

COMMITTEE REPORT

Date: 4 May 2017
Team: Major and Commercial Team
Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 17/00093/FUL
Application at: 14 Priory Street, York, YO1 6EX
For: Variation of condition 2 and removal of condition 3 of permitted application 16/00261/FUL (Conversion of four storey dwelling into two self contained flats) to add 2no. roof lights to front
By: Mr Matthew Farrelly
Application Type: Full Application
Target Date: 10 April 2017
Recommendation: Refuse

1.0 PROPOSAL

1.1 Members may recall that consideration of this application was deferred at the meeting of the Area Planning sub-Committee held on 6 April 2017. The application originally sought planning permission for the erection of a flat roof dormer to the rear and 2 no. roof lights to the front elevation. The application was recommended for refusal. At the meeting Members considered that the rear dormer was unacceptable and would harm the character and appearance of the conservation area, however they were not minded to refuse the proposal for the rooflights to the front elevation. As the local planning authority cannot make a split decision on a planning application, Members deferred the application for consideration at a future meeting to allow the scheme to be amended to delete the rear dormer window.

1.2 This application follows the granting of planning permission in 2016 for the conversion of the four storey dwelling into two self contained flats. The standard condition giving permission in accordance with the approved plans was attached to the approval (condition 2). As originally submitted the plans incorporated a dormer window to the rear elevation, however this element of the scheme was deleted following advice from officers. The dormer was omitted from the elevations but the floor plan still made reference to the dimensions of the dormer window. As such condition 3 was added which stated:

“Notwithstanding the information contained within the approved floor plans planning permission is not granted for the rear dormer window which appears on plan 15033-201 Rev A.

Reason: For the avoidance of doubt as the dormer window has been deleted from the scheme but still appears on the floor plans”

1.3 The 2016 permission gave consent for two velux roof lights to the rear elevation in order to allow light to enter the bedroom within the roof space. This application, if approved, would allow for roof lights to be inserted into both the front and rear elevations of the property allowing light from four roof lights to enter the same bedroom.

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:

CYHE2 Development in historic locations
CYHE3 Conservation Areas

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Heritage Officer)

3.1 An archaeological watching brief will be required.

Design, Conservation and Sustainable Development (Conservation Officer)

3.2 The roof lights now proposed at No. 14 would not be seen when closed in oblique views along the street but may draw attention when in the open position. However, in views from the off-shot of Priory Street leading to the Priory Centre, the roof of No. 14 and its neighbours are framed by the buildings to either side of this short extension of the street. From here, the shiny reflective glass surface of the roof lights would contrast markedly with the natural appearance of the grey slate roof covering and appear as a novel addition to the historic street scene. The large scale of the roof lights will increase the visual impact.

EXTERNAL

Neighbour Notification and Publicity

3.3 One response received stating that the proposed changes are beneficial for the area at the rear of the application site and the rear passage way.

4.0 APPRAISAL

4.1 Key Issues

- Design
- Roof lights
- Impact upon the character of the conservation area

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 core 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.

4.3 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. Case law has made clear that when deciding whether harm to a conservation area is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a "strong presumption" against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by the need to give special weight to preserving the conservation area.

4.4 The statutory duty under Section 72 means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the conservation area is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations. The legislative requirements of Section 72 are in addition to Central Government guidance contained in Section 12 of the NPPF. The NPPF classes Conservation Areas as "designated heritage assets". The NPPF's advice on heritage assets includes the following:

- 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.
- 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.

- 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.

4.5 The Development Control Local Plan was approved for development management 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. Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' are 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

SITE

4.6 The application site is a late 19th Century terrace property located one property in from the end of the row and lies within the Central Historic Core Conservation Area. The approved Central Historic Core Conservation Area Appraisal identifies Priory Street as being in Character Area 21. The terrace is described as 19th Century housing development around non-conformist chapels. The properties are relatively uniform in design and no dormer windows or roof lights are present to either the front or rear elevations. The property is clearly visible from the City Walls, Dewsbury Terrace to the side and Priory Street to the front.

4.7 Works are currently underway to implement the previous approval which gave permission to convert the building to two flats and amend openings to the rear elevation. The current application seeks permission for roof lights to the front by way of the removal of restrictive conditions in order to allow additional natural daylight in to the proposed bedroom being formed in the roof.

ROOF LIGHTS

4.8 The application seeks permission for the insertion of two roof lights set centrally within the front elevation. The roof lights would be "conservation" type fitting near flush to the roofline. At the present time there have been no alterations to the existing roof of the terrace as a whole. Whilst it is accepted that they would not be visible from the main section of Priory Street they would be clearly visible from the small public access to the Priory Centre. It is considered that the reflective glass would contrast with the natural grey appearance of the slate roof.

4.9 It should be noted that the existing planning permission gives consent for two roof lights to be inserted in the rear roof slope to allow natural light into the bedroom created within the roof space. It is considered that the two additional roof lights are excessive as natural light would enter the room from the previously approved openings.

4.10 A number of roof lights have been inserted in the roof of the detached property at 8-10 Priory Street. However, these are not readily visible from the public domain and as such have no detrimental impact upon the streetscene. Furthermore, this property is detached and not seen within the context of the uniform row of the terrace which contains the application site.

4.11 It is considered that the proposed roof lights would be visually prominent within this location and draw undue attention. Furthermore, the insertion of four roof lights is considered to be excessive and would have a detrimental impact upon both the front and rear elevations of the property. As such, it is considered that the roof lights would harm the character and appearance of the conservation area. Significant weight should be given to this harm under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is not considered that there are public benefits to the scheme that would outweigh the harm to the conservation area.

5.0 CONCLUSION

5.1 It is considered that the proposed roof lights would harm the appearance of the unaltered front roofslope. It is considered that they would harm the character and appearance of the conservation area. Significant weight should be given to this harm under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The degree of harm would be less than substantial, but there would be no public benefit which would outweigh the harm to the conservation area. As such the proposal would conflict with Central Government guidance contained within paragraphs 131, 132 and 134 of the National Planning Policy Framework and policies HE2 and HE3 of the Development Control Local Plan.

6.0 RECOMMENDATION: Refuse

1 It is considered that the proposed roof lights to the front elevation, combined with those to the rear elevation, due to their size and reflective nature, would result in a visually intrusive addition within this unbroken row of pitched roofs. It is considered that they would harm the character and appearance of the Central Historic Core Conservation Area.

The application therefore fails to accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Central Government guidance

contained within paragraphs 131, 132 and 134 of the National Planning Policy Framework and policies HE2 and HE3 of the Development Control Local Plan.

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 taken the following steps:

Deferred the application in order for revised plans to be submitted for consideration.

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