

## COMMITTEE REPORT

**Date:** 6 October 2016                      **Ward:** Osbaldwick and Derwent  
**Team:** Major and                              **Parish:** Dunnington Parish  
                    Commercial Team                              Council

**Reference:** 16/00337/REM  
**Application at:** 25 Garden Flats Lane Dunnington York YO19 5NB  
**For:** Reserved matters application for approval of appearance, landscaping and scale for erection of detached dwelling and garage with room in roof to rear following approval of outline application 15/00442/OUT  
**By:** Mr and Mrs Craven  
**Application Type:** Approval of Reserved Matters  
**Target Date:** 11 October 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks approval of the reserved matters (scale, appearance and landscaping) of outline planning permission 15/00442/OUT granted in December 2015 for the erection of a detached dwelling with detached double garage. This planning permission was a section 73 application to vary a condition of a previous outline consent (13/01960/OUT) and was approved by sub-committee at its meeting on 2 December 2015.

1.3 The application has been called in by Cllr Warters due to: (i) concerns over neighbour amenity; (ii) significant departure from what members approved at outline stage which was a bungalow; (iii) the setting-in below ground level of the property to comply with approved ridge height.

### 2.0 POLICY CONTEXT

2.1 Policies:

CYGP1 - Design  
CGP15A - Development and Flood Risk  
CYGP9 - Landscaping

### 3.0 CONSULTATIONS

INTERNAL

## Planning and Environmental Management (Landscape)

3.1 Concerns about the impact of the development on retained trees, especially the impact of the extensive earthworks/excavation proposed and conflict between drainage works and the root protection area. [Officers' response: The proposals have since been revised as described at section 4 of the report. The revisions address the landscape architect's main concerns. Members will be updated at the meeting].

## Flood Risk Management

3.2 No objection to the latest proposals subject to a condition requiring submission of details of foul and surface water pumping stations.

## EXTERNAL

### Dunnington Parish Council

3.3 Objection: The revised proposals do nothing to address the objections raised to earlier plans. The style and size of the building is out of character and a significant over development of the site. The new plans virtually ignore the previous permission for a bungalow. The amount of development on the second floor of the development is unreasonable. The proposals for the disposal of surface water run off make no positive contribution to the disposal of surface water, as the Parish Council's policy requires.

### Neighbour Notification and Publicity

3.4 Four objections have been received raising the following planning issues.

- Overdevelopment
- The application is fundamentally different from the outline approval
- Size, design and materials out of keeping with the area
- Overbearing
- Loss of sunlight/daylight
- Overlooking
- Visual impact on adjacent occupiers
- Noise and general disturbance
- Drainage not practicable and would exacerbate existing drainage problems
- Drainage proposals would harm trees on the site
- Boundary treatment needs clarification.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Compliance with the outline consent;
- Impact on the character of the area;
- Neighbour amenity;
- Landscape;
- Flood Risk and Drainage.

### PLANNING POLICY CONTEXT

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for Development Management purposes. The plan does not form part of the statutory development plan as defined by section 38 but its policies are considered capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. Local plan policies that remain relevant to the current application are listed at paragraph 2.2 of this report.

4.3 The NPPF is the most up-to date representation of key relevant policy and it is against this Framework that the proposal should principally be addressed. The essence of the Framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan.

### THE APPLICATION SITE

4.4 Part of the substantial, landscaped rear garden of a detached, dormer bungalow in a residential area within Dunnington village. The site is not in the Green Belt or in a conservation area. To each side is a bungalow. To the rear are 2-storey detached houses in Gorse Hill. Site boundaries are defined by substantial hedges and/or close-boarded fencing. There are a number of trees on the site, mainly at the north-eastern end.

### COMPLIANCE WITH THE OUTLINE CONSENT

4.5 The original outline consent for a house on the site (13/01960/OUT) included a plan showing an L-shaped layout. The roof plan of the main part of the building measured 13m x 8m. A perpendicular projection measured 7m x 5.2m. A condition of the approval restricted the height of the building to no more than 4.5m (typical bungalow height) above existing ground level. The agreed existing ground level is 18.27m above ordnance datum (AOD).

4.6 The subsequent section 73 permission (15/00442/OUT) was for a slightly larger building (13.6m x 8.6m for the main part and 7.3m x 5.6m for the perpendicular projection). The maximum height remained at 4.5m above the agreed existing ground level of 18.27m AOD.

4.7 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which would remain in force. The applicant is seeking reserved matters approval for the second of the approved schemes, i.e. the variation under section 73. The current proposal complies with the location and layout of the outline consent. It also complies with the height restriction of 4.5m. However, although 4.5m is a typical height of a bungalow, the applicant is seeking to provide rooms in the roof space by digging into the site approximately 760mm below the agreed site datum level of 18.27m AOD. The site slopes slightly so the maximum depth of excavation would be approximately 0.9m, which would be at the westernmost corner of the dwelling. Digging into the site in this way is not contrary to the outline consent. Nevertheless, the impact of the design, particularly the visual impact on the character of the area, is a material consideration of the current application, which seeks approval for the scale, appearance and landscaping.

## IMPACT ON THE CHARACTER OF THE AREA

4.8 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.9 Policy GP1 'Design' of the 2005 local plan includes the expectation that development proposals will, among other things: respect or enhance the local environment; use materials appropriate to the area; and incorporate appropriate landscaping. The applicant's aspiration to excavate into the site has been known since the time of the previous application. The applicant had submitted various versions for illustrative purposes only. Officers' opinion was that the appearance of such a large house, set within a large excavation would, despite terracing and landscaping, appear as an incongruous feature out of keeping with the character of the area. The applicant was advised that if he were to seek consent for such a house it would not be supported by officers. Since then the applicant has scaled down the massing and height, which has reduced the extent of excavation. The proposal is now for a 4-bedroom dormer bungalow with the main part of the building having a height to the ridge of 5.25m above finished floor level (FFL). The perpendicular projection would be subordinate to the main part of the house and would have ridge height of 3.7m. The roof would have a shallow pitch with a single rear dormer to two bathrooms. All four main roof planes would have roof lights.

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Main materials would comprise white render for the walls, aluminium cladding for the roof and aluminium for the windows and external doors. The shallow roof and aluminium roof cladding are not typical of the area. Nevertheless the design, character and appearance of the building would not look out of place in its surroundings, which are characterised by a variety of types, styles and materials. Following prolonged negotiations officers consider that the scale, design and appearance now comply with section 7 of the NPPF and policy GP1 of the 2005 local plan.

## NEIGHBOUR AMENITY

4.10 Some objectors are concerned about the impact of the development on their amenity. The NPPF seeks to improve the conditions in which people live (paragraph 9). Policy GP1 of the 2005 local plan states that development proposals will be expected to ensure that residents living nearby are not unduly affected by, noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The impact on neighbour amenity due to the location, size (on plan) and height above ordnance datum of the dwelling was considered and accepted when outline planning permission was granted in 2015. The main issues that remain relate to the matters that were not relevant to the outline consent, namely the distribution of windows and the visual impact resulting from the excavation.

4.11 Regarding the windows, there would be no risk of overlooking from the ground-floor of the proposed dwelling due to the part-existing, part-proposed 1.8m-high boundary fence. The dormer windows (north-facing) of the en-suite bathrooms on the upper floor would be obscure-glazed, which could be made a condition of approval. The bungalow would be 35m from the existing house at No.25 Garden Flats Lane. The large west-facing bedroom windows would be at least 10m from the boundary with the neighbouring garden at No.27, which is partially screened by trees. The house at No.27 would be approximately 45m from the proposed bedroom windows, i.e. well beyond the council's minimum separation distance of 21m. The large east-facing bedroom windows would be approximately 15m from the boundary with the properties at Gorse Hill, which are partially screened by trees, and almost 30m from the houses. These separation distances well exceed the council's minimum guidelines for preventing overlooking and overbearing. Furthermore, the house would be partially screened from the adjacent properties by specimen trees, mature hedging and outbuildings outside the application site. In summary, the scale and design of the proposed dwelling are unlikely to result in any material overlooking, overbearing or reduction in natural daylight. Furthermore the occupation of the proposed dwelling is unlikely to have any material impact on the neighbouring occupiers in terms of noise, nuisance or general disturbance.

4.12 The digging-in of the ground floor would be to a maximum depth of 0.9m. This is not substantial and is common where a site is on sloping ground. The dwelling would be built on a level base surrounded by a 1m-wide footway. The higher

ground around the footpath would be contained by a low retaining wall, above which the ground would be re-graded to slope up to the existing ground level. A small, irregular-shaped terrace would be laid at the southern end of the dwelling close to the boundary with No.23 Garden Flats Lane. The extent of excavation is unlikely to have a significant impact on the amenity of the neighbouring occupiers.

4.13 The proposed double garage would lie to the rear of No.25's (shortened) garden. The garage complies with the outline consent in terms of its size and location. Its scale and appearance are typical of a domestic garage and would have no material impact on the amenity of the neighbouring occupiers.

## FLOOD RISK AND DRAINAGE

4.14 The NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere (paragraph 100). Policy GP15a of the local plan states that developers should ensure that the site can be developed, serviced and occupied safely and that discharges from new development should not exceed the capacity of existing/proposed sewers and watercourses. The site is in flood zone 1 and should not suffer from river flooding. The council's flood risk engineer has witnessed a soakaway test at the site, which demonstrated that soakaways would not be a suitable means of drainage and attenuation. Instead the application includes details of surface water storage on site prior to it being discharged at a controlled rate to an existing surface water sewer under Garden Flats Lane. Foul water would discharge to an existing foul sewer, also under Garden Flats Lane. Since submission the drainage proposals have been amended to avoid retained trees. The council's flood risk engineer is satisfied with the drainage details subject to a condition requiring submission of details of the proposed foul and surface water pumping stations within the site. The submitted details already include the location, capacity, levels, and discharge rate of the pumping stations. Officers consider that this level of detail is sufficient for the purposes of granting planning permission, subject to a condition requiring compliance with the submitted details.

## LANDSCAPE

4.15 The proposals as initially submitted were unacceptable due to the proximity of retained trees and the impact of the extensive earthworks/excavation that was proposed. None of the trees are protected and they are not easily visible from any public viewpoint but they contribute to the character of the area and provide some screening from adjacent properties. The applicant has since reduced the depth of excavation, relocated the drainage runs to avoid the root protection areas and submitted an arboricultural management plan. The revisions to the scheme and the tree protection measures address the council's main concerns and are acceptable. A condition should be attached requiring compliance with the management plan. At

the time of writing the applicant was making minor revisions to the proposed landscape plan. Members will be updated at the meeting.

## **5.0 CONCLUSION**

5.1 The application is for the scale, appearance and landscaping of a dwelling and double garage that were approved in outline in December 2015. The application accords with the National Planning Policy Framework and policies GP1, GP9 and GP15A of the 2005 local plan.

## **6.0 RECOMMENDATION: Approve**

1 The development hereby permitted shall be carried out only in accordance with the following approved plans

CRA-404-001 Location - Block Plan  
CRA-404-001 100A - Proposed Plans Elevations & Views  
CRA-404-001 101B - Proposed Site Elevations  
CRA-404-001 102B - Proposed Site Sections  
CRA-404-001 103B - Proposed Site Plan  
16250 100 Rev.A - Drainage Plan  
16250 101 Rev.A - Drainage Details  
GF L1C - Landscape Plan [Awaited]

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

2 The development, including preparatory works, excavation, groundworks, storage of materials and utility works, shall be carried out in accordance with the Arboricultural Method Statement by JK ARBORICULTURE dated 1 May 2016, as amended May 2016.

Reason: To ensure that existing trees which are considered to make a significant contribution to the amenity of the area are protected throughout the construction period

3 The development shall be carried out in accordance with the approved drainage works shown on approved plans 16250-100 and 15401-101 unless otherwise approved in writing by the local planning authority.

Reason: In the interests of the proper drainage of the site.

4 The dormer windows on the northern elevation of the house shall be (i)

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obscure-glazed and (ii) non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: In the interests of the amenities of occupiers of the adjacent residential dwelling at No.27 Garden Flats Lane.

## **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 has negotiated changes to the visual appearance, drainage proposals and tree protection measures, thus enabling a positive outcome to be achieved.

#### **2. DRAINAGE**

Consent from Yorkshire Water should be sought to make new connections of foul and surface water into their sewers.

#### **3. OUTLINE CONSENT**

The applicant is reminded that the conditions of the outline planning permission 15/00442/OUT remain in force.

### **Contact details:**

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