



## 2.2 Policies:

CYGP4A  
Sustainability

CYH4A  
Housing Windfalls

CYT4  
Cycle parking standards

CYL1C  
Provision of New Open Space in Development

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

## 3.0 CONSULTATIONS

3.1 Internal - None

3.2 External

Huntington Parish Council - Objection. Condition 4 remains valid

Public Consultation - The consultation period expired on 20 November 2007. Three objections have been received raising the following planning issues: Condition 4 remains valid. The occupier is parking on the site without a proper parking space or crossover having been provided. Granting approval would increase traffic in the turning head and cause parking problems. The site is too small to accommodate an off-street parking space. Excessive on-street parking could restrict the driveway, which could be critical in an emergency. Approval would undermine the principle of planning control.

## 4.0 APPRAISAL

4.1 Key Issues

Principle of use as a single dwellinghouse

Occupier amenity

Neighbour amenity

Visual appearance

Highway issues

Refuse/recycling

Public open space

4.2 The Application Site

The site comprises an extended bungalow (No.63) with a detached garage and a detached granny annexe, and is located at the turning head of a quiet street in a residential area. The dwellings in the street are mainly bungalows and 2-storey

houses. The character of the area is low-density suburban. The current application relates solely to the annexe to No.63.

The annexe is 6.5m long by 6.5m wide. It comprises a kitchen/living room, bathroom and single bedroom and lies close to the public highway. To the side of the building is a small, gravelled and planted, area of amenity space. An informal parking space has been created within the amenity space with access across the kerb from the public highway. The annexe is occupied by a nephew of the applicant, who lives in the adjacent bungalow at No.63.

#### 4.3 Principle of use as a single dwellinghouse

The annexe lies in a residential area in a sustainable location close to public transport and local services. The principle of the use of the building as a dwelling is therefore acceptable.

#### 4.4 Occupier Amenity

The annexe as initially approved was 6m long by 6m wide, giving a gross floor area of 36sqm. It was too small to provide an acceptable living environment for the occupier. The building, as built, increases the gross floor area of the building by 17% to approximately 42sqm. Whilst the annexe as built is still very small it provides an adequate standard of accommodation for the occupier. The amenity space for the building is small but adequate, particularly as the character of the surrounding area is fairly open.

#### 4.5 Neighbour Amenity

The building abuts a domestic garage to the west, the public highway to the south and a private drive to the north and east. The nearest dwelling is approximately 12m away. The building causes no overlooking and access to the site is direct from the public highway. The use of the building as an independent dwelling is therefore unlikely to cause any significant nuisance to adjacent occupiers, particularly as the level of activity generated by such a small dwelling is unlikely to be materially different from that of an annexe ancillary to the main house at No.63.

#### 4.5 Visual Appearance

The scale and appearance of the building are in keeping with the character of the surrounding area and would be unchanged by the application. However, bearing in mind the small size and prominence of the site, a condition should be attached removing "permitted development" rights for an independent dwelling

#### 4.6 Highway Issues

The 2003 planning permission for the granny annexe included an off-street parking space in front of the building. The size of the annexe, as built, prevented a standard-sized parking space being provided in the approved location. An informal parking space has since been provided at the side of the annexe. It is large enough to meet council standards and is easily accessible from the public highway, subject to a formal crossover being provided. Details should therefore be submitted of a parking space in this location and access from the public highway to the satisfaction of council officers. Details of cycle storage should also be submitted for approval.

The proposed dwelling would likely to be suitable for one person only, ie the same as the annexe as approved. The level of traffic caused by the use of the annexe as an independent dwelling is likely to be small and not materially different from the traffic generated by the use as a granny annexe.

#### 4.7 Refuse/Recycling

Proposals for refuse and recycling facilities have not been included with the application. Submission of details should be made a condition of approval.

#### 4.8 Public Open Space

The creation of the additional independent dwelling will require an open space contribution of £360 for the provision of public open space in accordance with Policy L1c of the local plan.

#### 4.9 Other Matters

It is clear from the planning history of this site that there is a degree of local resentment at the way the annex was erected in breach of the approved plans. However, the planning authority has to consider each application on its individual merits. It is considered that the condition requiring the annexe to be ancillary to the main house at No.63 is unnecessary because the annexe is sufficiently large, and provides sufficient levels of amenity, to be acceptable as a self contained and independent dwelling. The application is therefore recommended for approval.

### 5.0 CONCLUSION

5.1 The proposal accords with relevant policies of the City of York Local Plan Deposit Draft and is acceptable. The application will require an open space contribution of £360.

### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Schedule 2 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 visual amenity and 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.

3 Details of vehicular access from the public highway and on-site parking facilities shall be submitted to the council, approved in writing and implemented in

accordance with the approved details within six months of the date of this permission.

Reason: In the interests of highway safety.

4 Details of provision for public open space facilities or alternative arrangements shall be 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 alternative arrangements agreed in writing by the local planning authority and thereafter implemented, within three months of the date of this permission.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

**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 £360.

You are reminded of the local planning authority's enforcement powers in this regard.

5 Within two months of the date of this permission details (including location, dimensions and materials) of refuse/recycling enclosures for the dwelling hereby approved shall have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The refuse/recycling enclosures shall thereafter be retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

6 Within two months of the date of this permission details (including location, dimensions and materials) of a cycle store for one cycle for the dwelling hereby approved shall have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details. The cycle store shall thereafter be retained and used for no other purpose except with the written consent of the local planning authority.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

**7.0 INFORMATIVES:  
Notes to Applicant**

1. 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 housing provision, sustainability, occupier amenity, neighbour amenity, visual appearance, highway safety and provision of

open space. As such the proposal complies with policies H4a, GP1, GP4a, GP10, T4 and L1c of the City of York Local Plan Deposit Draft.

**2. INFORMATIVE:**

You are advised that consent will be required from the Highway Authority for works under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named: Section 184 - Stuart Partington (01904) 551361

**Contact details:**

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