

COMMITTEE REPORT

Date: 6 February 2020 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 19/02133/FUL
Application at: Southbank Stores 75 Balmoral Terrace York YO23 1HR
For: Two storey rear extension, single storey rear extension, dormer to rear, 1no. rooflight to rear and 2no. rooflights to front following demolition of single storey rear extension.
By: Ms Sara Winlow
Application Type: Full Application
Target Date: 3 February 2020
Recommendation: Householder Refusal

1.0 PROPOSALS

1.1 The application site is Southbank Stores, 75 Balmoral Terrace, York, a two storey end of terrace building with a shop on the ground floor and flat above on the first floor. Southbank Stores is located on the corner of Balmoral Terrace and Count De Burgh Terrace in a dense urban residential setting.

1.2 The revised proposals relate to a two storey rear extension and single storey rear extension following demolition of the existing single storey rear extension, roof dormer and roof light to the rear and two roof lights to the front roof plane.

1.3 A call-in request was received from Councillor Crawshaw for the application to be considered by the Area Planning Sub-Committee. Councillor Crawshaw advised that the impact of the proposals on residential amenity should be considered by Members.

2.0 POLICY CONTEXT

Draft Development Control Local Plan 2005

GP1 Design
H7 Residential Extensions

Emerging Local Plan Policies

D11 Extensions and Alterations to Existing Buildings

3.0 CONSULTATIONS

Micklegate Planning Panel

3.1 No response received.

4.0 REPRESENTATIONS

4.1 A neighbouring resident raised objections. Key issues were;

- Loss of light in the ground floor living room and kitchen/diner and first floor bedroom.
- Loss of outlook and dominance from the windows serving the ground floor living room, kitchen/diner and first floor bedroom. The roof dormer would lead to loss of outlook to the sky above the roof of no. 75 Balmoral Terrace.
- The front yard feeling much more enclosed.
- Loss of privacy and overlooking of the front yard and ground floor kitchen/diner.

The neighbouring resident seeks to work with an architect or surveyor towards solutions to the issues raised that would work for the both the applicant and neighbour.

4.2. Comments of support were received;

- The local shop/coffee shop (Southbank Stores) should be core to the community;
- Enabling a small family to live above the shop, with the addition or a dormer extension, would enable more people to walk to shop locally and socialise.
- The impact on the environment of a roof dormer is negligible compared to the impact of residents in the neighbourhood driving elsewhere to buy goods, or being isolated.
- The proposals would enable better community access to shops, shorter journeys for locals and a family home.

4.3 In response to the revised proposals, a neighbouring resident responded stating that previous objections still stand, as follows;

- Loss of light.

- Dominance and loss of outlook.
- Loss of privacy.

5.0 APPRAISAL

KEY ISSUES

- Design and visual impact on dwelling and surrounding area
- Neighbouring amenity

PLANNING POLICIES

National Planning Policy Framework

5.1 In the absence of a formally adopted local plan in York the most up to date representation of key relevant policy issues is the National Planning Policy Framework, February 2019 (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.2 In NPPF Chapter 4 Decision-making, Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.3 In NPPF Chapter 12 Achieving well-designed places, Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development:
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting;
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.4 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Publication Draft York Local Plan 2018

5.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

5.6 2018 Draft Plan Policy D11 (Extensions and Alterations to Existing Buildings) is relevant here. This says that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape design and the space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporates trees that are desirable for retention.

York Development Control draft Local Plan 2005

5.7 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that the policies

should be afforded very limited weight except when they are in accordance with the NPPF.

5.8 Development Control Local Plan Policy GP1 refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity. Development proposals will be expected to be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials. Development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

5.9 Development Control Local Plan Policy H7 states that residential extensions will be permitted where; the design and materials are sympathetic to the main dwelling and the locality; the design and scale are appropriate to the main building; there is no adverse effect upon the amenities of neighbours; the proposals respect the spaces between dwellings; and the proposals would not result in an unacceptable reduction in private amenity space.

5.10 The Council has an agreed Supplementary Planning Document 'House Extensions and Alterations' (SPD), dated December 2012, which provides guidance on all types of domestic type development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene where it is located. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided where required. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

ASSESSMENT

DESIGN AND VISUAL AMENITY

5.11 The application site, Southbank Stores, 75 Balmoral Terrace, is comprised of a ground floor shop with a flat above accessed via an external door to the side elevation facing Count De Burgh Terrace. The application site is located in a dense urban residential setting. The property to the rear at no. 75A Balmoral Terrace is a two storey dwelling house with a front yard facing the rear elevation of Southbank Stores. There is a separation distance of approx. 6.0 metres between the rear/north

elevation of Southbank Stores and the front/south elevation of no. 75A Balmoral Terrace.

5.12 The original proposals included a two storey rear extension following the demolition of the existing single storey lean to extension and a flat roof dormer to the rear roof plane of the building. In discussion with the agent, revised proposals were submitted which sought to address issues raised with regard to loss of residential amenity to the neighbouring dwelling house at no. 75A Balmoral Terrace.

5.13 The latest revised proposals in drawing no. 19-0619 D03D include a two storey rear extension, single storey rear extension, roof dormer and roof light to the rear roof plane and two roof lights to the front roof plane of the host building. A single storey lean to extension has recently been demolished. A small scale single storey addition along the east boundary of the application site remains in situ and is connected to the single storey offshoot to no. 75A Balmoral Terrace to the rear.

5.14 In the revised proposals, the two storey rear extension is approx. 3.1 metres in length and approx. 2.2 metres in width; the same width as the existing single storey rear offshoot to both the host building and the dwelling at no. 75A Balmoral Terrace to which it would connect. The two storey rear extension would have a lean to roof attached to the side elevation of the rear offshoot to the adjoining terraced house at no. 73 Balmoral Terrace, with a ridge height of approx. 6.5 metres aligned with the eaves of the original building and an eaves height of approx. 5.1 metres. The single storey rear extension attached to the side of the two storey extension would have a lean-to roof attached to the rear elevation of the host building, with a ridge height of approx. 3.7 metres and an eaves height of approx. 2.6 metres. The rear elevation of the single storey extension would be set back from the rear boundary with no. 75A Balmoral Terrace by approx. 1.2 metres. The extensions would be finished in brickwork and slate to match the external finishes of the host building.

5.15 In the revised proposals, the roof dormer has been reduced in width and is located at the east side of the rear roof plane adjoining the property at no. 73 Balmoral Terrace. The flat roof dormer would be set down marginally from the ridge of the host building and would be located approx. 0.2 metres above the eaves. The box dormer would be approx. 3.1 metres in width and would be offset from the west/side elevation of the building facing Count De Burgh Terrace by approx. 3.3 metres. The box dormer would be finished in vertical hung slate to match that of the host dwelling and would include a bi-partite window to the rear elevation. A roof light would be installed adjacent to the rear dormer in the rear roof plane and two roof lights installed in the front roof plane to serve the loft conversion. In addition, a new window opening would be formed in the side elevation of the host building at second

floor level that would be obscure glazed and non-opening. The proposals include a separate first floor kitchen in the rear extension for the flat and a more useable attic bedroom accessed via the staircase located in the roof dormer. The proposals would enable the applicant to live on site whilst running the new business in the ground floor shop.

5.16 With regard to design and visual amenity, although the mass of the two storey rear extension has been reduced in the latest revised proposals, due to the dense character and limited space between the buildings at no. s 75 and 75A Balmoral Terrace, it is considered that the two storey rear extension would appear dominant and increase the density of the built form in public views from Count de Burgh Terrace. With regard to paragraph 7.4 a) of the SPD it is considered that the scale and mass of the two storey rear extension would be detrimental to the existing pattern of buildings and the spacing between them. With reference to paragraphs 7.1 and 13.4 of the SPD, the additional mass of the two storey rear extension and rear roof dormer would reduce the space around the buildings and have a significant effect on adjoining occupiers. It is considered that the box dormer to the rear roof plane would form a bulky dominant mass open to public view from Count De Burgh Terrace that would detract from the host building's visual appearance and the streetscene contrary to paragraph 14.1 of the SPD.

IMPACT ON NEIGHBOURING AMENITY

5.17 With regard to the impact of the proposals on neighbour amenity, it is considered that the two storey rear extension and rear roof dormer would increase the density of the built form and dominate the space between the host building at no. 75 Balmoral Terrace and the two storey dwelling house to the rear/north at no. 75A Balmoral Terrace. It is considered that the combined scale and mass of the rear extension and roof dormer would appear overbearing and lead to a loss of light and outlook to the ground floor living room, first floor bedroom and to some extent the ground floor kitchen/diner of no. 75A Balmoral Terrace, contrary to paragraphs 4.2 and 14.2 of the SPD. It is considered that the mass of the roof dormer would lead to a loss of openness and reasonable sight of the sky from the ground floor living room window and first floor bedroom window of the neighbouring dwelling, contrary to paragraphs 5.1 and 6.1 of the SPD. Due to the limited space between the properties, it is considered that the proposals would result in the neighbouring residents feeling unduly hemmed in contrary to paragraph 5.2 of the SPD. On the basis of this assessment, it is considered that the proposals would lead to harm to residential amenity.

6.0 CONCLUSION

6.1 For the reasons stated, the revised proposals are not considered acceptable and would fail to comply with the NPPF, Policy D11 (Extensions and Alterations to Existing Buildings) of the Publication Draft City of York Local Plan 2018, Policies GP1 (Design) and H7 (Residential Extensions) of the Development Control Local Plan and City of York Council's Supplementary Planning Document (House Extensions and Alterations).

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Householder Refusal

1 The mass of the two storey rear extension and rear roof dormer would appear dominant and overbearing to neighbouring residents at no. 75A Balmoral Terrace. The additional mass of the two storey rear extension and rear roof dormer would be detrimental to the pattern of the existing buildings and the spacing between them. The proposals would lead to a loss of light and detract from the outlook from the ground floor living room and first floor bedroom of the neighbouring dwelling house resulting in harm to the levels of amenity that these neighbouring residents could reasonably expect to enjoy. As such the proposals result in harm to residential amenity and visual amenity which is in conflict with paragraph 127 c) of the National Planning Policy Framework, Policy D11 of the Publication Draft York Local Plan 2018, Policy GP1 (criterion b and i) and H7 (criterion d) of the 2005 Development Control Draft Local Plan and advice contained in the City of York Council House Extensions and Alterations Draft Supplementary Planning Document, approved in December 2012, in particular paragraphs 4.2, 5.1, 5.2, 6.1, 7.1, 7.4a) and 13.4, 14.1 and 14.2.

8.0 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 (paragraph 38) 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:

- Discussion with the agent and applicant regarding the neighbour amenity issues relating to the scheme. Revised proposals were submitted that did not address the issues raised.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

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