

COMMITTEE REPORT

Committee: East Area
Ward: Skelton, Rawcliffe, Clifton Without
Date: 13 March 2008
Parish: Skelton Parish Council

Reference: 08/00077/FUL
Application at: 11 Grange Close Skelton York YO30 1YR
For: Erection of detached two storey dwelling to side and a double garage (resubmission)
By: Mr B Flynn
Application Type: Full Application
Target Date: 12 March 2008

1.0 PROPOSAL

1.1 This application contains two elements. The first is to demolish the existing double garage located at the side of 11 Grange Close and to erect a new double garage to the front of the dwelling. The second element is to erect a new dwelling with integral garage to the side of 11 Grange Close.

1.2 The application site is located at the end of a cul-de-sac in Skelton. The site is not within a conservation area and the land is unallocated 'white land' in the Draft Local Plan.

1.3 This is the second such proposal at this site. The previous proposal was treated as two separate applications, reference numbers 07/02482/FUL (new double garage) and 07/02517/FUL (new dwelling). These applications were withdrawn on officer advice and therefore never determined.

1.4 Both the dwelling and the proposed double garage have been re-designed for the current application. The primary changes in terms of the design of the new dwelling are that it has been reduced in size and also handed so that the attached garage is now adjacent to the boundary with 9 Grange Close rather than being adjacent to the existing house of 11 Grange Close. The proposed garage has been re-designed so that it is positioned off the boundary with 15 Grange Close and also incorporates a hipped roof.

1.5 This application is being referred to Planning Committee at the request of Councillor Watt. A site visit was requested as the application is recommended for approval but there are local objections.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - No objections to the proposed development. Both garages would be within 6 metres of the highway boundary and therefore a condition regarding non-protruding garage doors is recommended to be included with any approval. Conditions ensuring that the redundant crossing is removed and that details of vehicular surfacing are agreed are also recommended.

3.2 Environmental Protection Unit - No objections.

3.3 Lifelong Learning and Leisure - A commuted sum payment towards off site public open space is required in line with Council policy.

External

3.4 Skelton Parish Council - Do not object but wish to raise concerns. When Grange Close was approved careful consideration was given to the density, positioning and relative layout of the dwellings. This application appears to go against this approval. The application should be heard by Planning Committee and not be a delegated decision. Members are asked to ensure that the application is compliant with the Council's current guidelines on positioning and density of additional new dwellings.

3.5 Skelton Village Trust - Whilst acknowledging that changes have been made to the previous application, objections are still raised. The dwellings on Grange Close were designed with plots that provide reasonable garden/amenity space for each household. The proposal ignores this balance and produces a dwelling out of scale to the available plot size, hard up against the plot boundaries on both sides (thus

raising issues of visibility and privacy for neighbours) and with a minimal back garden. The proposed provision of a single garage in a dwelling of this capacity is inadequate.

3.6 Neighbours - Four letters have been received objecting to the proposed development. The following points were raised:

- The position of the integral garage is such that access causes conflict with vehicles accessing and exiting the adjacent property and the existing streetlight;
- The proposed dwelling would be too large for the available plot size and is not in keeping with the balanced appearance of adjoining properties;
- The study could be used as a commercial activity, the applicant already operates a commercial activity from 11 Grange Close;
- The proposed house would increase the housing density in the area creating a cramped cul-de-sac;
- The dwelling could oppress and darken the end of the cul-de-sac;
- Any builders' vehicles would bring the cul-de-sac to a standstill;
- The level of car parking is not sufficient which is likely to result in people having to park on the roadside which increases the hazard for pedestrians;
- The 'dawn to dusk movement sensors to both front and rear elevations' would add to neighbour disturbance;
- The A19 must have an influence on the marketability of such a development, the loss of amenity to other nearby houses would be created by a low desirable property;
- It is unclear what would happen to the existing street lamp;
- The proposed development would significantly change the outlook from 5 Grange Close;
- The proposed house would be out of character with the surrounding properties;
- The local roads would become heavily soiled during the construction process.

4.0 APPRAISAL

4.1 Key Issues:

- Principle of Development
- Visual Impact on the Street Scene
- Impact on the Living Conditions of Local Residents
- Vehicular Access / Parking

Principle of Development

4.2 The application site is located within the village settlement of Skelton. The site is unallocated on the Local Plan Proposals Map and is not within an area of Green Belt. Therefore there are no overriding reasons to refuse the development of this site beyond the planning considerations of visual impact, neighbouring amenity, and highway issues. 11 Grange Close is not a listed building and is not located within a conservation area.

Proposed New Dwelling

4.3 The positioning of the proposed dwelling on the plot appears to have been well considered. The main bulk of the proposed dwelling has been set back over 4 metres from the front of the plot in order to give some separation between the public domain and the dwelling itself. The space allowed in between the front of the house and the roadside also gives scope for some landscaping in order to give the dwelling

a more green setting. The dwelling would be sited more than 4 metres from 11 Grange Close and 5 metres from 9 Grange Close. The distance between the proposed dwelling and 9 Grange Close at first storey level is approximately 8 metres. It is considered that the positioning of the proposed house therefore allows sufficient space from neighbouring properties for it to not appear cramped or to significantly harm the spacious feel that much of this cul-de-sac currently enjoys. Whilst the proposed dwelling would cover a larger percentage of the overall plot size than many neighbouring properties, it is considered that this level of development is reasonable and would not harm the character and appearance of the area.

4.4 The proposed dwelling is considered to have been designed to reflect the character of many dwellings in the area. The general shape of the proposed house is very similar to those at 9, 11 and 15 Grange Close. The design would contain gable ends to the side of the dwelling and a central front entrance porch. The dwelling is considered to be well proportioned with openings being of appropriate scale and well positioned. The central porch feature helps to break up the house frontage and give it some depth. The side garage is set back approximately 1.4 metres from the front of the house which again reduces the visual bulk of the building.

4.5 The proposed dwelling would have a frontage of approximately 9.5 metres, and a depth of 7 metres. The garage would be 3.2 x 5.7 metres with the porch being 1.3 x 2.9 metres. The frontage is almost identical in length to 9 and 11 Grange Close which would be the two neighbouring properties. 15 Grange Close has a larger footprint to that which is proposed. The plot tapers slightly from front to back but the minimum plot width is approximately 14 metres. It is considered that the dwelling would therefore not appear cramped within its plot.

4.6 Views from the A19 at the rear are reduced by an existing conifer hedge on the rear boundary which is proposed to be retained. Whilst the dwelling sits further back into its plot than some others within this neighbourhood it is considered that the gap from the rear boundary of a minimum of 5 metres is sufficient to protect the character and appearance of the area.

4.7 It is not considered that the proposed new dwelling would significantly harm the living conditions of neighbours. No. 9 Grange Close has no primary windows within its side elevation. The dwelling would be seen from the front windows but only at an oblique angle and considering the distance between the proposed house and this window it is not considered that it would appear overbearing. The proposed integral garage would be close to the side boundary with 9 Grange Close. However, the garage is hipped away from the boundary and is only 2.3 metres in height to the eaves. Considering this modest garage height and the distance the main dwelling is from the boundary it is not considered that the proposed new dwelling significantly harms the amenities of residents at 9 Grange Close. Therefore the proposed new dwelling is considered to comply with Policies GP1, GP10, H4A, and H5A of the Local Plan.

4.8 The proposed dwelling has two car parking spaces, one within the garage and one on the driveway. This level of car parking is within the City of York Council maximum car parking standards. The garage could also be used for the storage of

bicycles. The proposed access has been assessed by the highways team and it is considered acceptable. The access sits close to that of 9 Grange Close, however this is no different to many residential areas. There remains a dispute regarding the position of a lamppost to the front and whether this would need to be removed. However, this is not a planning consideration and the developers would have to pay to have the lamppost removed if it interfered with the vehicular access into the site.

Proposed Garage to serve the existing dwelling at 11 Grange Close

4.9 The proposed double garage is of simple design and has a hipped roof. It would be located to the front of 11 Grange Close. The garage would not appear overly prominent within the street scene due to the way the cul-de-sac appears to open out towards the end. 15 Grange Close has a garage in relatively close proximity to the proposed site for the new garage. It is not considered that the proposed garage would appear out of place within this setting. A condition could control the materials used to ensure it compliments the main house.

4.10 The only dwelling which could be significantly affected by the proposed new detached garage is 15 Grange Close. It is considered that by setting the garage off the boundary and hipping the roof helps to protect neighbouring amenity. The garage would be under 4 metres in height and would be only 2.2 metres in height to the eaves. This is only 0.2 metres above a fence which could be erected on the boundary as permitted development. There is some existing vegetation between 15 Grange Close and the proposed garage, this is thought to be in the ownership and control of 15 Grange Close. The existing vegetation helps to soften the visual impact of the proposed garage when viewed from the front elevation of 15 Grange Close. The vegetation and existing boundary fence would help to shield the dwelling from any potential disturbance from car movements in and out of the garage. No objections have been raised by the residents of 15 Grange Close.

4.11 The access and parking arrangements were assessed by the highways team and no objections were raised subject to conditions. A non-protruding garage door is required to ensure a vehicle can pull onto the driveway fully and still enable the garage door to be opened, this ensures vehicles do not overhang onto the public footpath or road. The proposed garage also provides a storage facility for bicycles.

4.12 Both dwellings are considered to have an acceptable level of outdoor amenity space. The rear garden of the proposed new dwelling is approximately 70 square metres which is sufficient for a small level of outdoor recreation as well as more basic everyday requirements. The existing dwelling would retain a rear garden of approximately 155 square metres.

4.13 A sustainability statement was not submitted with the application. This has been requested in line with Local Plan Policy GP4a and it is expected that an update will be available at the Committee in this regard. A condition is recommended to be included in any approval in line with the Interim Planning Statement on Sustainable Design and Construction. This condition would require the new dwelling to achieve an Eco Homes rating of at least very good. The developer has been made aware that this condition would be attached to any approval in order for this to be taken into consideration at an early stage.

Neighbour Concerns

4.14 A number of objections were received as a result of the public consultation exercise. A number of points raised are subjective and have previously been covered in the planning report. However, some points have not as yet been addressed. The point raised regarding the possibility of the house being used for commercial activity is not considered to be a material consideration in this application. Many dwellings use a domestic property for some level of business activity such as having a private office or storing work tools. This often does not need planning permission. If a business was operating from a dwelling and this had an impact on neighbours then a planning application would often be required. The implications of this would be considered at that stage. No information has been submitted to suggest this property would be used for commercial activity. Concern was also raised about the impact of the building work on the local area. The impact of builders vehicles is not a planning consideration, a condition has been suggested to be added to any approval to ensure no work can take place on the site outside of the designated hours. The movement sensors suggested to be installed in the design and access statement are not likely to need planning permission and thus this is not a material consideration in determining this application. Property value is also not a planning consideration.

5.0 CONCLUSION

5.1 As indicated above it is considered that the proposed new dwelling and detached garage at 11 Grange Close would not significantly harm the living conditions of neighbours or adversely affect the character and appearance of the area. Therefore this application is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

- Revised Site Plan Drawing Number 07-17-02a Revision B received by The CoYC on 25/02/08

- Revised Elevation and Floor Plan Drawing Number 07-17-02a Revision A received by The CoYC on 25/02/08

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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 HWAY10 Vehicular areas surfaced, details reqd

5 The dwelling 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 The approved garage of 11 Grange Close and the approved integral garage to serve the new dwelling shall be fitted with doors which shall at no time, even whilst being open or shut, protrude forward of the position of the face of the garage door whilst in the closed position.

Reason: To prevent cars projecting into the public highway and obstructing the free passage of road users.

7 Notwithstanding the information contained on the approved plans, the ridge height of the approved development shall not exceed 7.8 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish the existing ground level and therefore avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

8 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The developer shall achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

9 NOISE8 Restricted hours of work

10 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

11 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter be provided in accordance with the approved scheme or with the alternative arrangements, as agreed in writing by the Local Planning Authority, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a Planning Obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site. The obligation would require a financial contribution towards the off-site provision of open space. The Obligation should provide for a financial contribution calculated at £3006.

No occupation can take place on this site until the public open space has been provided on site, or the Planning Obligation has been completed and any financial contribution arrangements complied with. You are reminded of the Local Planning Authority's enforcement powers in this regard.

**7.0 INFORMATIVES:
Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the living conditions of neighbours. As such the proposal complies with Policies GP1, GP4A, GP10, H4A, H5A, and L1C of the City of York Draft Local Plan.

2. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention is also 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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(i) 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".

(ii). 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.

(iii) 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.

(iv) 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.

(v) There shall be no bonfires on the site.

3. Informative

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:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

4. Informative

The site is fronted by a street lamp, if required the re-siting, amending or replacing of this shall be done in consultation with the Highway Authority at the expense of the developer. Contact Ricky Watson (01904) 551 401 for further information.

Contact details:

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