



Notice of meeting of

East Area Planning Sub-Committee

To: Councillors Hyman (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, King, Moore, Orrell, Taylor and Wiseman

Date: Thursday, 10 December 2009

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

The Site Visits for this meeting will commence at 10:00am at Union Terrace Coach Park.

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 5 - 10)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 12 November 2009.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 9 December 2009 at 5pm.**

4. Plans List

To determine the following planning applications related to the East Area.

a) Bonneycroft, 22 Princess Road, Strensall, (Pages 11 - 28) York, YO32 5UD - 09/01176/OUT.

This application seeks outline consent for a Nursing Home (Class C2). Whilst all matters are reserved, illustrative proposals have been submitted. The revised proposals show a 3 storey, pitched roofed building with vehicular access from Princess Road. Refuse/recycling areas and 20 parking spaces are included with a turning space for emergency vehicles. A dilapidated bungalow on the site would be demolished. The proposal is speculative. **[Site Visit]** [Strensall Ward].

b) 4 Stockton Lane, York, YO31 1BQ - (Pages 29 - 33) 09/02022/FUL.

This application is retrospective and relates to a semi-detached dwelling. In May 2008 planning permission was granted for the erection of a two storey side extension, a single storey rear extension and a rear dormer (ref: 08/00519/FUL). The side extension and dormer have not been constructed in accordance with the originally approved drawings and thus a retrospective application has been submitted. **[Site Visit]** [Heworth Ward].

c) 51 Walney Road, York, YO31 1AH - (Pages 34 - 38) 09/02069/FUL.

This application seeks planning permission to erect a two storey pitched roof side extension to the side of a semi-detached property. [Heworth Ward].

5. Appeals Performance and Decision (Pages 39 - 50) Summaries.

This report informs member's of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 31st October 2009 and provides a summary of the salient points from appeals determined in that period.

6. Urgent Business

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

Democracy Officer:

Name- Laura Bootland

Telephone – 01904 552062

E-mail- laura.bootland@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****Wednesday 9 December 2009**

TIME	SITE	
10:00	Coach leaves Union Terrace Car Park.	
10:10	4 Stockton Lane	(4b)
10:35	Bonneycroft, Princess Road, Strensall.	(4a)

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Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	12 NOVEMBER 2009
PRESENT	COUNCILLORS HYMAN (CHAIR), DOUGLAS, FUNNELL, FIRTH, KING, MOORE, ORRELL, TAYLOR, WISEMAN AND PIERCE (SUBSTITUTE)
APOLOGIES	COUNCILLORS CREGAN

31. INSPECTION OF SITES

Site	Attended by	Reason for Visit
77 Penyghent Avenue	Cllrs. Hyman, Moore and Orrell	To familiarise Members with the site.

32. DECLARATIONS OF INTEREST

At this point in the meeting, members are asked to declare any personal or prejudicial interests they may have in the business on the agenda.

Councillor Moore declared a personal non prejudicial interest in item 5, Clifton Hospital, as he has been involved with the matter through Clifton Parish Council.

Councillor Pierce declared a personal non prejudicial interest in item 5, Clifton Hospital as he was involved with the original planning application.

33. MINUTES

RESOLVED: That the minutes of the last meeting of the Sub Committee held on 15 October be signed and approved by the Chair as a correct record.

34. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

34a 77 Penyghent Avenue, York, YO31 0QH - 09/01638/OUT

Members considered an outline application for the erection of one dwelling within the side garden area of 77 Penyghent Avenue. All detailed matters of access, appearance, landscaping, layout and scale have been reserved to detailed stage.

Members commented that the site is located near to the back entrance of a school, and queried if officers could add a condition to manage construction traffic and noise. Officers confirmed the condition NOISE 7 could be added along with a construction management condition.

RESOLVED: That the application be approved subject to the conditions outlined in the officers report and the following additional conditions.¹

Condition 14 – 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 amenities of adjacent residents.

Condition 15 – Prior to the commencement of any works on site, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material and the hours during which demolition, construction and deliveries to and from the site will be permitted.

Reason – To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway and adjacent occupants.

REASON: 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:

- Principle of residential development on the site
- Design and landscaping
- Highways access and parking
- Impact on surrounding properties
- Sustainability
- Open space
- Drainage

As such the proposal complies with Policies SP6, H4a, GP10, H5a, T4, GP4a and GP1 and L1c of the City of

York Local Plan Deposit Draft; and national planning advice contained within Planning Policy Statement 1 “Delivering Sustainable Development” and Planning Policy Statement 3 “Housing”.

INFORMATIVE

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or regulations listed below).

Works in the highway – Section 171/Vehicle Crossing
– Section 184.

Action Required

1. Issue the decision notice and include on the weekly planning list within the agreed timescales SS

34b LED Lights on shared use path at Bootham Stray between Wigginton Road and Alder Way - 09/01474/FUL

Members considered an application for the installation of solar powered LED lights on a shared use path at Bootham Stray between Wigginton Road and Alder Way.

Officers updated that 3 additional letters had been received since the report had been written.

- An individual had written to express concerns about the application including whether it is appropriate for Bootham Stray.
- York Cycle Campaign had written to express support, particularly regarding the improvements to night-time safety for cyclists.
- The Safer York Partnership expressed concerns about the proposal as it may encourage people to use an isolated route.

Representation in support of the application was heard from Paul Hepworth for the National Pedal Cyclists Organisation CTC. He advised Members that the LED lights had been successfully trialled in Cambridge and Peterborough. He felt that the existence of the lights on the Stray would increase usage of the path and therefore make it safer for pedestrians and cyclists. He suggested that if the application were to be approved, it would be useful for the path to be fitted with detector equipment to determine before and after data to see if the lights increase usage of the path.

Members queried whether the LED lights were theft proof. Officers confirmed the lights would be sunken into the path and resin bonded, and impossible to remove.

Councillor Moore raised concerns regarding the effect the LED lights would have on wildlife and the green belt and whether the Countryside Officer's

current bid for Stewardship for the area would be affected if the lights were to be installed. He moved deferral of the application for one month in order for further investigation of these issues to take place.

Councillor Taylor raised concerns about aspects of crime as the area has minimal surveillance and he felt there would be an increased danger to pedestrians if the lights were to be installed. He moved refusal of the application on that basis.

Other Members felt that the amount of light omitted from LED lights would not be sufficient enough to cause any problems in the area. As the application is for a trial of the lights which has been worked on by officers for some time, they felt it should be allowed to go ahead, and if proved successful, could be used in other areas of York. Councillor King moved approval and Councillor Firth seconded.

Councillor Moore moved deferral of the application for one month and Councillor Pierce seconded. Following a tie between deferral and approval, the Chair used his casting vote and the application was approved.

RESOLVED: That the application be approved subject to the conditions detailed in the officers report.¹

REASON: In the opinion of the Local Planning Authority the proposal subject to the conditions in the officers report, would not cause undue harm to interests of acknowledged importance, with particular reference to the openness and visual amenities of the York Green Belt, sustainability, residential amenity and highway safety. As such the proposal complies with Policy YH9 and Y1C of the Yorkshire and Humber Plan, policies GP1 and GB1 of the City of York Development Control Local Plan and Government Policy contained within Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Guidance note 2 'Green Belts'.

Action Required

1. Issue the decision notice and include on the weekly planning list within the agreed timescales

SS

34c 17 Scriven Grove, York, YO32 3NW - 09/01709/FUL

Members considered a full application for a conservatory to the rear of a semi detached property.

Officers advised that the measurements for the proposed conservatory are only slightly larger than what would constitute permitted development. Members had no concerns about the application and were happy to approve.

RESOLVED: That the application be approved subject to the conditions outlined in the officers report.¹

REASON: In the opinion of the Local Planning Authority, the proposed conservatory, subject to the conditions listed in the officers report, would not cause undue harm to occupants of neighbouring properties. Nor is it considered that the size, scale or design of the extension would have any detrimental impact on the street scene. As such the proposal complies with Policies H7 and GP1 of the City of York Draft Local Plan.

Action Required

1. Issue the decision notice and include on the weekly planning list within the agreed timescales. SS

34d Pear Tree Cottage, North Lane, Wheldrake, York YO19 6AY - 09/01445/FUL

Members considered a full application to erect a part two storey and part one storey extension to a side elevation that faces North Lane in Wheldrake. The ground floor element would include a garage and car port. At its nearest point the extension would be located 12 metres from the boundary with North Lane.

Officers advised Members that the site is located within Wheldrake Conservation Area. The application is for an extension to the back of a detached cottage, and there had been no objections from neighbours.

RESOLVED: That the application be approved, subject to the conditions listed in the officers report.¹

REASON: In the opinion of the Local Planning Authority, the proposal subject to the conditions listed in the officers report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the conservation area and the effect on the amenity and living conditions of adjacent occupiers. As such the

proposal complies with Policies H7, GP1 and HE3 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

Action Required

1. Issue the decision notice and include on the weekly planning list within the agreed timescales. SS

34e Wheldrake Primary School -09/01751/GRG3

This item was withdrawn prior to the Meeting.

35. CLIFTON HOSPITAL: OUTSTANDING SECTION 106 IN RELATION TO MANAGEMENT OF THE LANDSCAPE

Members received a report which updated them on the current action with regard to the outstanding Section 106 issues in relation to Clifton Hospital and provides details of the proposed Management plan for the site.

Officers advised that since the last update to Members, no further discussions with Persimmon's had taken place, although an amended management plan proposal has been submitted to them. With regard to the public right of way issue, the footpath is in use, although the formalities are still being completed at present.

Members queried whether additional resources could be allocated to assist with resolving the outstanding Section 106. The Chair advised that he would discuss the matter with the Area Team Leader and email would be sent to the Head of Conservation.

RESOLVED: (i) That Members note the progress made with regard to the completion of the Section 106 agreement and the work still required.

(ii) That the possibility of further resources to assist the Officer working on the case, be looked into.

REASON: To ensure that work conditioned as part of the Section 106 agreement at the Clifton Hospital site is completed.

K Hyman, Chair

[The meeting started at 2.00 pm and finished at 3.00 pm].

COMMITTEE REPORT

Committee: East Area
Date: 10 December 2009
Ward: Strensall
Parish: Strensall And Towthorpe Parish Council

Reference: 09/01176/OUT
Application at: Bonnycroft 22 Princess Road Strensall York YO32 5UD
For: Outline application for erection of nursing home
By: Bonnycroft LLP
Application Type: Outline Application
Target Date: 30 November 2009

1.0 PROPOSAL

1.1 The application seeks outline consent for a nursing home (Class C2). Whilst all matters are reserved, illustrative proposals have been submitted. The revised proposals show a 3-storey, pitch-roofed building with vehicular access from Princess Road. Refuse/recycling areas and 20-parking spaces are included with turning space for emergency vehicles. The proposal is speculative. A dilapidated bungalow on the site would be demolished.

1.2 The application has been referred to committee at the request of Cllr Kirk on the grounds that the application raises concerns about the following issues: Overdevelopment, inappropriate development of the site, the land is already earmarked for low cost housing, the local drainage is not able to cope with a development of this type, loss of trees, impact on the nearby conservation area, highway danger due to proximity of the adjacent railway crossing and impact on fauna and flora.

1.3 The application is the result of pre-application discussions with officers. Since the application was submitted negotiations between the applicant and officers have continued, despite all matters being reserved. The main purpose has been for officers to be satisfied that a care home of the scale proposed by the applicant was capable of being accommodated within this very constrained site without detriment to, for example, protected trees, the character of the area, neighbour amenity or drainage.

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:

CYC1
Criteria for community facilities

CYGP10
Subdivision of gardens and infill devt

CYGP1
Design

CYGP4A
Sustainability

CGP15A
Development and Flood Risk

CYH17
Residential institutions

CYNE1
Trees, woodlands, hedgerows

CYT4
Cycle parking standards

3.0 CONSULTATIONS

3.1 Internal

City Development (Policy) - No policy objection to the proposals provided that Housing and Adult Services are supportive of the principle of a nursing home in this location.

Highway Network Management - No objection to the principle of the development or the latest illustrative proposals. Conditions should be attached to ensure that the details of the highway-related works are acceptable.

Environment, Conservation, Sustainable Development (Landscape) - subject to the drainage proposals being acceptable the development is not objectionable provided strict tree protection methods are adhered to and the grounds are suitably detailed with new tree and shrub planting.

Environment, Conservation, Sustainable Development (Countryside) - Conditions should be attached to protect birds during the nesting season and provide bat friendly features in the new building.

Environment, Conservation, Sustainable Development (Archaeology) - The area has the potential to contain archaeological deposits and features. Add a condition requiring the developer to carry out an archaeological watching brief on all groundworks.

Environmental Protection Unit - No objections subject to conditions being attached to mitigate the impacts of traffic noise, light intrusion and demolition/construction.

Structures and Drainage - No objection to the principle of development. Insufficient information has been provided by the developer to demonstrate that adequate drainage works can be provided, particularly bearing in mind the constraints of the site.

3.2 External

Strensall & Towthorpe Parish Council - Objection. The scale, mass and design conflict with policies GP1, C1 and HE2 of the local plan. Risk of flooding will increase. Will result in a concentration of residential institutions contrary to policy H17. A highways assessment should be carried out due to the proximity of the railway. Insufficient parking. Lack of footpath on the west side of Princess Road will cause problems for pedestrians. Conflict between parking and access for service/emergency vehicles. Impact on flora and fauna. The site should be considered for affordable housing. Impact on trees/roots.

York Natural Environment Panel (YNEP) - Objection. The development is an over large, intrusive element into an otherwise rural setting. The building would have an over-powering presence out of keeping with the village. The building will be too close to retained trees. They could not be protected during construction. The likely changes in ground water levels will have a detrimental affect on the trees.

Council for the Protection of Rural England (CPRE) - Objection. The scale and layout would detract from the openness of the site, affect protected trees, spoil the character of Princess Road and have a seriously detrimental impact on adjacent residents. The site should be used for housing.

Network Rail - No objection to the principle of the development subject to certain detailed requirements being met to protect Network Rail property and the safe operation of the railway.

Public Consultation - The application as first submitted mainly comprised a part 2-storey, part 3-storey building and parking for 17 cars. The initial consultation period expired on 23 July 2009. 61 objections were received raising the following planning issues:

Principle of use as a care home

The site should be used for housing including affordable housing

Need for a care home has not been demonstrated

Site is unsuitable for a care home

Other sites are more suitable for a care home

The use can change without planning permission

Determination in advance of LDF is premature.

Scale and Appearance

Overdevelopment

Design out of keeping with the semi-rural residential area

Inappropriate size/scale for street/area

Occupier amenity

Insufficient amenity space for occupiers

Noisy from railway

Risk to occupiers due to nearby railway line

Unattractive outlook towards railway

Neighbour amenity

Overbearing

Overshadowing

Traffic nuisance/congestion

General nuisance due to level of activity/movements 24 hours a day

Air pollution

Light pollution/nuisance

Odour from refuse bins

Interference with TV signal

Bio diversity

Loss of habitats

Conservation

Out of keeping with adjacent conservation area

Trees

Loss of trees

Damage to trees

Highways/Transport

Obstruction to railway crossing

Inadequate parking

inadequate access, including for emergency vehicles

insufficient turning space for refuse/emergency vehicles

Danger to pedestrians on Princess Road

Delivery vehicles will park on Princess Road

Staffing (and therefore traffic) levels understated

Sustainability

Unsustainable location due to poor local amenities/bus services

Utilities

Sewage/drainage problems

Increased flood risk

Other

Would cause local oversupply of nursing homes

Refuse/recycling facilities inadequate

The application was subsequently amended to reduce the footprint, increase the height to three storeys throughout and add three parking spaces. Objectors and local

residents were reconsulted on 1 October. 51 objections were received, no new issues were raised and no objections were withdrawn. The proposals were further revised in mid-November. Objectors and local residents were reconsulted again on 19 November. The consultation period expires on 29 November. At the time of writing (30 November) eighteen further objections had been received. No new issues were raised and no objections were withdrawn. Members will be advised at the meeting of any further representations.

4.0 APPRAISAL

Key Issues

Principle of the use as a care home
Scale and Impact on the Street Scene
Impact on trees
Neighbour amenity
Occupier amenity
Highway issues
Sustainability
Impact on Strensall conservation area
Ecology and Bio-diversity
Archaeology
Drainage

4.1 The Application Site

The site has an area of 0.51ha and consists of the curtilage of a derelict bungalow in a predominantly residential area. The site lies within the settlement limits of Strensall village and approximately 30m outside Strensall Conservation Area. The site is neglected and overgrown. It is occupied by a number of mature trees protected by a preservation order (TPO CYC 53). Immediately to the south is the York to Scarborough railway line. To the east, north and west is one and two storey suburban housing. The public highway at Princess Road runs along the eastern boundary.

4.2 Policy Context

Local plan policy GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

H17 - Planning permission will only be granted for residential institutions where the development, together with existing residential institutions or unimplemented planning permissions for that use, would not give rise to a concentration likely to have an adverse impact on residential amenity and where it is positively located relative to local facilities and public transport.

C1 - Planning applications for social, health, community and religious facilities will be granted provided that the proposal is of a scale appropriate to the character and appearance of the locality and it would meet a recognised need.

GP10 - Planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

GP15a - Developers should ensure that the site can be developed, serviced and occupied safely and that discharges from new development should not exceed the capacity of existing/proposed sewers and watercourses.

CYGP4A - All development is required to be accompanied by a Sustainability Statement, describing how the proposal fits with criterion a) to i) listed in the policy. Guidance on preparing a Sustainability Statement can be found in the Sustainable Design and Construction Interim Planning Statement.

CYT4 - Provision of cycle parking will be required in accordance with the standards set out in Appendix E of the Local Plan. Information regarding car parking standards is also set out in Appendix E.

CYNE1 - all proposals to remove trees are required to include a site survey indicating the relative merits of individual specimens and appropriate replacement planting with locally indigenous species.

Principle of the Use as a Care Home

4.3 Whilst the existing and authorised use of the land is residential the site is unallocated in the Draft Local Plan. The principle of the use of the site for a care home is therefore acceptable subject to all other material planning issues being satisfactory. The Draft Local Plan accepts, at policy H17, that the demand for residential institutions such as residential care homes will increase during the plan period. The applicant has submitted a Demographic and Care Needs Analysis as part of the planning application which demonstrates a significant existing and future need for a quality modern care home offering either care of the frail elderly or those with dementia. The council's Housing and Adult Services Department has confirmed that there is a high demand for care homes for the elderly. Demand for such places is expected to increase. For example, by 2025 the number of elderly people with dementia who live in York is forecast to increase by 32%. The majority of care home places are provided by the private sector, not the local authority. Policy H17 of the local plan states that planning permission will only be granted for residential institutions where the development would not give rise to a concentration likely to have an adverse impact on residential amenity. Strensall currently has two care homes; 68 beds at Moorlands in nearby Moor Lane and 20 beds at Galtres in Ox Carr Lane. Given the scale and impact of the current proposal it is unlikely to result in a concentration of care homes that is likely to have an adverse impact on residential amenity or the character of the area.

4.4 Some objectors have contended that the site has been allocated for housing as part of the LDF process and should be used as such. The site was considered during the Strategic Housing Land Availability Assessment (part of the LDF evidence base) and has been identified as a possible housing site. However, the housing land allocation process has yet to be carried out. Moreover, the consultation draft (Feb 2009) of the SHLAA makes clear that:

4.5 'The inclusion of sites within this study should not be taken to imply that the council would consider planning applications favourably. Although it will inform housing allocations it will not determine the allocation of land for housing development. It will also not prevent sites being brought forward or allocated for purposes other than residential development' (page 3).

4.6 Whilst officers accept that the application site is suitable for housing, other uses (including the proposed care home) will continue for the foreseeable future to be considered on their merits.

Scale and Impact on the Street Scene

4.7 The details of the care home, including the precise number of beds, are not part of this (outline) application. Nevertheless the applicant's intention has been to gain consent for a care home of approximately 60 beds. However, it is apparent that the scale of building that such a care home would require would have unacceptable impacts on protected trees, neighbour amenity, and/or the character of the area. After considering a range of options the applicant has reduced the scale of the building to achieve a capacity of approximately 50 beds. The illustrative scheme before members comprises a single building with a hipped roof and three clearly-defined sections. The front section faces Princess Road and rises to three storeys. The central section is perpendicular to Princess Road and has 2.5 storeys. The rear section has two storeys. Officers consider that the scale of the proposal is now acceptable because:

(a) Whilst the 3-storey element is relatively high in comparison to most other buildings facing Princess Road, the street has a variety of heights ranging from bungalows to the substantial Victorian/Edwardian houses 60m to the north. The impact of the 3-storey height would be ameliorated by the building being set back at least 20m from the public highway and being partially screened by trees.

(b) The 2.4m-high central section would face bungalows in Orchard Way. The building would not be easily visible from any public viewpoint except from Orchard Way between the intervening bungalows. The building would be approximately 20m from the shared boundary and at least 34m from the nearest bungalow. The bungalows, coupled with the partial screening along the boundary would prevent the care home appearing out of keeping with the character of the street scene.

(c) The rear section would be 26m from the nearest dwelling, i.e. the bungalow at No.3 Orchard Way, and over 40m from the nearest public highway, which is the turning head in Orchard Way. Despite the nearest dwellings being single storey the separation distances would prevent this part of the building being out of keeping with the surrounding area.

Impact on Trees

4.8 Many of the trees within the site are subject to a tree preservation order (TPO). In 2008 the applicant sought consent to remove some of these trees. The council considered the application on its merits in the absence of any firm proposals for the development of the site. Consent for the removal of some of the trees was granted on the basis of reasonable arboriculture management. The approved works have since been carried out. At the time of the TPO application the applicant enquired about the possibility of further removals. The advice from officers was that it might be acceptable to remove some of the lower quality trees, such as group G3 in the centre of the site, if the proposals provided sufficient compensation, such as replacement

trees within open spaces where their full canopy spread could be achieved without conflict with the use of the land.

4.9 The removal of a Silver Birch (part of group G3 in the centre of the site) was refused because, at that time, the removal of the tree was not necessary for arboricultural reasons. Despite the advanced age of the tree it was in reasonable condition. The current proposal for a care home would require removal of the tree. In light of the planning application, officers consider that the tree could be removed, provided replacement trees are planted within the site. The tree survey denotes the Silver Birch as over-mature with a limited life, rendering it a category "C" tree. In accordance with BS 5837 'Trees in Relation to Construction' category "C" trees would not usually be retained where they would impose a significant constraint on development. Given that the Birch has a limited life expectancy, insisting on its retention would pose an unreasonable constraint on the development potential of the site. The development also shows the removal a young Oak, T11. This is growing immediately adjacent to a slightly larger young Oak T12. Whilst the two could happily co-exist, it is better to remove the sub-dominant tree and allow the remaining tree (further away from the building) to achieve a better crown shape without the competition.

4.10 The trees on the site are important for providing an appropriate setting for the development, protecting the amenity of the surrounding residential properties and retaining the character of Princess Road. It is not only physical protection that is required when looking at retaining trees on site. One must also consider the compatibility with the building use. Care homes tend to be for the elderly who (generally) have heightened concerns about safety issues such as trees swaying in the wind, and the possibility of trees breaking/blowing over. Due to reduced mobility and little time spent outdoors, natural day light and views from rooms become more important. Common complaints include lack of light levels (direct or indirect) due to shade caused by trees and trees blocking out views due to proximity to windows. The rooms of the occupiers of the care home are likely to be single aspect. It is therefore important that the outlook from as many rooms as possible is reasonable.

4.11 The majority of the protected trees are shown to be retained on the proposed site plan. However, in the scheme as initially submitted, the majority of the remaining outdoor space was dominated by the retained trees. There was little open space outside of the canopy/shade of the trees. Also, constructing the development is unlikely to have been possible without encroaching into the root protection areas of the remaining trees with e.g. construction vehicles, scaffolding, and new service runs. Furthermore, the scheme did not allow sufficient space for individual trees that are worthy of retention and still have the potential for further development. Of particular value is the group of trees along the highway frontage (group G4). Whilst the trees do require some thinning and management, it is important to retain sizeable tree cover along this frontage for the amenity of the street in proportion to the scale of the development.

4.12 Since submission of the application the footprint of the building has been significantly reduced to allow a more appropriate setting and functional garden space for the development. The building has also been set further back from the existing trees on the road frontage that are so important to the amenity of Princess Road, thus

providing greater physical protection and reducing the risk of conflict with the future occupants of the building. The development now allows the retention of two mature Hawthorns (G7) which provide habitat, setting, and screening. Furthermore it significantly reduces the conflict with Oak tree T9. It should be possible to keep the development operations outside of the root protection areas (RPA) of all the remaining trees. An exception to this is the access and services adjacent to the large Spruce at the front of the site. Nevertheless the existing building footpath and services already enter the recommended RPA and there are methods available to keep any further ground disturbance to a minimum.

4.13 Landscaping is a reserved matter and will include replacement trees. They should be located within the garden space to the rear where their full canopy spread could be achieved without conflict of use. Whilst such replacements would have less public benefit than trees nearer the front of the site they would ensure continuation of tree cover and the environmental benefits that they bring, in addition to the amenity of the development and neighbouring properties.

4.14 The local authority would need to agree foundation details due to the proximity of maturing Oak trees (which have a high water demand) in order to avoid the risk of losing trees to subsidence claims. A tree only has to be a likely contributory factor, and not necessarily the main cause of subsidence, to warrant its removal.

Neighbour Amenity

4.15 The site abuts residential streets to the north and west and east. The dwellings to the north (Orchard Way) are mainly bungalows. Those to the west (Glebe Close) are mainly 2-storey houses. The initial proposals and early revisions had an unacceptable impact on some of these neighbouring occupiers, particularly those closest to the rear section of the building. However, the footprint has since been reduced and pulled further from the affected houses. The height of the building (at the western end) has remained at two storeys. The rear section would be 26m from the nearest dwelling, i.e. the bungalow at No.3 Orchard Way. The impact on the occupiers of No.3 and the other occupiers is now considered to be acceptable.

4.16 The central section of the building would be 2.5 storeys high and would face the bungalows in Orchard Way. The separation distance would be 20m from the shared boundary and at least 34m from the nearest bungalow. The impact of this section of the building on the occupiers of Orchard Way is now considered to be acceptable.

4.17 The front section of the care home would be three storeys high and would face bungalows on the east side of Princess Road. These dwellings would be over 50m from the care home, which would be partially screened by trees. The impact on the occupiers of these bungalows would, in officers' opinion, be acceptable.

4.18 The nearest dwelling to the care home would be the house at Greystones, in Princess Road, 15m to the north of the care home building. Whilst the house would be adjacent to the 3-storey part of the care home no windows of the house would overlook the site. Moreover, the garden is oriented east-west, parallel to the care home rather than facing it. Officers consider that the impact would be acceptable.

Occupier Amenity

4.19 As this is an outline application details of the facilities available to the residents of the care home have not been provided. However, officers consider that the reduction in built footprint and the increased separation distance from protected trees will enable an acceptable standard of amenity to be provided on the site. The council's environmental protection officers were concerned that residents of the care home could be affected by noise nuisance from the operation of the railway and the nearby level crossing. The applicant has submitted a noise report which concludes that the site is suitable for residential use. Officers are now satisfied that noise nuisance can be prevented by sound insulation and mechanical ventilation. These can be dealt with by conditions.

Sustainability

4.20 The application includes a sustainability statement as part of the submitted planning statement. Whilst it refers to all the matters in policy GP4a of the Local Plan they mainly relate to the reserved matters. What is relevant at this stage is that the site is in a sustainable location within the settlement limits of Strensall and within walking distance (approximately 350m) of the centre of the village. A condition should be attached requiring the development to achieve a BREEAM rating of "Very Good" in accordance with the council's adopted Interim Planning Statement on Sustainable Design and Construction. The submitted sustainability statement acknowledges that the proposal would have to include some form of on-site renewable energy provision. This also should be made a condition of approval.

Highway Issues

4.21 The council's highways officers have no objection to the principle of the site being redeveloped as a nursing home. The illustrative plans show 20 on-site parking spaces, two of which are disabled. This level of provision complies with the council's standards for this type of use. The detailed parking layout and cycle storage should be made conditions of approval. This would enable officers to consider precise numbers when more information is known about the care home.

4.22 There is currently no public footway along the west side of this section of Princess Road, nor into the site from the public highway. Proposals for safe pedestrian access into the site have been shown on the illustrative plans. Details should be made a condition of approval.

4.23 Network Rail require that the proposed access meets or exceeds the minimum distance from the level crossing. The illustrative access exceeds the minimum requirement. The access also achieves the council's standards for access, turning and manoeuvring, including for emergency vehicles. Refuse facilities can be provided near the public highway, thereby avoiding the need for refuse vehicles to be able to turn within the site.

4.24 Some residents are concerned that the proposals would result in traffic congestion, nuisance and a threat to highway safety. In reality, care homes such as this result in relatively few movements relative to their size. The concerns of residents are unlikely to materialise in this respect.

Impact on Strensall Conservation Area

4.25 The site lies approximately 30m outside the southernmost limit of Strensall Conservation Area. The building is unlikely to have a significant impact on the conservation area due to it being set back from the public highway and the tree screening along the boundaries.

Ecology and Bio-diversity

4.26 The overgrown site provides very good habitat, particularly for nesting birds. Because of this, any clearance of vegetation as a consequence of redevelopment should be carried out outside of the bird nesting season (1st March to 31st August inclusive). This should be made a condition of approval.

4.27 There are excellent foraging and roosting opportunities for bats in the Strensall area and some within the site itself, particularly to the front (east) of the site. Provision should be made within the proposed building to accommodate bats and to further increase the wildlife value of the area. This should be covered by a condition. Suitable measures could include the use of special bat bricks, tiles or bat boxes which could be easily incorporated into the designs of the new building.

Archaeology

4.28 The site is on the periphery of a medieval village, close to the manor house and the church. The area has not been the subject of any significant recent archaeological investigations. Historic environment records indicate that there is potentially a widespread and well-developed late prehistoric and Romano-British landscape in this area. It is probable that features relating to this landscape would be preserved within the application site. A detailed archaeological watching brief should therefore be carried out on all groundworks associated with this development. This should be made a condition of approval.

Drainage

4.29 The site is in flood zone 1 and should not suffer from river flooding. The application includes a drainage statement which states that the maximum discharge rate for surface water would be 4 litres per second (4l/s). The applicant has calculated, on this basis, the volume of surface water storage that would be needed to be provided on site. However, the maximum discharge allowed by the council (which is in accordance with PPS25 and in agreement with the Environment Agency and Foss IDB) is only 1.4l/s. This lower rate has been accepted by the applicant, who is now recalculating the storage capacity required. As this is an outline application the applicant is not expected, at this stage, to design the drainage works for the development. However, he is required to demonstrate that the required drainage works are capable of being provided. This is by no means certain bearing in mind the tightly constrained site, particularly the presence of protected trees. If adequate drainage cannot be provided the refusal of planning permission may have to be considered. The applicant expects to have finished his calculations prior to committee and to be able to demonstrate to the council that satisfactory drainage works can be accommodated within the site. On this basis officers are recommending approval, subject to confirmation prior to the committee meeting.

Other Matters

4.30 Some objectors are concerned that approval could result in the care home being used for a different residential institution, with a greater impact on the area than

the current proposal, without the need for planning permission. The use class that includes care homes (C2) also includes uses such as hospitals, nursing homes, residential education centres. Whilst a condition preventing use as anything else in the same use class can be attached to a planning consent, local planning authorities are advised to impose such a condition in exceptional cases only. Bearing in mind that the application site is very close to residential dwellings and is on a highly constrained site officers consider that such a condition is, in this case, justified. Regardless of whether the condition is included, the care home could not change to a secure residential institution (such as a prison, military barracks, secure hospital, young offenders institution, or immigration detention centre) because since 2006 such uses have been in a different use class, which is C2A.

5.0 CONCLUSION

5.1 The principle of the use of the land for a care home accords with the City of York Local Plan Deposit Draft. Whilst the site is highly constrained the applicant has demonstrated that a care home can be accommodated on the site without detriment to protected trees, the character of the area, neighbour amenity, occupier amenity, sustainability, bio-diversity and highway safety. The application is therefore recommended for approval subject to evidence being submitted prior to committee that satisfactory drainage works can be accommodated within the site.

6.0 RECOMMENDATION: Approve

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details: Layout, scale, appearance, access and landscaping of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3 The premises shall be used solely as a residential nursing home providing nursing care as regulated by the Care Quality Commission and for no other purpose.
Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue

of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

Reason: So that the local planning authority may re-assess alternative uses which, without this condition, may be carried on without planning permission by virtue of article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 The development hereby permitted shall not commence until full construction and drainage details of the proposed vehicular access, parking, servicing and turning arrangements and cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. These facilities shall be constructed in accordance with the specification so approved prior to the development being first brought into use and thereafter shall be maintained clear of any obstruction which would preclude their intended use.

Reason : To ensure appropriate on-site vehicle access and manoeuvring areas are provided in the interest of highway safety and general amenity of the development.

5 Prior to any ingress or egress to the site by construction traffic the approved highway verge crossing and site entrance for a minimum of 20 metres into the site shall be constructed up to at least base macadam level to the specification of the Highway Authority.

Reason: To avoid damage to the highway and in the interest of highway safety and good management of the public highway.

6 Prior to commencement of development details shall be submitted to and approved in writing by the local planning authority of the parking, manoeuvring and turning of all vehicles associated with the construction of the development being accommodated within the site.

Reason: To reduce congestion and obstructions at the approach to a railway level crossing in the interest of both rail and highway safety and lessen inconvenience to neighbours.

7 Prior to the commencement of the development hereby permitted details shall be submitted to and approved by the Local Planning Authority of the frontage boundary treatment with the public highway.

Reason: To eliminate doubt as to the extent of the site and in so doing ensure adequate sight lines are available at the access in the interest of highway safety.

8 HWAY31 No mud on highway during construction

9 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same: Provision of

pedestrian facilities and crossing point at the access to the site.

Reason: In the interests of the safe and free passage of highway users.

10 NOISE7 Restricted hours of construction

11 ARCH2 Watching brief required

12 DRAIN1 Drainage details to be agreed

13 The development hereby approved shall be constructed to a BREEAM standard of Very Good. A formal post-construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the local planning authority prior to occupation of the building. Should the development fail to achieve a Very Good BREEAM rating a report shall be submitted for the written approval of the local planning authority demonstrating what remedial measures shall be undertaken to achieve a Very Good rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the local planning authority.

Reason: In the interests of sustainable development.

14 The development hereby approved shall provide a minimum of 5% of expected energy demand from on-site renewable sources. Details of the proposed renewable energy systems to be installed in order to achieve this target shall be submitted to and approved in writing prior to the commencement of the development. The approved renewable energy systems shall be installed in their entirety and shall be fully operational prior to the first occupation of the development.

Reason: In order to achieve a sustainable form of development.

15 Any reserved matters application for landscaping shall include a tree survey and plan in accordance with BS 5837 of all the trees on the site carried out by a qualified arboriculturist or other suitably qualified professional. The survey and schedule should include species of each tree with a reference number; age class; height; diameter of trunk or trunks at 1.5m above ground level; general vigour of the tree; and recommendations for any necessary tree surgery. It shall identify those trees to be retained and those to be felled. Where it is proposed to remove a tree the reason should be given. The corresponding plan shall show the accurate location of the trunk (with reference number) and canopy spread of each tree in a north, south, east, and west direction. The plans shall also include details of existing and proposed levels; existing and proposed surface materials; locations of existing and proposed underground service runs. The reserved matters application shall ensure that the following specification can be achieved. A fence in accordance with BS 5837 shall be erected around all trees shown to be retained so as to protect the full recommended root protection area (RPA). The fenced off RPA shall be adhered to at all times during site clearance, preparation and all development operations to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zones there shall

be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains et al. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works.

Reason: To ensure the retention and protection of existing trees that are desirable and/or suitable for retention before, during and after development, and to allow an accurate assessment of the compatibility of the detailed development proposals with existing trees which are the subject of a tree preservation order (TPO) and/or make a significant contribution to the amenity of the area and/or development.

16 Any reserved matters application for landscaping shall include the species, density (spacing), stock size, and position of trees, shrubs and other plants; and seeding mix, sowing rate and mowing regimes where applicable. The scheme shall include replacement tree planting such that for each tree proposed for removal a new one shall be planted on site.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

17 No development shall take place until details (including location, dimensions and materials) of refuse/recycling enclosure(s) for the proposed development on the site have been submitted to and approved in writing by the local planning authority. The enclosure(s) shall be provided in accordance with the approved details before the development is occupied, retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

18 No development shall take place until details of building foundations of the proposed development have been submitted to and approved in writing by the local planning authority. The foundations shall be constructed in accordance with the approved details except with the prior written consent of the local planning authority.

Reason: In the interests of protecting retained trees.

19 No development shall take place until details have been submitted to and approved in writing by the Council of measures to be provided within the design of the new building(s) to accommodate bats. The works shall be completed in accordance with the approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes. etc.

Reason - To take account of and enhance the habitat for bats.

20 No development shall take place between 1st March and 31st August inclusive in any year unless a wildlife contingency plan has been submitted to and approved by the Council as to how other species known to use the site are to be taken into account to avoid unnecessary disturbance and loss of habitat. This plan should include measures to be included to offset the loss of habitat.

Reason - To take account of nesting birds and enhance the habitat of a declining species.

21 The building envelope shall be constructed so as to provide sound attenuation against external noise of not less than 29dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: to protect the amenity of the residents of the proposed nursing home.

22 An alternative means of providing background ventilation shall be provided to bedrooms and lounges on facades facing south and east. Ventilation should be provided via either suitable trickle vents in the double glazed units or wall mounted passive sound attenuated vents.

Reason: To protect the amenity of the residents of the proposed nursing home.

23 No development shall take place until details of external lighting for the proposed development on the site have been submitted to and approved in writing by the local planning authority. The lighting shall be provided in accordance with the approved details before the development is occupied unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and neighbour amenity.

24 No development shall take place until a scheme of mitigation measures necessary to adequately protect the amenity of local residents from light intrusion resulting from the development has been submitted to and approved in writing by the local planning authority. The approved mitigation measures shall be fully installed prior to the use hereby permitted unless otherwise agreed by the local planning authority. The scheme should include:

- a) A contour map showing illumination spill beyond the site boundary measured in lux in the horizontal plane.
- b) The main beam angle of each light source.
- c) The uniformity ratio in respect of the lighting.
- d) The level of illuminance measured in lux, in the vertical plane at the windows of the nearest residential properties facing the site,
- e) The height of any lighting stanchions.

Reason: to protect the amenity of local residents

25 Prior to commencement of the development, an Environmental Management Scheme for minimising the creation of noise, vibration and dust during the construction phase of the development shall be submitted to and approved in writing by the local planning authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of nearby residents.

7.0 INFORMATIVES:

Notes to Applicant

1. The site is severely constrained. The illustrative proposals that have informed the local planning authority's consideration of this outline application comprise 0814-03, 0814-04B, 1814-05, 0814-06A, IMA-09-006 Rev A, IMA-09-016-007 Rev A. The applicant is advised that any future application that does not closely accord with these plans may not be favourably considered.

2. 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:

Principle of the use as a care home
Scale and Impact on the Street Scene
Impact on trees
Neighbour amenity
Occupier amenity
Highway issues
Sustainability
Impact on Strensall conservation area
Ecology and Bio-diversity
Archaeology
Drainage

The application therefore complies with policies GP1, GP4a, GP10, GP15a, H17, C1, T4 and NE1 of the City of York Local Plan Deposit Draft.

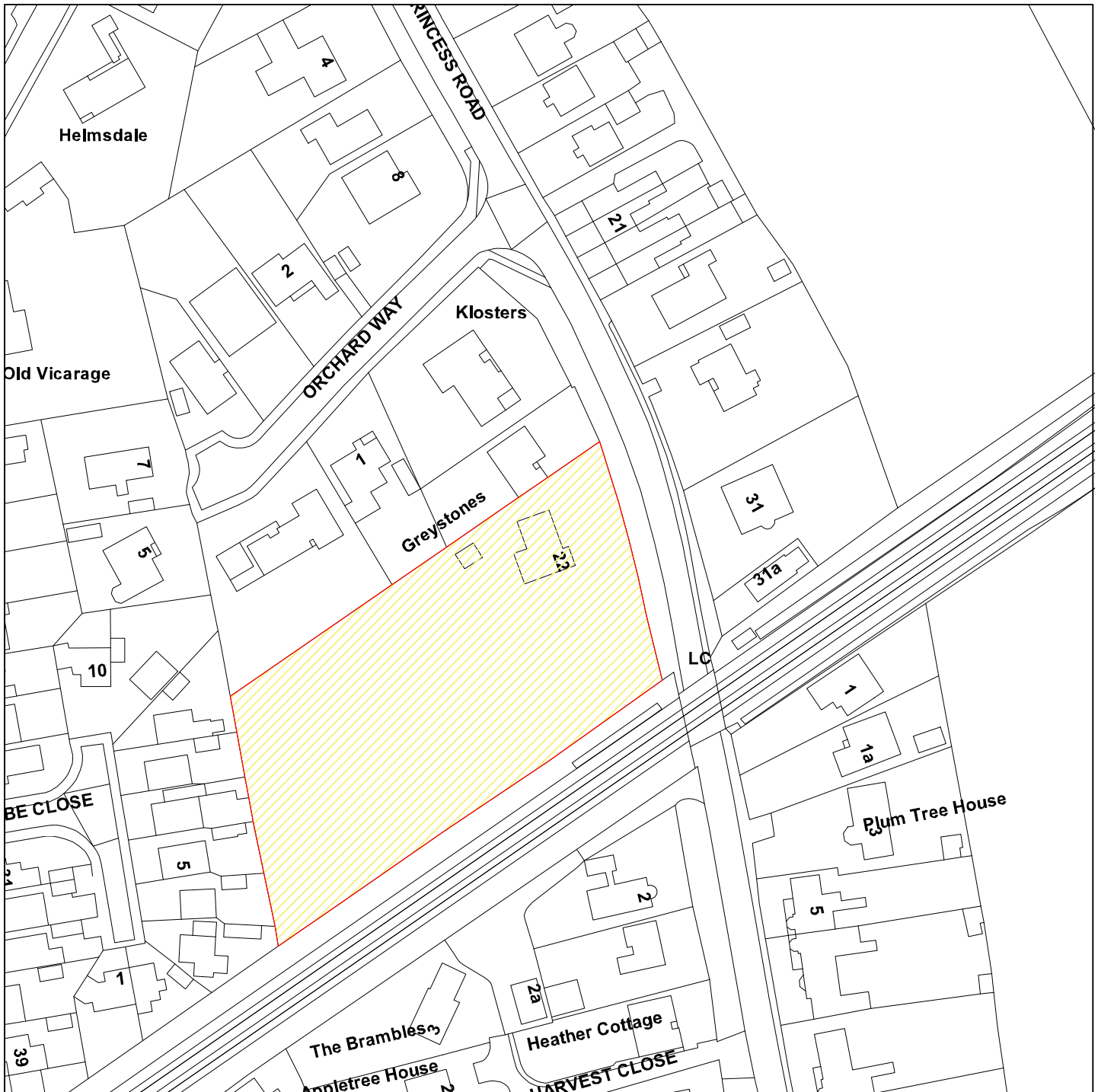
Contact details:

Author: Kevin O'Connell Development Control Officer

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Bonneycroft, 22 Princess Road, Strensall

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Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	01 December 2009
SLA Number	Not Set

Development in historic locations

3.0 CONSULTATIONS

3.1 Internal

Environment And Conservation Officer - as the property, and in particular the rear dormer, is visible from Heworth Conservation Area, the conservation team have been consulted and comments are awaited.

3.2 External

Heworth Planning Panel - comments awaited

Response to neighbour consultation letters - consulted on 13 November, no replies received at the time of drafting this report

4.0 APPRAISAL

Key issue(s)

Impact on amenity of neighbours
Impact on streetscene:

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 H7 - "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 GP1 - "Design" sets out a series of criteria that the design of development proposals would be expected to meet. Theses 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 DRAFT LOCAL PLAN POLICY HE2 states that within or adjoining conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that two storey side extensions should be set down from the original roof line and set back behind the building line

Two storey side extension

4.6 The side extension has been erected with only a minimal set back and is not set down from the host ridge, and as such is not in accordance with the Council's Supplementary Planning Guidance on residential extensions. The key objective of this requirement is to minimise the possible "terracing" effect, which can result from two adjacent semi-detached properties erecting side extensions without any set back or set down. However, in this particular case the adjacent property (2 Stockton Lane) is set at an angle to the application site, at a point where Stockton Lane turns the corner into Heworth Road. Whilst the extension as built creates a somewhat unbalanced appearance to the pair of semi-detached properties, it does not create a terracing effect and is unlikely to do so in the future due to the orientation of the adjacent dwelling. Thus, on balance, it is considered that the visual appearance of the two storey side extension as built is acceptable.

Rear Dormer Window

4.7 The originally approved drawings indicated that the rear dormer was to be clad in lead, which would create a relatively discreet appearance when viewed against the weathered red Rosemary tiles of the existing roof. In addition, condition 2 of the planning permission stipulated that the materials to be used externally for the development should match those of the existing buildings in colour, size, shape and texture. Indeed, had matching or similar materials been used for the external cladding (i.e. tile hanging), the dormer would constitute "permitted development" and would not require planning permission.

4.8 However, the dormer as built has been clad in white uPVC, which creates a stark contrast with the existing roof material. Whilst being at the rear of the property, the dormer is visible between properties on Heworth Road, which form the boundary of the Heworth/Heworth Green conservation area. Although the dormer appears to have been erected to the correct dimensions, due to the nature of the external cladding, it is considered that it presents a stark and dominating appearance which contrasts discordantly with the adjoining tile roofs. Furthermore, it is the case that uPVC will retain such an appearance for many years rather than mellowing or weathering with age as would more natural materials.

4.9 It is considered, therefore, that the external appearance of the dormer is unacceptable and would conflict with Policies GP1 and H7 of the Draft Local Plan, in addition to guidance contained within the Council's Supplementary Planning Guidance in relation to residential extensions. National planning advice contained

within Planning Policy Statement 1 emphasises the importance of good design and states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of the area and the way it functions, should not be accepted. It is considered that dormer as built would conflict with this advice. In February 2006, The Council successfully defended an appeal in relation to a dormer erected in similar circumstances on the rear elevation of a terraced property at 15 St. Clements Grove, off Bishopthorpe Road (Ref: APP/C2741/A/05/1193368).

Impact on Amenity of Neighbours

4.10 It is not considered that the variation in the design and external appearance of the two storey side extension and dormer has resulted in any additional impact on adjacent properties in terms of amenity and living conditions in comparison to the originally approved drawings, as the footprint, scale and massing are not significantly different.

5.0 CONCLUSION

5.1 The Council's Supplementary Planning Guidance on residential extensions advises that side extensions should be stepped back from the front elevation and set down from the main roof in order to avoid a terracing effect on the street scene. However, in this case the extension will not have a terracing effect given the angle between the applicant's dwelling and the next two storey dwelling.

5.2 It is considered that the retention of the pitched roof dormer window would result in an unacceptable addition to the dwelling by virtue of the white uPVC cladding, which creates a stark and unacceptable contrast with the existing and adjacent tiled roof coverings.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 It is considered that the rear dormer, due to the use of white uPVC for the external cladding, presents a stark and dominating appearance which contrasts discordantly with the adjoining tile roofs, and as such is considered to be unduly harmful to the character and appearance of the area. Thus the development is in conflict with Policies GP1, H7 and HE2 of the City of York Draft Local Plan and national planning advice relating to design contained within Planning Policy Statement 1 "Delivering Sustainable Development"

7.0 INFORMATIVES:

Contact details:

Author: Sharon Jackson Development Control Assistant

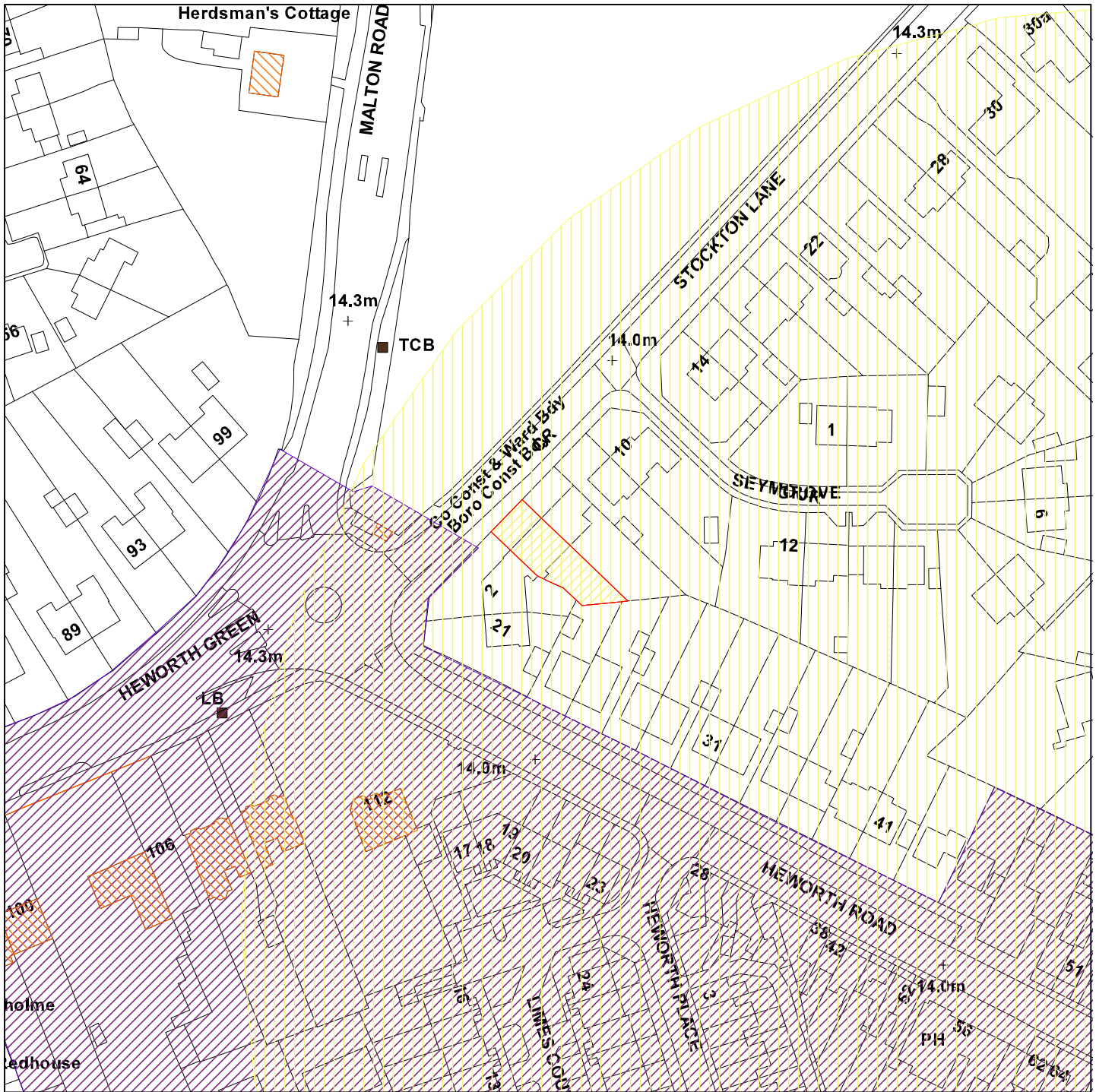
Tel No: 01904 551359.

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4 Stockton Lane



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	30 November 2009
SLA Number	Not Set

COMMITTEE REPORT

Committee:	East Area	Ward:	Heworth
Date:	10 December 2009	Parish:	Heworth Planning Panel

Reference: 09/02069/FUL
Application at: 51 Walney Road York YO31 1AH
For: Two storey pitched roof side extension
By: Mr Chris Tissiman
Application Type: Full Application
Target Date: 11 January 2010

1.0 PROPOSAL

1.1 The application site consists of a traditional semi - detached hipped roof dwelling positioned within an area of similar property types. The front elevation of the dwelling incorporates projecting bay windows at both ground and first floor levels. A wooden shed at the side of the property positioned on the shared boundary would be demolished if the development proceeds. The rear garden is of an ample size enclosed by mature hedging exceeding 2 metres in height on the rear boundary and 1.8 metre high wooden fencing on both side boundaries.

1.2 This application seeks planning permission to erect a two-storey side extension set down by approx 250mm from the existing ridge and set back from the principal elevation by approx 0.5 metre at first floor level. The front elevation of the side extension would include a bedroom window at first floor level and a garage with up and over door on the ground floor. The side elevation will consist of a solid brick wall at two-storey height along the full length of the property. The rear elevation would incorporate a small obscure glazed window (serving an en-suite bathroom) at first floor level, above an additional access door and window on the ground floor.

1.3 The proposed development is to be considered at the East Area Planning Sub - Committee because both applicants are employed by City of York Council. As the eight week period for determining the application would expire three days before the meeting scheduled for January, it has been brought to the meeting in December. Although no consultation replies have been received at the time of drafting this report, the consultation period expires before the date of the meeting and comments will be reported verbally.

1.4 No relevant Property History

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Heworth Green/East Parade CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodland GMS Constraints: Flood Zone 2

Floodzone 2 GMS Constraints: Flood Zone 2 CONF

Floodzone 3 GMS Constraints: Flood Zone 3

2.2 Policies:

CYH7

Residential extensions

CYGP1

Design

3.0 CONSULTATIONS

3.1 Internal

Highways (Network Management) - Comments awaited

3.2 External

3.2.1 Heworth Planning Panel - Comments awaited

3.2.2. Adjacent occupiers were consulted on 17 November and comments are awaited

4.0 APPRAISAL

4.1 Key issue(s)

Impact on amenity of neighbours

Impact on streetscene

Highway and parking issues

The relevant policies 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 two - storey side extensions should be set down from the original roof line and set back behind the building line

4.6 Impact on streetscene

The proposed extension would be situated approx 300mm from the shared drive way with (no53) separated by a 1.8 metre wooden fence and existing hedging. The design of the extension would incorporate a hipped roof, which matches the existing dwelling and would slope away from the shared boundary, reducing its massing and dominance. It is considered, therefore, that although the extension is within close proximity to the boundary, it has been designed appropriately with a set down from the host roof and set back at first floor and thus is in accordance with the Council's Supplementary Planning Guidance in relation to house extensions. The applicant intends to use materials that match the existing dwelling. therefore it is considered that the proposal would not harm the character and appearance of the street scene.

4.7 Effect on Neighbours

There are no windows proposed on the side wall of the extension. The main impact would be on the driveway alongside the side wall of the adjacent property at no.53, which contains a side door and two obscure glazed first floor windows. However, as demonstrated by the submitted daylight and sunlight assessment, the extension would not have any significant additional impact on the amount of sunlight entering the property. No principal rooms or garden areas would be materially affected. It is concluded that the adjacent neighbours on both shared boundaries would not be significantly over shadowed particularly taking into account the orientation of the properties concerned.

4.8 The extension would incorporate an integral garage with a driveway to the front. The comments of the Highways (Network Management) Team are awaited.

5.0 CONCLUSION

5.1 The extension would be set down from the ridge and set back from the front wall of the property, in accordance with the Council's Supplementary Planning Guidance in relation to house extensions. The proposal will be visible from public areas, however the applicant intends to use materials that match the existing dwelling and it is considered that the extension would have a satisfactory appearance in the streetscene.

5.2 Due to the design and position of the proposed extension in relation to the neighbouring property at no53, it is not considered that the development will appear unduly overbearing or give rise to any unreasonable loss of amenity to adjoining residents as a result of unreasonable overshadowing or loss of light.

6.0 RECOMMENDATION: Approve

- | | | |
|---|--------|--------------------------------------|
| 1 | TIME2 | Development start within three years |
| 2 | VISQ1 | Matching materials |
| 3 | PLANS1 | Approved plans - dwg .no.bdc 09.66.2 |

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, the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours and the effect on the character and appearance of the streetscene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

2. INFORMATIVE:

The applicant is reminded that all parts of the extension including side gutters and foundations should be within the property boundary of the application site

Contact details:

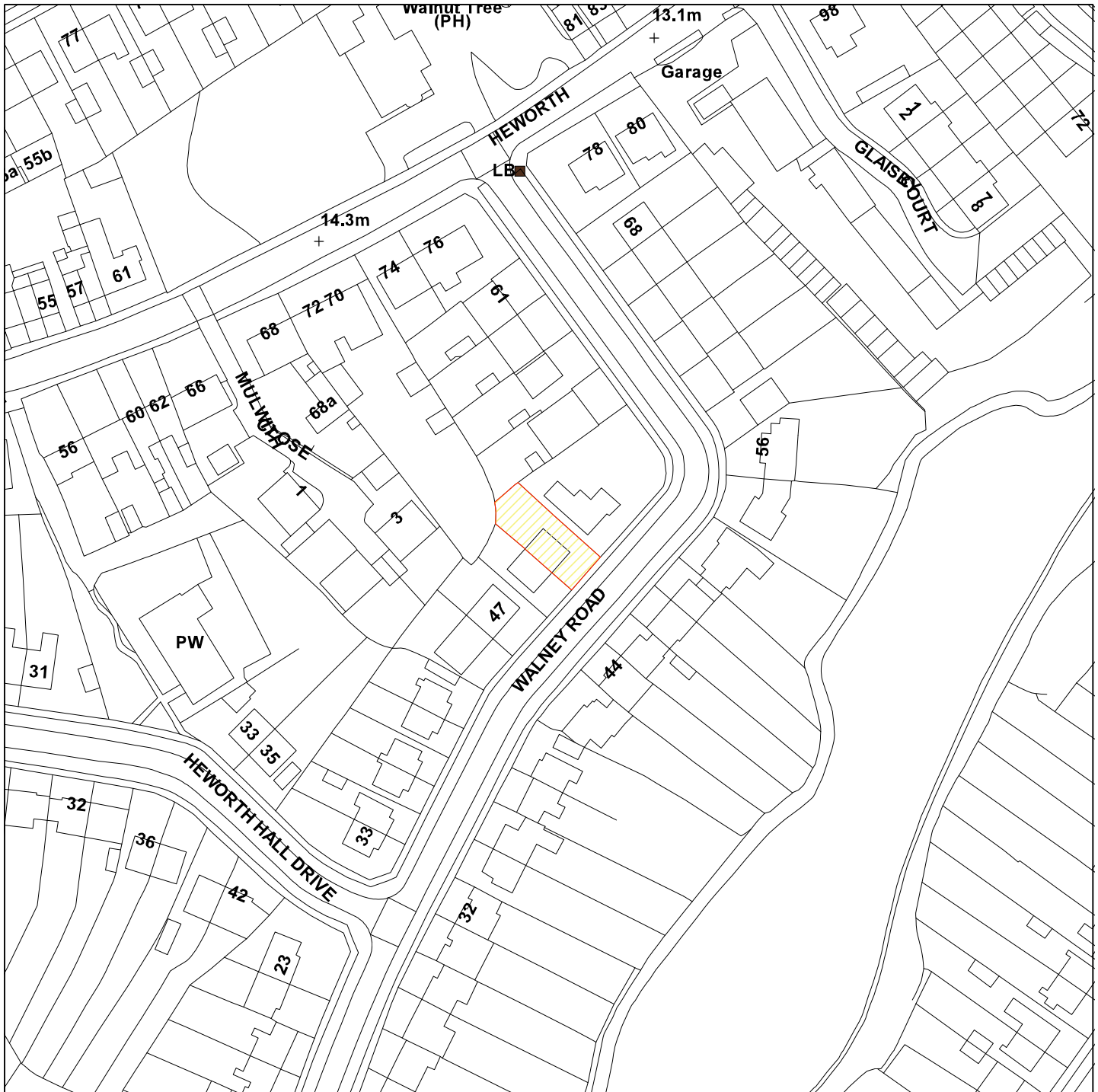
Author: Sharon Jackson Development Control Assistant
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09/02069/FUL

51 Walney Road



GIS by ESRI (UK)



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	30 November 2009
SLA Number	Not Set



East Area Planning Sub Committee	10 th December 2009
West and City Centre Area Planning Sub Committee	14 th December 2009
Planning Committee	17 th December 2009

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 31st October 2009, and provides a summary of the salient points from appeals determined in that period.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a Best Value Performance Indicator, it has been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. To date, there has been no abatement of this Council's level of HPDG as a result of appeals performance, as performance has been close to the national average for a number of years.
- 3 Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 gives a breakdown of appeals decided by the Inspectorate, both by CYC area and decision type for the 3 months and also the combined area (CYC)12 month performance.

**Fig 1 : Appeals Decided by the Planning Inspectorate
For 3 months to 31st October 2009**

	East 3 months	West & CC 3 months	CYC 3 months	CYC 12 months
Allowed	1	0	1	15
% Allowed	12.5%	0%	9.09%	26.32%
Part Allowed	1	0	1	4
% Part Allowed	12.5%	0%	9.09%	7.02%
Dismissed	6	3	6	38
% Dismissed	75%	100%	81.81%	66.67%
Total Determined	8	3	11	57
Withdrawn	0	0	0	4

Analysis

- 4 The table shows that for the 3 months to 31st October 2009, a total of 11 appeals relating to CYC decisions were determined by the Inspectorate. Of those, one was allowed and one part-allowed. At just over 9%, the rate of appeals allowed is well below the national average of around 33% and a significant improvement over performance in the preceding 3 month period (27.27% allowed).
- 5 For the 12 months up to 31st October 2009, CYC performance was 26.32% allowed, an improvement over the previously reported 12 month period of 33.33%.
- 6 The summaries of appeals determined in the last 3 months to 31st October 2009 are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) are included with each summary. In the period covered only two of the appeals determined related to applications considered by Committee, namely 08/02441/TCNOT - telecoms mast Oak Tree Lane Haxby, and 08/00525/OUTM – Laverack Joinery, Birch Park.

Consultation

- 7 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

Corporate Objectives

- 8 The report is relevant to the furthering of the Council's objectives of making York a sustainable City, maintaining its special qualities, making it a safer city, and providing an effective organisation with high standards.

Implications

- 9 Financial – There are no financial implications directly arising from the report

- 10 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information
- 11 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 12 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 13 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 14 That Members note the content of this report.

Contact Details

Author:

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Head of Development Control
Directorate of City Strategy

01904 551303

Chief Officer Responsible for the report:

Mike Slater
Assistant Director Planning & Sustainable
Development, Directorate of City Strategy

Report Approved **Date** 25th November
2009

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report

Background Papers: None

Annexes: Annex A – Appeal Case Summaries

Appeal Summaries for Cases Determined 01/08/2009 to 31/10/2009

Application No: 05/02470/FUL
Appeal by: Mr S N Smallwood
Proposal: Retention of agricultural buildings to house livestock and equipment
Site: Fircroft □ Moor Lane □ Haxby □ York □ YO32 2QW □
Decision Level: DEL
Outcome: DISMIS

A farmer had built two sheds for industrial use on agricultural land in the green belt. A subsequent enforcement notice (upheld at appeal) required the farmer to remove the buildings. Instead, he sought planning permission to use the buildings for agriculture. The council refused planning permission on the grounds that agricultural need had not been demonstrated and that the design of the buildings was out of keeping with the rural/green belt location. The inspector found that: (a) The buildings were inappropriate development in the green belt because they were built for a non-agricultural purpose, did not look like agricultural buildings and were not needed for agriculture even though they currently had farm machinery in them; (b) The buildings eroded the openness of the green belt and their stark industrial appearance was harmful to the rural character of the area. He took into account that the farm had permitted development rights for new buildings. But they would only allow a much smaller volume of development, would have to be reasonably needed for agriculture and, in any case, would need prior approval from the council. The inspector concluded that the case made by the applicant did not amount to very special circumstances that outweighed the harm caused by the development. The appeal was dismissed.

Application No: 08/00525/OUTM
Appeal by: Robert Laverack
Proposal: Erection of 14 dwellings after demolition of existing factory
Site: Laverack Joinery□Unit 1□Birch
Park□Huntington□York□YO31 9BL□
Decision Level: CMV
Outcome: PAD

The council granted outline planning permission, subject to conditions, for the erection of 14 dwellings. The appeal was against nine of those conditions. The inspector's findings are as follows: Condition 4 (Details of security gate). The substance of the condition could be included within Condition 17. Condition 5 (Submit sustainability assessments to show compliance with CoSH Level 3) was allowed subject to slight rewording. Condition 6 (Minimum of 10% of energy from on-site renewable sources) was allowed. Condition 8 (A noise survey shall be carried out and any sound insulation measures installed prior to first occupation). Whilst in this case there is some uncertainty over the potential for noise disruption from an existing business, a noise survey and possibly noise mitigation is necessary. The condition was allowed subject to slight rewording. Condition 12 (No development until details of the road layout have been approved). The appellant felt that the timing set by the condition was too onerous. During the hearing more onerous wording was agreed and the condition was varied accordingly. Condition 13 (Measures to prevent mud, etc during construction) was deleted. Condition 15 (£31,500 for public open space) agreed subject to very minor rewording. Condition 16 (£32,540 education) was deleted because two secondary schools in the adjacent catchment, and not much further from the appeal site than Huntington School, have available spaces and the nearest primary school had surplus places. Condition 17 (Secured by Design) was allowed subject to a variation to include reference to the security gate. See Condition 4.

Application No: 08/00770/FUL
Appeal by: Mr And Mrs Gatenby
Proposal: Alterations and extensions to existing dwelling and erection of a detached double garage
Site: The Old Gatehouse□Wheldrake Lane□Elvington□York□YO41 4AZ□
Decision Level: DEL
Outcome: DISMIS

The works mainly comprise an extension to a modest detached house to provide enlarged living accommodation and a new double garage in connection with the adjacent caravan park/B&B. The council refused planning permission on the grounds of (a) inappropriate development in the Green Belt due to disproportionate additions to the original dwelling; and (b) cumulative impact on the openness of the Green Belt. The site lies within open countryside in the green belt. The premises mainly comprise bed and breakfast accommodation and a seasonal caravan park, both operated by the applicants. The business has a range of buildings including a large house (which has been considerably enlarged over the years to provide separate living and B&B accommodation). The rear part of the site comprises the caravan park. Within the grounds is a modest brick building which the applicants converted it to a residential dwelling without planning permission. It subsequently became established. This is the building the applicants wanted to extend and add the garage. The inspector found that although the size of the extended dwelling would still be modest the additions proposed amounted to disproportionate additions to the very small existing building. It was therefore inappropriate development in the Green Belt. Existing screening from most vantage points would not prevent the loss of openness. Enlarging the residential use would have an urbanising effect on the site, harming its character. Whilst the proposed removal of some of the outbuildings on the site would increase openness their removal would not arise from the development. The existing dwelling has been occupied by the applicants for some years, during which their circumstances have not significantly changed, so there is little evidence of need for the extension. The inspector concluded that the case made by the applicant did not amount to very special circumstances that outweighed the harm caused by the development.

Application No: 08/02361/FUL
Appeal by: Mr Simon Crowther
Proposal: Erection of a replacement dwelling
Site: Newlands □ Back Lane South □ Wheldrake □ York □ YO19 6DT □
Decision Level: DEL
Outcome: DISMIS

Planning permission was refused by the Council for a replacement dwelling. The existing house is a small, timber clad, single storey dwelling which offered a modest level of accommodation space. The replacement dwelling was approx. 6 m longer, 5 metres deeper and 2.5 m higher than existing. The application was refused on the grounds that it amounted to inappropriate development in the Green Belt as the replacement was much larger than the one it was replacing. It was also deemed to harm the openness of the Green Belt. A further reason for refusal was on flooding grounds as no drainage information was submitted with the application. The Inspector agreed with the Council that the 'far larger building than the one it would replace' was inappropriate development and therefore, by definition, harmful to the Green Belt. He also concluded that the larger building would also 'erode the character of the Green Belt'. He concluded this not only on the basis of size, but also on design grounds. The existing house is a timber building with 'rustic character that fits easily within its rural setting'. The replacement was a larger, brick built bungalow which the Inspector concluded would have an 'urbanising effect on the site' which would harm its character further, particularly against the backdrop of open fields. This effect, he concluded, further harmed the openness of the Green Belt. On the question of flooding, given there was an existing house on the site, the Inspector concluded that the additional effect on drainage was likely to be minimal and no evidence had been forwarded by the Council that the existing house had caused any drainage problems in the past. Therefore a condition could reasonably be imposed to agree details which would be acceptable, even though the proposed house would be larger. Appeal therefore dismissed on the harm to the Green Belt only.

Application No: 08/02441/TCNOT
Appeal by: Vodaphone Limited
Proposal: Proposed installation of 12.2 metre high telecommunications mast with associated equipment
Site: Proposed Telecommunications Pole Fronting 39 Oak Tree Lane Haxby York
Decision Level: COMM
Outcome: DISMIS

The appeal was against a refusal, by the Council, to grant approval for a Telecommunications mast and associated equipment. Its height, including antenna, was 12.2 metres and was sited on a footpath fronting a two storey parade of shops with flats above in a locality that is predominantly residential in character. Officers recommended that approval be granted but members overturned this at committee on the grounds that by virtue of its appearance and height it represented an intrusive development which harmed the character of the streetscene. The Inspector agreed with this view saying that the mast would be considerably higher than adjacent lampposts and distinctly thicker. This was made worse by there being no scope to provide effective landscaping or other screening to reduce the impact of the mast, as PPG8 advocates. It would therefore be a prominent feature within the street scene which would project significantly above the ridge line of adjacent buildings and dominate the skyline. It would also be visible from surrounding dwellings and gardens, which added weight to the Inspector's concerns. The Inspector also considered that the appellant had not clearly demonstrated why a less visually harmful site could not be provided within the search area. For example, the appellant rejected an installation could not be provided at the nearby church as it required 'significant structural works' but did not specify what these works entailed. It was also noted that a number of nearby grass verges and open areas nearby had not even been considered, let alone rejected. Other concerns expressed by residents over the appearance of the equipment cabinet, health and restricting the footway width were not considered reasons for dismissing the appeal. Therefore, appeal dismissed on grounds of the intrusive impact of the development and effects on the character of the streetscene.

Application No: 08/02487/FUL
Appeal by: Mr White
Proposal: Bungalow to rear garden of 10 Burton Avenue with access from rear of Cromer Street
Site: 10 Burton Avenue □ York □ YO30 6DE □
Decision Level: DEL
Outcome: ALLOW

A bungalow to the side/rear of a two storey semi detached dwelling (10 Burton Avenue) served by a separate vehicular access to the side off Cromer Street. Two main issues were effect on character and appearance of area and on living conditions of neighbouring dwellings. Several properties on Burton Avenue have established vehicular accesses off Cromer Street and the proposed driveway off Cromer Street would not be appear contrived or at odds with the general residential layout of the area. The Inspector considered that a single storey dwelling, which would be modest in size, would not be harmful to the character or appearance of the surrounding area. The driveway would run along the rear gardens of adjacent properties away from existing dwellings. The amount of traffic generated by a one bedroom bungalow would be minimal and thus not create so much noise and disturbance that it would be harmful to the living conditions of adjacent dwellings. 10 Burton Avenue would retain a good sized rear garden, the eaves of the bungalow would be only slightly higher than a 2 metre high boundary fence. The hipped roof pitched away from the boundary would have very limited visual impact. The issue of security was referred to by residents, however the Inspector considered that the proposal would lead to an increased presence of people in the area and improve natural surveillance.

Application No: 08/02737/FUL
Appeal by: Paul Cooper
Proposal: Erection of studio apartment after demolition of garage
Site: 162 Burton Stone Lane □ York □ YO30 6DF □
Decision Level: DEL
Outcome: DISMIS

Application was for the demolition of an existing garage and erection of a 1 bedroom studio apartment in its place. It was refused on the grounds that by virtue of its size, scale, design and location, it would harm the character and appearance of the area. Considered the dwelling would appear shoehorned into the site which would result in an overdeveloped appearance to the area which would appear out of keeping with the surrounding area. A previous, larger scheme had been refused and rejected on appeal. □ □ Inspector agreed with the Council. He concluded that even this smaller scheme would be twice as high as the building it would replace, with a significantly greater width. Consequently, the openness of the area would be reduced, harming its character. The appellant said that the building would be far smaller than the terraced properties but the Inspector took his reference from the domestic garages and outbuildings serving these properties. He noted that the proposal had 3 windows on the gable fronting the road and this further identified it as a building containing an upper floor. The Inspector concluded that this would appear as an 'oddity' relating to neither the dwellings, nor their outbuildings. This would strike a 'jarring' note in the street scene, harming its character and appearance.

Application No: 09/00221/FUL
Appeal by: Aligul Kala
Proposal: Variation of condition 2 of planning permission 97/02348/FUL (granted on appeal) to extend opening hours of existing take away to 1100-0100 Mon-Thurs, 1100 - 0200 Fri-Sat and Sun to 1100 - 2400 (midnight) (existing permitted hours 11.00-2400 Mon-Sat and 1100-2330 Sun)
Site: 51 Blossom Street □ York □ YO24 1AZ □
Decision Level: DEL
Outcome: DISMIS

The application was recommended for refusal on the grounds that extended hours would harm the residential amenity of those living near to the site from increased noise and disturbance. The applicant wanted to extend the hours to 11.00 - 01.00 Monday to Thursday, 11.00 - 02.00 Friday to Saturday and 11.00 to 24.00 on a Sunday (the existing permitted hours are 11.00 - 24.00 Monday to Saturday and 11.00 - 23.30 on a Sunday). A previous application has been refused for the extension of the hours (06/02689) to Sun-Thurs and 0900 - 0145 Fri-Sat 11.00 - 24.00 Monday to Saturday. The inspector agreed with the council, that whilst the takeaway was on a busy principle route into York and of a prevailing commercial character the area would be much quieter after midnight and therefore the extended hours and the noise and disturbance caused by patrons of the site would harm the living condition of the residents living nearby. The Inspector also noted that all the nearby takeaways did not open beyond midnight. The Inspector did not consider that the support from a number of businesses and other occupiers in the area was sufficient to outweigh planning objections.

Application No: 09/00331/FUL
Appeal by: Mrs Carolynne Crosbie
Proposal: Detached dwelling and garage to rear of property (resubmission)
Site: Elmgarth □ Malton Road □ Heworth □ York □ YO31 9LT □
Decision Level: DEL
Outcome: DISMIS

Application was for a detached dwelling in the rear garden of the host house called Elmgarth. Planning permission was refused on the grounds that the use of the access to the proposed dwelling would result in an unacceptable loss of amenity for the occupiers of Elmgarth. The Inspector concluded that the development represented 'tandem development'. He agreed with the Council that the length and proximity of the access to the new dwelling would result in noise and disturbance and a lack of privacy to the occupiers of Elmgarth from comings and goings of the occupiers and delivery services etc. This could not be overcome by conditions requiring the re-siting of existing side doors and windows. Appeal dismissed.

Application No: 09/00410/FUL
Appeal by: Mr Terry Wheatley
Proposal: Retention of UPVC windows and door frames to flats 1-4,
 10 St Marys
Site: Flat 1 □ 10 St Marys □ York □ YO30 7DD □
Decision Level: DEL
Outcome: DISMIS

Officer recommendation of refusal. This appeal relates to the retention of Upvc doorframes and double glazed windows to the front and rear elevations of a mid terraced property, which has been split into 4 flats. The property is located within the Central Historic Core Conservation Area but is not listed. The application was refused by reason of the appearance and detailed design of the frames harming the architectural character and appearance of 10 St. Marys and the streetscene. The Inspector notes the predominance of timber sliding sash windows and comments that the impression of St. Marys is a street where period fenestration is consistent. The Inspector comments that the windows installed in No.10 St. Marys, because of their materials, opening mechanism and design, have a poor appearance and look out of place in this street and diminish the qualities of the conservation area. With reference to the rear elevation, it is noted that although uPVC windows are more common here than at the front, they similarly detract from the conservation area.

Application No: 09/00717/FUL
Appeal by: Mr Charles Kemp
Proposal: Dormer to front
Site: 13 Ullswater □ York □ YO24 2RY □
Decision Level: DEL
Outcome: DISMIS

The host dwelling is a small modern semi-detached bungalow. A side extension with front dormer has already been erected (having been recommended for refusal but overturned at committee). This submission was for another larger dormer within the original roof, and was refused due to the fact it would harm the appearance of the dwelling within the surrounding area. Differing styles of dwellings, one and two-storey, are in place along this long street, but only 1 small front dormer currently in place, some distance from the host. Inspector agreed that the scale and mass, would appear incongruous within the streetscene and harm the appearance of the dwelling

Decision Level:	Outcome:
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed