

COMMITTEE REPORT

Date: 11 January 2018 **Ward:** Osbaldwick And Derwent
Team: Householder and **Parish:** Osbaldwick Parish
Small Scale Team Council

Reference: 17/02487/FUL
Application at: 3 Murton Way York YO19 5UW
For: First floor side extension (resubmission)
By: Mr and Mrs Starzinski
Application Type: Full Application
Target Date: 18 January 2018
Recommendation: Householder Refusal

1.0 PROPOSAL

1.1 This application seeks planning permission for a first floor side extension over the existing garage and projecting beyond the rear elevation of the garage to align with the rear of the main house.

1.2 The host dwelling is a traditional hipped roof bungalow with a symmetrical principal elevation and a attached double garage. It is located along the main passage of the Osbaldwick Conservation Area. The conservation area is linear with the main roads of Osbaldwick Village seamlessly merging into Murton Way. The area has a spacious village character with green verges and a stream defining the main route.

1.3 The application is a resubmission of 17/01920/FUL and there have been no material changes to the design. The original application was withdrawn after the agent was informed the application would not be supported.

1.4 The application is brought to Committee for decision at the request of Councillor Warters on the grounds that the extension would be sympathetic and beneficial to the Conservation Area and the removal of an existing overlooking dormer window should also be of benefit to the neighbouring property at No 5 Murton Way.

Planning History

1.5 Planning permission was granted for a two storey extension to the side of the dwelling in 1991. This planning permission was not implemented.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation: Conservation Area Osbaldwick

2.2 Policies:

| | |
|-------|------------------------|
| CYGP1 | Design |
| CYH7 | Residential extensions |
| CYHE3 | Conservation Areas |

3.0 CONSULTATIONS

Osboldwick Parish Council

3.1 No response received.

Neighbours/Publicity

3.2 Three letters received from interested parties supporting the application and stating:

- The proposal would improve the privacy of 5 Murton Way
- The additional space will make the property more desirable
- They believe the proposal is sympathetic and well hidden from the highway

4.0 APPRAISAL

Key issues

4.1 The key issue is the impact on the character and appearance of the Osboldwick Conservation Area.

Policy context

4.2 The National Planning Policy Framework (March 2012) sets out the Government's overarching planning policies and 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here 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 NPPF, Chapter 12 (Conserving and Enhancing the Historic Environment) says in Paragraph 129 that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 131 says that when determining planning applications, local planning authorities should take account of sustaining and enhancing the significance of any heritage asset. 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 133

says that where a proposed development will lead to substantial harm to or the total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. 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 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.

4.5 Development Control Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours. Policy HE3 advises that within conservation areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area. Policy GP1 requires development to respect or enhance the local environment, be of a design that is compatible with the character of the area and neighbouring buildings, protect private, individual or community amenity space and ensure residents are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

4.6 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations which was approved on 4 December 2012. The SPD offers overarching general advice relating to such issues as privacy and general amenity as well as advice which is specific to the design and size of particular types of extensions or alterations. Paragraph 7.1 advises that a basic principle is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance.

4.7 In the case of this extension, sections 7 and 12 of the SPD are relevant to this application as follows:

Section 7.4 states that the siting of an extension should not be detrimental to the pattern of buildings and the spacing between them. Where a street or group of buildings has a clearly defined building line it should be retained and extending forward of a streets' building line should be avoided. Only in exceptional circumstances will this be appropriate (e.g. where the building line is not well defined or the front gardens of properties in the vicinity or general area are well screened).

Section 7.5 states that in many cases proposals that do not respect the character of a house or location are a result of the owners desire to create too much new living

space (overdevelopment) and/or give insufficient attention to retaining or duplicating important local details and landscaping (poor design).

Section 12.6 states that it is important that the erection of two-storey side extensions does not through overdevelopment, lead to the impression of the terracing of the front elevation of adjoining properties and the erosion of a street's spaciousness and character.

4.8 The application site is within the Osbaldwick Conservation Area. The main elements of the character and appearance of the area as considered in the 2005 Local Plan are:-

- (1) The elements surviving from the medieval form of layout.
- (2) The open rural character of the green, that has withstood considerable change in the village, and the relationship between building groups and the natural features of the green.

The Osbaldwick Character Area Statement for the conservation area states that 'the north the village has retained its open rural setting'

Assessment

The impact on the streetscene and Conservation Area

4.9 With regard to the impact of the proposal on the streetscene, the proposed width of the side extension, at 57% of the original dwelling, it would be more than the Council's design guidelines of 50% and would create a frontage that is approximately 18.5m wide. This in isolation would not necessarily be unacceptable however because the applicant wishes to extend over the existing garage they have not provided a set down from the ridge or a set back from the front elevation at first floor thus the extension does not look subservient. As the side extension is large, the massing resulting from this significant additional width would increase the assertiveness of the dwelling and accentuate its visual appearance when viewed from the highway. While the agent pointed out that they are proposing to build mostly on top of existing ground floor walls this does not change the way that the application should be assessed in terms of planning guidance. As the design isn't subservient to the existing dwelling, what was a bungalow and garage would instead be seen as a significantly wider bungalow. It is considered important that the extension is seen as a subservient addition to the original/existing house and the new elements can be read.

4.10 The key issue is the impact of the extension on the character and appearance of the Osbaldwick Conservation Area. 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. Both 'the relationship between building groups' and the 'open rural setting' have been identified as the defining characteristics of the conservation area. The proposal is to

extend the first floor of the dwelling to approximately 1m away from the east side boundary, an additional width of almost 7m. By extending so close to the neighbouring property it would significantly reduce the existing spacing and erode the Osbaldwick Conservation Area's defining spaciousness and character.

4.11 Section 7.4 of the Council's Supplementary Planning Document states that the siting of an extension should not be detrimental to the pattern of buildings and the spacing between them. It also mentions that where the front gardens of properties in the vicinity are well screened there it may be considered an exceptional circumstance that would allow for narrower spacing between houses. At 3 Murton Way there is screening from the tree and hedge along the front boundary however the level of foliage is not permanent and more importantly the properties in the vicinity are not well screened the house is visible from the side. The area the extension would be situated is the most visible area of the plot from the highway thus the erosion of the rural character and separation between dwellings would be a visible and harmful change.

4.12 The proposal would make the house more assertive and dominant, and it would be detrimental to the rural character that is a defining feature of the Osbaldwick Conservation Area. On this basis, it is considered the extension would result in an incongruous feature that would harm the character and appearance of the Conservation Area. Overall, this situation would close the space between the dwellings in this location without mitigation of this impact. The NPPF requires that when a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The harm to the conservation area is not outweighed by any private improvements for the occupants. And there is no evidence that without the alterations house to would not be able function as a family home and remain in single residential use.

The impact on neighbour amenity

4.13 Concerning the impact on neighbouring dwellings, the development would bring the roof structure to 1m away from the boundary shared with 5 Murton Way. As the development would be to the west of 5 Murton Way during the evening it would overshadow the area to the west and immediately to the rear of the house. As the rear garden of No. 5 is approximately 45m in length this overshadowing would not have an unduly detrimental impact on the amenity of 5 Murton Way. The proposal would remove the side dormer facing 5 Murton Way which would improve the privacy of No.5.

Parking and storage

4.14 The proposal has no implications in terms of off-road parking, cycle storage, or refuse storage.

5.0 CONCLUSION

5.1 The proposal is considered to harm the character and appearance of the conservation area. This would conflict with national planning policy in relation to heritage assets and good design contained within the National Planning Policy Framework and with Policies GP1 ("Design"), H7 ("Residential Extensions") and HE3 ("Conservation Areas") of the City of York Draft Local Plan along with the Council's Supplementary Planning Guidance 'House extensions and alterations' December 2012 which encourages appropriate types of development within residential neighbourhoods.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Refusal

1 The proposal would erode the spacing between nos. 3 and 5 Murton Way which is considered to harm the open and rural setting which forms the historic character and appearance of the Osbaldwick Conservation Area. No public benefit has been identified that would outweigh this harm. Furthermore the extension would result in an overly wide frontage which lacks subservience and does not allow the extension to be read and be identifiable against the original house. For these reasons, it is considered that the proposed extension would conflict with the National Planning Policy Framework (paragraph 17 - Core Planning Principles - bullet point 4 and 10 and paragraphs 129, 131, 132 and 134), policies HE3 and H7 of the City of York Draft Local Plan (2005), specifically point e), and advice contained in the City of York Council House Extensions and Alterations Draft Supplementary Planning Document dated December 2012, in particular paragraphs 7.2, 7.4 a, 7.4 b, 7.5, 12.4 and 12.6

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 an attempt to achieve a positive outcome:

Requested the design be narrower to respect the spacing and existing relationship between the buildings in the Osbaldwick Conservation Area

However, the applicant/agent was unwilling to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

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