

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 5 February 2009

**Ward:** Haxby And Wigginton  
**Parish:** Wigginton Parish Council

**Reference:** 08/02485/FUL  
**Application at:** 22 Middle Banks Wigginton York YO32 2ZF  
**For:** Two storey dwelling attached to side of existing dwelling (resubmission)  
**By:** Mr Paul Foster  
**Application Type:** Full Application  
**Target Date:** 24 December 2008

### 1.0 PROPOSAL

4.1 The application property is one of two gable roofed semi-detached properties built circa 1980. A small extension has been erected to the rear and a garage to the side. It is proposed to erect a small 2 bedroom dwelling attached to the side. The garage would be replaced and a small single storey element attached.

4.2 In August 2008 (08/01782) an application for a three storey bedroom attached dwelling was refused because of the impact of overdevelopment and because it did not address flooding concerns.

4.3 During the consideration of the present application revised plans were received. The main difference between the current scheme and the scheme that was refused is that the width of the proposed two-storey element of the house has been reduced from 7.2m to 4.5m. The internal floor space has been reduced significantly with the scale of the proposed house similar to the attached dwelling.

4.4 The application is brought to Committee due to the large volume of local concern that has been expressed.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

Floodzone 2 : Flood Zone 2 CONF

Floodzone 3 : Flood Zone 3

## 2.2 Policies:

CYGP1  
Design

CYH4A  
Housing Windfalls

CYGP10  
Subdivision of gardens and infill devt

CYGP15  
Protection from flooding

CYGP4  
Environmental sustainability

## 3.0 CONSULTATIONS

### 3.1 Internal

York Consultancy - No objections subject to conditions.

Highways Network Management - No objections subject to conditions.

Environmental Protection - No objections subject to conditions/informatives.

Life Long Learning and Leisure - require a financial contribution towards the provision of for open space.

### 3.2 External

Environment Agency - No objections subject to conditions.

Parish - Object due to overdevelopment, inadequate access, inadequate parking arrangements, terracing effect, new development out of scale, concerns re drainage implications on the area.

Neighbours - Objections received from the occupiers of 6 properties. The following concerns are raised. Comments were not sought in respect to the revised scheme as they did not create new issues from those listed below:

Overdevelopment.

Terracing.

Terraces are out of character

Inadequate separation to front, side and rear - will decrease light and increase overlooking.

Will add to existing parking problems.

Gardens are too small.

Noise and disturbance.  
Conflict with pedestrians.  
Loss of security through rear access.  
Surface water drainage concerns.  
Foul water drainage concerns.

Case officer - these issues are addressed in the report. It is not considered that a small increase in foul drainage would justify refusal and can be considered via alternative legislation.

## **4.0 APPRAISAL**

### **4.1 Key Issues**

- impact on streetscene
- impact on neighbours
- quality of accommodation
- flood risk
- highway considerations

4.2 Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 Planning Policy Statement 1 sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.4 Policies H4a and GP10 allow for the subdivision of gardens for new development providing (amongst other things) it is of an appropriate scale and does not harm living conditions.

The key issues in assessing the proposal are considered to be:

### **4.5 Impact on the streetscene**

The surrounding area is made up of detached and semi-detached properties - both bungalows and two-storey dwellings. In the context of a fairly varied streetscene it is not considered that a short terrace would necessarily be unacceptable.

The proposed dwelling is similar in style and scale to the attached semi-detached houses. It is considered that if approved it would create a sensitively designed terrace. Visually it would not appear over-developed through a gap of around 3.5 m being retained to the side boundary. This will help retain a feeling of space beside the adjacent public footpath and mature tree.

The revised scheme shows a car parking layout that would not appear unduly cramped. The parking needs for the small house would not be excessive. The layout proposed would not be unlike the extended property opposite. The erection of a suitable boundary treatment will be controlled by condition.

#### 4.6 Impact on neighbours

The separation distance to the property to the rear would be approximately 20m with a distance of 12m to the garden boundary.

The separation distance to the front is approximately 15 m. Because of the angle of the house this is slightly less than the host property and established separation distances in the street.

There is adequate separation to the side.

It is considered that the arguments in respect to the acceptability of the proposal on the amenity and living conditions of adjacent occupiers are fairly well balanced. The previous scheme was wider and would have had a greater visual impact. It is the case that the width of the house now proposed is little wider than a 'typical' two-storey side extension; several such extensions have been erected in the street. On balance, it is now considered that an objection on the grounds of additional loss of light or outlook would be difficult to sustain. The separation distances in respect to overlooking are little different than existing.

#### 4.7 Quality of the accommodation

##### Proposed House

The proposed two-bed dwelling has a reasonable level of internal and external amenity space.

##### Host Property

The remaining host property would have a small rear garden adequate to meet its needs. Parking for cycles can be achieved through access from the lane to the side. One car parking space is available to the front of the house. Through altering the front garden boundary the layout of the revised scheme has been improved with adequate separation to the house and pedestrian access to the front door being retained.

#### 4.8 Flooding

The property would be located in Flood Zone 3. The Environment Agency has confirmed that they have no objections subject to surface water drainage scheme being conditioned. York Consultancy objected previously but have now confirmed that they have no objections subject to a condition being included relating to discharge rates. Given that expert consultees do not consider the property to be at risk of flooding or increase the risk of flooding it is not considered that the scheme can be opposed on these grounds.

## 4.9 Highways

The proposed scheme provides adequate car parking and access to cycle parking for both houses. Although the shared drive arrangement is a little unusual it is considered that the proposed arrangements are acceptable.

It is considered that the rear access arrangements are acceptable and should not create new security concerns.

## 5.0 CONCLUSION

It is considered that the revised scheme overcomes the concerns set out in the previous refusal reasons. The proposal would create good quality new accommodation, would cause little harm to neighbours living conditions and would be well related to the established streetscene. Flooding concerns can now be addressed through appropriate conditions.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: PP required - determination applications

1 TIME2 Development start within three years

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

Revised plans PFM/1/02/A, PFM/1/04/A, PFM/1/05/A, PFM/1/06/A received by the Local Planning Authority on 27 November 2008 and PFM/1/06/B received by the Local Planning Authority on 17 December 2008.

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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the 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.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the external materials to be used for the surfacing of the site 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 and reduce surface water run-off.

5 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is commenced.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.

6 Unless otherwise agreed in writing with the Local Planning Authority no development approved by this permission shall be commenced until a scheme for the on-site storage of surface water (a minimum of 4.8 cubic metres) and its discharge from the site at a controlled rate of 1.2 litres per second has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in its entirety prior to the first occupation of the development and shall be maintained in an efficient manner thereafter.

Reason: To prevent the increased risk of flooding and prevent damage to landscaping.

7 Prior to the commencement of development, the developer shall submit for the written approval of the Local Planning Authority a preliminary BREEAM Design and Procurement stage assessment for the development. This shall indicate that a minimum 'Very Good' rating will be achieved under the appropriate code. This shall be followed by the submission of a BREEAM Post Construction Review and a BREEAM Certificate for this review shall then be submitted to the Local Planning Authority after completion and before first occupation of the building. Both assessments shall confirm that the minimum 'Very Good' rating indicated in the preliminary BREEAM Design and Procurement assessment submitted with the application.

8 Prior to the occupation of the dwelling a suitable boundary treatment shall be erected along the front boundary of the new dwelling and in the front garden between the new dwelling and 22 Middlebanks in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The boundary shall be constructed as approved prior to the occupation of the dwelling and shall remain as such unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enhance the streetscene and protect pedestrians.

9 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with

such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

10 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.	

11 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 £1,400.

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.

12 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, B, C, D and 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.

## **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 to the impact on the streetscene, highway safety, amenity and living conditions of adjacent occupiers and flood risk. As such the proposal complies with Policy GP1, H4a, GP10, GP4 and GP15a of the City of York Local Plan Deposit Draft.

### **2. DEMOLITION AND CONSTRUCTION**

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(i) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(ii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(iii) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(iv) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(v) There shall be no bonfires on the site.

Reason: To protect the amenity of the nearby residential properties.

### **Contact details:**

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