

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 19 June 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00936/FUL
Application at: Ali G Pizza 11 Tower Street York YO1 9SA
For: Single storey pitched roof extension to rear, shed in rear yard and replacement boundary fence to south east boundary
By: Mr Ali Aligugur
Application Type: Full Application
Target Date: 3 July 2008

1.0 PROPOSAL

Application site

1.1 The application relates to 11 Tower Street. The building and its neighbour no.12 are grade II listed, they were originally a pair of houses. The application building's ground floor is presently a hot food takeaway. The site is in the Central Historic Core conservation area.

Proposals

1.2 Planning permission is sought for a single storey rear extension, to accommodate a chiller unit, the erection of a 1.8m high timber fence along the side boundary (with no.12) in the rear yard, and a wood shed (2.4m by 1.8m) that would sit in the end corner of the yard.

Site History

1.3 Planning applications have been brought to planning committee previously to extend the opening hours of the premises. The most recent of which was 06/01471/FUL which granted temporary planning permission in August 2006 for the premises to trade until 01:00 the following day Monday to Thursday, 02:00 Fridays and Saturdays and 24:00 Sundays. This permission expired in September 2007. The applicant has been advised of such and a new application is expected.

1.4 The application is brought to committee at the request of Councillor Watson, due to the design of the extension and the impact on the building/conservation area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core 0038
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Floodzone 3 Flood Zone 3
Listed Buildings Multiple (Spatial)

2.2 Policies:

CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYS6	Control of food and drink (A3) uses

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Advise that the application has been submitted due to an enforcement enquiry relating to an unauthorised extension, dog kennel and fence in the rear yard of the property. The existing unauthorised extension is wholly out of keeping with the character of the listed building and has a temporary appearance being constructed out of timber sheets and a corrugated iron roof. It has been built to house a large chiller.

3.2 The proposed replacement extension has been the subject of pre application discussions. It is felt that the replacement proposed would be more sympathetic to the character and scale of the rear elevation.

3.3 The proposal consists of a pitched roof extension with a gable facing out into the yard. The roof pitch has been kept as low as possible to minimise the impact on the rear elevation (other lean to designs have been considered but ruled out). In scale, the proposal is subservient to both of the earlier extensions and is slightly larger than the existing unauthorised development. Aesthetically, the ground floor has been altered to its detriment and there is little remaining in terms of historic openings. The proposal will at least present a uniform rear elevation without having a strong visual impact on the rear elevation as a whole.

3.4 The materials are traditional; blue slate and reclaimed brick to match the existing building. Rainwater goods are cast iron. Doors are ledged and braced and of the type typically seen on rear extensions and outbuildings. Generally these types of extensions are utilitarian in character and of simple design and for this reason, there is very little detail to the building - very much in keeping with the existing extensions.

3.5 The proposed close boarded fence is acceptable in principle. Whilst the original boundary treatment would have been brick, this has been lost and the fence will vastly improve the current situation. There was concern regarding the fixing of the fence to the existing structures but the proposed plans show that this will involve the disturbance of mortar joints only. Details of the proposed wood and colour finish are required and could be secured through a condition.

3.6 The cycle shed is a standard timber shed, 6' x 4'. This is acceptable and again, the colour finish should be conditioned.

3.7 The yard is enclosed and is not visible from the main public realm area of the conservation area and it is therefore felt that there will be no impact on the character and appearance of the conservation area.

Environmental Protection Unit

3.8 No response to date.

Planning Panel

3.9 Object. Of the opinion that the proposed outbuilding(s) and air conditioning units would be out of keeping with the 'back garden ambience' of this residential area.

Publicity

3.10 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments is 11 June. Two objections have been received to date which advise as follows -

- The extension's design is of poor quality and would further degrade the appearance of the rear elevation of the buildings on Tower Street which have already been harmed by the installation of chimneys and extraction pipes.

- The chiller will require an external condenser, it will run 24 hours a day and cause a noise disturbance. This would affect neighbours, in particular those at 2 Tower Place are referred to. A bedroom window of this premises would be around 10m from the chiller.

- Noise from this premises, and from persons in the rear yard already causes disturbance. This would worsen the problem.

4.0 APPRAISAL

4.1 Key issues

- The visual impact of the extension, considering the listed building and conservation area
- Impact on the amenity of nearby residents

The visual impact of the extension, considering the listed building and conservation area

Proposed chiller enclosure

4.2 The proposal relates to a listed building within a conservation area, as such policies HE3 and HE4 of the City of York Draft Local Plan are relevant. HE4 states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building. HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.3 The rear of the original building's appearance has been harmed by piecemeal extensions at the host and neighbouring buildings of varying shape and scale. At the host premises there are two separate two-storey outshots of varying shape and scale, a single storey flat roof infill extension and a flue which terminates just below the ridge of the building.

4.4 The proposed rear extension would be constructed in clamp brick and slate roof to match the host building. The materials proposed are sympathetic to the host building and are acceptable. The building would be single storey, around 3.5m high to ridge height. The building would just be higher than the window cills at first floor level on the original building. It would be set away from the original building, due to the extant single storey flat roof extension. The building is of simple detailing, subordinate scale and in a discreet location. It would not detract from the appearance of the main building or the conservation area.

Fence

4.5 The proposed fence would be of timber and would sit above a dwarf wall that marks the side boundary. It is of acceptable appearance in its own right, but would also improve the existing appearance as the present boundary treatment is in the form of makeshift screens of varying appearance.

Shed

4.6 The proposed shed would be of simple domestic design and scale. It is located away from the host building and in a discreet location. It would not harm the appearance of the host building or the conservation area.

Impact on the amenity of nearby residents

4.7 Policy S6 states that planning permission for the extension, alteration or development of premises for food and drink uses will only be granted in York City Centre provided i) there is no unacceptable impact on the amenities of surrounding occupiers as a result of traffic, noise, smell or litter, ii) the opening hours of hot food takeaways are restricted where this is necessary to protect the amenity of surrounding occupiers, iii) car and cycle parking meets the standards defined in the Local Plan, iv) acceptable external flues and means of extraction have been proposed and v) where security issues have been addressed.

4.8 The 'chiller' is a fridge unit that has been in the back yard for sometime. It currently sits beneath an unsightly iron structure. It creates no more noise than a domestic fridge unit. Furthermore, any noise emitted from the equipment would be reduced by its proposed means of enclosure. The proposals would not create a noise nuisance that would harm resident's amenity.

5.0 CONCLUSION

5.1 It is considered the proposed developments in the rear yard would not harm the listed building or its conservation area setting. There would be no undue harm to residential amenity.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans - 312-01 and 02

3 Samples of the external materials to be used shall be agreed onsite and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 To scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- Proposed windows and doors and their immediate surrounds at a scale of 1:5 (to include notes on glazing).
- The colour finish of the proposed fence, shed and external doors.
- The proposed internal door at a scale of 1:5.

Reason: So that the Local Planning Authority may be satisfied with these details.

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 special historic interest of the listed building, the character and appearance of the conservation area and residential amenity. As such the proposal complies with Policies HE3, HE4 and S6 of the City of York Local Plan Deposit Draft.

LISTED BUILDING CONSENT

You are reminded that this proposal affects a grade II listed building. Listed Building consent is also required for the works and should be obtained before development commences.

Contact details:

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