

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 14 August 2008

**Ward:** Rural West York  
**Parish:** Parish Of Rufforth With Knapton

**Reference:** 08/00836/FUL  
**Application at:** Woodlands Wetherby Road Rufforth York YO23 3QF  
**For:** Erection of dormer bungalow revised access and creation of parking and turning area  
**By:** Professor J Jones  
**Application Type:** Full Application  
**Target Date:** 30 May 2008

### 1.0 PROPOSAL

1.1 The site relates to the front driveway of Woodlands. Woodlands is a substantial detached residential dwelling, which lies at the north eastern edge of the village of Rufforth. The driveway is accessed via Wetherby Road.

1.2 The site is irregular in shape and has a frontage to Wetherby Road measuring approximately 18 metres and is bounded by an evergreen hedge. The site narrows to the rear to a width of 10 metres, where it is bounded by a high red brick wall and mature trees.

1.3 The proposal seeks full planning permission to erect a dormer bungalow to the front of the site. The foot print of the proposed property would be approximately 11 metres in length by 6.5 metres in width. The bungalow would have a pitched roof with ridge height at approximately 6.3 metres and 3 metres to eaves height. Two dormer windows would be located in the front elevation and one dormer window in the rear elevation. A cycle and refuse store would be located to the rear of the property and a proposed parking area is identified to the rear. The plan indicates that a new wall/fence would divide the rear of the site from the garden of Woodlands.

1.4 Documentation contained within the application states that a the secondary access track to Woodlands, located at the other side of Lowfield Cottage, would then be utilised as the main access for Woodlands. This would require the creation of a new access link in across their garden which is designated Green Belt outside of the Defined Settlement Limits. The applicants state that the proposed link through the garden area would constitute Permitted Development.

1.5 A street scene has been forwarded by the applicant at request of the Planning Case Officer to assist in determination of the scheme.

### COUNCILLOR B HUDSON:

1.6 Requests that the application is brought to Planning Committee as the applicant has stated that due consideration has not been given. A site visit is requested.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Rufforth Primary 0219

### 2.2 Policies:

CYGP1  
Design

CYGB2  
Development in settlements "Washed Over" by the Green Belt

CYGP10  
Subdivision of gardens and infill devt

CYH4A  
Housing Windfalls

CYL1C  
Provision of New Open Space in Development

CYT4  
Cycle parking standards

CGP15A  
Development and Flood Risk

CYH2A  
Affordable Housing

## **3.0 CONSULTATIONS**

### EXTERNAL

#### PARISH OF RUFFORTH WITH KNAPTON:

3.1 Object to the proposal. Rufforth is 'washed over' by Green Belt and the proposed bungalow may not be within the village envelope. This is inappropriate infill and would block off aspects and the amenity of Highfield House. This is another attempt to build a house on a small driveway and the second access to the house is in the chicane area which is not desirable. There has been no consultation with the

Rufforth Village Design Statement, it is not mentioned in the Design and Access Statement. Should the application be approved we ask that Permitted Development rights are removed to protect the Green Belt.

#### MARSTON MOOR INTERNAL DRAINAGE BOARD:

3.2 Raise no objections.

3.3 3 Letters of objection have been received. Two from the same resident. They are summarised as follows: The proposed property is located in a ridiculous position. It has no consideration of neighbouring properties. It would block views and is on a busy road with traffic calming measures already in place. The property should be erected to the rear of the applicant's own dwelling.

3.4 Objections are raised to the proposed second access to Woodlands which would run adjacent to a neighbouring property, causing noise and disturbance. A 6 ft wall should be erected around the property. The Hawthorne hedge which has been planted around their property at significant cost, would be damaged.

#### INTERNAL

#### LANDSCAPE ARCHITECT:

3.5 The property Woodlands is largely obscured from public view. There have been a number of front/back garden developments in recent years in Rufforth, the closest being Linden Lea which has had two properties added to the front courtyard that is now shared by all three properties. The two new properties do not obscure the original property. A separate dwelling has also been created to the rear of Low Field Cottage, which is obscured by the original property, but it is read as a barn conversion, i.e. subsidiary to the main cottage. Highfields House is a newer property which sits relatively comfortably between Low Field Cottage and Maple House etc. The point being, that the buildings do not significantly 'overlap' as viewed from the street, and each has a reasonable, logical, garden area and its own legible space. The proposed new property would 'elbow' its way to the front of Highfields House and sit forward of Maple House. Furthermore, the resulting rear garden would relate poorly to the new dwelling by way of the narrowing of the 'plot' past the turning head. The whole arrangement looks uncomfortable. It is not compatible with the space between existing buildings and is therefore against policy GP1 b). The arrangement would be detrimental to the amenity and character of the village and is therefore against policy GP10. Furthermore, Rufforth village and hence the application site for the new dwelling is washed over by greenbelt. I think the introduction of a property on this tight site and its relationship with surrounding properties would be contrary to policy GB2 because the location is inappropriate to the form of the settlement. Please also refer to the Rufforth VDS.3

#### HIGHWAYS NETWORK MANAGEMENT:

3.6 Raise no highways objections subject to standard Highways conditions being imposed. HWAY 24 'visibility Splays; HWAY 18 'details of cycle parking'; HWAY 21 'Turning head to be kept clear'; HAWY 31 'No mud on Highway'; HWAY 17 Removal of redundant crossing'; HWAY 13 Access to be improved'; HWAY10 Vehicular access surfaced'. A minimum 3.5 metres clear driveway to be maintained to

Woodlands to facilitate access for emergency vehicles (reason: in the interest of public safety).

#### HOUSING STRATEGY AND ENABLING TEAM:

3.7 The site area falls over the Rural Threshold at 0.05ha as entered on the application. A commuted sum in lieu of provision of affordable housing is required.

#### LIFE LONG LEARNING AND CULTURE:

3.8 As there is no on site open space commuted sums should be paid to the Council for a) amenity open space - which would be used to improve a local site within the Parish. b) play space - which would be used to improve a local site within the Parish c) sports pitches - would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement.

## 4.0 APPRAISAL

### RELEVANT PLANNING HISTORY

4.1 The applicant was granted a certificate of lawfulness at appeal to allow existing land falling outside the Defined Settlement Limit and within the Green Belt proper, to be used a garden area (Planning Application Reference: 06/01243/CLU). Other applications relate to the extension and improvement of Woodland.

### POLICY

4.2 PPG2 Planning Policy Guidance 2 - 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts, including limited infill in existing settlements in 'washed over' Green Belt. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. At para 2.11 the guidance states that Local Plans should include policies to ensure that any infill does not have an adverse effect on the character of the village concerned.

4.3 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.4 Planning Policy Statement 3: 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing.

4.5 Policy GB2 'Development in Settlements "Washed Over" by the Green Belt' states that proposals for new buildings within Green Belt villages will be permitted providing they are located within the built up area of the settlement; the location, scale and design is appropriate to the form and character of the village and

surrounding property; and, the proposal would constitute limited infilling and not prejudice the openness or purposes of the Green Belt.

4.6 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.7 H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be a acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.8 GP10 -Subdivision of Gardens and Infill Development: Planning permission will only be granted for the subdivision of garden areas (or plots) or infilling, to provide new development, where this would not be detrimental to the character of the and amenity of the local environment.

4.9 Policy L1c requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

4.10 Policy H2A- Affordable Housing Outlines the requirement to provide affordable housing.

4.11 The Rufforth Village Design Statement (VDS) : States at 15 that, 'Gardens and open spaces between buildings contribute to the rural charm of the village and should be retained. There should be a presumption against sub-division of these spaces when future planning applications are considered.' The VDS has been adopted as supplementary planning guidance.

## KEY ISSUES

4.11 The Key Issues relate to policy principles with respect to Green Belt and visual impact , residential amenity, highways issues and requirements for Section 106 contributions.

## POLICY IMPLICATIONS, GREEN BELT AND VISUAL AMENITY

4.12 In terms of national guidance, there are facilities within the village and it benefits from a public transport and link and therefore the proposal would be acceptable in respect of the locational requirements of PPS 3 'Housing'.

4.13 The Development Control Local Plan shows that Rufforth is 'washed over' by the Green Belt and as such Policy GB2 applies. The Policy allows for limited infill within the existing settlements providing they would not prejudice the openness or purpose of the Green Belt. Infilling is defined by the Local Plan at Para 5.26 as the filling in of a small gap in an otherwise built up frontage. However, the policy goes on to state that infilling is not always appropriate as the character of many settlements is made up of gardens, paddocks and other breaks between buildings. This is supported by PPS 2 'Green Belts' which states that the Local Plan should include policies which ensure that any infill does not have an adverse effect upon the character of the village concerned. Other Local Plan Policies GP1 and GP10 seek to protect the character of an area.

4.14 The proposed site of the dwelling would be located on a small plot of land that serves as the driveway to Woodlands. As such it is considered that it would constitute infill as defined by Para 5.26 of the Development Control Local Plan. However, in line with Policy GB2 and PPG 2 'Green Belts' an assessment of whether the infill would be appropriate, or if it would adversely affect the character of area is required.

4.15 The site lies towards the outer edge of Rufforth which is characterised by a semi rural pattern of development, which is distinct from properties near by on Middlewood Close which represent a more urban pattern of development. The existing property Woodlands is a detached family dwelling set within substantial grounds, located off Wetherby Road. Woodlands is surrounded by mature trees and as a result is not visible from Wetherby Road. Surrounding properties include Linden Lea, Low Field Cottage, Apple Tree Cottage and Highfield House. Linden Lea is itself set back some distance from Wetherby Road. Two properties Maple House and Lime Wood have been built within the front curtilage of Linden Lea (application reference: 03/02302/FUL) . That application was considered to be acceptable because of the wide frontage maintained between the new properties and Wetherby Road and substantial landscape buffer retained to the road frontage (6 metres). Apple Tree Cottage was approved at Committee in 2004 (application reference: 03/03465/FUL) and reads from Wetherby Road as an ancillary barn conversion.

4.16 The proposal would result in an additional dwelling being built within the small driveway plot. It would project closer to Wetherby Road than Lowfield (although Lowfield is set at an angle) and Linden Lea, would interrupt and reduce the wide frontage characteristic of the area . There would be a distance of less than 21 metres from the front elevation of Highfield House, to the rear elevation of the proposed dwelling. Therefore to accommodate the property would require the loss of a significant amount of separation gap. Moreover due to the constrained nature and location of the site, the property would 'elbow' its way in front of Highfield house. It is noted that the street scene supplied does not accurately represent this. As a consequence the proposed dwelling would create an awkward juxtaposition between the existing adjacent dwellings and would result in the loss of a separation gap and create a more dense pattern of development to the detriment of the character and

appearance of the area. This would be contrary to Policies GP1, GP, GB2 and the Rufforth Village Design Statement.

4.17 It is also noted that the approval of this property would require the creation of a new access link in across the applicants' garden which falls within the designated Green Belt outside of the Defined Settlement Limits. Although the applicants state that the proposed link through the garden area would constitute Permitted Development, the provision of a domestic access in Green Belt would be contrary to Policy GB1.

#### IMPACT UPON RESIDENTIAL AMENITY

4.18 The nearest neighbours to the proposed property would be Linden Lea, Lowfield Cottage and Highfield House. Due to the small scale of the proposed property it is not considered that it would be over bearing to neighbouring occupiers or cause overshadowing. There would be a separation gap of only 19 metres between the rear of the new property and Highfield House and there would be some overlooking afforded to the front of Highfield House its front courtyard from the rear dormer, however, it is not considered that residential amenity would be significantly affected by this. No windows are proposed to the side elevations. Taking the above into account it is not considered that the proposal would adversely affect residential amenity of neighbouring occupiers.

#### HIGHWAY ISSUES

4.19 Raise no concerns subject to the imposition of conditions.

#### CONTRIBUTIONS TO OPEN SPACE AND AFFORDABLE HOUSING.

4.20 Should the application be recommended for approval, a contribution would be required for the provision of open space under Policy L1c. The Housing Enabling Strategy Team have requested a financial contribution for affordable housing, as the site is over the size threshold for affordable housing and there is no scope to provide more than one dwelling on the site. This would be difficult to justify in terms of Plan Policy and has not been applied to previous sites.

### **5.0 CONCLUSION**

5.1 Whilst the proposed new dwelling would meet part of the criteria outlined in Policy GB2, as the site an existing driveway to Woodlands is considered to constitute a small gap in an otherwise built up frontage (Para 5.26 of the Development Control Local Plan). The Policy goes on to state that infill is not always appropriate. This is supported by national guidance contained within PPS 2 'Green Belts' and Local Plan Policies GP10 and GP 1 which seek to protect the character of an area. The proposal would result in a residential dwelling being built within a constrained driveway plot. This would not be compatible with spaces between existing buildings. The proposed property would visually 'elbow' its way in front of Highfield House, creating an awkward juxtaposition, it would result in the loss of a separation gap and create a more dense pattern of development which would be inappropriate in this semi-rural setting. This would be contrary to Plan Policies GP1, GP10 and GB2 and

the Rufforth VDS. Moreover approval of the property would involve the creation of a new access link within the designated Green Belt outside of the Defined Settlement Limits which would be contrary to Policy GB1.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The introduction of this property to this constrained driveway site would be out of character with the existing spaces around surrounding properties towards the edge of Rufforth village and would create an awkward relationship with Highfield House. It would result in the loss of separation gaps and create a more dense pattern of development which would be out of character with the semi rural pattern of development . The proposal would therefore be contrary to Policies GB2, GP10 and GP1 of the City of York Development Control Local Plan 2005 and guidance issued in the Rufforth Village Design Statement. The proposal would also be contrary to national guidance issued in PPG 2 'Green Belts' and PPS 1 'Delivering Sustainable Development'.

2 Approval of the property would involve the creation of a new residential access link within the designated Green Belt , outside the Defined Settlement Limit which would be contrary to Policy GB1 of the City of York Development Control Local Plan 2005 and guidance contained within PPG2 'Green Belts'.

### **7.0 INFORMATIVES:**

#### **Contact details:**

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