

COMMITTEE REPORT

Date: 2 February 2017 **Ward:** Rural West York
Team: Householder and Small Scale Team **Parish:** Parish of Rufforth with Knapton

Reference: 16/02700/FUL
Application at: 30 Southfield Close, Rufforth, York, YO23 3RE
For: Variation of condition 2 of permitted application 16/01635/FUL to amend approved drawings to include 3no. rooflights to front and reposition the detached garage and removal of condition 6 re working hours
By: Mr Alex Kirby
Application Type: Full Application
Target Date: 20 January 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks permission under Section 73 of the Town And Country Planning Act 1990 to vary condition 2 (plans) and remove condition 6 (relating to working hours) of application 16/01635/FUL. It is proposed to insert 3no. roof lights to the front elevation and reposition the detached garage.

1.2 The host building is a detached bungalow situated on a corner plot at the head of a long cul-de-sac which is comprised of a mix of two storey dwellings and bungalows. No. 30 is situated in a row of eight bungalows but opposite are two storey dwellings with some two storey dwellings to the rear. Southfield Lane runs along the rear of the host dwelling and it is from this lane which the applicant has created the main vehicular access to the property. The site is within the green belt however the previous application concluded that due to the location of the site there would be no impact on the openness of the green belt. Works on site are ongoing.

1.3 The application is reported to Sub-Committee at the discretion of the Assistant Director as the original decision was made by Sub-Committee on 6 October 2016..

AMENDMENTS

1.4 At the request of officers, the dormer has been removed from the scheme and replaced with 3no. roof lights.

1.5 The initial proposal to vary the working hours to allow work to commence on Saturdays and Sundays 0900 to 17.00 has been amended to remove condition 6 regarding working hours.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Air safeguarding: Air Field safeguarding 0175

2.2 Policies:

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

EXTERNAL

Rufforth with Knapton Parish Council

3.1 The Parish Council objects to the dormer and potential increase of working hours over weekends. No objections are raised with regards to the repositioning of the garage. The Parish Council have requested a condition requesting all vehicles should access the site via Southfield Close during the construction phase (to prevent further damage to Southfield Lane) and ask that the garage be built last to enable this to happen.

Publicity and Neighbour Notification

3.2 The application was advertised by neighbour notification letter. Eight letters of objection have been received. The following concerns were raised:

- The addition of the dormer will further detract from the street scene
- Condition 6 relating to working hours was put in place to protect the amenity of neighbours. Working hours should not be extended to evenings and weekends also.
- Work is already being undertaken outside of permitted working hours disrupting residents in the evening and at weekends
- Southfield Lane is getting badly carved up and it would appear that this is being used for site/work vehicles rather than the original access which the applicant stated would be used.
- The condition re working hours is a standard restriction imposed by the council for applications in residential areas, there appear to be no special circumstances that would support the relaxation of this condition.

4.0 APPRAISAL

KEY ISSUES:-

- Visual impact on the dwelling and the area

- Impact on neighbouring property

RELEVANT PLANNING POLICY

4.1 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. In considering proposals for new or improved residential accommodation, the benefits from meeting peoples housing needs and promoting the economy will be balanced against any negative impacts on the environment and neighbours' living conditions.

4.2 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.3 Draft Local Plan Policy GP1 expects new development to respect or enhance the local environment, and 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 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 (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.5 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic types of development.. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street scene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Guidance in sections 3, 4, 5, and 15 are relevant to the determination of the application.

4.6 Rufforth Village Design Statement (guidelines 16 - 19, 21) states that extensions should harmonise with neighbouring properties and spaces, that the height of buildings should be in keeping with adjacent properties and maintain informal building lines, as well as maintain a mixture of building styles and sizes and that materials should be in sympathy with the existing.

APPRAISAL

Condition 2 (Plans)

4.7 It is proposed to insert 3no. roof lights to the front roof slope serving the en-suite bathroom and dressing area. The windows would match the scale of roof lights previously approved and would be situated relatively centrally within the principal roof slope facing the street. Given their location and distance from the road frontage, their addition is not considered to detract from the appearance of the dwelling, street scene or impact upon the amenity of residents.

4.8 It is also proposed to reposition the detached garage so that rather than running parallel with the dwelling it runs parallel with the boundary hedge. It is understood that the footings for the garage in the new position have already been excavated. Whilst repositioning the garage in this way does bring the garage closer to the neighbouring property, it allows the driveway to follow the line of the boundary hedge and retains more of the rear garden, providing a separation between the back of the house and the garage. Given the height of the boundary hedge, the orientation and internal layout of no. 32, the previous application concluded that the siting of the garage in this location would have limited impact on the residents of no. 32 and its repositioning is not considered to result in any further encroachment onto the amenity of these occupants.

Condition 6 (Working Hours)

4.9 Committee members imposed condition 6 in order to protect the amenity of residents surrounding the application site. The condition restricts hours of working to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays. It is noted that there have been a number of complaints regarding noise nuisance by neighbouring residents since the application has been approved and on some of these occasions the applicant has insisted that the works being undertaken were not related to the building work such as wood chopping, garden maintenance etc. The statement provided by the applicants does however acknowledge that they have undertaken works on site outside of the permitted hours but that this work constituted quieter jobs such as brick laying and general DIY which any resident is allowed to undertake without restriction. It is not normally the case that such a condition is applied to planning permissions for residential extensions because of issues of enforceability simply by virtue of the nature of some of the works required to finish the build.

4.10 Generally conditions should not be imposed where they duplicate specific controls outside planning legislation that provide an alternative means of managing certain matters. It is considered that the protection of neighbour amenity and the control of noise nuisance is more properly controlled by Council's Public Protection team using the powers provided through the Control of Pollution Act. Following advice the applicant has requested the removal of the condition rather than its variation as officers considered that a varied condition would imply that further and potentially noisy working generally acceptable during the weekends.

4.11 Whilst it is recommended that this condition be removed it is important to stress that it is not to allow working outside of the originally specified hours which are generally considered acceptable in order to protect the amenity of residents, but to ensure that any noise nuisance can be properly monitored and dealt with accordingly through other appropriate legislation . An informative is recommended outlining the provisions of the Control of Pollution Act.

5.0 CONCLUSION

5.1 It is considered that the amendments to the roof and garage can be carried out without significant harm to the appearance of the streetscene or residential amenity and that hours of construction are more properly controlled under the Control of Pollution Act allowing the removal of condition 6 without undue harm to residential amenity.

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:-

Proposed Plans and Elevations - Drg. No: 02 rev. L

Proposed Site Plan - Drg. No. 03 rev. D

Updated application form received 11.01.2017

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

3 EPU1 - Electricity socket for vehicles

4 The double height space to the rear of the property shall not be converted to provide further accommodation at first floor level without a further planning permission first being granted by the Local Planning Authority.

Reason: To protect the residential amenity of neighbouring properties as the living accommodation at this level may result in unacceptable levels of overlooking because of the proposed glazed gable.

- 5 PD1 Removal of specific PD rights
Classes B (the enlargement of a dwellinghouse consisting of an addition or alteration to its roof) and C (other alterations to the roof of a dwellinghouse)

7.0 INFORMATIVES:

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:

Officers secured the removal of the dormer from the scheme and requested the removal of condition 6 rather than the variation/increase in working hours.

2. 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:

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 manufacturers 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

3. 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).

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