

results in an unacceptable overdevelopment of the site. The development is not considered to acceptably relate to that of surrounding housing and would have a negative impact on the character and appearance of the surrounding environment and therefore conflicts with Policies GP1 (criterion a), H4a (criterion c and d) and H5a of the City of York Draft Local Plan (fourth set of changes) 2005 and advice relating to design quality and context contained within PPS1 (Delivering Sustainable Developments) and PPS3 (Housing).

3 By virtue of the fact that in order to prevent unacceptable levels of overlooking into neighbouring properties the Council consider that the second floor bedroom windows in the front elevation of plots 2,3 and 4 would need to be obscure glazed and fixed shut and as these windows represent the only principal outlook from these rooms, this would create an unsatisfactory living environment for occupiers of these rooms resulting in an unacceptable standard of residential accommodation and amenity. As such this would not comply with advice relating to design quality contained within PPS1 (Delivering Sustainable Developments) and PPS3 (Housing).

A copy of the officers report is attached to this report at Annex A.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYH4
Housing devp in existing settlements

CYC1
Criteria for community facilities

CYGP7
Open Space

CYNE1
Trees, woodlands, hedgerows

CYNE6
Species protected by law

CYED4
Developer contributions towards Educational facilities

CYT4
Cycle parking standards

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No comments received at the time of writing this report

Countryside Officer - Evidence of bats has been found. It is not considered that this should stop re-development, however, conditions will be required relating to demolition and the provision for bats in the new development.

York Consultancy - The site is in a low flood risk area and should not suffer river flooding. No objections subject to conditions relating to drainage and the raising of levels.

Environmental Protection - No objections

3.2 External

Planning Panel - No comments received at the time of writing this report

Neighbours

At the time of writing this report letters of objection have been received from the occupiers of 8 residential properties. The letters raise similar concerns to the previous scheme (listed below). The occupier of 15 Meadow Way raises an additional concern in respect to the development moving closer to this property and the greater impact in respect to light and dominance

- the density is too high and the development too tall relative to surrounding two-storey houses.
- the development is forward of the building line.
- loss of light to surrounding homes and gardens.
- overlooking from the balconies and noise will travel across the pond.
- loss of trees unacceptable
- inadequate car parking for visitors.
- increased traffic noise and damage to walls through vehicles turning.
- poor vehicle access.
- the site should incorporate a turning area.
- inconvenience during construction.

4.0 APPRAISAL

4.1 It is considered unnecessary to assess the merits of the whole scheme again. This report looks merely at those elements that differ from the application refused in February 2008.

Impact on neighbours living conditions.

4.2 The previous refusal reasons did not raise issues relating to overlooking. The concerns related to the dominance of the three-storey buildings. It is considered that the proposal to move plot 1 closer to the side boundary of the rear garden of 15 Meadow Way is unacceptable. The side elevation of the proposed house is not to the side of the property but would run alongside the rear garden. It would be just 1.3m from the boundary and would run for a length of 10.4m at an eaves height of just over 6 metres. The two-storey element of the existing care home is typically set in approximately 5 - 6 metres from the side boundary and the building is not as tall.

4.3 It is not considered that the change would have a significant impact on the privacy of the majority of the garden of 15 Meadow Way and there is adequate separation to the main habitable rooms to avoid undue harm to light and outlook. However, it is considered that the scale and length of such a large area of proposed walling in close proximity to the garden is inappropriate. The proximity of the wall would be such that it would appear extremely dominant and change the character, general amenity and enjoyment of the garden to the degree that it is considered unacceptable and unreasonable.

Impact on Streetscene

4.5 The slight alteration in the footprint of the buildings and the replacement of obscure glazing with brickwork within the second floor front window recess is considered to be visually acceptable. The 'dummy' openings possibly appear a little large and located relatively high in respect to plots 1 and 4, however, this is not considered to cause any significant harm in respect to the surrounding streetscene.

Parking and Access

4.6 Refusal reason 2, relating to the previous application, included in its justification for the development being overdeveloped the explanation that there was a 'cramped environment for vehicle movements'. The current application has included illustrations showing that cars can manoeuvre into and out of parking spaces without the need for 'multi-shunting'. It is the opinion of officers that although it is tight, the layout does not create such highway safety or functionality concerns to justify refusal.

5.0 CONCLUSION

The previous application was recommended for approval by officers subject to a number of conditions. Planning Committee refused the application for the three reasons outlined elsewhere in this report. Officers do not consider that the changes to the scheme are such as to alter the acceptability of the velux roof lights or the overall scale and density of the scheme. However, it is considered that the relocation of plot 1 towards the rear garden boundary of number 15 Meadow Way changes the relationship around the edge of the site to the degree to justify refusal on the grounds of unacceptable harm being caused to the setting of this property and the enjoyment of its garden area.

6.0 RECOMMENDATION: Refuse

1 The size and scale of the side elevation of unit 1 and its relationship to the rear garden of 15 Meadow Way is considered to be incompatible with the neighbouring property and would have an unacceptably dominant and oppressive visual impact. Thus the proposal would result in an unacceptable standard of amenity for the occupiers of this property. As such it is considered that the proposal fails to comply with Policy GP1 (criterion i) of the City of York Local Plan (Fourth Set of Changes) 2005, and Central Government advice contained within paragraph 34 of Planning Policy Statement 1 (Delivering Sustainable Development) and paragraph 16 of Planning Policy Statement 3 (Housing)

7.0 INFORMATIVES:

Contact details:

Author: Neil Massey Development Control Officer (Wed/Thurs/Fri)

Tel No: 01904 551657