

Application No. 05/00424/FUL - Erection of three dwellings after demolition of existing outbuildings. Approved 16.05.05.

2.0 POLICY CONTEXT

2.1 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Ecology and Countryside Officer)

3.1 No objection. Due to age and condition of host dwelling it is unlikely that bats would use the building to roost; the development will not significantly impact upon biodiversity and would not impact upon the semi-natural habitat within Park Grove Primary School.

Planning and Environmental Management (Landscape Architect)

3.2 No objection. Adjacent trees at No. 68 Lowther Street are not covered by a tree preservation order nor are they within a conservation area. The applicant has a right to remove overhanging branches and trespassing roots, but such an operation should avoid resulting in the destruction of trees to neighbouring property (No. 68 Lowther Street is a council owned property). From a planning perspective the trees do not pose a restriction.

City Of York Council Arboricultural Manager

3.3 No objection in principle but care should be taken with regards harm to any roots and branches if beyond legal boundaries.

EXTERNAL

Guildhall Planning Panel

3.4 No response received up to date of writing.

Neighbour Notification and Publicity

(Initial Scheme for Two-Storey Rear and Single Storey Front Extension)

3.5 One letter of support received from neighbouring resident. Letters of objection from 22 neighbouring residents/interested parties received raising the following concerns:

- Not physically possible to build extensions;
- Harm to neighbouring trees;
- Bat survey and wildlife survey is required;
- Existing space within dwelling is sufficient;
- Loss of privacy to neighbouring gardens and habitable rooms;
- Poor design, harm to open character of this area and lack of discussion with neighbours;
- Harm to visual appearance of area;
- Overshadowing to neighbouring garden;
- Loss of light to surrounding properties
- Loss of amenity space at host;
- Does not comply with CYC policies GP1/H7 NPPF or Human Rights Act;
- If allowed, would set precedent for similar development within the area;
- Harm to open character of area and to biodiversity;
- Materials out of keeping with area;
- Decking not shown on plans;
- Front and rear extensions will be overbearing;
- Additional space will increase business activity at site;
- Water levels and flooding to neighbouring gardens;
- Overdevelopment of restricted site;
- Erection of housing stock for starter homes;
- Harm to neighbouring house values;
- Site plan inaccurate;
- Front extension does not provide appropriate disabled access;
- Unclear proposed surface water run-off;
- Proposals conflict with justification for erection of the dwelling in the first instance;
- If allowed, a request for working hours condition;
- No space for parking nor storage of materials;
- Noise and disturbance during building works;
- Restricted space for skips/delivery of materials;
- Already existing planning breaches on site;
- Abuse of right of way;
- Existing building and foundations encroach side boundaries;
- Access for fire brigade in emergency;
- Fire proofing of detached outbuilding;
- New fencing to side boundaries;

- Existing building is taller than originally approved;
- Existing garden building is for commercial use and breaches permitted development;
- Existing bin storage is inappropriate and existing cycle store is being used as garden store;
- Existing fencing is currently being investigated by cyc enforcement;
- Ground levels within garden have increased;
- Incomplete description of materials provided.

Responses to Re-Consultation

(Revised Scheme for Single Storey Rear Extension and New First Floor Rear Windows

3.6 Two letters of objection received up to date of writing advising that whilst some of the impact has been reduced similar concerns, as detailed above, still arise. Concern that no measurements have been detailed on the proposed plans.

3.7 The re-consultation period expires on 05/07/2016 any further comments will be reported verbally.

4.0 APPRAISAL

4.1 Key Issues:

- Impact on the dwelling and upon the character and appearance of the surrounding area;
- Impact on neighbouring amenity

POLICY CONTEXT

4.2 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. Paragraph 60 advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

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

4.4 Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.5 Policy GP1 refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity.

4.6 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and overshadowing as well as advice which is specific to particular types of extensions or alterations. Advice in the document is consistent with local and national planning policies and is a material consideration when making planning decisions. Advice in paragraph 7.5 states that extensions should respect the appearance of the house and street unless a justification can be given showing how the development will enhance the streetscene. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing/loss of light or over-dominance/loss of light. Para. 13.3 advises that for single storey extensions privacy can be protected by the use of blank side walls, obscure glazing, high level windows, or by screening along shared garden boundaries.

ASSESSMENT

IMPACT UPON THE DWELLING AND UPON THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

4.7 The proposed extension and alterations to windows are all to the rear of the dwelling, which is enclosed by adjoining private gardens. The host dwelling is sited within a good sized plot and the proposed extension is considered to be of an appropriate scale mass and design compared to the original dwelling, taking into account similar external brickwork and tiles are being proposed along with a pitched roof. Proposed fenestration to the ground and first floors will however now introduce aluminium frames with a grey finish, which whilst will not match the original dwelling, nor that of dwellings within the area, this is not considered to appear harmful to this modern dwelling. It is noted that if the materials proposed for the windows matched the existing windows on the building the proposed structure would be within permitted development limitations.

4.8 Sufficient amenity space will remain within the rear garden and it is not considered that the site would be over-developed, even though a large detached outbuilding has already been constructed to the rear. No change to car/cycle parking or bin storage areas will ensue.

IMPACT UPON NEIGHBOURING AMENITY

4.9 The major neighbouring impact will be upon those adjacent residents to the side at Nos. 68 and 72 Lowther Street. The existing detached outbuilding will largely screen the proposed addition from view to neighbours immediately to the rear at No. 70 Lowther Street at ground floor level. The revised plans show a modest eaves height of about 2m at the side boundaries with 68 and 72 Lowther Street, with the roof then pitching away from these common side boundaries, reducing the visual impact. It is noted that the ground levels to either side are slightly lower than the application site. The overall height and rear projection proposed are considered to be appropriate in relation to the scale of the original dwelling and plot size. A little additional overshadowing to the garden area of No. 72 Lowther Street may occur, though this is not considered to be so detrimental so as to warrant refusal or further amendment. The high level of the rooflights are not considered to result in any undue loss of privacy to neighbouring residents. The size of one first floor window is to be reduced though another small first floor window is to be added to serve as a secondary window to the existing first floor rear bedroom, though sited closer to the side boundary with 68 Lowther Street, it is not considered to result in significant additional loss of privacy to this neighbouring garden area, nor rear bedroom windows. No loss of light to neighbouring dwellings is considered to occur further to this proposal.

IMPACT UPON NEIGHBOURING TREES AND BIODIVERSITY

4.10 The proposals are not considered to impact upon biodiversity within the area, and it is possible to implement the proposed works to avoid harm to neighbouring trees.

OTHER MATTERS

4.11 Concerns have been raised that this development, if allowed, could set a precedent and lead to similar developments being allowed in the area. Whilst it is important to be consistent in decision making, each proposal is considered on its own merits and assessed against relevant planning policy and all material planning considerations. If planning consent is granted for this proposal it does not mean that planning permission will automatically be forthcoming for any similar proposals.

4.12 Concern about additional run-off and the risk of potential flooding are noted. However, from an engineering perspective it is very difficult to attenuate surface water flows from small extensions such as that proposed. The impact of small

residential extensions on surface water flooding is difficult to manage. Under current legislation, significant areas of side and rear garden, can be hard-surfaced or built upon, using permitted development rights, without planning permission being required. In this particular case it is not considered that the new extension would be likely to result in such a significant amount of additional surface water run-off so as to justify mitigation measures.

4.13 Whilst the application for the original dwelling was supported by the reference to additional low cost housing that was to be provided, permitted development rights were not removed, and as mentioned above, aside from the proposed materials, the currently proposed structure would fall within these tolerances with regards size.

4.14 Taking into account the householder nature of the proposed works it is not considered appropriate to restrict the working hours by condition, however, any noise issues during building works would fall within Environmental Protection legislation.

4.15 The Planning System is generally compliant with the Human Rights Act. Neighbouring amenity has been considered in the planning balance.

4.16 Party wall/building control issues; house values, are not a material consideration as part of the planning process. A Certificate A has been submitted with the application to advise that all of the works are proposed within ownership of the applicant. No change to access to the site is now proposed so as to change access for emergency vehicles.

5.0 CONCLUSION

5.1 The proposals are considered to comply with the National Planning Policy Framework, CYC Development Local Plan Policies H7 and GP1 and Supplementary Planning Guidance - House Extensions and Alterations (Approved 2012).

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

Reason: To achieve a visually acceptable form of development.

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

Revised plans BS3821-06 Rev B (proposed floor plans and elevations and external

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materials) received on 21/06/2016; and BS3821-08 (proposed site plan) received on 17/06/2016.

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

4 PD5 No openings in side elevation

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Amended plans were sought and received in order to remove the proposed front extension from the scheme and to amend the two-storey rear extension to a single storey rear extension, in order to protect neighbouring amenity.

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

3. CONTROL OF POLLUTION ACT 1974

The developer's attention is 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 adhered to; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

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

(b) 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".

(c) 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 manufacturer's instructions.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

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