

2.2 Policies:

CYH7

Residential extensions

CYGP1

Design

3.0 CONSULTATIONS

3.1 Internal

None consulted.

3.2 External

Neighbours - No comments received.

Town Council - No objections.

4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

The impact on the streetscene.

The impact on residential amenity

Parking and highway safety.

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of 12 principles set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role.

In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.4 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.5 Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.6 Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

The impact on the streetscene

4.7 The original dwelling has timber cladding to the first floor. The extension is intended to be constructed wholly of brick. This is considered acceptable. It is noted that the existing two-storey side extension to number 66 is also constructed of brick. The design of the extension is sensitive to the main house. As it is adjacent to the rear garden of 1 Cherry Paddock it will not make the site appear over-developed when viewed from the street.

The impact on residential amenity

4.8 The 1.2m long rear extension will have little impact on the occupiers of number 66. They have a conservatory adjacent to the extension.

4.9 The key consideration is the impact that the two-storey side extension will have on the living conditions of 1 Cherry Paddock. This property was visited. It has been extended approximately 2m to the rear on part of the ground floor to provide a larger lounge. The proposed flank wall of the two-storey extension would be approximately 9m away at the closest point to the lounge window. This differs from the existing separation distance of around 12.2m.

As the side of number 64 is not 'square' to the rear of number 1 the average distance from the ground floor rear openings of number 1 to the side wall of the proposed extension would be approximately 11m.

4.10 The extension is to the south of number 1. It would restrict additional winter and autumn sunlight from the rear openings of number 1 and would also impact on sunlight reaching the garden. In addition to the impact on direct sunlight it is considered that the proposed expanse of brickwork at closer proximity would appear oppressive when viewed from inside the house and the garden.

4.11 Typically a minimum separation distance of 12m is required between the side of a two-storey extension and neighbouring windows. In this instance it is approximately 9m at its closest point and the average distance would be around 11m. It is not considered there are any local circumstances that should override this requirement. In addition, the structure of the proposed extension (gable roof form) and its orientation (to the south) of the impacted house would only serve to exacerbate the impact. The only tangible benefit to the neighbour would be the removal of the landing window that overlooks their garden.

4.12 It is noted that the occupiers of number 1 Cherry Paddock have not submitted representations in respect to the proposals. It is not considered that this is a reason for the Council not to seek the protection of their reasonable living conditions. In addition, when determining planning applications, the key consideration is the impact of the extension on the neighbouring properties in a generic sense, rather than the impact on an individual occupier. Consistency is also an important factor in the decision making process. It was requested of the applicant that part of the rear section of the first floor extension be removed to reduce the height of the structure and its impact closest to the rear lounge windows of number 1. The applicant is unwilling to do this as this would make it impractical to create a double bedroom and associated bathroom on the first floor.

Parking and highway safety

4.13 The property has parking for one car on the drive and one car in the garage. Additional car parking could be created in the front garden if deemed necessary.

5.0 CONCLUSION

5.1 The application is recommended for refusal due to the unacceptable impact on the living conditions of the occupiers of 1 Cherry Paddock.

6.0 RECOMMENDATION: Householder Refusal

1 The side elevation of the proposed two-storey extension would be approximately 9m from the closest rear ground floor habitable room windows of 1 Cherry paddock and the structure would be in close proximity to much of the rear boundary of the garden. It is considered that this proximity is unacceptable in the suburban location and the gable roof form and orientation to the south of number 1 would further exacerbate its impact. It is considered, therefore, that the proposal conflicts with guidance contained within the National Planning Policy Framework, which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17), and policies GP1 (criterion i) and H7 (criterion d) of the 2005 City of York Development Control Local Plan.

7.0 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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

It was requested of the applicant that part of the rear section of the first floor extension be removed to reduce the height of the structure and reduce its impact on the rear lounge windows of number 1 Cherry Paddock. The applicant was unwilling to do this as it would make it impractical to create a double bedroom and associated bathroom on the first floor.

As a result of the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reason stated.

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