

## COMMITTEE REPORT

**Date:** 6 July 2017  
**Team:** Householder and Small Scale Team  
**Ward:** Fishergate  
**Parish:** Fishergate Planning Panel

**Reference:** 17/00961/FUL  
**Application at:** 2 Lastingham Terrace York YO10 4BW  
**For:** Single storey rear extension  
**By:** Mr and Mrs M Allen  
**Application Type:** Full Application  
**Target Date:** 11 July 2017  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The proposal seeks consent for a single-storey, lantern- roof rear extension, on a terraced property at No.2 Lastingham Terrace, Fishergate. The application property lies within the New Walk/Terry Avenue Conservation Area, No.6.

1.2 The application is reported to Sub-Committee at the discretion of the Assistant Director because the decision making process is linked to that of application 17/01112/FUL for no.1 Lastingham Terrace which is also reported on this agenda.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Conservation Area: New Walk / Terry Avenue

2.2 Policies:

CYGP1 Design  
CYH7 Residential extensions  
CYHE3 Conservation Areas

### 3.0 CONSULTATIONS

3.1 Fishergate Planning Panel - No response received

3.2 Neighbour Notification / Publicity - No responses received

### 4.0 APPRAISAL

4.1 Key issue(s)

- Impact on the character and appearance of the Conservation area
- Impact on the amenity of neighbours

Application Reference Number: 17/00961/FUL

Item No: 4d

## Planning Policy and Guidance

4.2 The NPPF (March 2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states 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 17). It states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (paragraph 64).

4.3 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. 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.

4.4 Draft Local Plan Policy H7 states that permission will be granted for residential extensions where they are sympathetically designed in relation to their host building and the character of the area in which they are located and do not detract from the amenity of neighbours. Policy GP1 states, amongst other criteria, that development proposals are expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. HE3 states that within conservation areas planning permission for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.5 When determining planning applications within conservation areas, the Council is under a statutory duty under s72 of the of the Planning (Listed Buildings and Conservation) Act 1990 Act to consider the desirability of preserving or enhancing the character and appearance of the area.

4.6 The approved Supplementary Planning Document 'House Extensions and Alterations' provides guidance on all types on domestic type development. Section 3 relates to potential loss of privacy to neighbouring properties. Section 4 relates to how a proposal might impact on neighbouring properties, in terms of loss of light and potential overshadowing. Section 5 relates to how a proposal could potentially over-dominate a neighbouring property. Section 7 states that the extension should be in keeping with both the existing dwelling and the street-scene in general. Section 9 relates to the retention of private amenity space. Section 13 relates to how development could impact on the rear windows and rear gardens of adjacent properties.

## The Application Property

4.7 No.2 Lastingham Terrace, is a large dwelling which faces out over the River Ouse. There is an access road at the rear of the property. The proposal seeks consent to widen the existing kitchen. There are no implications in terms of off-road parking, refuse storage, or cycle storage and there would still be sufficient external amenity space at the rear, following development.

## Impact on the Conservation Area

4.8 The proposed extension will sit against the existing rear wall. It will incorporate a lantern roof and bricks will match those of the original dwelling. This approach is considered to be acceptable on the rear elevation. The view from the riverside path will be unaffected and It is not considered that the proposal will harm the character and appearance of the conservation area nor will it conflict with advice contained within the SPD.

## Impact on Neighbouring Properties

4.9 Because of its height and projection, if built in isolation the extension would have a harmful impact on the living conditions of no.1 Lastingham Terrace. However, the proposal has been submitted along with an almost identical scheme for the adjoining property at No.1 (reported elsewhere on this agenda). If the extensions are built in tandem there will be no adverse impact on the amenity of the neighbouring property, a planning condition is recommended.

## **5.0 CONCLUSION**

5.1 The proposal is considered to be acceptable, subject to the conditions listed below, as it complies with the National Planning Policy Framework (2012), draft local plan policies GP1, HE3 and H7, Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and also advice contained within Supplementary Planning Document (SPD) 'House Extensions and Alterations.' December 2012.

## **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:-

Drawing No's - 5120/02 - Dated March 2017

Reason: For the avoidance of doubt and to ensure that the development is carried out

Application Reference Number: 17/00961/FUL

Item No: 4d

Page 3 of 4

only as approved by the Local Planning Authority.

3. The rear extension shall only be constructed concurrently with the approved development at No.1 Lastingham Terrace, Fishergate (planning permission ref: 17/0112/FUL) and shall not be constructed in isolation.

Reason: The Local Planning Authority considers that if built in isolation the proposal would be likely to have a detrimental impact on the amenity of the occupiers of the dwelling at No.1 Lastingham Terrace by reason of overbearing impact and loss of daylight.

## **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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

### **2. 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).

### **Contact details:**

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