

COMMITTEE REPORT

Committee: East Area
Date: 24 July 2008

Ward: Fishergate
Parish: Fulford Parish Council

Reference: 08/00750/FUL
Application at: Alfreda Guest House 61 Heslington Lane York YO10 4HN
For: Change of use with part two storey, part single storey pitched roof rear extension to form 4 no. dwellings with associated access, landscaping, parking and cycle storage following demolition of side and rear outbuildings
By: Bentley Developments
Application Type: Full Application
Target Date: 15 May 2008

1.0 PROPOSAL

1.1 Planning permission is sought for the conversion of the building known as the Alfreda Guest House into 4 houses. Each will have their own private rear garden and the proposal includes the erection of rear extensions to the building and replacement dormers to the rear. Each is shown to have 3 bedrooms but a play room at 2nd floor level could easily be sold as a 4th bedroom.

1.2 The site is in the Fulford Conservation area and the site has several protected trees within its curtilage. The adjoining area to the west of the application site is characterised by large properties standing in generous grounds with more intensive development comprising detached and semi-detached houses to the east on Garth's End and Crosslands Road (these are outside of the Conservation area). The northern boundary of the site adjoins open ground known as Fenby Fields.

1.3 Planning permission was sought in 2003 for the conversion of the building into 6 flats, a large rear extension and the erection of three large detached houses in the rear garden. This application was refused for reasons relating to the adverse impact of the extension and new houses on the character and appearance of the Conservation area and the loss of amenity of adjoining residents. This was subsequently dismissed on appeal. Two further applications were subsequently submitted, both of which included the conversion of the main building into flats and the erection of houses to the rear. Both were withdrawn before they were determined.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford 0041

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools St. Oswald's CE Primary 0228

2.2 Policies:

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYH4A

Housing Windfalls

CYH2A

Affordable Housing

CYGP1

Design

CYH4A

Housing Windfalls

CYH5A

Residential Density

CYNE1

Trees, woodlands, hedgerows

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL.

3.1 Highway Network Management

No objections. This application deals solely with the conversion of the guesthouse itself, whereas previous applications have included the large garden area to the rear. Any subsequent application for the development of the rear garden may have implications for emergency access, adopted roads and other general highway issues depending on the nature, extent / intensity of the proposals and the impact on

mature / protected trees. These may be difficult to resolve if the frontage plots are already developed.

Proposed levels of car parking and cycle storage are acceptable but to access the cycle/refuse areas involves walking and passing by others lounge windows. Notwithstanding this no objections subject to conditions.

3.2 Design and Conservation.

The former guest house is an unlisted building within the Fulford Village Conservation Area. The conservation area was designated in 1998 and an appraisal of the area is currently being carried out. It is my understanding that there would be no proposals to amend the boundary in this part of the conservation area.

The building is part of later Victorian & Edwardian expansion of the village along Heslington Lane. The lane itself is shown on the 1759 enclosure map with defined fields to the north. Today this part of the lane is more open than the village centre, having large houses set back from the tree lined road, mature hedges at boundaries and large rear gardens onto the green playing area of Fenby Fields. The former guest house site is the last plot in the lane to share these characteristics before the denser estate development off Grant's Avenue, which is outside the conservation area.

The building was formed from two semi-detached houses, nos 59 & 61 Heslington Lane, each having had their own access along the boundaries to either side. The boundary in between has been removed and a double garage has been built to one side. The access to the east is now overgrown. Proposals would convert the existing building into 4 houses creating a short terrace of 4 houses with separately defined curtilages, with apparently shared gardens to the front and rear. Although the intensity of development on site is less than in any of the previous schemes, have a number of concerns about the site as a whole. These include:

- Proposals for the site would subdivide the whole area horizontally by adding a 3m planting strip to the rear. Although planting itself is not controlled the changes would introduce an uncharacteristic boundary change to the rear of the whole plot. This arrangement occurs behind terraced housing towards the junction with Main Street, closer to the built-up area of the village, but it is alien to the more open garden areas to the east of the lane.
- Management of the communal areas of the site would be a concern. Proposals should be put forward showing how these areas would be used and managed.
- No trees should be affected at the access point off Heslington lane
- Subdividing the building into 4 houses would exaggerate the difference between the generous open space and untypical 5m wide terrace houses created.
- The loss of the two staircases that relate to the gable windows is regrettable but the houses are not listed.
- The building is showing signs of having structural problems. The revised plans show the removal of the majority of the back wall on the ground and first floors. There are concerns that the stability of the building would be further threatened leading to its loss. A structural report should be provided to show how the building would be stabilized so that it could be retained.

- External materials should be natural and the new dormer windows to the rear should ideally be subdivided as casements.
Should the scheme be recommended for approval such details should be conditioned.

The building has been vacant for a number of years and the Council are anxious to see it reused. However the site has a split personality with the creation of a mismatch of smaller terraced houses and gardens within larger communal areas. Further explanation of the development context should be provided if it is intended to make this the first of a two phase development. However the intensity of the development on site would be compatible with neighbouring developments to the west and the garden area and mature boundaries would be preserved. The development generally preserves character and appearance of the Conservation area.

3.3 Landscape Architect.

Sub-division of the front garden would be aesthetically detrimental (as well as potentially causing a threat to the trees). Therefore whilst sub-division is not proposed, it must be secured under condition should the scheme be approved.

Clearly there is some concern that a planning application may be submitted at a later date for further development to the rear. Nonetheless, the rear gardens for the individual plots are a reasonable length (I would consider the length of the garden to be 14m measured from the end of the extension, rather than the 20m from the 'main' house as presented in the planning statement). It is important to retain a freedom and scale of external space appropriate to the size of the whole building and to the larger garden pattern in this area that allows larger-species trees to thrive that make such a valuable contribution to the conservation area. Despite the provision of a 3m width of planting at the bottom of the gardens, any future building must have a suitable, generous, spatial relationship with the existing.

The trees along the front are subject to TPO no.27.

The access drives and parking utilise the existing drop kerbs and driveway widths. Provided these hard areas are of a no-dig construction and of a porous material, this arrangement is satisfactory. In fact there is an existing kerb along the eastern edge of the front lawn. This should be utilised, rather than implementing a new concrete kerb edge which would result in excavations.

Although there is already some hard standing around T1, T2 (Beech) and T22 (Ash) I would like the tree protection to include cross-section construction details of the driveway and parking bays around and underneath these trees; where there should be no excavations, for both surfacing and kerbs.

Beeches are particularly susceptible to disease if roots are damaged; Beech trees are also shallow rooting, exacerbating this sensitivity on development sites.

The existing front boundary wall, or at least the foundations, should be retained in order to protect the trees from further excavations.

The refuse collection area is too close to the adjacent tree. From memory, the driveway/parking area is compacted limestone which is being colonised by vegetation. If the refuse area is to be formalised it must be set further away from the tree and be of a porous, no-dig construction on top of the existing surfacing.

Happy for the above details to be agreed under condition. However seeks confirmation at this stage where existing service runs are and that no new service runs would be necessitated within the crown spread of any of the trees to be retained within the site.

3.4 Housing.

Concerned that the site is being artificially split to avoid affordable housing provision. The 'communal garden' is within the land edged blue and will be used by the occupiers of the proposed houses and the entire site area including the red and blue lines is 0.51ha. However the red line area is only 0.24ha. The Council would need to ensure that should the remainder of the site be the subject of an application in the future then the affordable housing must be applied to the whole site, otherwise they are artificially splitting the site. The provision would be 50% and should include the 4 dwellings here e.g.: if the remainder of the site was developed for 4 houses then it should include what would have been the provision here had the whole site being developed at once, so therefore effectively 100% affordable would be required and all for 4 would have to be affordable.

3.5 Lifelong Learning and Leisure

a) amenity open space - assuming that the space to the rear of the development is amenity open space and not earmarked for some future development no off site contribution is required. If it is earmarked for a "phase 2" then an off site payment is required which could be used at Fenby Field. I am concerned about future development of the rear part of the site and so would like to see an arrangement where if it did come for development, and was approved, a retrospect payment is made. This could be based on the amount of money that would have been paid now indexed linked.

Open space commuted sums should be paid to the Council for

- b) play space - which would be used to improve a local site such School Lane
- c) sports pitches - would be used to improve a facility within the South Zone of the Sport and Active Leisure Strategy.

3.6 Education

No education provision is required as there is sufficient space within local schools.

EXTERNAL

3.7 English Heritage.

Note that the application is now to convert the building. In the light of the previous scheme and previous comments, do not wish to offer any comments on this occasion and should be referred to the Council's specialist Conservation staff.

3.8 Fishergate Planning Panel

No objections.

3.9 Fulford Parish Council.

Fulford Parish Council supports the application and recommends it for approval. We are pleased that the combined efforts of the COYC and the applicant have resulted in a development proposal that does not seem to harm the character of Fulford Village Conservation Area. We would however request that conditions be imposed. The first is to ensure that the three meter wide planting screen will be planted with shrubs that will not grow beyond 1.80 meters in height to ensure that the view corridor from Heslington Lane towards Fenby Field (to the east of Alfreda Guesthouse) that was mentioned in the partial Conservation Area appraisal by Woodhalls will not be blocked by planting. The other point that needs addressing is the communal garden to the rear of the private gardens of the 4 proposed dwellings. Fulford Parish Council would want the case officer to investigate whether it is possible to impose a condition to ensure that this garden will become available solely for the combined use of the inhabitants of the new dwellings in Alfreda Guesthouse in the interest of safety and to avoid the possibility that this plot will be sold separately. Development of the back garden would be detrimental to the character of Fulford Village Conservation Area.

3.10 Neighbours / Third Parties.

All neighbours who share a boundary with the application site were consulted by letter as were any others who objected to the previous proposals. A site notice was placed at the site and notification was placed in the press. No objections received.

4.0 APPRAISAL

KEY ISSUES.

- Impact on the Conservation area.
- Neighbour amenity.
- Impact on protected trees.
- Affordable Housing.

4.1 The site is within the built up urban area of York and therefore a residential scheme is an appropriate form of development here subject to the standard Development Control issues, including in this case the impact on the Fulford Conservation area which in this case is a material factor in the relatively low density development proposed.

Impact on the Conservation area.

4.2 The application site is on the edge of the Fulford Conservation area. National guidance in PPG15 (Development and the Historic Environment) and draft local plan policies HE2 and HE3 refer to the importance of ensuring that new development must preserve or enhance the character of historic environments such as Conservation areas. The scheme refused by the Council back in 2005 and subsequently dismissed on appeal placed great emphasis on the impact of the extent of development proposed on the Conservation area, in particular the important need to maintain the openness of the site (which is a character of the Conservation area at this point), in particular views from Heslington Lane through to Fenby Fields behind.

4.3 The main positive aspect of this application when compared with previous schemes is the deletion of any development within the rear portion of the site. Any development is therefore now centred on the existing building and the important front elevation which faces Heslington Lane and which contributes most to the character and appearance of the Conservation area remains largely unaltered.

4.4 The rear elevation currently has an existing poor quality mainly single storey extension projecting from it and which pays little credence to the character and appearance of the existing building. The proposed extensions are part single and part two storey but are considered to be subservient to the host building both in design and scale. They sit well below the ridge of the main house and the solid gable ends do not overwhelm the rear of the building unduly. They project between approx. 5 and 8 metres (the two storey element is 4.2 metres only) and this is considered to be well proportioned and acceptable. On the whole they will not be visible from public views from Heslington Lane save for limited side on glimpses. The replacement dormer windows are considered an improvement on the existing arrangement even though they result in an additional one being added. They are modest in size and have pitched roofs as opposed to the poor quality (and larger) flat roof dormers on the building presently and respect the building better. They are also in accordance with the Council's design guidance on dormer windows in the supplementary planning guidance. The redevelopment of the building is therefore not considered to harm the character of the conservation area.

4.5 The comments of the Conservation officer and Fulford Parish Council are noted (3.2 and 3.9 above) and the depth of the planting strip across the site is currently being further discussed with the applicant. Given the comments of the appeal inspector over the importance of maintaining the openness of the site and views through to the back of the site and beyond, it is important that this strip does not undermine this. Some concern was raised over the width of each individual house (5m) exaggerating the difference with the generous open space around it but given that the building will appear the same from the main public views therefore it is not considered that this harms the Conservation area.

Neighbour amenity.

4.6 There are private gardens running adjacent to both side boundaries of the site and one of the main issues with the refused scheme was the extent and over dominant nature of the new development close to these boundaries and the level of overlooking from windows into gardens etc. In this instance, the only new development is the rear extensions and as previously alluded to these are relatively modest in size. There are no windows shown in the side elevations facing the neighbouring houses and it is recommended that it be conditioned that "permitted development" rights be removed for windows on the side of Plot 4 facing no. 49 Heslington Lane in order to maintain this in the future. The distance to the eastern boundary from the application building (plot 1) and the extent of the tree cover on that boundary means that officers consider it to be unnecessary on that side. Subject to this, officers do not consider that the development will result in any material loss of privacy for the neighbours. Furthermore the development is no longer considered to

be over dominant or result in any material loss of light or overall quality of life for existing residents.

Impact on protected trees.

4.7 The detailed comments of the Council's landscape officer are at para. 3.3 above and they raise no objections to the proposal overall, subject to conditions. None of the existing trees on the site are proposed to be removed or would be unnecessarily threatened by the proposed development although this is subject to the confirmation that no new service runs are required and the front wall (or at least its foundations) will be retained in order to prevent unnecessary future excavation around these trees. Further discussion is on-going regarding the relationship of the refuse collection area to a protected tree and the materials to be used if this area was to be formalised (needs to be of a porous, no-dig construction). Updates will be provided on this if necessary. The access arrangements and parking details utilise existing dropped kerbs and driveway widths.

Affordable Housing.

4.8 It is acknowledged that the site shows a red line site area which is below the threshold for affordable housing. The majority of the area of the site is shown within the blue line and it is anticipated that this will be used by the occupiers of the four proposed houses as a communal area. Deliberate site splitting is a tool that can be used in order to avoid affordable housing contributions and local authorities have to protect against this. Whilst there is perhaps some sense in the position of the red line here (given the large area of the land) it would mean that if a scheme were to be submitted in the future to develop this rear portion of land, it too would be below the threshold for affordable housing and therefore the whole site could be developed with no affordable housing. It should be noted however that in light of the Inspectors appeal decision, it is unlikely that officers would support development of this rear area and therefore this weakens the Council's case in insisting that the red line be placed in a position which would make affordable housing a requirement here. Officers therefore raise no objections to the proposal as submitted. The advice from the Council's housing team is that an informative be placed which makes it quite clear that if a 'phase 2' development was to be submitted then affordable housing would be calculated on the entire site (including the site area here) with the likely outcome that all the properties would have to be affordable. The long term management of this rear area of land is currently under more detailed discussion with the applicant and will be updated at the committee meeting if necessary. However it should be noted that it does not benefit from permitted development rights and therefore no buildings can be placed within this area without planning permission.

Sustainability.

4.9 The application is predominantly a conversion of an existing building and therefore is by its nature a sustainable development. The site is on a bus route giving access to the centre of York, which is also within cycling distance. The new build element of the proposal is relatively modest in nature and some weight has to be attached to the importance of bringing the site back into use. A condition is

recommended however, which requires the applicant to submit a statement to maximise water efficiency and reduce pollution in accordance with the Council's interim Policy statement on Sustainable Design and Construction in order to maximise the sustainable benefits of the development.

5.0 CONCLUSION

5.1 This proposal represents a much improved development over the previously refused / withdrawn ones. The rear extension is subservient to the existing building and the important front elevation of the building is maintained. The proposal is therefore considered to preserve the historic character of the Conservation area at this point.

5.2 The deletion of any new build from the rear portion of the site has reduced significantly any impact on the living conditions of neighbours. The rear extensions are relatively modest in size and respect the privacy of the neighbours and do not dominate their outlook.

5.3 Subject to the confirmation of details relating to service runs etc, there is no harm to the several protected trees which are around the site.

5.4 Subject to conditions, officers raise no objections.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing no's
- 08:10:01 Rev. A
- 08:10:02 Rev. A

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 HWAY10 Vehicular areas surfaced, details reqd

4 HWAY17 IN Removal of redundant crossing

5 HWAY21 Internal turning areas to be provided

6 No barrier or gate to any vehicular access shall be erected within 6m of the

rear of the public highway abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

7 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials to be used shall be submitted to 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.

8 Large 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.

- all windows (including dormer windows to rear) and doors.
- any amendments required to the facade of the existing garage block serving Plots 1 and 2.

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

9 Details of all new means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

10 Prior to the commencement of development hereby approved a full structural report and schedule of works shall be submitted and agreed in writing by the Local Planning Authority.

Reason. In order to control the extent and method of works on this building in the interests of preserving its historic importance within the Conservation area.

11 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin. It is particularly important that the following details are also provided: construction details where a change in surface material is proposed within the canopy spread and likely root zone of a tree, for example driveways and parking areas.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area.

12 Trees shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: - Prior to commencement on site, of clearance, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837 Part 8 shall be erected around all existing trees shown to be retained. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, fires, parking or manoeuvring of vehicles or mechanical cultivation. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

13 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £12024

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved

plans shall at any time be inserted in the side elevation of Plot 4.

Reason: In the interests of the amenities of occupants of adjacent residential property at 49 Heslington Lane.

15 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-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 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.

16 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.	

Reason: To protect the amenity of adjacent occupiers

17 Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated at the design and construction stage in order for the dwelling to maximise water efficiency and reduce pollution in accordance with chapter 6 of the council's Interim Policy statement on Sustainable Design and Construction . Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved the initiatives proposed.

Reason: In the interests of sustainable development.

7.0 INFORMATIVES: Notes to Applicant

1. Any future applications for residential development on the remainder of the land will be considered against the Council's affordable housing Policy H2a and should respect the policy requirement for affordable housing provision on the totality of the two sites combined as advised on page 14, para 17 of the City of York Councils Affordable Housing Advice Note July 2005.

2. 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 impact on the Conservation area, loss of neighbour amenity, sustainability, affordable housing, provision of open space and protected trees within the site. As such the proposal complies with Policies H4A, HE3, H2A, GP4A, L1C and NE1 of the City of York Draft local plan (4th set of changes) approved April 2005.

3. 2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Contact details:

Author: Matthew Parkinson Development Control Officer
Tel No: 01904 552405