

COMMITTEE REPORT

Committee: East Area
Date: 10 July 2008

Ward: Wheldrake
Parish: Elvington Parish Council

Reference: 08/00892/FUL
Application at: The Villa Main Street Elvington York YO41 4AG
For: One dormer bungalow with attached double garage on land to rear of The Villa (revised scheme)
By: Mr And Mrs Lofthouse
Application Type: Full Application
Target Date: 20 June 2008

1.0 PROPOSAL

1.1 Members may recall that in September 2007 planning permission was granted for the erection of a three-bedroom dormer bungalow in the rear garden of The Villa on Main Street, Elvington. The officer recommendation at that time was one of refusal.

1.2 The current planning application seeks to increase the size and scale of the proposed development. The main changes between the approved scheme and the revised submission are listed below:

The length of the building has increased from 13.7m to 16m as a result of the addition of a double garage.

The number of bedrooms has increased from 3 to 4.

The ridge height of the garage has increased from 6m to 6.5m and a dormer window inserted within the south elevation.

A 4m x 5m summer room added to the rear elevation.

The eaves height has been increased from 2.6m to 3.4 m and dormer windows located further out towards the edge of the building.

The number of openings within the ground floor western elevation has increased.

The two-storey element of the building has been shifted towards the south and east.

1.3 The site is adjacent to a property occupied by a Council employee and although the application is again recommended for refusal, it has been referred to Committee in order to ensure transparency in the decision making process. For the same reason, it is also proposed to carry out a site visit.

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

CYGP10
Subdivision of gardens and infill devt

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAY NETWORK MANAGEMENT - No objections subject to conditions, including those relating to the provision of a turning area within the site and a minimum access width of 3.7m.

LANDSCAPE ARCHITECT - Concerned that the development including the access drive might harm the well being of the beach trees along the southern boundary. They would cast a shadow on the house and there could be future pressure to remove them. The Sycamore to the front of the site could be suitable for a TPO, however, this could co-exist with the proposed driveway if suitably designed. The garden is made up of small parcels of land much of which would be in the shade or retained for vehicle access and turning.

INTERNAL DRAINAGE BOARD - The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the site is to be drained.

HOUSING AND ADULT SERVICES - Should consider if more than one unit can be provided so that an affordable unit is included.

(N.B. - this is not considered to be feasible given the restricted size of the site and its relationship to adjacent properties).

3.2 EXTERNAL

PARISH COUNCIL - Object - The scheme is over-development. To create an adequate driveway width trees may need to be removed. There is no turning area within the site for vehicles and access to Main Street is on a bend.

NEIGHBOURS

At the time of writing this report objections were received from the occupiers of 5 neighbouring properties. The following issues were raised:

Councillors must visit the site.

The new application to amend and increase the size of the building is an insult to local residents - it would have an even greater impact than the original proposal

The proposal is an overdevelopment of the site

The design and access statement is inaccurate.

Some trees have already been removed.

The trees on the site are of aesthetic value when viewed from the main road.

The beech trees are on land owned by Middleton House.

The driveway can't be created without damaging trees.

The development will lead to increased dominance and overlooking.

The increased scale of development will change the character of neighbours' gardens.

4.0 APPRAISAL

4.1 Proposals to make more efficient use of land for residential accommodation within previously developed accessible locations are in line with the thrust of current local and national planning policy. The definition of previously developed land includes the application site. However, in assessing the acceptability of the application it is important to ensure that the proposal does not cause harm to issues of acknowledged importance.

4.2 Policy GP10 and H4a of the Local Plan relate to infill development and the subdivision of gardens. They place particular significance on avoiding overdevelopment and ensuring that new development is not detrimental to the character and amenity of the local environment. The application site is within the defined settlement limit of Elvington although it is not within the Elvington Conservation Area. The south-west corner of the rear garden abuts the green belt.

4.3 The principle of erecting a house on the site was agreed at East Area Planning Sub-Committee in September 2007. The key issues to address when assessing this application relate to whether the larger dwelling creates new or additional concerns that justify the refusal of the application. The key considerations are:

The Impact on the Streetscene

The Impact on Neighbours' Living Conditions

The Impact on Existing Trees

Highway Issues

The Quality of Accommodation.

IMPACT ON THE STREETSCENE

4.4 The larger house will be mainly screened from residential streets by existing development. The main concerns in respect to the impact on the visual appearance from the public realm relates to any potential conflict with the many trees that surround the site and the possible damage to them from the scheme or increased pressure to remove them. The proposed house would be positioned within 3 or 4

metres of the canopy of beech trees that run along the southern boundary of the garden. It is questionable whether such a close relationship would be desirable given the possible impact on roots and damage to the building from the trees. The light and outlook from the southern elevation of the house would also be severely restricted.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS AND ENVIRONMENT

4.5 At its nearest point the closest dormer window of the proposed house would be only 5 metres from the rear garden boundary with Middleton House. It is considered that there is adequate separation to the house to avoid harm, however, when the trees are not in leaf such a close relationship to the rear garden would be unacceptable and likely to be intrusive and oppressive to the occupiers. It is also the case that the trees are not of such significance to justify a Tree Preservation Order. It would be difficult to guarantee that they remained at an appropriate height to retain privacy.

4.6 It is considered that there is adequate separation to the house and the garden of The Villa and 1 Lorraine Avenue to avoid undue harm to living conditions. It is also considered that the use of the drive will not cause significant harm to the living conditions of The Villa or Glen House.

4.7 The other key properties impacted upon are 3 Lorraine Avenue and Grange House. The principal concern relates to the proximity of the proposed dwelling to the gardens of these two properties. The side elevation of the proposed dwelling is only around 7 metres from the short rear garden of 3 Lorraine Avenue, although there is considerable vegetation along this boundary. The revised scheme does not propose any openings within the first floor side elevation and it is considered that the single storey addition would not be unduly harmful

4.8 At its nearest point the proposed dwelling would be only around 6 metres from the rear garden of Grange House. It is considered that in the context of a relatively low-density environment this level of separation is inadequate. It is considered that it is possible to design out overlooking from the proposed house, however, this would not overcome harm to the enjoyment of the external spaces that is derived from the current openness associated with the area. The increased ridge height of the garage and taller eaves height of the proposed dwelling as a whole would increase the dominance of the scheme significantly beyond the approved application.

4.9 The proposed dwelling is intended to be a large 4 bedroom house with double garage. It is considered that the scale and position of the proposed backland development is beyond what could be said to be reasonable in the context of the local environment. In taking this position regard is given to the limited space for the applicant to provide planting along the north and north eastern boundary of the site. The proposed building is also a very bulky structure and increases significantly the footprint of the building - the resulting balance between built development and open space and landscaping would not seem to be in keeping with the established character of the area. It is also the case that the increased activity typically associated with a large dwelling would be more likely to detract from neighbours' living conditions.

IMPACT ON TREES

4.10 There is a thick belt of trees along the south and west boundaries of the garden. It may be the case that the house would be located so close to these trees that either the trees would be damaged or the trees would reduce very significantly the light entering the south elevation of the proposed dwelling. There is also the potential that there could be pressure to remove the trees in the future given their proximity to the house. The loss of the trees would create potential overlooking issues and also increase the prominence of the proposed dwelling when viewed from several properties. The proposed scheme is markedly worse in this respect than that which was approved in September 2007.

HIGHWAY ISSUES

4.11 Highways officers raise no safety objections to the development. Notwithstanding concerns from residents and neighbours it is considered that issues relating to access, visibility and manoeuvring could be addressed by condition.

THE QUALITY OF ACCOMMODATION

4.12 Although the property has a large footprint it is the case that there would be limited sunlight and natural light entering many of the rooms. The outlook would also be poor. Attempts to rectify this by removing trees along the southern boundary would raise significant concerns in respect to neighbours' living conditions and the setting of the proposed building.

5.0 CONCLUSION

It is considered that the proposed increase in size of the approved dwelling would over-develop the site and cause harm to the established character of the area. The proposal would also detract from the reasonable living conditions of neighbouring properties and create a dwelling that would have a very poor level of light and outlook. It is recommended that the application be refused.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed dwelling would be significantly larger and bulkier than that approved in September 2007. It is considered that the building would be located in such close proximity to the rear gardens of Grange House, 3 Lorraine Avenue and Middleton House that the development would appear unduly dominant and oppressive when viewed from these properties and have a detrimental impact on the established character and amenity of the local environment. As such the proposal fails to comply with Policy GP1 (criterion b and I), Policy GP10 and Policy H4a of the City of York Local Plan 4th Set of Changes 2005.

2 The proposed application fails to demonstrate that the proposed dwelling can co-exist with the existing trees that surround the site. It is considered that the removal of the trees would have an unacceptable impact on the character of the area

and adversely affect neighbours' privacy and outlook. As such the proposal fails to comply with Policy GP1 (criterion a, c and d), Policy GP10 and Policy H4a of the City of York Local Plan 4th Set of Changes 2005

3 The proposed dwelling would be located in very close proximity to trees that border the south and west of the site. It is considered that this would result in the proposed dwelling have an unacceptably poor level of natural light, sunlight or outlook. As such the proposal fails to comply with Policy GP1 (criterion b and j) of the City of York Local Plan 4th Set of Changes 2005.

7.0 INFORMATIVES:

Contact details:

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

Tel No: 01904 551657