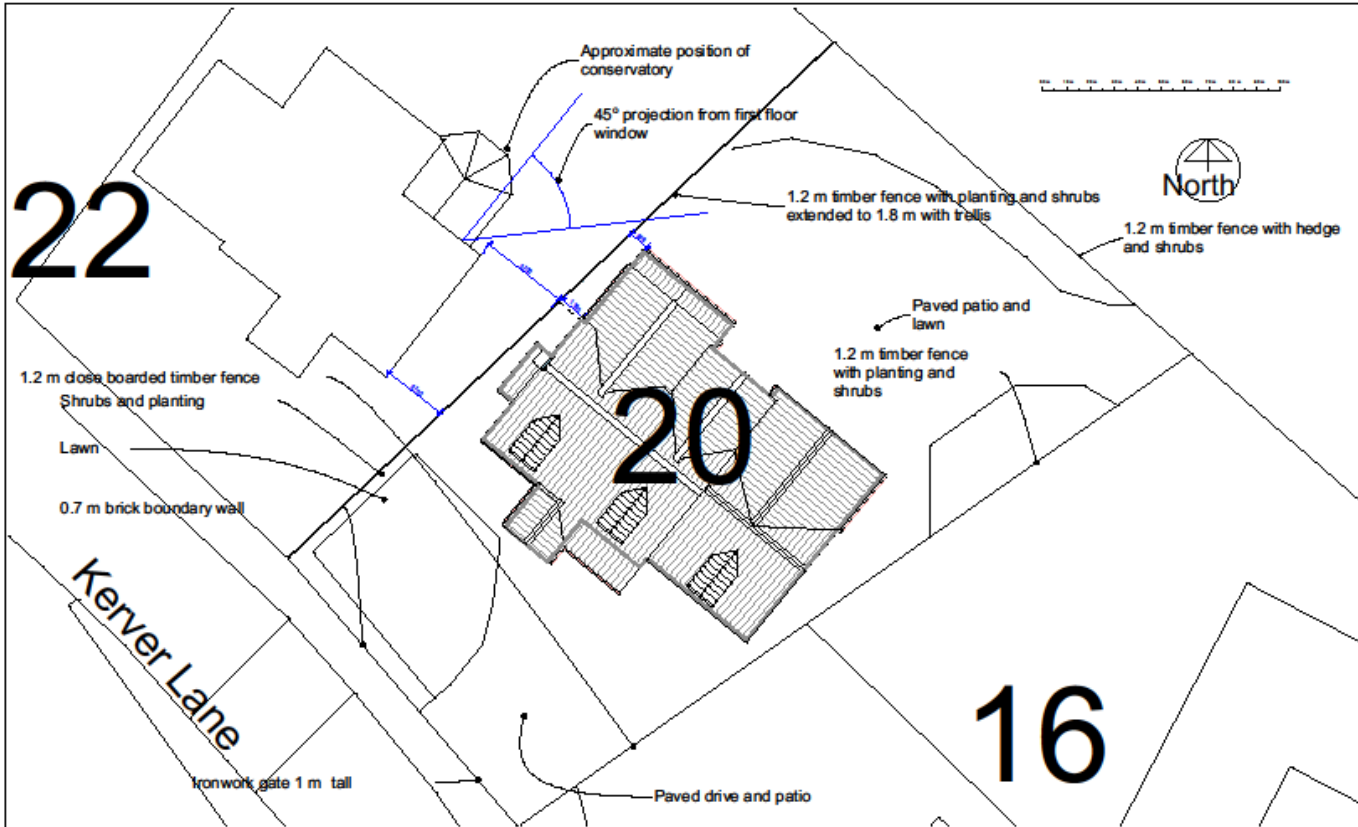
Area Planning Sub-Committee

21/02659/FUL

20 Kerver Lane Dunnington



Location Plan
Scale 1:1250 @ A4



Site Plan
Scale 1:200 @ A4

PLANNING NOTES
 Do not scale or copy more than 50% of this plan for any other purpose. All dimensions, distances and positions are to be taken as indicated on the drawing. It is the responsibility of the applicant to ensure that the drawing is correct and that it is not used for any other purpose. The drawing is prepared for the applicant's use only and is not to be used for any other purpose.

PLANNING PERMISSIONS
 This drawing is prepared for the purpose of applying for planning permission under the Town and Country Planning Act 1990 and the Town and Country Planning (General Regulations) Act 1988.

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Rev B 14-02-2022 First Floor extension projection reduced.
 Distances of both dwellings from boundary adjusted to site dimensions.

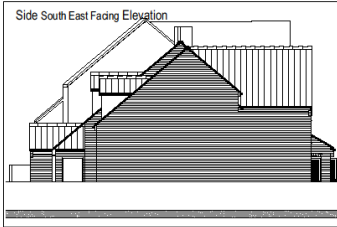
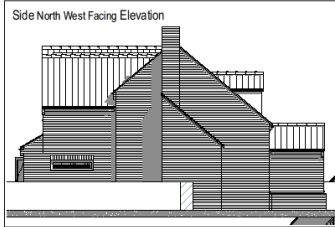
Rev A 15-12-2021 Roof layout indicated

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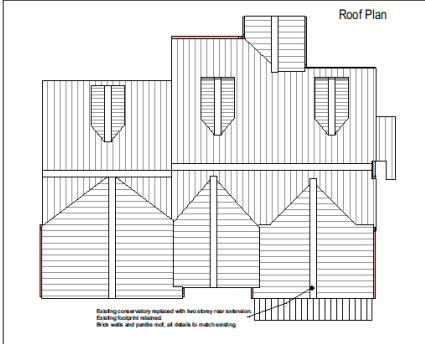
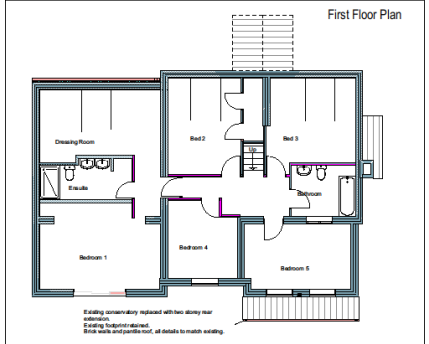
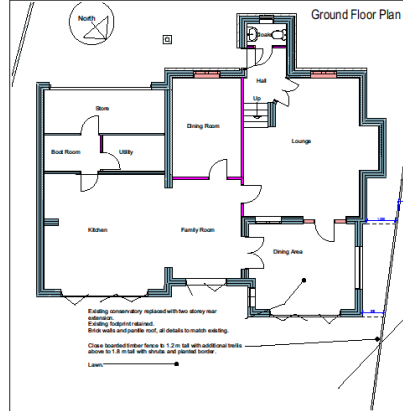
The Chicory Barn Studio,
 The Old Brickyard, Moore Lane, Skelton Bridge,
 York, The East Riding Of Yorkshire, YO41 1HU.

Telephone 01759 373656 Fax 01759 371810
 E-mail: pdainquiries@hpdassociates.co.uk
 www.thepda.co.uk

Client	Mr and Mrs M Machin 20 Kerver Lane, Dunnington, York YO19 5SH
Project	Two Storey Rear Extension 20 Kerver Lane, Dunnington, York YO19 5SH
Drawings	Site and Location Plan
Date	Dec 2021
Scale	1:250, 1:200 @ A4
Drawn by	Planning
Checked by	MAC-546-05-12



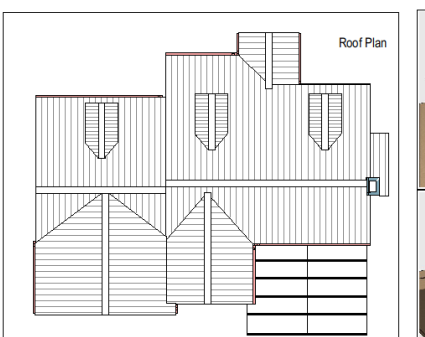
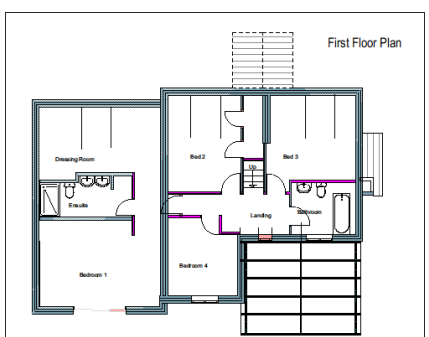
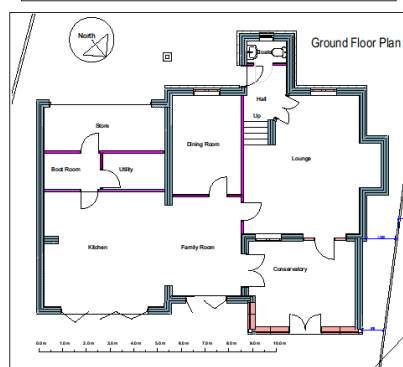
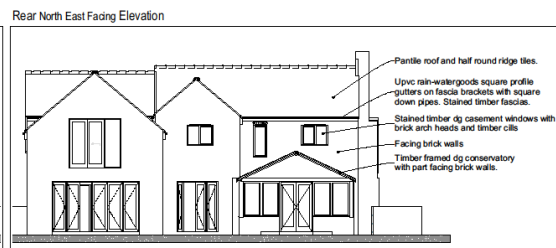
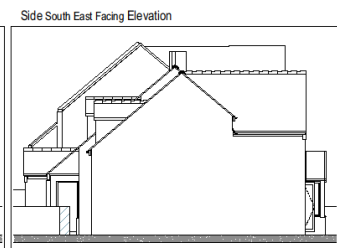
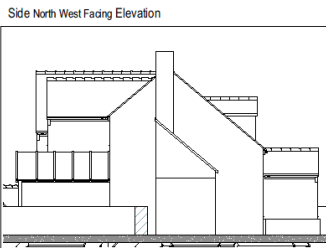
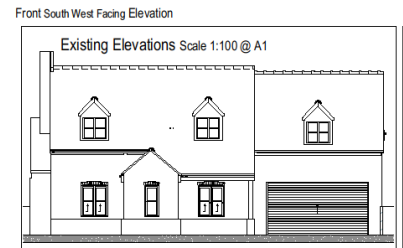
Proposed Elevations Scale 1:100 @ A1



Proposed Plans Scale 1:100 @ A1



Views of proposed extension



Existing Plans Scale 1:100 @ A1



Views of existing conservatory

PLANNING NOTE:
 These are measurements from this drawing for construction purposes. All dimensions for fabrication and construction must be checked on site. Scheduling of these must be checked to avoid construction work at all times of the day. The contractor of the building work must be notified of any changes to the drawings and variations can occur during the progress of the work without notice of the drawing. Consequently the terms, terms, conditions and disclaimer of this building construction may differ materially from those shown. Note for the contractor of this drawing concerning a contract, part of a contract or a warranty.

NEIGHBOURHOOD CHARACTER REQUIREMENTS:
 NEIGHBOURHOOD CHARACTER REQUIREMENTS: The drawings are intended to be used as a descriptive record of the building, in relation to the particular property or development, and of the specific context provided by the building in the area. The contractor of the building work must be notified of any changes to the drawings and variations can occur during the progress of the work without notice of the drawing. Consequently the terms, terms, conditions and disclaimer of this building construction may differ materially from those shown. Note for the contractor of this drawing concerning a contract, part of a contract or a warranty.

THE PARTY WALL ACT 1996:
 The Party Wall Act 1996 requires any requirement for Planning Permission or Building Regulation Approval for any work undertaken. Likewise, having Planning Permission and/or Building Regulation Approval does not exempt the requirement to make the Party Wall Act. The Party Wall Act 1996 gives you the right and responsibility to make the risk of the wall your own or, whether you are planning doing work on a relevant structure or of your neighbour's.

The Party Wall Act comes into effect if someone is planning to do work on a relevant structure, for the purposes of the Act 'party wall' does not just mean the wall between two residential properties, it covers:

- * A wall forming part of a building that is to be demolished (the structure to be demolished)
- * A wall which is common to two (or more) properties, this includes where someone has a wall and a neighbour who has built something leaning up to it.
- * A garden wall, when the wall is to be built the boundary has to be agreed up to and to avoid the neighbour's property but is not part of any building.
- * A fence and railing of a fence.
- * A fence near to a neighbouring property.

As with a work affecting neighbours, it is often better to reach a friendly agreement rather than resort to any law. Even when the work requires written to the court, it is better to reach a friendly agreement. The intended work, consider the neighbour's consent, and secondly your plans (if approved) before starting the notice. If there is any building plan, consult planning in design, structure or a party wall surveyor.

Rev C 14-02-2022: Distances of both dwellings from boundary adjusted to site dimensions.
 Rev B 04-02-2022: First floor extension projection reduced by 85 mm.
 Rev A 01-02-2022: Dining room window changed to high level slot window.

The Planning & Design Associates
 PLANNING, ARCHITECTURE, INTERIORS, LANDSCAPE

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Client	
Mr and Mrs M Machin 20 Kerver Lane, Dunnington, York YO19 5SH	
Project	
Two Storey Rear Extension 20 Kerver Lane, Dunnington, York YO19 5SH	
Drawing	
Existing and Proposed Plans, Elevations and Views	
Date	Drawn
Dec 2021	sd
Scale	Rev.
1:100 @ A1	C
Site	Planning
Drawn by	MAC-546-05-11

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