



**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, 15 April 2010

**Time:** 2.00 pm

**Venue:** The Guildhall, York

**AGENDA**

**Members are advised to note that there will be no Site Visits for this meeting.**

**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. Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of Annexes 1 and 2 to agenda item 6 on the grounds that this item contains information which is classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

**3. Minutes**

(Pages 3 - 10)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 11 March 2010.

#### **4. 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 14 April 2010 at 5.00 pm.**

#### **5. Plans List**

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

##### **a) Spring Hill Farm, Skelton, York. YO30 1XT (Pages 11 - 23)**

It is proposed to demolish an existing single-storey outbuilding associated with Spring Hill House and erect in the approximate location a 5 bedroom two-storey dwelling with integral double garage. The application is brought to committee at the request of a Local Member as it is a submission of a previously refused application and is adjacent to Skelton Conservation Area. [Skelton, Rawcliffe, Clifton Without]

##### **b) Wheldrake School C of E Primary School, (Pages 24 - 31) North Lane, Wheldrake, York. YO19 6BB**

This application is a re- submission and relates to the erection of a single storey rear extension to create an independent nursery. The existing car park would be slightly altered and resited two metres further to the north, but would retain all of the existing 12 parking spaces. The previous application was withdrawn in November of last year (Ref: 09/01751/FUL).[Wheldrake]

##### **c) 88 Kerver Lane, Dunnington, York. YO19 5SH (Pages 32 - 35)**

This application seeks planning permission for a single storey pitched roof rear extension, on a detached property at 88 Kerver Lane, Dunnington. [Derwent]

**d) 53 Main Street, Wheldrake, York. YO19 6AB** (Pages 36 - 40)

This is a listed building application to replace two existing windows at rear ground floor level of the property with new window and French door arrangement at 53 Main Street, Wheldrake. [Wheldrake]

**6. Enforcement Cases-Update** (Pages 41 - 131)

The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

**7. Appeals Performance and Decision Summaries** (Pages 132 - 149)

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 4-month period up to 31<sup>st</sup> March 2010, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 31<sup>st</sup> March 2010 is also included.

**8. Urgent Business**

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

**9.**

**Democracy Officer:**

Name- Judith Cumming

Telephone – 01904 551078

E-mail- judith.cumming@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.

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- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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### Further information about what's being discussed at this meeting

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### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **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

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	11 MARCH 2010
PRESENT	COUNCILLORS HYMAN (CHAIR), DOUGLAS, FIRTH, FUNNELL, MOORE, ORRELL, TAYLOR, WISEMAN AND PIERCE (SUBSTITUTE)
APOLOGIES	COUNCILLORS CREGAN AND KING

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**INSPECTION OF SITES**

Site	Attended by	Reason for Visit
52 School Lane, Fulford, York. YO10 4LS	Cllrs. Hyman, Moore, Douglas and Wiseman.	To familiarise Members with the site.
Store to the Rear of 69 Fourth Avenue, York. YO31 0UA	Cllrs Hyman, Moore, Douglas and Wiseman.	To familiarise Members with the site.
49 Muncastergate, York. YO21 9JX	Cllrs Hyman, Moore, Douglas, Firth, Orrell and Wiseman.	To familiarise Members with the site.
5 and 6 Northfields, Strensall, York. YO32 5XN	Cllrs Hyman, Moore, Douglas, Firth, Orrell and Wiseman.	To familiarise Members with the site.

**50. DECLARATIONS OF INTEREST**

Members were asked to declare any personal or prejudicial interests they had in the business on the agenda. None were declared.

**51. MINUTES**

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 11 February 2010, be signed as a correct record by the Chair.

**52. PUBLIC PARTICIPATION**

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

**53. PLANS LIST**

**53a 52 School Lane, Fulford, York YO10 4LS**

Members considered an application for the erection of a two-storey extension to rear of the property at 52 School Lane, Fulford. Several amendments had been made since the application was originally submitted.

They were updated that there had been a further letter of objection to the application received from a resident of 69 Main Street, Fulford. The letter expressed concern that the proposed extension to the property at 52 School Lane would shorten the distance to the back of his property and would result in a loss of privacy.

Councillor Aspden as Ward Councillor had made representations to Officers. He stated that he supported the Officer's recommendation for refusal, but sought further clarification. In particular, he wished to draw attention to the loss of the burgage plot resulting from the development.

Councillor Moore sought clarification from Officers of whether the proposed car port to the rear of the extension as highlighted in paragraph 4.12 had been deleted. They responded that the applicant had deleted this element of the proposal.

Representations in opposition were heard from a neighbour, Mr Young, who was representing other neighbours adjacent to the property. He circulated additional diagrams and photographs to illustrate the impact of the proposal. He also declared to the Committee that he had recently become a Parish Councillor but that this was three months after the application had been submitted. His reasons for opposing the application was that the property would be increased by 3.5 times of the original size and that only 25% of the amenity space would remain.

Further representations in opposition were heard from a Representative of Fulford Parish Council, Mrs De Vries. She stated that the Parish Council welcomed the Officer's recommendation to refuse the application due to the harm it would cause to the Conservation Area. She said that the Parish Council was opposed to the truncation of the burgage plot, resulting from the extension of the existing granny annex to a two storey dwelling. She finally stated that the design of the proposed dwelling was inappropriate and would have a detrimental effect on the street scene and appearance of the conservation area.

Representations in support of the application were also heard from the applicants agent, Mr Chapman, who stated that in essence the burgage plot would be retained due to the elongated nature of the extension. He added that he respected that the Officer's recommendation was particularly difficult as it only made reference to the tight manoeuvring space. Further to this he said that the comments from the Highways department towards the application were not negative.

Councillor Pierce moved approval because he felt that the application would capture, recreate and underline the burgage plot and conservation



area. He added that the remodelling of the building had been successful and urged the Committee to review the recommendation of refusal. He finally added that he did not consider that the proposal was not for an extension, but for the replacement of a smaller dwelling with a larger one. He asked for clarification from the Officers as to how the applicant described the proposal.

Officers responded that the applicant had described it as an extension.

Councillor Moore disagreed with Councillor Pierce and moved the Officer's recommendation refusal. His reasons for refusal were that; there was no amenity space for the existing building, the proposed extension would not appear to be subservient to the other building and that if the application were approved that the property would not enhance the conservation area. He also added that there was a conflict between vehicle and pedestrian access which had not been addressed by the application.

Councillor Firth seconded Councillor Moore's call for refusal.

Councillor Taylor highlighted that the impact on the conservation area by the proposed building should not be overlooked. This was because it was one of the few locations in the local area in which the original burgage plots are still visible.

Councillor Hyman added that the proposal would conflict with Council guidance on extensions.

Members then asked about the path adjacent to the property and specifically if it was a Public Right of Way.

Mrs De Vries said that the path was not a Public Right of Way and that the path that was named as such was nowhere near the property in question.

Mr Chapman responded that the previous owners of 52 School Lane had created the path. They originally had situated it to the left of 63 Main Street and widened it out to include usage by residents at 50 School Lane. This path was only intended to be for residents of these properties and not as a Public Right of Way.

RESOLVED: That the application be refused.

REASON: (i) The proposed extension would result in a significant increase in the size of the existing dwelling, however, the external amenity space to serve the extended property is extremely limited and contains no provision for cycle storage. In addition the shared space for vehicle manoeuvring is unduly tight. It is considered that this would create a poor living environment for the occupiers of 52 School Lane and have the potential to cause conflict with the occupants of 65 Main Street. It is considered therefore, that the proposed extension conflicts with policy GP1(criterion g) and H7 (criterion g) and appendix E of the City of York Draft Local

Plan(fourth set of changes) approved April 2005 and advice contained within paragraph 1.23 of the City of York Council's Guide to extensions and alterations to private dwellings March 2001.

- (ii) The proposal would, by reason of its massing, scale, design and external appearance, result in an incongruous form of development that would be out of scale and character with the area. It is considered that this proposed development would seriously detract from the quality of traditional building pattern which is enjoyed at this location within Fulford Conservation Area. The proposal is, therefore, considered to conflict with Central Government advice contained within Planning policy Guidance Note 15 ("Planning and the Historic Environment") and Policies GP1, GP10 and HE2 of the City of York Draft Local Plan.
- (iii) The proposal would involve the shared use of the driveway that serves both the proposed dwelling and the existing dwelling at 52 School Lane. This driveway runs alongside the side elevation of the proposed dwelling in close proximity to ground floor windows and the main entrance door. As a result, there would be potential for unacceptable levels of noise and disturbance, together with pedestrian/vehicular conflict, to the detriment of the residential amenity of the future occupiers of the proposed dwelling. The proposal would, therefore, conflict with Policy GP1 (criterion i) of the City of York Draft Local Plan, and the objectives of Central Government advice contained within Planning Policy Statement 1 ("Delivering Sustainable Development") and Planning policy Statement 3 ("Housing") which seek to deliver a high quality residential environment.

**53b Store to the Rear Of 69 Fourth Avenue, York YO31 0UA**

Members considered an application for the erection of 2 dwellings following the demolition of existing outbuildings at the site to the rear of 69/71/73 Fourth Avenue. This was called in to the Committee by Councillor

Officers updated Members informing them that Councillor Potter as Ward Member had sent an email supporting the Officer's recommendation due to the detrimental effect on the surrounding properties.

The Agent for the applicant's Architect, Mr Dykes, commented to Members that the views from the windows of the adjacent properties is not ideal but that residents would rather have a view of new houses than an unattractive building and untidy rear yard. He stated that although there was a restricted amenity space, only 11 out of 15 residents on Fourth Avenue use

their entrance doors. He added that they only use the rear of their properties to empty their recycling bins.

Mr Gildener, a local resident, spoke in support of the application. He told Members that he thought that this was an imaginative scheme and that there would only be a marginal increase in height to include the space of the roof. He also suggested that if the application was approved that it would improve the surrounding area which was in need of an uplift. He finally stated that he thought that the city would benefit from two more units for local residents not students.

RESOLVED: That the application be refused.

- REASON: (i) It is considered that the new dwellings, by virtue of their massing, siting and proximity to windows on the rear elevation of existing dwelling units within 69/71/73 Fourth Avenue, will result in unacceptable loss of light and dominance which will be detrimental to the living conditions of the occupiers of the existing dwelling units. This is considered to be contrary to national planning advice contained within Planning Policy Statement 1 “Delivering Sustainable Development” and Policy GP1 of the City of York Draft Local Plan.
- (ii) The rear yard of 69/71/73 Fourth Avenue provides the outdoor amenity and servicing space for 15 flats, and the introduction of two further dwelling units would not diminish this need. It is considered that the comings and goings within the service yard area and the location of the site on the front of a service road, which also serves the rear of the shops, and properties within the area, will be detrimental to the living conditions of future occupiers of the site. This contrary to advice on design set out in paragraphs 33 to 39 of Planning Policy Statement 1 ‘Delivering Sustainable Development’ and Policy GP1 of the City of York Local Draft Plan.

**53c 49 Muncastergate, York YO31 9JX**

Members considered an application for a two storey side extension to the property. This application was brought to the Committee at the request of the local Ward Member.

Officers updated Members by saying that they had received an additional letter from a resident stating that the area is worthy of conservation area status. They informed Members that there were a variety of styles of properties on the street.

Representations in objection were heard from a neighbour, Mr Ravenhall. He argued that the application was not in keeping with the style of the other properties on the street. He added that the featureless wall that was

within the proposal for number 49 would restrict light in to the kitchen and landing area of the property.

Members asked Officers if they were content that the proposal would not have a detrimental effect on the lighting.

Officers replied that the proposal would have an impact but that this would be relatively minor and in their view acceptable.

Members commented that there were not strong grounds to oppose the Officer's recommendation. They added that they could understand the points presented by the objectors but that the impact of the light lost from the wall proposed at number 49 would be minimal. Additionally they noted that because Muncastergate was not in a conservation area, that the grounds for refusal on the grounds of design and appearance would be tenuous. Finally they commented on how they thought the extension had been designed to fit in with the surrounding area and that there was an existing garage in the vicinity which was far wider than the one proposed.

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

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 the impact on the streetscene and the amenity and living conditions of adjacent occupiers. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the Council's 'Guide to Extensions and Alterations to Private Dwelling Houses' supplementary Planning Guidance.

**53d 5 and 6 Northfields, Strensall, York YO32 5XN**

Members considered an application for the erection of three terraced properties to the rear of 5 and 6 Northfields.

Officers outlined to Members the history of applications on the site. They added that they had received a further five letters of objections since the report had been published. The letters highlighted that:

- The threatening tone of letters received from the applicants agent was not appreciated.
- The applicant admits that the properties will be family homes and not starter homes as previously described.
- That the car parking provision conflicts with the Council's policy on Housing and Government advice on the maximum amount of parking space with cycle parking.
- The proposals for the planting of additional vegetation are a red herring and that the current design of parking is dangerous.

Members asked Officers to clarify the dimensions of the property and if this had changed from the previous applications.

Officers replied that the property which had a footprint of 16.5 metres x 8.5 metres had not changed from the original application.

Members highlighted that the one of the previous grounds for refusal was due to the proposed amount of hard standing. They questioned whether it was not better to alter the wording of the relevant condition to incorporate a porous surface. They also asked whether the changes to the General Permitted Development Order in 2008 included the regulation that areas of hardstanding that are less than 5 square metres in area could be constructed with a non permeable surface without planning permission.

Representations were received from a local resident, Mr Brown, in objection to the application. He stated his request for refusal was due to several reasons which were;

- That there had been a misrepresentation of the property, in that with each application the property had changed the number of bedrooms.
- That along with an increase in bedrooms, there had also been a decrease in the amount of parking spaces afforded to the property.
- The overflow car parking would block access into Netherwoods.
- The previous Officers report had said that the application would have a detrimental effect on the street scene.

Further Representations were received from Strensall with Towthorpe Parish Council in objection to the application. The representative from the Parish Council stated that they were opposed due to the original application being used by the applicants to show that the current proposals were an improvement. He also highlighted the problems with parking that the proposal would create and stated that there was little imagination in the consideration of hedges in the application.

Further representations were heard from a local resident, Mr Chambers, in objection to the application. He said that although two of the rooms in the property were deemed to have been used as “work from home spaces” in the Officers report, that they would inevitably be used as additional bedrooms. He added that out of the 12 residents in neighbouring Netherwoods, 9 had written and registered objections with the Planning Officers. One resident from Northfields had also registered an objection.

Councillor Kirk spoke as the Ward Member and said that she agreed with the comments received from the neighbours in relation to an increase in bedrooms and decrease in the parking space around the property. She finally added that she felt that the application would be detrimental to the area as it failed to respect the existing character of Netherwoods.

Officers informed Members that the appearance of proposed property would be unchanged, and that the only change would be that it would consist of three units rather than one as originally approved.

Members added that the fact that parking standards are referred to as maximum figures had restricted any objections on the grounds of lack of car parking.

Officers advised Members that they should be minded to refuse the application, the reasons for refusal should be a combination of the previous reasons for refusal and the appeal decision in relation to the previous application. It was agreed that the exact wording of the reasons would be agreed between the Chair, Vice Chair and Area Team Leader.

RESOLVED: That the application be refused.

REASON: It is considered that the proposal would constitute an over - intensive form of development occupying almost the full frontage of the site, necessitating car parking being located to the front of the dwellings, resulting in a harsh and incongruous street frontage relative to the remainder of the street. It is considered that the quantity and quality of the landscaping interspersed with areas of hardsurfacing would fail to respect the character, appearance and visual distinctiveness of the area, which to a significant extent is defined by the quality of the landscaped setting of the dwellings. As a consequence, the proposed development is not considered to be appropriate to the character or appearance of the area and is, therefore, contrary to Central Government advice contained within Planning Policy Statement 1: "Delivering Sustainable Development", Planning Policy Statement 3 "Housing" and policies H4a, GP1 and GP10 of the City of York Draft Local Plan (Incorporating the Fourth Set of Changes) (2005).

K HYMAN, Chair

[The meeting started at 2.00 pm and finished at 3.40 pm].



provided. As such the application conflicts with Policy H2a and H5a of the City of York Draft Local Plan (Fourth Set of Changes) 2005, national planning guidance contained within paragraph 29 of Planning Policy Statement 3 ("Housing") and Design Guideline 5 of the Skelton Village Design Statement.

2 The application fails to show whether improvements to the vehicular access to the site are compatible with the protection of the hedgerow that runs along the northern side of Church Lane, and thus whether the character and appearance of the area would be adequately preserved by the proposal. As such the proposal conflicts with Policy HE2 of the City of York Draft Local Plan (Fourth Set of Changes) 2005.

3 The application fails to provide adequate information to determine the potential impact the proposals may have on the existing drainage systems. As such the application conflicts with advice contained within Planning Policy Statement 25 'Development and Flood Risk', Policy GP15a of the City of York Draft Local Plan (Fourth Set of Changes) approved April 2005 and advice contained within the City Of York Strategic Flood Risk Assessment Approved September 2007.

1.5 The current application seeks to overcome these three reasons for refusal. The application is brought to committee at the request of a Local Member as it is a submission of a previously refused application and is adjacent to Skelton Conservation Area.

## **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:

CYH5A  
Residential Density

CYGP15  
Protection from flooding

CYH2  
Affordable housing on housing sites

CYH5  
Residential densities over 25 per ha



CYNE1  
Trees, woodlands, hedgerows

CYHE2  
Development in historic locations

CYGP1  
Design

CYH4A  
Housing Windfalls

CYGP10  
Subdivision of gardens and infill devt

CYGP4  
Environmental sustainability

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Conservation - No objections.

Highway Network Management - Because of the very light traffic volumes it is considered that the access road is an acceptable width. Sight lines at the junction accord with recommended standards. The highway verge crossing should be constructed to an appropriate highway standard.

Environmental Protection Unit - No objections subject to standard informative regard contamination and method of construction.

York Consultancy - The original application contained insufficient drainage information. I have since met the applicant's drainage consultants on site and carried out percolation tests to BRE Digest 365 some of which failed but eventually found a strip of land to the rear of the proposed development where a successful infiltration result was found. As their original design showed a 250m long soakaway trench that was located in an area where the percolation tests failed we suggested a wider open swale/settlement lagoon arrangement within the narrow strip where we achieved the successful result. Their revised details will require some further adjustment and level information which due to the time constraints of this application can be obtained through applying the standard DRAIN1 condition.

City Development - Do not consider affordable housing is viable on the site. The development equates to around 20 units to a hectare. This is below the target of 30 units to a hectare. However, given the site's small size and edge of village location it is not considered that a density shortfall of around 'half a dwelling' justifies refusal of the application

Leisure Services - Seek contribution for open space. The applicants have agreed a contribution of £4,535.

### 3.2 External

Parish - Do not object but make the following comments:

Because the scheme was previously refused and is adjacent to the conservation area it should be considered at committee. Do not consider that the revised scheme overcomes the previous reasons for refusal, particularly relating to housing density/affordable housing.

Neighbours: 3 letters of objection were received. The following issues were raised:

There is inadequate visibility from the access road on to Church Lane - the loss of hedgerows will harm the conservation area.

Church Lane cannot accommodate the increased traffic from the development and pedestrian safety will be harmed. Development should not progress without Church Lane being upgraded to two lanes with a pavement and street lighting.

This is further drip-feeding of development.

The development will lead to the loss of privacy to Peta House, including its conservatory, occupants will also lose open views to the countryside.

Is the existing drainage pump adequate to cope with additional sewerage?

## 4.0 APPRAISAL

### 4.1 Key Issues

- the impact on the character of the area.
- the impact on amenity and living conditions of adjacent occupiers.
- tree issues.
- quality of accommodation.
- density of development and affordable housing.
- highways and parking.
- sustainability.
- drainage and flooding.

4.2 Planning Policy Statement 3 (Housing) encourages Local Planning Authorities to ensure that housing provision is of an appropriate location, size and quality to meet housing needs. It encourages Local Planning Authorities to make more efficient use of previously developed sites.

4.3 The curtilage of a house is included within the definition of previously developed land. However, Annex B of Planning Policy Statement 3 makes it clear that 'there is no presumption that land that is previously-developed is necessarily suitable for housing development nor the whole of the curtilage should be developed'. The key Draft Local Plan policies in assessing the suitability of the site for housing are considered to be Policy GP1 (Design), GP10 (Subdivision of Gardens and Infill Development) H4a (Housing Windfalls), H5a (Residential Density) and NE1 (Trees, Woodlands and Hedgerows).

## Impact on Character of the Area

4.4 Because of the existence of housing to the south the proposed dwelling would not be prominent when viewed from Church Lane. In addition, a thick belt of vegetation runs along the eastern boundary of the site. The main views of the building are from the rear of the houses to the south and open farmland to the north.

4.5 The proposed house is of a fairly traditional design. The adjoining building, Spring Hill House has a reasonably attractive character and appearance, however, because of its screened location it is not considered that undue significance can be given to the visual relationship between the proposed dwelling and the existing house. It may be the case that the proposed dwelling would be better if it were designed to be more subservient to the main house, however, within the local context it is not considered that the design as proposed would cause such harm to merit refusal providing materials are in keeping with the local character.

4.6 The house would project a little beyond the rear building line of Spring Hill Farm, however, it is not considered that its level of dominance when viewed from open land to the north would be unduly harmful. The proposal is just outside the conservation area, and because of the screening around the site it is not considered that it would have a material impact on its setting or appearance.

4.7 It is considered that the form of development respects the guidance contained within the Skelton Village Design Statement in that the dwelling is of traditional construction, does not overdevelop the site and provides a reasonable balance between built development and open space.

## Impact on amenity and living conditions of adjacent occupiers.

4.8 There are two main dwellings impacted upon by the proposal:

### Spring Hill House

4.9 This house is owned by the applicant and rented to a tenant. The property was visited on site. The development would result in a two-storey dwelling approximately 6m from the side elevation and at the nearest point about 5m beyond the rear building line. Spring Hill House has two windows on the side elevation - these are secondary openings to a bedroom and kitchen. There are no habitable rooms on the rear elevation of the house within close proximity to the development. The return of the western elevation has two openings facing the application site, however, these are secondary openings. Because of the function of the openings impacted it is not considered that the proposal would cause unacceptable harm to living conditions within the house.

4.10 The garden of Spring Hill House is very large. Even with the loss of some of the garden to the development it will be more than adequate to meet the needs of the property. The building to be demolished is used as storage for Spring Hill House; however, this could be replaced if necessary with an outbuilding or shed erected under permitted development. The western window of the proposed master

bedroom would overlook parts of the rear garden, however, areas would still remain private - particularly close to Spring Hill House.

#### Peta House

4.11 The separation distance between the front of the proposed dwelling and the rear of the main elevation (excluding the small conservatory) of Peta House is approximately 23m. Typically the minimum separation distance advised between principal elevations of two-storey development is 21m. The separation distance to the garden is around 11m. This is within acceptable standards. The degree of separation proposed equates to the existing separation distance between Spring Hill Farm and the three new dwellings to the south (of which Peta House is one). Given these separation distances were recently deemed acceptable it is not considered that the application would be unreasonable in respect to the local context.

4.12 The proposed extension of the parking/turning area of Spring Hill House to the rear of Holly House and the associated traffic movement will create some additional noise, however, the impact is unlikely to be significant.

#### Trees

4.13 The development will lead to the loss of some trees and shrubs to the south/south east of the plot. However, it is not considered that their loss could be resisted given that they are not protected and do not play a significant role in respect to the visual amenity of the wider area. Given the location on the fringe of the Green Belt it is considered that additional planting should be incorporated in the scheme. This is covered by condition.

#### Quality of accommodation created

4.14 Internally and externally the accommodation would be of a good standard. Some farm vehicles would pass by the house to access land to the north however, this is not considered unacceptable in a rural location.

#### Density/Affordable housing

4.15 The application site area is approximately 0.05 hectares. Policy H2a of the Local Plan requires sites in excess of 0.03 ha to provide affordable housing. The previous planning permission was refused, as this requirement was not met.

4.16 As part of the current application the applicants have included a viability assessment looking at whether it is economically viable to erect two dwellings on the site with one brought forward as affordable housing. For commercial reasons the applicant has asked that this report be confidential.

4.17 The Council's officers responsible for affordable housing provision have thoroughly assessed the report and also asked for additional information. They have concluded that it is not viable to require an element of affordable housing on the site (through two dwellings being approved) and that a higher density development cannot be justified.

4.18 The surrounding housing is all of a lower density than the proposed dwelling. Given the local character, the site constraints and concerns raised by neighbours it is not considered appropriate in this instance to seek higher density development.

#### Highways and Parking

4.19 The previous scheme that was refused did not clarify that access to and from the existing entrance to the site could be safely achieved without removing sections of hedgerow along Church Lane. This was of concern given the importance of the hedgerow in creating an attractive streetscene. The applicant has now submitted plans showing that adequate sight lines exist at the entrance without the need to remove hedgerows. Minor repair work is proposed to upgrade the existing road surface leading to the site. Adequate car parking is available for the new dwelling.

#### Sustainability

4.20 The applicants have included a sustainability statement setting out the aim of including high levels of energy efficiency and rainwater re-cycling. It will be conditioned that appropriate renewable energy provision is included, in addition to Code for Sustainable Homes Level 3. The site is within the defined settlement limit and has reasonable access to a range of facilities.

#### Flooding and drainage

4.24 The site is in Flood Zone 1 and as such should not be at risk of flooding. The previous application was refused because inadequate information was supplied to show that the site could be drained in a way that reduced surface water run-off rates. The council's drainage engineer has met with the applicant's drainage engineer to assess on site drainage conditions. It was found that infiltration rates were poorer than expected and additional surface water storage would be required. It is considered that on site assessment has progressed to the degree that it is reasonable now to deal with drainage matters by condition.

4.25 It has been confirmed that there is ample capacity in the foul drainage system to accommodate the discharge from the new dwelling.

### **5.0 CONCLUSION**

5.1 The previous application was refused because issues relating to affordable housing, housing density, surface water drainage and vehicular access were not satisfactorily addressed. Information has now been received to ensure that these elements of the scheme do not conflict with planning policy.

5.2 It is the case that the density of the proposed development is below the target of 30 dwellings to a hectare. However, because of the small size of the site and the character of local development it is not considered appropriate in this instance to require two homes to be built.

5.3 It is recommended that the application be approved.

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing SKE/02 received by the Local Planning Authority on 2 November 2009.  
Drawing SKE/01 received by the Local Planning Authority on 2 November 2009.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the dwelling and boundary wall shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the hard surfacing of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance and reduce surface water run-off.

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

6 The building shall not be occupied until vehicular access, including the

hardsurfacing of the crossover to Church Lane have been improved in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

7 HWAY10 Vehicular areas surfaced, details reqd

8 HWAY19 Car and cycle parking laid out

9 HWAY21 Internal turning areas to be provided

10 Any gates shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall open into the site.

Reason: To allow a vehicle entering or leaving the site to stand clear of, and thereby avoid obstructing the public highway, in the interests of road safety.

11 Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 5% of the expected energy demand for the development hereby approved shall be provided through on site renewable generation for heat and/or electricity. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

12

Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

13 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter

implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £4,535.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

14 Development shall not begin until details of the surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

15 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B and C of Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character of the area, the impact on the amenity and living conditions of adjacent occupiers, impact on trees and landscaping, quality of accommodation, density of development and affordable



housing, highways and parking, sustainability, and drainage and flooding. As such the proposal complies with Policies H5a, GP15, H2, H5, NE1, HE2, GP1, H4A, GP10 and GP4 of the City of York Development Control Local Plan.

2. 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). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. INFORMATIVE

The developer's attention should be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(i) All construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

(ii) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(iii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(iv) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(v) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

4. INFORMATIVE

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's

Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

**Contact details:**

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**Tel No:** 01904 551657

# Spring Hill Farm

09/01965/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	06 April 2010
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Committee:** East Area

**Ward:** Wheldrake

**Date:**

**Parish:** Wheldrake Parish Council

**Reference:** 10/00051/GRG3

**Application at:** Wheldrake C Of E Primary School North Lane Wheldrake York YO19 6BB

**For:** Single storey extension to rear to form children`s nursery with internal alterations and minor alterations to existing car park

**By:** Ms H Rodbourn

**Application Type:** General Regulations (Reg3)

**Target Date:** 30 March 2010

**Recommendation:** Approve

### 1.0 PROPOSAL

#### 1.1 PROPOSAL

This application is a re- submission and relates to the erection of a single storey rear extension to create an independent nursery. The existing car park would be slightly altered and resited two metres further to the north, but would retain all of the existing 12 parking spaces. The previous application was withdrawn in November of last year (Ref: 09/01751/FUL).

#### 1.2 THE SITE

The school building has its frontage on North Lane with a section of playground to the side of the main entrance; an additional entrance is situated off Broad Highway. Playing fields are situated to the side and rear of the school screened by rows of trees, and the site is bounded by residential dwellings on all sides. The site is located close to Wheldrake Conservation Area, the boundary of which runs along the centre of North Lane. The extension will not be visible from the Conservation Area.

1.3 A Design and Access Statement and a Planning and Sustainability Statement have been submitted in support of the application.

#### 1.4 PROPERTY HISTORY

Application relates to single storey extension to rear (Ref: 09/01751/GRG3) withdrawn.

The school building has been previously extended at two - storey and single storey levels (ref: 06/01553/FUL - approved 7th July 2006). An application for the retention of a prefabricated building situated to the southwest of the school building was refused by the East Area Planning sub-Committee on 7th March 2008.

1.5 The application has been referred to Committee as a previous application for a similar proposal which was due to be considered by the East Area Planning Committee in November 2009 was withdrawn. That application had been called in for a Committee decision by Councillor Vassie.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: Wheldrake CE Primary 0237

### 2.2 Policies:

CYGP1  
Design

CYED1  
Primary and Secondary Education

CYC7  
Criteria for childrens nurseries

CYGP4A  
Sustainability

CYT20  
Planning agreements

## **3.0 CONSULTATIONS**

### 3.1 Internal

Highway Regulation  
Additional information required on the following matters:

Number of additional staff  
Number of additional pupils  
Cycle Storage Facilities  
Revised Travel Plan  
Extent to which the nursery would be independent from the school

Information provided by the agent has been considered by the Highways Authority. No objections subject to a condition requiring the submission of an amended School Travel Plan

### 3.2 External

1. Resident at Netherlands, Broad Highway - Concerns regarding local parking issues and potential for accidents

2. Chairman and Clerk to Wheldrake Parish Council have made separate comments on the following issues:

i) Submitted plans do not show the existing buildings correctly.

ii) There is potential for existing parking problems and congestion on Broad Highway to be exacerbated. No additional on site parking is proposed.

iii) Detrimental impact on the Youth Club:

- existing area of open space will be reduced
- the internal alterations such as repositioning the doors and creating internal storage will adversely affect the flexibility of use of existing space.
- natural lighting reduced because of loss of window.
- statements regarding existing providers competing for sessions at the Village Hall are untrue
- the existing village hall has nursery facilities which would become redundant if the nursery extension was approved.

iv) The Parish Council is concerned about the possible impact on the financial viability of the village hall if Nursery providers found it necessary to move to the proposed facility .

v) There is already good existing provision for Nursery/Early Years children in the area with three recently established providers within 1 to 6km of the village.

vi) The library service as part of a previous extension has not been implemented.

3. The chairman of the Wheldrake Youth Club and Management Committee does not object to the proposal but concerned that there will not be sufficient space for the club activities and concerns over storage of the equipment.

4. Letter of support from the occupier of 32 The Cranbrooks, on behalf of 11 residents - states that there is a need for a breakfast club provision at the school. There is very little space for such a facility at the present time and it is hoped that the refurbished and extended area would be available to meet this identified community need.

## 4.0 APPRAISAL

4.1 The key issues are:

- principle of development;
- acceptability of use;
- need for facility;
- standard of provision;
- design and affect on visual amenity;
- impact on residential amenity;
- highway safety.

POLICY CONTEXT:

4.2 Planning Policy Statement 1 (PPS1): Delivering Sustainable Development encourages good design.

4.3 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected 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;

4.4 DRAFT LOCAL PLAN POLICY CYGP4A - SUSTAINABILITY - Requires that all proposals should have regard to the principals of sustainable development.

4.5 DRAFT LOCAL PLAN POLICY CYC7 - CHILDREN'S NURSERIES - States that planning permission will be granted for development of a children's nursery providing: there is adequate internal and external play space; the amenity of neighbouring properties or the residential character of the area is not adversely affected; and, the proposed development is well served by footpaths, cycle ways and public transport routes.

4.6 DRAFT LOCAL PLAN POLICY CYED1 - States that planning permission will be granted for new/extended primary and secondary education facilities provided there is a recognised need, the extension is of an appropriate scale and design and there is sufficient open space/playing fields available. Where a development is capable of a joint or dual use for community benefit, this should be incorporated into the design.

4.8 PRINCIPLE OF DEVELOPMENT:

The proposal is to extend an existing primary school on the rear elevation to incorporate an independent pre-school nursery required to fulfil an identified need in the area. The information supplied by the agent points out that the nursery would provide places for up to 20 children with an additional 4 members of staff, and would be available for use between 7.30am and 6pm on week days during term time only. The nursery building would accommodate the existing youth club currently attached to the rear of the school. The inclusion of the nursery on the school grounds would be compatible with the main use of the site and would be convenient and beneficial for local parents and children as well as being in line with the Government's External School Agenda. Sufficient playground and playing fields would remain. The

extension would provide a separate access for the youth club, which would enable the school to be secured separately. The new kitchen area would be accessible from the extended school facilities and from the established youth club - this would provide better kitchen facilities than at the present time. On this basis it would appear, therefore, that the proposal has been designed in order to accommodate dual use/community benefits in accordance with Policy ED1 of the Draft Local Plan.

#### 4.9 DESIGN / VISUAL AMENITY:

The extension would project approximately 8.7 metres in depth on the northern side of the building and would be 12.0 metres wide, situated adjacent to the existing car park and school playing fields. The total height would be approx 4.6 metres to the ridge, reducing to 2.7 metres measured to the eaves situated behind security fencing. The extension would be modest in scale compared to the existing building, and compatible to the design of the existing school in materials and fenestration. The position of the extension is relatively well screened by virtue of the layout of the existing school building. Additional security fencing would be introduced in order to slightly extend the existing outside space on the north elevation.

#### 4.10 SUSTAINABILITY:

Whilst the extension is BREEAM exempt, the Sustainability Statement confirms that it is intended to achieve a BREEAM very good/excellent rating. The design of the extension incorporates the use of air source heat pumps, low flush toilets, and 100% recycled plasterboard and roof insulation in sheep's wool or other alternative natural insulation. Materials will be from sustainable sources where possible.

#### 4.11 HIGHWAY RESPONSE:

The Council's highway officers have no objections to the extension subject to the submission and written approval of a School Travel Plan prior to commencement of the development. The highway authority have commented that there would be no objections to the proposal subject to an updated School Travel Plan to incorporate the proposed nursery, which will demonstrate that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the school. The Travel Plan would be monitored on an annual basis and corrective action sought where appropriate. The agent has indicated that work has already commenced on the formulation of the updated Travel Plan. The existing car park would be slightly reconfigured and resited two metres further to the north, but would retain all of the existing 12 parking spaces.

4.12 The Parish Council have raised objections to the proposal, particularly the impact of the proposal on parking and highway safety, the impact on the existing youth club facility and the impact on the existing nursery facility and financial viability of the village hall if nursery providers move to the new facility. The submitted plans indicate that the overall area of the youth club room would not be reduced, although the useable space would be reduced through the provision of two internal storage areas. However, a new kitchen area would be provided which would be accessible from both the youth club facility and the nursery unit.



4.13 The supporting statement submitted with the application emphasises the benefits of siting the nursery facility on the existing primary school site. It states that the proposed extension will give the opportunity to increase the potential for further community and school use and will provide the opportunity to revamp the youth club facility, which is in need of refurbishment, and provide modern kitchen facilities for both uses. The location of the Early Years facility on the school site would assist in the co-operative working between Early Years providers and the school Reception Class, and assist the smooth transition for children between the providers and starting school. The local demand for a breakfast club using the new rooms and kitchen facility has been recognised, and such a facility would allow parents to drop off children at the breakfast club at one central point. Costs for the youth club would be reduced as they would not need to rent the entire school building as they do at present. With regard to the library service, an agreement has already been reached in principle to work with Wheldrake School to set up a library for the community utilising and adapting the existing school library.

4.14 It is considered that the proposal has the potential to create significant benefits for the local community. No highway objections have been raised to the proposal, subject to an updated School Travel Plan being submitted, approved and implemented.

## 5.0 CONCLUSION

The proposal to extend an existing school to provide nursery facilities is considered to be acceptable. The nursery use would be compatible with the existing use of the site and would improve pre-school provision in the area. The design of the extension is acceptable and would constitute a sustainable form of development. There would be no significant harm to residential amenity. The application is recommended for approval, subject to conditions.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ1 Matching materials

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

Revised Plan 0835/04B and 0835/04 plus supporting documents

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

4 Prior to the commencement of the development hereby permitted an amended School Travel Plan for Wheldrake C of E Primary School incorporating the proposed nursery, or solely for the proposed nursery, as appropriate, shall be

submitted to and approved in writing by the Local Planning Authority and thereafter such measures as may be contained therein shall be implemented and maintained at all times..

**Reason**

To ensure the development complies with Central Government advice contained in Planning Policy Guidance Note 13 "Transport", and in Policy T13a of the City of York Draft Local Plan, and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

5 NOISE7 Restricted hours of construction

**7.0 INFORMATIVES:**

**Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to principle of development, acceptability of the use, need for the facility, standard of provision, design and visual appearance, impact on residential amenity and highway safety. As such, the proposal complies with Policies GP1, GP4A,, ED1, C7 and T13a of the City of York Development Control Local Plan.

**Contact details:**

**Author:** Sharon Jackson Development Control Assistant

**Tel No:** 01904 551359

# Wheldrake Primary School

10/00051/GRG3



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	06 April 2010
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 15 April 2010

**Ward:** Derwent  
**Parish:** Dunnington Parish Council

**Reference:** 10/00448/FUL  
**Application at:** 88 Kerver Lane Dunnington York YO19 5SH  
**For:** Single storey pitched roof rear extension  
**By:** Mr Tom Blair  
**Application Type:** Full Application  
**Target Date:** 12 May 2010  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This application seeks planning permission for a single storey pitched roof rear extension, on a detached property at 88 Kerver Lane, Dunnington.

Size. Projects approx 5.2m to rear. Width, approx 6.8m. Height, approx 2.6m to eaves and approx 3.5m to ridge.

1.2 Relevant property History : None.

Note: The applicant is a current employee of City of York Council.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

### 3.0 CONSULTATIONS

3.1 Internal - none

## 3.2 External

3.2.1 Dunnington Parish Council - Comments awaited (21 day consultation expires 08/04/2010)

3.2.2 Neighbour Response - Comments awaited (expires 08/04/2010)

## 4.0 APPRAISAL

4.1 Key issue(s): Effect upon neighbouring property

4.2 Draft Local Plan Policy CYGP1 states that development proposals will be expected 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.

4.3 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and (e) proposals respect the spaces between dwellings; and (f) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.25) extensions should be sympathetically designed to appear subservient to the main house.

4.5 The Application Site. This application has no implications in terms of off-street parking, cycle storage, or refuse storage. There will still be sufficient amenity space in the rear garden following development.

4.6 Effect upon the Street Scene. The proposed extension will not be visible from Kerver Lane. It is modest in scale, well designed, and will not appear detrimental to the surrounding area.

4.7 Effect Upon Neighbouring Property. The proposed extension will be set back approx 9.0m from the rear boundary. No issues arise in terms of neighbouring properties beyond this. The extension will be set back approx 10m from neighbouring properties to the south east. Again no issues arise. The extension will

be set back approx 1.2m from the shared boundary of the adjoining property of no 90 Kerver Lane, no objection has been received. There is a shared boundary fence, approx 2.0m high, and no issues of overshadowing, or over-dominance arise. There are no windows indicated on the nearest part of this facing elevation, and those indicated on the garden room element are set back approx 4.4m from the shared boundary. These windows have no real potential to look into the rear garden of this neighbouring property and pose no significant threat to existing levels of privacy.

## 5.0 CONCLUSION

The proposal is unlikely to detract from the character and appearance of the area or have a detrimental impact on the neighbours within close proximity to the proposal.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing no. 02/8/09 - received 15th March 2010.

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

3 VISQ1 Matching materials

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority, the proposed rear extension, subject to the conditions listed above, 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.

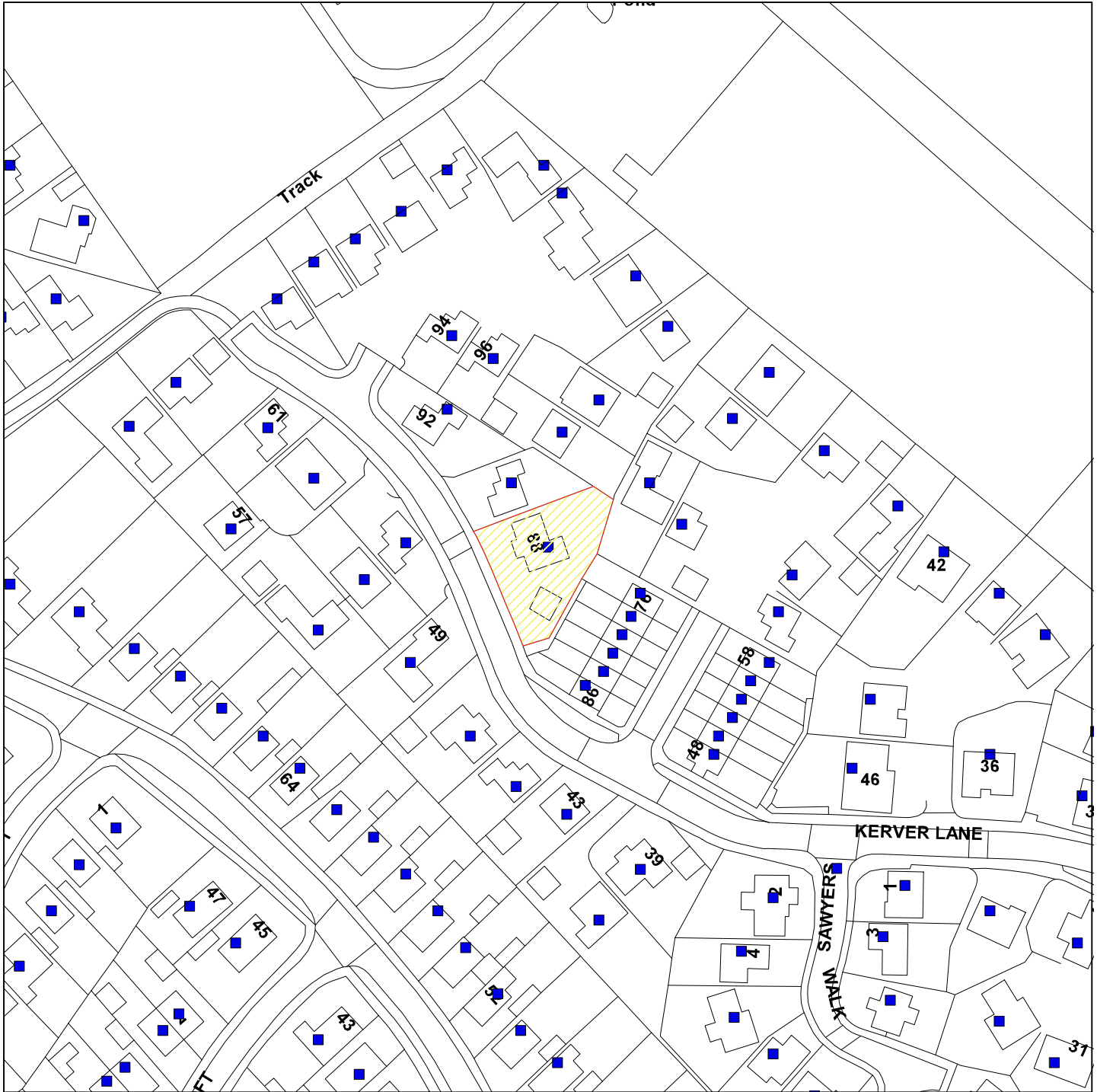
### Contact details:

**Author:** Paul Edwards Development Control Assistant

**Tel No:** 01904 551352

# 88 Kerver Lane

10/00448/FUL



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	06 April 2010
<b>SLA Number</b>	Not Set

## COMMITTEE REPORT

**Committee:** East Area

**Ward:** Wheldrake

**Date:**

**Parish:** Wheldrake Parish Council

**Reference:** 10/00119/LBC

**Application at:** 53 Main Street Wheldrake York YO19 6AB

**For:** French doors to rear

**By:** Mr Christopher Dunn

**Application Type:** Listed Building Consent

**Target Date:** 1 April 2010

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This is a listed building application to replace two existing windows at rear ground floor level of the property with new window and French door arrangement at 53 Main Street, Wheldrake.

1.2 The site is located along Main Street Wheldrake within the Wheldrake Conservation Area. The property is a grade II listed building.

1.3 The applicant is a part time employee of the Council.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Wheldrake CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Listed Buildings GMS Constraints: Grade 2; 53-55 Main Street Wheldrake

Schools GMS Constraints: Wheldrake CE Primary 0237

2.2 Policies:

CYHE4

Listed Buildings



### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 Conservation Officer - No objections to the principle of the development subject to conditions ensuring the development is properly implemented.

#### EXTERNAL

3.2 Wheldrake Parish Council - No objections.

### **4.0 APPRAISAL**

#### KEY ISSUES

4.1 Impact on the special architectural and historic interest of the listed building.

#### PLANNING POLICY

4.2 Planning Policy Guidance Note 15: "Planning and the Historic Environment" (PPG15). Central Government advice in relation to listed building control contained within this document states in paragraph 3.3 that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 16 of the "Planning (Listed Buildings and Conservation Areas) Act 1990"). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

4.3 PPG15 recognises that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use (para 3.8), and that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate new or continuing uses (para 3.13). Paragraph 3.15 states that achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise, and often demands a flexible and imaginative approach by all the parties involved.

NB It should be noted that since this report was drafted, PPG's 15 and 16 have been superseded by Planning Policy Statement 5. However, the fundamental Government objective of protecting the historic environment and associated "heritage assets" are still relevant.

4.4 DRAFT LOCAL PLAN POLICY CYHE3 of the Development Control Local Plan states that within Conservation Areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.5 DRAFT LOCAL PLAN POLICY HE4 states that consent will only be granted for development to a listed building where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

Effect on the Special Architectural and Historic Interest of the Listed Building.

4.6 The two houses (53 and 55 Main Street) derive from a very early timber framed building thought to be of late C16th or early C17th origin. Very little survives of the early frame within the building, though a main post still exists within the central rear part of the house at no 53. There is also early wall studding exposed on the front elevation. Much of this was restored by the Civic Trust in the 1960s when the infill was replaced in blockwork and other walls were rebuilt.

4.7 Proposals affect the external wall within the rear outshot. Two sets of 3-pane casement windows dating from the late C20th would be replaced with double doors and casements with dropped cills similar to existing. Although the window/wall rhythm would be slightly disrupted there would be no adverse effect on the special architectural or historic interest of the building. There are no objections to the proposals subject to conditions to ensure that the development is satisfactorily implemented.

## 5.0 CONCLUSION

5.1 It is considered that the proposal would not be unduly harmful to the special architectural and historic character of the building. As such, the proposal complies with Policy HE4 of the City of York Development Control Local Plan - Incorporating the Proposed 4th Set of Changes ( 2005), and national planning advice contained in Planning Policy Statement 5 "Planning for the Historic Environment".

## 6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

2 Wherever possible, existing brickwork shall be reused, and any new infill brickwork shall match the existing brickwork in all respects i.e., bonding, size, colour and texture of bricks and the colour and finished treatment of mortar joints, to the satisfaction of the Local Planning Authority.

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

3 The proposal shall be carried out in accordance with the following details:

- windows and doors to match existing in section sizes, cills and detailing
- joinery to be installed on the same alignment as existing, i.e. set back from the face of the brickwork with the head set at the same height as existing
- lintol detail to match existing on the exterior of the building

Reason: To ensure that the finished appearance is to the satisfaction of the Local Planning Authority.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the special architectural and historic interest of the building. As such, the proposal complies with Policy HE4 of the City of York Development Control Local Plan - Incorporating the Proposed 4th Set of Changes ( 2005), and national planning advice contained in Planning Policy Statement 5 "Planning for the Historic Environment".

#### **Contact details:**

**Author:** Diane Cragg Development Control Officer (Mon/Tues)

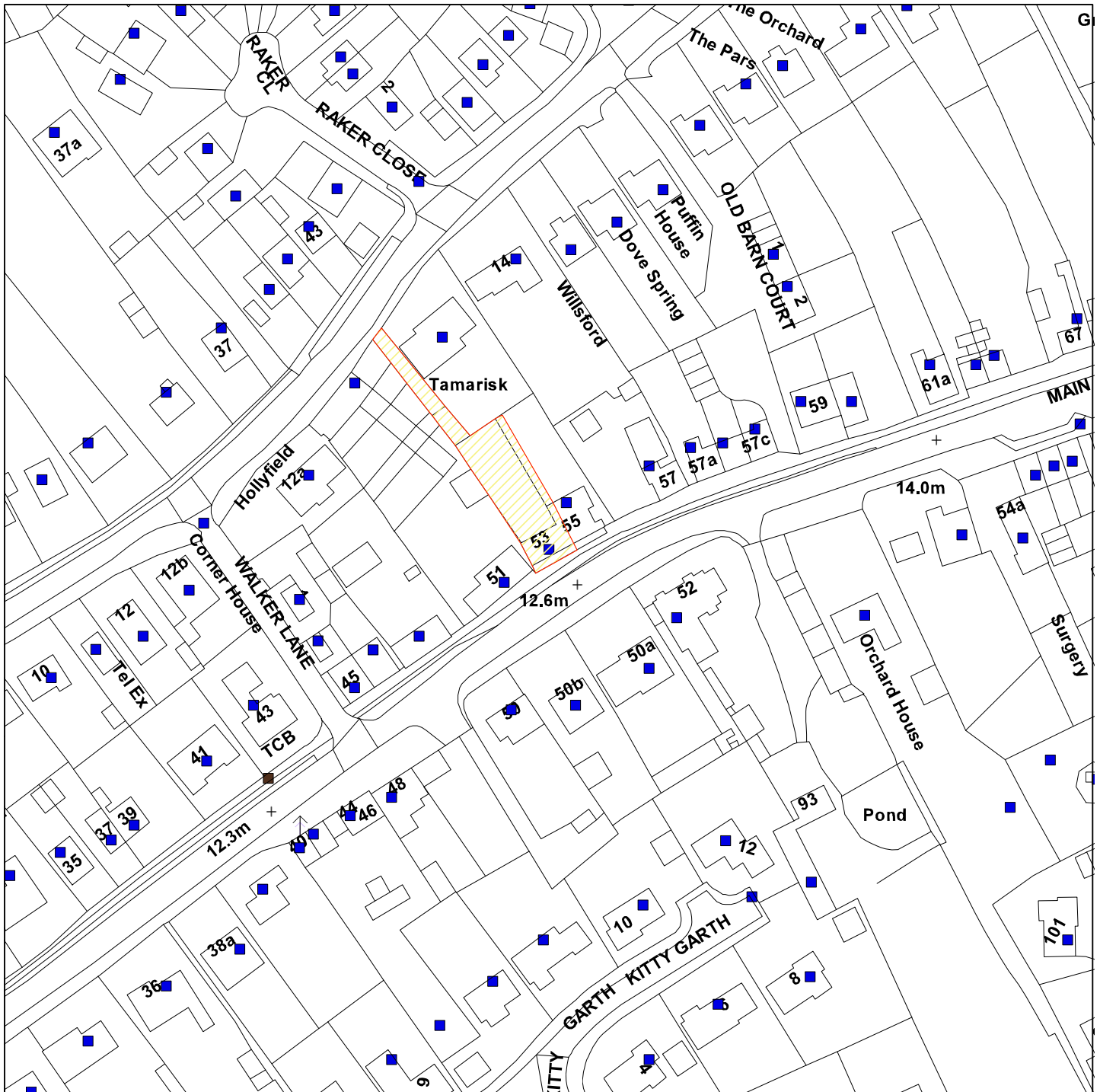
**Tel No:** 01904 551657

# 53 Main Street, Wheldrake

10/00119/ LBC



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	06 April 2010
<b>SLA Number</b>	Not Set



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## East Area Planning Sub-Committee

15 April 2010

Report of the Director of City Strategy

### Enforcement Cases - Update

#### Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

#### Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore “The annexes to this report are marked as exempt under Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment”.
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

#### Current Position

6. Members should note that 62 new cases were received for this area within the last quarter. 62 cases were closed and 297 remain outstanding. There are 80 Section 106 Agreement cases outstanding for this area after the

closure of 4 for this quarter. Two formal notices have been served during the last quarter.

### **Consultation**

7. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

### **Options**

8. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

### **Corporate Priorities**

9. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

### **10. Implications**

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

### **Risk Management**

11. There are no known risks.

### **Recommendations**

12. That Members contact the relevant Enforcement Officer to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committees area.

### **Contact Details**

**Author:**

**Author's name**

Mandy Swithenbank/  
Alan Kendall  
Planning Enforcement Officer

**Chief Officer Responsible for the report:**

**Chief Officer's name**

Michael Slater  
Assistant Director (Planning and Sustainable  
Development)

**Dept Name** City Strategy  
Tel No. 551376/551324

**Report Approved**

**Date** 06/04/2010

*Chief Officer's name*  
*Title*

**Report Approved**

**Date** 06/04/2010

**Specialist Implications Officer(s)** *List information for all*

*Implication ie Financial*

*Name*

*Title*

*Tel No.*

*Implication ie Legal*

*Name*

*Title*

*Tel No.*

**Wards Affected:** *All Wards*

**All**

**For further information please contact the author of the report**

**Background Papers:**

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in January 2010 – Enforcement Cases Update.

**Annexes**

Annex A - Enforcement Cases – Update (Confidential)

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



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<b>East Area Planning Sub Committee</b>	15 <sup>th</sup> April 2010
<b>West and City Centre Area Planning Sub Committee</b>	22 <sup>nd</sup> April 2010
<b>Planning Committee</b>	29 <sup>th</sup> April 2010

## **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 4-month period up to 31<sup>st</sup> March 2010, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 31<sup>st</sup> March 2010 is also included.

### **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 4 months and also the combined area (CYC )12 month performance.

**Fig 1 : Appeals Decided by the Planning Inspectorate  
For 4 months to 31<sup>st</sup> March 2010**

	East 4 months	West & CC 4 months	CYC 4 months	CYC 12 months
Allowed	2	3	5	11
Part Allowed	0	1	1	4
Dismissed	4	5	9	30
Total Decided	6	9	15	45
<b>% Allowed</b>	<b>33.33%</b>	<b>33.33%</b>	<b>33.33%</b>	<b>24.44%</b>
% Part Allowed	0%	11.11%	6.67%	8.89%
Withdrawn	0	2	2	5

## Analysis

- 4 The table shows that for the 4 months to 31<sup>st</sup> March 2010, a total of 15 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 5 were allowed. At 33.33%, the rate of appeals allowed is the national average but significantly higher than the 9% reported as allowed in the preceding 3-month period.
- 5 However for the 12 months up to 31<sup>st</sup> March 2010, CYC performance was 24.44% allowed, a slightly lower rate than the previously reported 12 month period of 26.32%.
- 6 The summaries of appeals determined in the last 4 months to 31<sup>st</sup> March 2010 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, 4 of the appeals determined related to applications refused by Committee:-
  - 09/00622/FUL: 68 Clarence Street - allowed. Officer rec. approve
  - 09/00646/FUL:18 Brentwood Crescent - dismissed . Officer rec. approve
  - 09/01271/FUL:York Caravan Park, Stockton Lane - allowed. Officer rec. refuse
  - 09/01125/FUL: The Homestead, Murton – allowed. Officer rec. approve
- 7 One site at 11 Farmlands Road accounted for 3 appeals (dealt with under delegated authority); one against refusal of planning permission for retention of a 1.8m fence and two against enforcement notices served on each of the owners of the property, requiring lowering of the fence. All of the appeals were dismissed.
- 8 The list of current appeals is attached at Annex B. There are 17 appeals lodged with the Planning Inspectorate, 9 in the East Sub Committee area and 8 in West and City Centre Sub Committee area.

## Consultation

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

## Corporate Objectives

- 10 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

- 11 Financial – There are no financial implications directly arising from the report
- 12 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
- 13 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 14 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

## Risk Management

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

## Recommendation

- 16 That Members note the content of this report.

## Contact Details

### Author:

Jonathan Carr,  
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 1<sup>st</sup> April 2010

Specialist Implications Officer(s) None.

Wards Affected:

All  Y

For further information please contact the author of the report

Annexes

**Annex A – Summaries of Appeals Determined between 1<sup>st</sup> December 2009 to  
31<sup>st</sup> March 2010**

**Annex B – Outstanding Appeals to 31<sup>st</sup> March 2010**

**Appeal Summaries for Cases Determined from 01/12/2009 to 31/03/2010**

Application No: 08/02089/FUL  
Appeal by: Mr Andrew Shewan  
Proposal: Retention of 1.8m high timber fence  
Site: 11 Farmlands Road  
York YO24 2UA  
Decision Level: DEL  
Outcome: DISMIS

This application was for the retention of 1.8m high timber fence to the front and side boundary. The officer recommendation was refuse. The property is situated in a residential street on a prominent corner of Farmlands Road and Wains Road. The majority of properties are characterised by low lying walls/hedges to the front boundary. Reasons for refusal were its height, appearance and close proximity to the front boundary, which resulted in the fence having an overdominant and overbearing impact upon the streetscene. The inspector agreed that the height, length and position of the fence so close to the adjacent footpath is a visually dominant and intrusive feature which has an adverse impact on the visual character of the neighbourhood. The appeals were therefore dismissed and the enforcement notice upheld.

Application No: 09/00548/FUL  
Appeal by: Mr Daniel Russell  
Proposal: Change of Use from Agriculture to Equestrian Use.  
Erection of a Six Bay Stable Block and Layout of an  
Equestrian Surface.  
Site: The Garth  
Yew Tree Close  
Rufforth  
York YO23 3RG  
Decision Level: DEL  
Outcome: ALLOW

The appeal relates to a site in the Green Belt at the north western edge of Rufforth village. The applicant applied for planning permission for a maneage together with two timber built stable blocks on an area to the north west of his property which was principally accessed via a residential cul-de-sac at the north western edge of Rufforth village. Permission was given subject to a series of conditions including one making the development subject to a personal permission as the access to the site was substantially unsuitable for use by a commercial equestrian operation. The appellant challenged this on the basis that it would prevent for example, family friends or other bona fide visitors from using the maneage. The Inspector agreed with this line of reasoning and up held the appeal substituting his own condition which would preclude commercial/business use of the equestrian facilities.

Application No: 09/00622/FUL

Appeal by: Mr Chris Georgiou

Proposal: Part single/part two storey pitched roof rear extension resulting in 3-bed flat above ground floor shop and detached building at rear to provide 2-bed dwellinghouse.

Site: 68 Clarence Street

York YO31 7EW

Decision Level: COMM

Outcome: ALLOW

Officer Recommendation was to Approve. The appeal proposal was for a single storey 2-bed dwelling in the back garden of a terraced unit. The main building accommodated a shop and residential above. The dwelling would rely on access through a narrow alleyway, which already served the back yards of terraced houses. The reconfiguration of the existing building also meant that the upper floors would only have access from the alley. The backyard was reasonably deep and the proposed building had a separation of 2m from the back wall, and 8m to the main building. The proposed house was 37.5 sq m. Officers had recommended approval but planning permission was refused at committee on the grounds that the proposed dwelling would offer inadequate levels of amenity, mainly due to its size, and that the access was unsuitable. The inspector allowed the appeal ruling that the 'compact' house would be suitable for some, it would have reasonable outlook, amenity space and storage. It was deemed the access was adequate, although difficult for those with cycles/pushchairs etc. However it could serve the proposed development and already did serve some dwellings (although not the main entrance). There was no objection to the upstairs flat being re-configured so it relied on the rear access also. The inspector did not support the suggested condition which required a contribution toward open space, due to the lack of evidence provided. Although refererence was made to the open space Interim Policy Statement , there was no text supplied which demonstrated need specific to this development, i.e. that there was either a shortfall in the amount or quality of open space in the locality.

Application No: 09/00646/FUL

Appeal by: Mr Jawed Kadhim

Proposal: Two storey side and single storey rear extensions after demolition of existing garage (resubmission)

Site: 18 Brentwood Crescent

York YO10 5HU

Decision Level: COMM

Outcome: DISMIS

Officer Recommendation was to Approve. The application property is a modern semi-detached house at the head of a cul-de-sac. The appeal related to the refusal of a planning application for a two-storey side extension and single storey rear extension. Officers recommended the application for approval, however, the decision was overturned at committee because of concerns in respect to overdevelopment, harm to the living conditions of the adjoining property and highway safety. The Inspector dismissed the appeal. He did not feel that the proposal would harm neighbours living conditions, he felt however, that in the local context, two-off street car parking spaces were insufficient for the resultant four-bedroom dwelling. In addition, despite the proposed two-metre set back at first floor level he felt that the development as a whole amounted to overdevelopment of the site and would detract from the spacing that existed between properties.



Application No: 09/00694/FUL

Appeal by: Mr Tony Lumb

Proposal: Removal of conditions 1, 2 and 3 (requiring amendments to fence, planting of a hedge and erection of domestic paraphenalia) of planning application 08/01177/FUL for the replacement of 3no. moorings

Site: The Orchard

Tyn Garth

Acaster Malbis

York YO23 2LX

Decision Level: DEL

Outcome: PAD

The appeal relates to a site with a complicated Enforcement History. An Outline Planning Permission followed by a Reserved Matters Consent had been given for erection of a four bed roomed detached house on an adjacent site. This had stipulated the erection of an open post and rail fence separating the domestic curtilage from the adjacent river side and river side footpath. Whilst implementing the planning permission for erection of the house the appellant refurbished three river side moorings without consent including erection of a 1.8 metre high close boarded fence and subsequently was given retrospective planning permission for the work. The appeal relates to the conditions applied to that permission. Permission was given subject to three conditions: that the fence be redesigned to be a post and rail design as originally intended, that a hedge be planted along the riverside walk and that Permitted Development Rights be withdrawn in respect of domestic paraphenalia within the fenced area surrounding the moorings. The appellant contended that this was highly unreasonable and didn't comply with the six statutory tests of planning conditions outlined in Circular 11/95. A costs application under the new "fair playing field rules" was also submitted. The Inspector endorsed the Local Planning Authority's view that the fence should be redesigned as a post and rail structure and upheld the condition, he similarly upheld the Local Planning Authority's intention in respect of the third condition restricting the erection of domestic paraphenalia within the fenced area but re-worded the condition. The Inspector however rejected the reasoning behind the condition requiring the planting of a hedge and furthermore made a partial award of costs against the Local Planning Authority in respect of the imposition of this condition.

Application No: 09/01125/FUL

Appeal by: Mr Peter James

Proposal: Change of use of land to a private gypsy site for a single gypsy family and the retention of existing hard standing (retrospective)

Site: The Homestead

Murton Lane

Murton York

Decision Level: COMM

Outcome: ALLOW

Officer Recommendation was to Approve. Retrospective planning permission was sought for the change of use of land to a private gypsy site for a single gypsy family of 2 adults and 4 children. Reason for refusal was conflict with green belt policy. The authorised use of the site is agriculture but it has been surfaced in gravel for many years. The site is largely screened from public view by a 2m-high wall along the highway frontage and by a fence and trees along the side boundaries. The inspector attached significant weight to the harm to the green belt due to inappropriateness. He acknowledged a small amount of additional harm to the openness of the green belt and to the purposes of including land in it. Against these factors he acknowledged that there were a number of weighty considerations in favour of the proposal namely the significant need for additional gypsy sites in the York area; that the shortage was unlikely to be addressed until the end of 2011; that some of the sites to be allocated as part of the LDF process would be in the green belt; the family's need for gypsy accommodation; the absence of any identified available site to which they could move; and the hardship they could face by being made homeless. The inspector was of the view that these factors clearly outweighed the harm (mainly due to inappropriateness) caused by the proposal. He concluded that the circumstances of the case were very special and justified the development, subject to conditions. They included that planning permission be limited to the appellants and their dependants only and that only two caravans shall be stationed on the site at any one time. In consideration of human rights the inspector felt that dismissing the appeal or granting consent for a temporary period would be a disproportionate response to the degree of harm that the development causes and the considerable interference that either option would cause to the family's home, private and family life.

Application No: 09/01156/FUL  
Appeal by: Moorside Developments Ltd  
Proposal: Erection of 4no. dwellinghouses to rear of 5 and 6  
Northfields (amended scheme)  
Site: 5 Northfields  
Strensall  
York YO32 5XN  
Decision Level: DEL  
Outcome: DISMIS

Planning permission was refused for four houses on the basis that the density of the development would result in a very hard street frontage relative to the rest of the street contrary to policies H4a,GP1, GP10, PPS3 and PPS1 . The inspector dismissed the appeal on the basis that the scheme failed to take the opportunity to improve the character and quality of the area and was inappropriate to the character and form of the area.

Application No: 09/01271/FULM  
Appeal by: Mr Andrew Wilson  
Proposal: Use of land for the stationing of 20 additional touring  
caravans and camping pitches (resubmission)  
Site: York Caravan Park  
Stockton Lane  
York YO32 9UA  
Decision Level: COMM  
Outcome: ALLOW

Officer Recommendation was to Refuse. The appeal was against refusal of planning permission for the extension of an existing caravan site to provide an additional 20 pitches. The site is located within the green belt and within the green wedge identified in the green belt appraisal for York. The Inspector concluded that the development would have limited effect on the openness of the green belt and the purposes of including land in it. The Inspector also concluded that the restriction on maximum sizes for a caravan site in Policy V5 has no support outside the CYDLP and therefore afforded little weight to the policy purpose. The Inspector accepted evidence put forward by the applicant that there is significant unmet demand for additional pitches for people wishing to visit the York area and considered the location on Stockton Lane to be well related (in terms of access options) to the city centre. He also took the sequential test to show that there were few other sites available to accommodate caravan sites.

Application No: 09/01311/ADV

Appeal by: Individual Restaurant Company

Proposal: Display of 3no halo illuminated fascia signs, 1no illuminated hanging sign and 1no internally illuminated menu box (retrospective)

Site: 18 Bridge Street

York YO1 6DA

Decision Level: DEL

Outcome: ALLOW

The application was for 3 no. halo lit illuminated fascia signs (one along the river elevation and two along the Bridge Street elevation), 1 no. illuminated hanging sign, and 1 no. internally illuminated menu box. The application was retrospective. The building was a grade II Listed Building and within the Central Historic Core Conservation Area. The application was refused on two grounds. Firstly the lettering of the fascia signs by virtue of standing forward of the detailing of the listed building and its depth together with its illumination would be visually intrusive and harm the special architectural importance, appearance and visual amenity of the listed building, and also the character and appearance of the Conservation Area. Also the proposed internally illuminated menu box by virtue of its siting (to a rusticated pilaster), scale and illumination was considered to be visually intrusive in views of the building and causes undue harm to the special architectural importance, appearance and visual amenity of the listed building, and also the character and appearance of the Central Historic Core Conservation Area. The Inspector considered that the proposed fascia lettering on the Bridge Street frontage would be located on existing fascia areas and, in terms of size and colour would be discreet and proportionate and the method of illumination subtle. The lettering on the riverside elevation, which is of the same scale and proportions, relative to the fascia area, requires a backing panel to accommodate cabling etc. As a result, it is set forward of the brick surrounds to the windows. The inspector did not consider the projection of the lettering to be an issue. He had noted there was similar in the area (although without advert consent). In regards of the illuminated menu box the inspector did not consider that it would be an unduly intrusive element in the street scene, nor detract from the architectural composition or detailing of the building.

Application No: 09/01406/CLU  
Appeal by: Mr Ben Baldwin  
Proposal: Certificate of lawful use for the proposed siting of a mobile home  
Site: Manor Farm  
Towthorpe Road  
Haxby  
York YO32 9SP  
Decision Level: DEL  
Outcome: DISMIS

A certificate of lawfulness was sought for the proposed erection of a mobile home up to the maximum size permissible for a caravan (as defined by legislation). It would be located within the grounds of a farmhouse occupied by the appellant. The caravan would be primarily used for the provision of residential accommodation for elderly relatives. The appellant argued that the caravan was permitted development because :- (a) it would be located within the curtilage of the dwellinghouse . Council officers had in the past agreed in writing that the site of the proposed caravan was within the curtilage of the farmhouse - but had added the usual caveat that this advice was officer opinion only. By the time of the CLU application officers had reviewed the history of the site and felt that the earlier advice may not have been correct. Officers imparted this to the appeal inspector. He concluded that on a balance of probability the residential curtilage did not include the application site. Therefore the use of the land for the siting of a caravan in any residential use would not be lawful. and (b) it would be used for purposes incidental to the use of the dwellinghouse The inspector found that the caravan would represent an additional self-contained unit of occupation that could exist entirely separately from the dwellinghouse and not reliant on it for anything. Therefore the siting of such a caravan on the land would be unlawful.

Application No: 09/01421/LBC  
Appeal by: Mr A Chaudhry  
Proposal: Fascia and hanging signs and two internal neon signs.  
Site: 19 Micklegate  
York YO1 6JH  
Decision Level: DEL  
Outcome: DISMIS

Proposed signs were: acrylic built up signage to fascia with LED light below and internal neon signs in windows. Both deemed to harm the character and design of the listed building and conservation area setting. The shop is in a listed building with detailed timber shopfront of Georgian style. The Inspector concluded the signage would be unduly strident, contrary to the style of the building. Of note being the size of the lettering, the materials and illumination.

Application No: 09/01752/FUL

Appeal by: Mr And Mrs Paul Temple

Proposal: 2 storey dwelling attached to side of existing dwelling after demolition of lean-to bathroom extension (resubmission)

Site: 229 Fifth Avenue

York YO31 0PL

Decision Level: DEL

Outcome: DISMIS

Planning permission was sought for the erection of a 2-storey dwellinghouse on the side of a semi-detached house. The existing house occupied a constrained, tapered site at the corner of two residential streets. The council refused consent, mainly due to (a) impact on the street scene and (b) impact on the living conditions occupiers of the existing house and proposed house. In terms of impact on street scene the inspector found that the windows, materials and roof form would reflect the host property and surrounding dwellings. Nevertheless, due to its scale, bulk and siting, the house would be a discordant addition that would visually compete with the existing dwelling and compromise the symmetry of the pair of existing semi-detached houses. With regards to impact on living conditions of occupiers. The inspector found that the living conditions of the occupiers of both houses would be adequate. This is despite: the small amount of living space in the new house; the small amount of amenity space available to the new and existing occupiers; car parking right up to the front window of the existing house; and access to the rear garden of one house being taken across the rear garden of the other. The council felt that the cumulative impact was sufficient to include as a reason for refusal. The appeal was dismissed but only due to impact on the street scene.

Application No: 09/01899/FUL  
Appeal by: Mrs Ruth Hildreth  
Proposal: Single storey pitched roof rear extension  
Site: The Stables  
Woodside Farm  
Moorlands Farm And Hospital  
Wigginton  
York YO32 2RF  
Decision Level: DEL  
Outcome: DISMIS

Planning permission was sought for the erection of a single storey extension to a converted stable block located at the edge of, but detached from, a group of former farm buildings in the York Green Belt. The dwelling had previously been extended to add a study and large garage. The council refused consent as the extension, taking into account the previous extension, represented a disproportionate addition constituting inappropriate development that would be harmful to the openness of the Green Belt and would further harm the open character of the Green Belt due to the extension being built away from the cluster of former farm buildings. No very special circumstances existed to

outweigh the harm by reason of inappropriateness or additional identified harm. The inspector agreed with the Council that the extension would, in conjunction with the previous extension, be disproportionate to the size of the original building and consequently was inappropriate development that would reduce the sense of openness and 'undermine the Green Belt purpose of safeguarding the countryside from encroachment', contrary to national and local planning policy. Whilst he felt that the extension would not be unduly prominent nor materially harmful to visual amenity and that the design was acceptable, he considered that these did not constitute very special circumstances to clearly outweigh the harm to the Green Belt.

Application No: 09/00037/EN  
Appeal by: Nicola Claire Harrison  
Description: Appeal against  
Site: 11 Farmlands Road  
York YO24 2UA  
Outcome: DISMIS

This appeal was against an enforcement notice requiring removal of a 1.8m high timber fence to the front and side boundary of the property. The property is situated in a residential street on a prominent corner of Farmlands Road and Wains Road. The majority of properties are characterised by low lying walls/hedges to the front boundary. Planning permission was applied for retrospectively but refused. Reasons for refusal were its height, appearance and close proximity to the front boundary, which resulted in the fence having an overdominant and overbearing impact upon the streetscene. The inspector dealing with the appeals against the Notice and refusal of permission agreed that the height, length and position of the fence so close to the adjacent footpath is a visually dominant and intrusive feature which has an adverse impact on the visual character of the neighbourhood. The appeals were therefore dismissed and the enforcement notice upheld.

Application No: 09/00037/EN  
Appeal by: Mr A Shewan  
Description: Appeal against  
Site: 11 Farmlands Road  
York YO24 2UA  
Outcome: DISMIS

This appeal was against an enforcement notice requiring removal of a 1.8m hightimber fence to the front and side boundary of the property . The property is situated in a residential street on a prominent corner of Farmlands Road and Wains Road. The majority of properties are characterised by low lying walls/hedges to the front boundary. Planning permission was applied for retrospectively but refused. Reasons for refusal were its height, appearance and close proximity to the front boundary, which resulted in the fence having an overdominant and overbearing impact upon the streetscene. The inspector dealing with the appeals against the Notice and refusal of permission agreed that the height, length and position of the fence so close to the adjacent footpath is a visually dominant and intrusive feature which has an adverse impact on the visual character of the neighbourhood. The appeals were therefore dismissed and the enforcement notice upheld.

Decision Level:

DEL = Delegated Decision  
COMM = Sub-Committee Decison  
COMP = Main Committee

Outcome:

ALLOW = Appeal Allowed  
DISMIS = Appeal Dismissed  
PAD = Appeal part dismissed/part  
allowed



## Outstanding appeals

<b>Officer: Billy Wong</b>				<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Site:</b>	<b>Description:</b>	
25/02/2010	10/00009/REF	APP/C2741/A/10/2122459/WF	9 Keith Avenue Huntington York YO32 9QH	Erection of 1no. dwelling with dormers to front and rear and associated access off Garth road (resubmission)	
25/02/2010	10/00010/REF	APP/C2741/A/10/2122462/WF	11 Keith Avenue Huntington York YO32 9QH	Erection of 1No dwelling with dormers to front and rear and associated access off Garth Road (resubmission)	
<b>Officer: Erik Matthews</b>				<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Site:</b>	<b>Description:</b>	
04/03/2010	10/00015/REF	APP/C2741/A/10/2124163/NWF	Wellgarth House Wetherby Road Rufforth York YO23 3QB	Outline application for construction of 4no two-storey dwellings after demolition of existing dwelling	
<b>Officer: Fiona Mackay</b>				<b>Total number of appeals:</b>	<b>1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Site:</b>	<b>Description:</b>	
19/03/2010	10/00016/EN	APP/C2741/F/10/2124960	Railway Station Road York	Unauthorised Replacement Retail Unit (Enforcement Notice)	
<b>Officer: Hannah Blackburn</b>				<b>Total number of appeals:</b>	<b>2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Site:</b>	<b>Description:</b>	
23/02/2010	10/00012/FUL	APP/C2741/A/10/2122171/NWF	Zero House Greenclyffe Drive York YO30 6LL	Conversion of basement to form self contained flat (retrospective application)	
01/03/2010	10/00008/FUL	APP/C2741/D/10/2123440	2 Station Cottages Naburn Lane Naburn York YO19 4RW	Single storey side extension, conservatory to rear and renovation works for swimming pool	
<b>Officer: Jonathan Kenyon</b>				<b>Total number of appeals:</b>	<b>3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Site:</b>	<b>Description:</b>	
09/03/2010	10/00011/REF	APP/C2741/D/10/2123661	81 Lower Priory Street York YO1 6HD	Part first floor part two storey side extension and alteration to roof of existing single storey part. (resubmission)	

03/02/2010	10/00007/REF	APP/C2741/A/10/2121944/NWF	The Lowther 8 Cumberland Street York YO1 9SW	External alterations and balcony to front
15/03/2010	10/00014/REF	APP/C2741/D/10/2124693	29 Albemarle Road York YO23 1EW	First floor flat roof side extension with balcony to front. Alterations to front boundary including new gates (1.8m high).
<b>Officer: Kevin O'Connell</b>				
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Site:</b>	<b>Description:</b>
13/11/2009	09/00046/REF	APP/C2741/A/09/2116625/WF	57 York Road Haxby York YO32 3EE	Erection of 1no. four-bedroom detached house to rear of 57 York Road
06/01/2010	10/00001/REF	APP/C2741/A/10/2119795	Manor Farm Towthorpe Road Haxby York YO32 9SP	Erection of 1 no. detached dwelling
18/03/2010	10/00017/REF	APP/C2741/A/10/2125131/NWF	5 Northfields Strensall York YO32 5XN	Erection of 3no. dwellinghouses to rear of 5 and 6 Northfields (amended scheme) (resubmission)
<b>Officer: Michael Jones</b>				
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Site:</b>	<b>Description:</b>
15/01/2010	10/00003/REF	APP/C2741/A/10/2120303	Westholme 29 Church Street Dunnington York YO19 5PP	Detached two storey dwelling and detached single garage (resubmission)
<b>Officer: Matthew Parkinson</b>				
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Site:</b>	<b>Description:</b>
22/01/2010	10/00006/FUL	APP/C2741/A/10/2119841/WF	Viewlands 227 Malton Road Huntington York YO32 9TD	Outline application for the erection of a dwelling
<b>Officer: Victoria Bell</b>				
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Site:</b>	<b>Description:</b>
22/06/2009	09/00024/REF	APP/C2741/H/09/2107171	The Old School Front Street York	Retention of 1no. externally illuminated lettering sign to Green Lane elevation (re-submission)
22/06/2009	09/00025/REF	APP/C2741/E/09/2107208/NWF	The Old School Front Street York	Retention of 1No.externally illuminated sign to Green Lane elevation
<b>Total number of appeals: 3</b>				
<b>Total number of appeals: 1</b>				
<b>Total number of appeals: 3</b>				
<b>Total number of appeals: 1</b>				

04/03/2010 10/00013/REF APP/C2741/H/10/2124043 Display of 7no. internally illuminated fascia signs, 1no. internally illuminated totem sign, 13no. non illuminated freestanding signs, 4no. non illuminated fascia signs, 4no. floodlights and 1no. flagpole

Holiday Inn Tadcaster Road  
Dringhouses York YO24 1HF

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**Total number of appeals: 17**

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