

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Westfield
Date: 18 December 2008 **Parish:** No Parish

Reference: 08/01708/FUL
Application at: 55 St Stephens Road York YO24 3EH
For: Two storey dwelling attached to side
By: Mrs L Donley
Application Type: Full Application
Target Date: 23 September 2008

1.0 PROPOSAL

1.1 The application is for a two storey dwelling to the side

1.2 The application was requested to come before committee by Cllr Stephen Galloway on the grounds that its purpose needs to be clarified as either a separate dwelling or a "granny flat". Concern about residential amenity of occupants of neighbouring dwellings, and parking provision.

1.3 A site visit is required, as an objection has been received.

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

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CYH4A

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 HIGHWAY NETWORK MANAGEMENT - No objections

3.2 DRAINAGE - No objection to the additional information submitted by the agent. Had previously objected on insufficient information.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

3.3 1 Letter of objection

- The proposal is for a separate two bed unit
- Distance between the objector's property and the proposed would be 7 metres, plans show this as more
- Will lose garaging space
- The proposed dwelling is too large, it would be overbearing and overpowering
- Would overpower the objector's patio area
- The building will be over dominant
- Would result in a loss of sunlight and reflected light
- Existing parking provision is used fully, with no additional parking proposed, would result in parking on the road
- Not clear from the plans where the building would be located and where the boundary is
- Eaves, fascias and guttering appear to overhang the boundary
- Details submitted do not indicate how the drainage will be dealt with, if it will drain onto the neighbouring land which floods at present
- Not clear how the property will be built, possible damage to the neighbouring drive and patio accommodating vans, scaffolding etc
- Concern that the timber and asbestos garage adjacent to the boundary would be at risk of damage
- Concerned will not be able to gain access to garage during construction
- Concern regarding security during construction, as there is anti-social behaviour in the area. Request secure temporary fencing while construction takes place
- On medical guidance objector requires to sit in sunlight for limited periods
- Would not object to an extension confined to the front and rear building lines and extended along the ridge. A gap should be maintained between the proposed extension and the boundary. Should be built within the boundary of No. 55. A 2 metre high wall or fence should be along the boundary to prevent overlooking. Should be linked with a personal condition and integrated with the existing dwelling

4.0 APPRAISAL

RELEVANT SITE HISTORY

7/00/996/PA - Double garage - Approved

ADDITIONAL PLANNING POLICY

Planning Policy Statement 1 - Planning for Sustainable Development
Planning Policy Statement 3 - Housing

KEY ISSUES

1. Visual impact on the dwelling and the area
2. Impact on neighbouring property
3. Impact on highway safety

ASSESSMENT

PLANNING POLICY

4.1 Planning Policy Statement 1 - '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.

4.2 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.

4.3 PPS25 Development and Flood Risk: This PPG explains how flood risk should be considered at all stages of the planning and development process. It sets out the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.

4.4 Policy GP1 'Design' of the City of York Council Development Control Local Plan 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.

4.5 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity

and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

4.6 Policy GP10 'Subdivision of Gardens and Infill Development' states that permission will only be granted for the development or subdivision of gardens areas where it would not be detrimental to the character and amenity of the local environment.

4.7 Policy GP15a 'Development and Flood Risk' in the City of York Council Development Control Local Plan (2005) states that there will be a presumption against built development (except for essential infrastructure) within the functional floodplain outside existing settlement limits. Proposals for new development on previously undeveloped land outside defined settlement limits will only be granted where it can be demonstrated that the development will not result in the net loss of floodplain storage capacity, not impede water flows and not increase flood risk elsewhere. All applications in the low to medium risk or high risk areas should submit a Flood Risk Assessment (FRA) providing an assessment of additional risk arising from the proposal and the measures proposed to deal with these effects.

4.8 Policy H4a 'Housing Windfalls' of the CYCDCLP states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelect/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

VISUAL IMPACT OF THE DWELLING

4.9 The parent dwelling is one of a pair of semi-detached dwellings. The street has a mixture of styles of dwellings dating from the mid 20th century. The dwelling is of its time with little in the way of architectural features. The pairs of semi-detached dwellings in the street have a graduated step back from the previous pair of dwellings. Therefore No.55 is set further forward than No 57 St Stephens Road.

4.10 In the application form a two storey side and rear extension was applied for. However as the extension would have its own front door, a large separate kitchen/dining/living room, separate stairs, and no internal access at first floor level it was considered that this was an application for a dwelling rather than an extension.

There is one internal access to 55 St Stephens Road, at ground floor level, and could be easily blocked up to create a separate dwelling.

4.11 The proposed dwelling is set down in height from the roof ridge and set back 0.5 metres from the building line. The front elevation of the proposed dwelling has a degree of subservience to the parent dwelling. The proposal development extends rear of the rear building line/parent dwelling by 4 metres.

4.12 It is considered that approval could only be recommended if the proposed dwelling was conditioned as additional/annex accommodation to 55 St Stephens Road. It could not be treated as or sold as a separate dwelling as there would be a significant loss of residential amenity to the occupants of the parent property from the overshadowing and loss of light from the two storey rear element. The proposed windows and doors at the rear opening onto the existing patio area for No. 55 would also result in a loss of privacy and overlooking. If it were a separate dwelling there would be a loss of parking spaces and cycle storage to the parent dwelling. There would also be the potential for an increase in hardstanding to the front to accommodate off street parking, that would impact negatively on the visual appearance of the streetscene.

4.13 The windows in the proposed dwelling are slightly different to those in the parent dwelling, however they are not considered to cause undue visual harm to either of the dwellings when viewed in the wider context.

4.14 The proposal would remove external access to the rear of No. 55, however an integral cycle and refuse store is proposed.

IMPACT ON NEIGHBOURING PROPERTY

4.15 The elevations and plans do not detail or show the shared boundary with 57 St Stephens Road, however the agent has confirmed in writing that there would be no overhanging of the boundary. It is ambiguous as to where the boundary lies, however this is a civil matter between the occupants of both properties. Any access to the neighbouring dwelling and land during construction is a civil matter and not a planning consideration.

4.16 The proposed extension/dwelling would result in a large elevation facing 57 St Stephens Road. The small seating/patio area for No 57 is to the side of their house. The proposed dwelling would be set 7.5 - 8 metres away from No. 57 and the proposed dwelling would dominate the outlook from the seating area. However this is mitigated by the large garden to the rear of 57 St Stephens Road.

4.17 There would be a loss of early morning sunlight to the seating area of No 57 during the summer months by virtue of the dwelling protruding to the rear. However this is not considered to cause significant harm as to warrant refusal.

4.18 There is only one window in the side elevation of No 57 - a first floor bathroom window. As this is a secondary window and there would appear to be another bathroom window on the front elevation of No. 57 together with the 7.5 - 8 metre

distance between the dwellings the proposed dwelling it is not considered to cause a loss of light or overshadowing to the dwelling.

4.19 A first floor bathroom window is proposed in the side elevation facing 57 St Stephens Road. This could be conditioned to be obscure glazing to prevent a loss of privacy to the occupants of No. 57.

4.20 The proposed dwelling protruding 4 metres to the rear of the parent dwelling is not considered to impact on the residential amenity of the occupants of 53 St Stephens Road, it would be 7.05 metres away from the shared boundary. It is considered that it would not cause any overshadowing or loss of light by virtue of the distance. Neither is considered to be overbearing or over-dominant.

HIGHWAYS

4.21 The Highways Network Management has not expressed any concerns regarding parking issues. No increase in parking spaces have been requested.

DRAINAGE

4.22 The agent has submitted surface water details confirming that there would be maximum restricted discharge rate of 0.5l/s and minimum storage volume of 3m³, the Structures and Drainage Department have confirmed that this would remove their objection to the development.

5.0 CONCLUSION

5.1 The proposed dwelling is not considered to cause visual harm to the streetscene or when viewed in context with the parent dwelling. Whilst the depth of the dwelling is larger than preferred it is not considered to unduly harm the residential amenity of the occupants of the neighbouring dwellings. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

Drawing Number DSSR/04
Drawing Number DSSR/05
Drawing Number DSSR/06;

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.

2 TIME2 Development start within three years

3 The materials to be used externally shall match those of the 55 St Stephens Road in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 The additional residential accommodation hereby permitted shall be occupied only as ancillary accommodation to the existing dwelling and shall not be occupied, sold, leased, rented or otherwise disposed of, as a separate dwelling unit and no separate curtilage shall be created.

Reason: The additional accommodation is sited in a position where the existing and proposed units would not enjoy a reasonable standard of residential amenity, or car and cycle parking.

5 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) following the completion of the development hereby approved, no further extensions or curtilage buildings of the type described in Classes A, B, C, and E of Schedule 2 Part 1 of that Order shall be carried out to 55 St Stephens Road or the annex accommodation approved in this planning permission without the prior written consent of the Local Planning Authority.

Reason: To prevent overdevelopment of the dwelling and protect the residential amenity of the occupants of neighbouring dwellings.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority the first floor bathroom window in the south west elevation of the dwelling shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

7 The existing double garage shall be demolished before the proposed dwelling/accommodation is constructed.

Reason: To prevent overdevelopment of the site.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that order) no additional windows other than those shown on the approved plans shall be constructed.

Reason: As the insertion of additional windows could have a serious impact on the privacy of neighbours and should therefore be controlled.

9 Prior to the commencement of the development hereby permitted, details for surface water drainage should be submitted to and approved in writing by the Local Planning Authority. The surface water discharge rate from the proposed building shall be 0.5l/s with a minimum of 3m³ of storage volume. Development shall be carried out in accordance with the approved details.

Reason: To prevent potential flooding issues.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

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 the residential amenity of the neighbours, the visual amenity of the parent dwelling and the locality, and highway safety. As such, the proposal complies with Policies GP1, GP4a, GP10, GP15a and H4a of the City of York Council Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and Planning Policy Statement 3 "Housing".

2. Party Wall Informative

You are advised that the development may involve building work covered by the Party Wall etc Act 1996 that is separate from planning or building regulations control. Do not commence work on the development until you comply with the provisions of this Act. An explanatory booklet may be obtained from the City of York's Department of City Strategy, or alternatively it is available on the Department of Communities and Local Government, www.communities.gov.uk.

Contact details:

Author: Victoria Bell Development Control Officer

Tel No: 01904 551347