

COMMITTEE REPORT

Date: 2 February 2017 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 16/02111/FUL
Application at: Walker Nicholas Architects Ltd, 42 Oxford Street, York, YO24 4AW
For: Extension to existing building to create additional office accommodation on first and second floors above rear ground floor parking area, including demolition of existing garage
By: Walker Nicholas Architects Ltd
Application Type: Full Application
Target Date: 20 December 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 Members will recall that this application was reported to the sub-committee meeting on 5 January 2017 where it was resolved to delegate authority to officers to approve the application (in consultation with the Chair and Vice-Chair) following further investigation into the requirement for obscure glazing. The application is referred back to sub-committee to clarify comments made by officers at the meeting about the controls of the hours of use at the premises.

1.2 The application seeks permission for the erection of a two storey extension to the existing offices at 42 Oxford Street.

1.3 The application site is located at the junction of Oxford Street and Holgate Road and forms the end terrace in a row of seven. The rear area currently houses a single flat roof garage and an open area utilised for car parking. The scheme seeks permission to demolish the existing garage and create a part two storey extension, close to the host building, before dropping in height to one and a half storeys. The extension would be used as office accommodation. A single car parking space and a cycle storage area would be provided within an open area under a section of the first floor.

1.4 The application has been called to committee by Cllr Hayes on the grounds of overshadowing, loss of light to the bathroom window, highway implications and overlooking.

RELEVANT HISTORY

13/00577/FUL Change of use to B1 (offices) and D1 (therapeutic massage) on upper floors - Approved 10.06.2013

14/00416/FUL First floor extension to detached garage for use as storage - Approved 09.05.2014

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF

2.2 Policies:

CYE4 Employment devt on unallocated land
CYHE3 Conservation Areas
CYHE2 Development in historic locations

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 No objections to the scheme but recommend conditions

Planning and Environmental Management (Archaeology)

3.2 The site lies within the Central Area of Archaeological Importance in between the line of two Roman Roads which approached York from Aldborough and Tadcaster. Evidence for Roman burials are known throughout the area. Archaeological investigation in this vicinity have revealed that the depth of deposits vary dramatically. Although the extension is small in plan the excavation of foundations and drainage may reveal archaeological deposits particularly relating to the Roman period. An archaeological watching brief will be required.

Planning and Environmental Management (Design and Sustainability Manager)

3.3 Comments in respect of original, superseded, proposals:

The proposal is over development, given the size of plot.

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- The proposal is uncharacteristic of the historic grain of these plots.
- The proposal is harmful to neighbouring amenity.
- The proposal is architecturally unsympathetic to the existing building on the plot largely because the massing is overdevelopment.

Suggest the following is considered in any revised proposal

- Any extension should be clearly read as subservient to the existing building on the plot. To do this an extension should not be higher than two storey max (without accommodation in the roof).
- As an estimate, in order to appear subservient, given that it is office use with less need for open amenity space, the ground floor could occupy most of the footprint of the rear, with a second floor occupying approx 1/3 of the rear plot (either attached to the existing or separately at the rear of the plot)

EXTERNAL

Neighbour Notification and Publicity

3.4 Letters of objection received from six properties raising the following points:

- Loss of privacy
- Inadequate parking provision within a ResPark zone
- Concerns that the roof void would be used as additional office accommodation
- The development is too high
- No need for additional office accommodation in the City in a predominantly residential area
- Loss of view

4.0 APPRAISAL

4.1 Key issues

- Design
- Loss of privacy
- Overshadowing
- Highways implications
- Hours of use

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to

making places better for people. A principle set out in paragraph 17 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 and encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

4.3 Paragraph 19 states that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

4.4 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.

4.5 The application site is within the Central Historic Core Conservation Area where Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area

4.6 The NPPF states that development proposals should sustain and enhance Conservation Areas. Paragraph 131 urges Local Planning Authorities to give significant weight to the desirability of sustaining and enhancing the significance of heritage assets including Conservation Areas and putting them to viable uses consistent with their Conservation.

4.7 The NPPF, Chapter 12, Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.8 The NPPF, Chapter 12, Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

4.9 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.

4.10 Policy E4 states that within defined settlement limits, planning permission will be granted for employment uses of a scale and design appropriate to the locality where: the site is vacant, derelict or underused; or it involves infilling, extension, redevelopment or conversion of existing buildings.

4.11 Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Local Plan Deposit Draft are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area.

DESIGN

4.12 The proposal has been redesigned since its original submission. The extension would be linked to the host dwelling by way of a glazed link which creates a degree of separation within the frontage and creates a subservient form of development. Ceiling heights have been kept low and whilst this results in the openings sitting lower within the elevation than those of the host dwelling it is not considered to be detrimental to the streetscene. The horizontal emphasis has been retained and details of materials can be conditioned.

4.13 The development site is open to the street at present but is backed by a two storey high brick wall for the majority of its length as a result of previous extension to 50 Holgate Road. As such this area does not particularly contribute positively to the character of the conservation area. It is considered that the proposed extension would preserve the character and appearance of the Conservation Area and comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

LOSS OF PRIVACY

4.14 Concerns have been expressed by the occupiers of 52 Holgate Road that the proposed extension would result in a loss of privacy to their rear garden. At present the majority of their rear garden is covered by a flat roof garage with a small paved area immediately to the rear of the dwelling used as amenity space. Planning permission was granted for the removal of the garage in January 2013 but this permission was not implemented and on 23rd November 2016 a new application for the removal of the garage was approved. The works have not as yet taken place.

4.15 The concern from the neighbour at 52 Holgate Road is that the existing small yard and potentially larger garden would be overlooked by the proposed office accommodation, which lies approximately 7m away. The existing windows to the side elevation of 42 Oxford Street are obscure glazed to prevent loss of privacy. However, the proposed extension has been designed with lower ceiling heights and low windows and lies further along the length of the neighbour's garden than the existing building.

4.16 A cross section of the proposed extension in relation to the amenity space at 52 Holgate Road has been submitted and was questioned at sub committee in January 2017. Officers have been on site and measured the existing boundary wall. The lower

section, immediately adjacent to the dwelling at 52 Holgate Road, measures approximately 2.3m with the remainder of the wall stepped up and measuring up to 2.7m in height. The cross section indicates the wall at being 2.7m high.

4.17 The approved planning permission for the removal of the garage at 52 Holgate Road indicates that the existing elevation facing Oxford Street would remain unchanged from what currently exists on site. The existing and proposed plans as submitted are the same. However, the owner has indicated on site that the boundary wall would be reduced to an average height of 2.4m for its length due to the removal of the roof rafter and fascias. However, as the approved plans indicate no alteration it is considered that the impact in terms of loss of privacy should be based on the approved plans for the removal of the garage. Furthermore, whilst permission has been granted there is no guarantee that the scheme will be implemented.

4.18 It is considered that due to the low level windows to the office extension and the existing high boundary wall to 52 Holgate Road there would be little overlooking. If the occupiers were stood to the far boundary they would be visible but if located elsewhere within the garden their privacy would be protected by the existing boundary wall.

OVERSHADOWING AND LOSS OF LIGHT

4.19 Concerns have been expressed by the adjoined neighbour at 50 Holgate Road that the extension would result in a loss of light to their existing bathroom window. This property has been previously extended, under approval granted in 1986, to create a first floor rear extension to form a living room. It appears that as a result of this permission the existing original bathroom window was removed to facilitate the extension and as a result was inserted into the party wall, at high level, with the application site. The proposed extension would result in the blocking up of this window.

4.20 It is considered that it would be unreasonable to prevent development from taking place at the application site as a result of the window being inserted. The window does not open into a habitable room and as such loss of light is not afforded as much weight as for a habitable room. In addition it is considered unreasonable to have allowed the development at 50 Holgate Road, which has clearly benefited the occupiers of the dwelling, on the basis that no development would be allowed at the application site at a future date.

4.21 The neighbour at 50 Holgate Road is also concerned that the rearmost element of the scheme would overshadow the small rear yard at their property. Planning permission has recently been granted to subdivide the dwelling into two residential units and as a result the rear room opening into this yard would be a bedroom. The proposed extension would result in an increase in height of approximately 550mm above the existing boundary wall. Furthermore the roof slope has been designed with

an off centre ridge to reduce the height and impact upon this yard. The development lies to the west of this yard and as such it is considered that there would not be an unacceptable loss if light as shadows cast by the existing high boundary wall and extensions at 50 Holgate Road already impact the yard area.

4.22 It is worth noting that an extension of a similar height backing onto this courtyard was approved at committee in May 2014 following a site visit.

HIGHWAY IMPLICATIONS

4.23 Concerns have been expressed that the extension would increase on street parking within the vicinity. As existing three spaces are provided to the front, two within the open rear yard and the potential for two within the garage, although these are currently utilised for storage purposes. The scheme would result in four off road car parking spaces be provided along with cycle storage facilities. The development lies within a sustainable location close to the city centre and good public transport links including regular bus and train services.

4.24 Two resident's car parking spaces are provided opposite the application site along Oxford Street. These are limited to residents but also allow any vehicle to park for up to an hour. It is apparent that these spaces could be used by the office development but primarily during office opening hours only and only by visitors due to the time limitation. It is considered that the due to the sustainable location of the development the scheme could not be refused on highway grounds.

OPENING HOURS OF THE OFFICE

4.25 It has been suggested that a condition should be imposed on the proposed office accommodate to restrict hours of use. The planning permission for the existing building on site allows a mixed use on the upper floors comprising B1 use (office) and D1 use (therapeutic massage). A condition was attached to that permission restricting the hours of use of the D1 use only to between 07.00 and 21.00 Mondays to Fridays, 07.00 and 17.00 Saturdays and 07.00 and 13.00 Sundays, the officer's report noting the likelihood of more visits from members of the public to such a use than the office use. There are no hours of use attached to the existing B1 office use on site. As such it is not considered reasonable or necessary to condition the proposed B1 office extension.

5.0 CONCLUSION

5.1 The design of the proposed office extension design is considered to preserve the character and appearance of the conservation area. It is considered that the proposed development would not result in unacceptable levels of overshadowing or overlooking and would not adversely impact on the availability of car parking in the area. As such it is considered that the scheme would comply with Section 72 of the

Planning (Listed Buildings and Conservation Areas) Act 1990 and accord with advice contained within the NPPF and policies E4, HE2 and HE3 of the City of York Council Draft Local Plan (2005).

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 and other submitted details:-

Drawing numbers 686_P20 Rev C and 686_P22 Rev C

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

3 VISQ8 Samples of exterior materials to be app

4 Notwithstanding the information contained within the approved plans details of the proposed windows, including materials and cross sections, shall be submitted to and approved in writing by the local planning authority prior to being installed.

Reason: So that the Local Planning Authority may be satisfied with these details and materials prior to being installed with the hereby approved scheme.

5 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

6 HWAY18 Cycle parking details to be agreed

7 HWAY19 Car and cycle parking laid out

8 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site and so that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

9 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

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:

Sought revised plans to reduce the mass and amend the design of the extension

2. You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, 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

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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