

COMMITTEE REPORT

Date: 30 March 2021 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 21/00122/FUL
Application at: 2 Garden Street York YO31 7QX
For: Single storey rear extension and new gate to yard wall after demolition of existing rear extension
By: Mr Robert Webb
Application Type: Full Application
Target Date: 23 March 2021
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application seeks permission for a single storey extension to the rear of an end terrace dwelling on Garden Street, Guildhall Ward, along with a new gate to the wall forming the side boundary of the property. The proposed extension would replace an existing rear extension at the site.

1.2 The application has been brought to Area Planning Sub Committee under 2.2(e) of the Scheme of Delegation as the applicant is a serving Councillor.

2.0 POLICY CONTEXT

Draft Development Control Local Plan 2005

H7 – Residential Extensions

City of York Publication Draft Local Plan 2018

D11 – Extensions and Alterations to Existing Buildings

3.0 CONSULTATIONS

3.1 Guildhall Planning Panel - no comments received.

Application Reference Number: 21/00122/FUL

4.0 REPRESENTATIONS

4.1 No comments received.

5.0 APPRAISAL

KEY ISSUES

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

POLICY CONTEXT

5.2 The National Planning Policy Framework (NPPF) February 2019 sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development.

5.3 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies and how they should be applied. Paragraph 38 states that decision-makers should seek to approve applications for sustainable development where possible.

5.4 Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- 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

5.5 The NPPF also places great importance on good design. Paragraph 130 states 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.

5.6 The Publication Draft Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the

NPPF the 2018 Draft Plan the following policy policies can be afforded moderate weight.

5.7 Policy D11 (Extensions and Alterations to Existing Buildings) states 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 and 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 incorporate trees.

5.8 The Development Control 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 their weight is limited except when they are in accordance with the NPPF.

5.9 Draft Local Plan 2005 Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

5.10 The Supplementary Planning Document 'House Extensions and Alterations' (dated December 2012) ('SPD'), which provides guidance on all types on domestic type development. It offers overarching general advice relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings. 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/street-scene it is located on. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Section 13 of the SPD provides specific advice for rear extensions.

ASSESSMENT

Impact on the dwelling and character of the surrounding area

5.11 The proposed extension to the rear elevation of the house is not considered to cause undue harm to the character of the dwelling, or the wider streetscene. The structure would be of a sympathetic scale and design, would utilise sympathetic materials, and would be well screened from wider prominence within the street by the existing and proposed boundary treatment to the side of the rear yard.

5.12 The replacement of the large double gate to the side boundary wall with a narrower gate and new section of wall is not considered to cause undue harm to the character of the dwelling, or the wider streetscene. The replacement wall and gate would be of a sympathetic appearance in the context of the terraced host dwelling. The wider area is characterised by a mixture of dwelling types and boundary treatments, and the appearance of the proposed changes to the boundary would be considered of an acceptable appearance in this context.

Impact on neighbour amenity

5.13 It is not considered that the proposed rear extension would have any undue impact on the amenity of the adjacent neighbour at no.16 Fern Street. The extension would be entirely screened from the neighbouring property by the existing high boundary wall and corresponding single storey rear offshoot on the neighbouring side. The only change visible from the neighbour's yard would be the rearmost section of the boundary wall, closest to the electrical substation building, being built up so as to be at the same level as the rest of the boundary. This small additional section of wall would not be considered to result in any significant harm to the outlook or light enjoyed by the neighbour.

5.14 The proposed changes to the boundary, by virtue of their position and the nature of the works proposed, would not be considered to have any undue impact on any of the surrounding properties in terms of outlook, light or privacy.

6.0 CONCLUSION

6.1 The proposal is considered to comply with National Planning Policy Framework (2019), policies D11 of the City of York Publication Draft Local Plan
Application Reference Number: 21/00122/FUL

2018 and H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

7.0 RECOMMENDATION: Approval

1 TIME2 Development start within three years

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

Drawing No. 3593/100.1 (Received 19th January 2021) - As Proposed - Option 2
Revised

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

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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

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Application Reference Number: 21/00122/FUL