

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Bishopthorpe
Date: 29 January 2008 **Parish:** Bishopthorpe Parish Council

Reference: 07/02892/FUL
Application at: 14 Copmanthorpe Lane Bishopthorpe York YO23 2QR
For: Erection of a two storey detached dwelling and garage (resubmission)
By: Mr & Mrs M Cross
Application Type: Full Application
Target Date: 5 February 2008

1.0 PROPOSAL

1.1 The application is for a detached dwelling to the rear of 14 Copmanthorpe Lane with vehicular access to Kirkwell.

1.2 The site is part of the rear garden of 14 Copmanthorpe Lane. The site is surrounded by dwellings: Kirkwell is a street of semi-detached and detached dwellings in quite close proximity to each other built in the late 1990s. The other dwellings surrounding the site are semi detached dwellings and one detached all built mid 20th Century.

1.3 The previous application for a detached dwelling (06/00697/FUL) on this site was refused at the West and Centre Planning Sub Committee - 22 March 2007

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Archbishop of York's CE Junior 0183

Schools Bishopthorpe Infant 0185

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYGP4A
Sustainability

3.0 CONSULTATIONS

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 25/01/2008
Site Notice - Expires 31/01/2008
Press Advert - N/A
Internal/External Consultations - Expires 24/01/2008

8 WEEK TARGET DATE 05/02/2008

3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections
The recommended standard for a garage is 2.4 metres by 4.8 metres, whilst there is sufficient width the length does not meet the requirement. Would like Conditions HWAY10 - Vehicular areas surfaced, details required, HAWY19 - Car and Cycle parking laid out, HWAY25 - Pedestrian visibility splays protected, HWAY29 - No gate etc. to open into highway, HWAY31 - No mud on highway during construction

ENVIRONMENTAL PROTECTION UNIT - No objections

HOUSING AND ADULT SOCIAL SERVICE - Over the threshold at 0.0414ha for the provision of affordable housing

3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

3 LETTERS OF OBJECTION

- Concern about the access to Kirkwell, including commercial vehicles and emergency vehicles
- Loss of outlook for dwellings on Kirkwell
- Loss of privacy
- Cause light pollution to dwellings in Kirkwell
- Frontage measurement is wider than the previously refused scheme
- Cars exiting the site will reverse into the road, causing potential danger to pedestrians; driveways of the dwellings opposite may be used when manoeuvring vehicles
- Roof lights will cause overlooking, as a person of average height will be able to view the windows in the dwellings opposite

- Impact on the character and amenity of the environment and would appear "shoehorned" into the site
- The proposed dwelling would create a sense of imbalance within Kirkwell that would impact negatively on the streetscene
- Concern regarding the construction such as where the building materials will be stored, where servicing vehicles and other vehicles relating to the construction will be parked, what security measures will exist on site
- Plans state part removal of the hedge, may be an ancient and historic boundary line owned by the Kirk family whose farm originally fronted the Kirkwell site, hedge may have a protection order
- Proposed dwelling would cause significant overshadowing during the afternoon and evening to several dwellings in Kirkwell
- Construction would cause significant interruption and disturbance to some of the occupants of Kirkwell

4.0 APPRAISAL

4.1 RELEVANT SITE HISTORY

06/00697/FUL - Erection of detached dwelling - Refused

- The proposed dwelling by virtue of its scale and mass is considered to be detrimental to the character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when seen in context with the surrounding buildings resulting in overdevelopment of the site, and therefore is contrary to Policies GP1, H4a and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'.

05/02176/OUT - Outline application for erection of a single detached bungalow to the rear with access from Kirkwell - Withdrawn

4.2 ADDITIONAL PLANNING POLICY

Planning Policy Statement 1 'Delivering Sustainable Development'
 Planning Policy Statement 3 'Housing'.

4.3 KEY ISSUES

1. Visual impact on the dwelling and the area
2. Impact on neighbouring property
3. Impact on road safety

4.4 ASSESSMENT

PLANNING POLICY

4.4.1 Planning Policy Statement 1 - 'Planning for Sustainable Development' aims to protect the quality of the natural and historic environment. 'The Planning System:

General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.4.2 Planning Policy Statement 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

4.4.3 Policy GP1 'Design' of the City of York Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.4.4 Policy H4a 'Housing Windfalls' of the City of York Development Control Local Plan states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.4.5 Policy GP10 'Subdivision of Gardens and Infill Development' of the City of York Development Control Local Plan states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

4.4.6 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal

open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

VISUAL IMPACT ON THE DWELLING AND THE AREA

4.4.7 There is some ambiguity over the size of the plot, the previous application had a plot of 18 metres by 26 metres with a 5 metre by 8 metre chunk removed. This application has a plot of 16.6 metre by 24 metre plot with a 3.8 metre by 7 metres chunk removed from the southwest corner of the plot.

4.4.8 The dwelling is set back 2.6 metres (previous application was set back 4metres) from the boundary with Kirkwell, 1 metres the boundary with 2 New Lane (the previous application had been between 1.4 metres and 3 metres) and between 3.5 metres and 6.5 metres from the boundary with 1 New Lane (the previous application had been between 2.7 metres and 4 metres). The proposed two storey dwelling would have vehicular access to Kirkwell. The dwelling would measure 17.4 metres in width including the attached garage an increase of 1.9 metres on the previous application and be 11 metres in depth at its widest point (the previous application was 11.2 metres in depth at its widest point).

4.4.9 There is a spacious and semi-rural character within the surrounding area. Whilst it is considered that the site could accommodate a small dwelling it is felt that the scale of the proposed is too large in terms of footprint and the appearance would be detrimental to the area: reducing the spacious character of the area; creating a built up cramped appearance within the site and in context with the surrounding buildings; and would appear as if the dwelling as been "shoehorned" into the site giving the overall appearance of overdevelopment. Therefore the two storey dwelling design is not considered to be compatible with the neighbouring buildings and spaces. The proposal is considered to have increased impact on the streetscene than the previous by virtue of its design, length and mass when viewed from Kirkwell.

4.4.10 No sustainability statement has been received as required by Policy GP4a of the City of York Development Control Local Plan.

IMPACT ON NEIGHBOURING PROPERTY

4.4.11 The distance between the proposed dwelling and the dwellings on Kirkwell is reduced to 14 metres (the previous application had shown a distance of 16 metres). There would be little loss of privacy from the ground floor windows of the proposed dwelling, as the hedge to the front would provide screening. The dormer windows have been removed in this application and replaced with roof lights which from floor level to the window cill within the dwelling would be 1.6 metres. However as these are windows to secondary rooms (bedrooms) rather than primary rooms they are not considered to cause significant overlooking. There is a two storey gable element to the front, the first floor window in the elevation would be a bathroom and the window can be conditioned as obscure glazing. However the proposed dwelling by virtue of its bulk, mass, and design and the closer proximity to the dwellings in Kirkwell would cause a loss of the open outlook of these dwellings and would result in an

overbearing impact that would cause harm to the residential amenity of the occupants of 10 and 12 Kirkwell.

4.4.12 The proposed dwelling is not considered to be overbearing to the neighbouring properties of 14 and 16 Copmanthorpe Lane due to distance between the dwellings. The first floor window in the gable facing these dwellings would cause some loss of privacy within the gardens of 14 and 16 Copmanthorpe Lane the distance being 4.7 metres and 3 metres respectively. These gardens enjoy an element of privacy with limited overlooking at present.

4.4.13 There would be no overlooking to the occupants of 1 New Lane as there is a 1.8 metre high fence and a tall evergreen hedge marking the shared boundary screening the ground floor windows (on either side of the boundary). There would be rooflights at first floor level however these are not considered to cause a significant loss of privacy to the occupants of 1 New Lane. The occupants of the proposed dwelling may feel overlooked by the rear window of 1 New Lane. The distance between the dwellings would be 8 metres according to the submitted plans. The proposed dwelling is not considered to have an overbearing or over dominant impact on the occupants of 1 New Lane. The proposed dwelling would be in close proximity to 1 New Lane, however as the roof would be sloping away from 1 New Lane the impact would be reduced.

4.4.14 No.2 New Lane has extended to the rear and the windows of these extensions overlook the site the proposed dwelling is slightly closer to the shared boundary than the previous proposal. There are no windows in the proposed elevation facing these extensions. It could be argued that the impact on 2 New Lane specifically in the garden would be regarded as over dominant and creating a sense of enclosure by virtue of the proximity of the proposed dwelling to the boundary however it is not considered that the loss of amenity is significant enough to warrant refusal. The height of this part of the development adjacent to the boundary ranges between 3.7 and 4.7 metres, the eaves height of this part of the building is 2.3 metres, and the roof slopes away from the boundary lessening the impact.

IMPACT ON ROAD SAFETY

4.4.15 Concern has been expressed regarding the issue of traffic and parking on Kirkwell and vehicle manoeuvring in relationship to the proposed dwelling however Highways Network Management has raised no objections to the proposed plans.

5.0 CONCLUSION

5.1 The proposed dwelling by virtue of its design, scale, and mass is considered to be detrimental to the open character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when viewed in context with the surrounding buildings resulting in overdevelopment of the site. The proposal would therefore be contrary to Policies GP1, H4a and GP10 of the City of York Council Development Control Local Plan, PPS1 - Delivering Sustainable Development, and PPS 3 - Housing.

5.2 The first floor window in the gable elevation facing 14 and 16 Copmanthorpe Lane would cause overlooking and a loss of privacy to the gardens of 14 and 16 Copmanthorpe Lane (which have a significant existing degree of privacy) resulting in a loss of residential amenity and would be contrary to Policy GP1 of the City of York Development Control Local Plan, PPS1 - Delivering Sustainable Development, and PPS 3 - Housing

5.3 The proposed dwelling by virtue of its scale, design, mass and bulk would be over bearing to the occupants of 10 and 12 Kirkwell, and would also result in a loss of outlook from these dwellings leading to a loss of residential amenity to the occupants of these dwellings amenity and therefore would be contrary to Policy GP1 of the City of York Development Control Local Plan, PPS1 - Delivering Sustainable Development, and PPS 3 - Housing. Refusal is recommended.

6.0 RECOMMENDATION: Delegated Authority to Refuse

1 The proposed dwelling by virtue of its design, scale, and mass is considered to be detrimental to the character and amenity of the local environment, the proposed dwelling would have a cramped appearance on this site and when seen in context with the surrounding buildings resulting in overdevelopment of the site, and therefore is contrary to Policies GP1, H4a and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'.

2 The proposed dwelling by virtue of its design, scale, mass and bulk is considered to be overbearing to the occupants of 10 and 12 Kirkwell and would also cause a loss of outlook from these dwellings resulting in a loss of residential amenity and therefore is contrary to Policies GP1 and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'.

3 The proposed dwelling by virtue of the first floor window in the side elevation facing 14 and 16 Copmanthorpe Lane would result in overlooking and a loss of privacy to the rear gardens of these properties resulting in a loss of residential amenity and therefore is contrary to Policies GP1 and GP10 of the City of York Development Control Local Plan (2005); and national planning guidance Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'.

7.0 INFORMATIVES:

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