

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 14 February 2008 **Parish:** Askham Bryan Parish Council

Reference: 07/02893/FUL
Application at: Cherry Tree House 68 Main Street Askham Bryan York YO23 3QS
For: Variation of Condition 12 of permission 07/00663/FUL dated 23.05.2007 to allow the removal of two trees (resubmission)
By: Mr R Urwin
Application Type: Full Application
Target Date: 5 February 2008

1.0 PROPOSAL

1.0.1 Planning permission is sought for the removal of condition 12 of planning permission 07/00663/FUL to allow the removal of a number of sycamore trees, adjacent the boundary between the proposed dwelling and 70 Main Street, Askham Bryan.

1.1 SITE

1.1.1 The site is located within the Askham Bryan Conservation Area. This irregular shaped site measures 0.62ha. Cherry Tree House (no.68 Main Street) is located adjacent Main Street but is set back from the road by approximately 70.00 m. Planning permission has been granted for its demolition and the erection of a replacement dwelling. There is an existing vehicular access (3.00 m wide) which serves Cherry Tree House. The site falls away by approximately 2.00 - 2.50 m from front to the rear. There are a number of mature trees which bound the site to the north and south elevations, including the sycamore trees which separate no.68 from no.70.

1.2 HISTORY

1.2.1 The application was brought before the Council's Planning Sub-Committee in May 2007. Members may recall the application was approved, subject to the imposition of an additional condition. Members considered that the belt of sycamore trees between no.68 and no.70 should be retained to protect the amenity of the occupants of no.70 and prevent overlooking.

1.2.2 07/00663FUL and 07/00669/CAC. The re-submitted planning application and corresponding application for Conservation Area Consent to demolish the existing dwelling were approved by committee on the 22/05/2007.

1.2.3 07/01739/FUL - Removal of Condition 12 of planning permission 07/00663/FUL for erection of replacement dwelling to allow Sycamores to be felled and replace - Refused - 17.09.2007

1.3 REASON FOR REFERRAL TO COMMITTEE

1.3.1 The application is being presented to planning committee as the previous application was decided by committee after the benefit of a site visit.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

Conservation Area Askham Bryan 0023

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYNE1
Trees, woodlands, hedgerows

CYHE3
Conservation Areas

3.0 CONSULTATIONS

INTERNAL

3.1 URBAN DESIGN AND CONSERVATION - LANDSCAPE ARCHITECT - The Council's Landscape Architect commented that she does not object to the removal of this condition. She recommends a condition requiring a planting plan be imposed, detailing replacement tree planting along the southern boundary abutting the neighbouring property, should the application be approved.

3.1.1 She further mentions acceptable varieties of trees and means of watering them, should the application be approved.

EXTERNAL

3.2 ASKHAM BRYAN PARISH COUNCIL - The Parish Council raise no objections to this proposal. However they commented that replanting should be a condition of approval.

3.2.1 NEIGHBOURS - A site notice was posted regarding this proposal. 2 objections have been received from adjacent neighbours. Their comments related to:-

- 2 large sycamores have already been removed, if a further 2 are removed, there would be no screen between no.68 and no.70's private garden space;
- Surely the large house could be amended to allow the trees to remain; and
- The trees are essential to screen the large house.

4.0 APPRAISAL

4.1 The main considerations are:

- Impact on visual amenity of area; and
- Impact on residential amenity.

4.2 POLICY

4.2.1 Draft local plan policy GP1 'Design' of the City of York Local Plan Deposit Draft 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.

4.2.2 Policy NE1 'Trees, Woodlands and Hedgerows' of the City of York Local Plan states that trees which are of landscape or amenity value will be protected by refusing development proposals which will result in their loss or damage. Trees or hedgerows which are being retained on development sites should also be adequately protected during any site works. All proposals to remove trees or hedgerows will be required to include a site survey indicating the relative merits of individual specimens. An undertaking will also be required that appropriate replacement planting with locally indigenous species will take place to mitigate against the loss of any existing trees or hedgerows. Developments should make proper provision for the planting of new trees and other vegetation including significant highway verges as part of any landscaping scheme.

4.2.3 Draft local plan policy HE3 states that development within conservation areas will only be permitted where there is no adverse effect on the character and appearance of the area.

4.2.4 Askham Bryan Village Design Statement states that all developments should retain and enhance site features and should be carried out with great sensitivity, to respect the villages historic buildings and their settings.

4.2.5 Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Council Development Control Local Plan (CYCDCLP) and this site clearly falls within the Green Belt.

4.3 IMPACT ON VISUAL AMENITY/ CHARACTER OF THE CONSERVATION AREA

4.3.1 The proposal is linked to the demolition of the existing house on the site and the erection of a larger replacement. Whilst the trees are not prominent from the street, they do however provide a green backdrop. It is considered that the removal of the trees in the short-term would have an impact upon the Conservation Area until the replacement plantings mature. However policy NE1 supports the removal of trees on the understanding that appropriate replacement planting with locally indigenous species will take place, to mitigate against the loss of any existing trees.

4.4 IMPACT ON RESIDENTIAL AMENITY

4.4.1 The principle concern regarding this application is the impact the proposal would have upon neighbouring residents, in particular the occupants of 70 Main Street.

4.4.2 As members may recall, condition 12 was imposed at the West and City Centre Planning Committee meeting on 22/05/2007, to protect the private residential amenity of the residents of no.70. The separation distance between the proposed new dwelling and the garden of no.70 is approximately 13.00 m. At present 3 sycamore trees remain on the border (within no.68's curtilage). A further 2 smaller silver birch trees are sited within no.70's curtilage and close to the boundary with no.68. If permission is granted, allowing the removal of 2 sycamore trees, only 1 mature sycamore will be kept.

4.4.3 It is considered that if a further 2 sycamore trees were removed, this would result in overlooking onto no.70's private amenity space. Overlooking would occur from the 8 landing windows and to a lesser extent from the south east section of the building which incorporates a music room at ground floor level and a bedroom at first floor level. The trees also provide a natural barrier between each dwelling, breaking up views and softening the appearance of the proposed dwelling which would, to a certain extent, dominate no.70's garden if not screened. The trees also act as a natural barrier between the properties in terms of reducing noise and add benefit to each dwelling in terms of visual amenity. Whilst some planting is to be kept, which contributes a certain level of screening, the loss of these large sycamores would be too great.

4.4.4 As such, it is considered that the proposed removal of 2 trees, as protected by condition 12, would unacceptably reduce the amenities currently enjoyed by the adjoining neighbours (in particular the privacy) of no.70 Main Street. As a consequence the proposal fails to satisfy policy GP1 of the Local Plan.

5.0 CONCLUSION

5.0.1 It is considered that the development is un-acceptable as the removal of 2 Sycamore trees would have a significant detrimental impact on the private amenity currently enjoyed by adjacent residents at no.70 Main Street and would, in the short term, have a detrimental impact upon the Conservation Area, in terms of amenity and appearance. In addition the trees obscure no.68 from no.70. If they were removed no.70 would create an un-neighbourly feature by dominating no.70's rear garden.

5.0.2 As a consequence the proposal to delete condition 12, to allow the 2 sycamore trees to be removed, is unacceptable. The proposal fails to satisfy policy GP1 of the City of York Development Control Draft Local Plan and the Askham Bryan Village Design Statement.

6.0 RECOMMENDATION: Refuse

1 The removal of condition 12 and consequently 2 sycamore trees between no.68 and no.70 Main Street, would reduce the privacy of no.70 to an unacceptable level by way of overlooking from no.68. The proposal therefore fails to satisfy policy GP1 of the City of York Development Control Draft Local Plan and the Askham Bryan Village Design Statement.

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