

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 17 April 2008 **Parish:** No Parish

Reference: 07/02808/FUL
Application at: 34 Grantham Drive York YO26 4TZ
For: Erection of detached dwelling with side dormer window
(resubmission)
By: Mr Nick Squire
Application Type: Full Application
Target Date: 18 April 2008

1.0 PROPOSAL

1.1 Planning permission for the erection of two dwellings on this site was approved by the West Area Planning Sub Committee on 17 November 2005 (05/02061/OUT). Plot 1 of this permission is a two storey detached dwelling which faces Grantham Drive.

1.2 The house erected on the site is unauthorised due to the roof and dormer window not being in accordance with the approved plans.

1.3 An application to build a side facing dormer was refused 27 December 2006 (06/02301/FUL).

1.4 An application to retain the "as built" dwelling (ref: 07/01897/FUL) was refused by Sub Committee on 20 September 2007 for the following reasons:

1. The proposed detached dwelling by virtue of the height of the roof and the size of the dormer window is considered to be out of scale and character with surrounding properties and would therefore harm the appearance of the surrounding street scene, contrary to Policies GP1 and H4a of the City of York Development Control Draft Local Plan.

2. The proposed side dormer would result in unacceptable overlooking of the adjacent residential property and is contrary to Policy GP1 and GP4a of the City of York Development Control Draft Local Plan.

1.5 The approved development for plot 1 (05/02061/OUT) showed a two storey detached dwelling with rooms in the roof with no dormer window and a ridge height of 8.2m and a roof pitch of 45 degrees.

1.6 The refused proposal (ref: 07/01897/FUL) included a dormer window facing 36 Grantham Drive and a ridge height of 9.1m and a 45 degree roof pitch.

1.7 The current application seeks to amend the design of the roof and dormer. The window is removed from the side facing dormer and the ridge height of the roof is

reduced to 8.0m with a 40 degree roof pitch. The dormer is marginally smaller being 2.1m in height rather than the refused 2.5m.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYH4
Housing devp in existing settlements

3.0 CONSULTATIONS

3.1 Environmental Protection Unit

No objections, but comments made in respect of potential contaminated land and an informative has been requested in respect of noise and disturbance from construction works.

3.2 One letter of objection has been received making the following points:

- The elevations are not approved, as stated on the submitted drawing, in fact apart from the window being taken out of the dormer (which was not permitted anyway), they are the same plans that were 'Refused' at the last meeting in September 2007. Two letters were sent by the council on 14 December 2007 and 8 February 2008, advising the developers to change this, these letters were ignored.
- The dormer still has an enforcement order on it, served in June/July 2007 which has been completely ignored.
(Officer comment: the notice came into force on 31 July 2007 with a 3 month compliance period.)
- The height of the main roof has not been altered. This was the main reason for 'Refusal' the last time these plans (and all the previous retrospective plans) were submitted.
- It was agreed at the last meeting, that the roof was a metre higher than the approved plans. This is an important point, as prior to building work, one of the conditions was; that the ground level had to be dropped 1 metre "to reduce the dominance of the building in the street scene".

- No attempt has been made by the developer, to address the reasons for refusal at the last meeting.

4.0 APPRAISAL

4.1 In this instance the principle of erecting a detached dwelling on this site was established following the approval of outline application 05/02061/FUL and as the dwelling has been constructed up to roof level in accordance with the approved plans, it is appropriate to consider the impact of the amended roof design and the proposed dormer. The surrounding street scene is that of a relatively uniform "inter-war" development, characterised by hipped roofs and bay windows.

4.2 The original approval for this plot showed a ridge height about 0.8m below that of the adjacent property at 36 Grantham Drive. Part of the difference in height was due to a 0.5m level change between the sites. The objector states that there was a requirement for the land level to be reduced by 1m, the relevant planning condition on the original planning permission requires that there is no raising of ground levels with the reason: "To ensure that ground levels are not raised with the effect of flooding surrounding land and to ensure that the dwellings are constructed at a lower level than the existing ground level in the interest of protecting the amenity of neighbours and the appearance of the area." No dimension is stated.

4.3 No "as built" drawings have been submitted with the application, but an on-site appraisal indicates that the house has been built at a lower ground floor level than the adjacent no.36 Grantham Drive. It is not possible to judge whether the original ground level has been reduced. The "as built" eaves level is lower than that of no.36. With the proposed reduction in the height of the roof it is considered that a step down in height between the properties will be achieved that respects the change in land levels at the junction of Grantham Drive and Howe Hill Close.

4.4 The refusal reasons for the as built dormer refer to unacceptable overlooking and unacceptable size. The proposed dormer has been included to allow staircase access into the roof space. The proposed dormer is marginally smaller than that refused. The dormer would be subservient to the main roof and would be set down from and in from the ridge and roof hip respectively. Dormers of this design and style would meet the guidance set out para. 11.2 of the "Guide to Extensions and Alterations to Private Dwelling Houses." While not proposed in the original 2005 scheme, side facing dormer windows are not uncharacteristic of the general area and with older properties can, in most cases, be built under permitted development rights. The proposed dormer does not contain a window and it is considered that this would overcome the refusal reason subject to the imposition of an appropriate condition.

4.5 It is considered that the revised roof design would not result in an unacceptable level of overshadowing nor would it be overbearing on adjacent properties.

5.0 CONCLUSION

5.1 The principle of building a detached house on this plot was established with 2005 approval. As built the house is unauthorised because the roof and dormer window do not comply with the approved plans. The current proposal will reduce the pitch and height of the roof to achieve a step down from the adjacent house (no.36) at ground, eaves and roof levels which responds to the slope of the road.

5.2 It is considered that the dormer window would fit comfortably within the side roof slope and would be of a design that is considered to be acceptable. The removal of the window is considered to overcome the previous refusal reason.

5.3 It is considered that these alterations would result in a design of house that accords with policy GP1 and H4a of the local plan which expects development proposals to be of a scale, mass and design that is compatible with neighbouring buildings and the character of the area and ensures that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

6.0 RECOMMENDATION: Approve

1 PLANS1 Approved plans

2 The constructed areas for the parking and manoeuvring of vehicles and cycles shall be retained solely for such purposes.

Reason: In the interests of highway safety.

3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents and the appearance of the street scene the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

4 The height of the development shall not exceed 8 metres, as measured from existing ground level.

Reason: to ensure that the approved development does not have an adverse impact on the character of the surrounding area in accordance with policy H4a and GP1 of the local plan.

5 NOISE7 Restricted hours of construction

6 No windows shall be inserted into the side facing dormer.

Reason: In the interests of the residential amenities of the adjoining property in accordance with policy GP1.

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 residential amenities of adjoining occupiers, the appearance of the street scene and highway safety. As such the proposal complies with Policies GP1 and H4a of the City of York Local Plan.

2. ENFORCEMENT NOTICE

Your attention is drawn to the Enforcement Notice relating to this property which took effect on 31 July 2007. The Notice requires you to remove the dormer and construct the roof of the dwelling so it accords with drawings approved as part of application ref. no. 05/02061/OUT granted permission on 17 November 2005.

Should you construct the roof in accordance with this planning permission it would be considered that you had complied with the Notice. However the approved roof and dormer should be completed within 3 months of the date of this planning permission or you risk prosecution and/or remedial action by the Council.

3. CONSTRUCTION WORK INFORMATIVE

Your attention is 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

i. All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

ii. 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".

iii. 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.

iv. 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.

v. 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.

vi. There shall be no bonfires on the site.

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