

COMMITTEE REPORT

Committee: East Area
Date: 5 February 2009

Ward: Wheldrake
Parish: Elvington Parish Council

Reference: 07/01030/FUL
Application at: Brook House Main Street Elvington York YO41 4AA
For: Erection of dwelling and detached garage (resubmission)
By: Mr And Mrs C Bundy
Application Type: Full Application
Target Date: 26 June 2007

1.0 PROPOSAL

1.1 This is a full planning application to erect a detached dwelling on land that was formerly part of the rear garden of Brook House. The site has a frontage to Main Street and is located within Elvington conservation area.

1.2 The proposed house is two-storey and of traditional construction. The annotation on the plan states that the house has three first floor bedrooms and a study. The current proposed drawings indicate a proposed single garage, however, the applicant has requested that this be deleted from the scheme. The site has dimensions of approximately 30 m wide and 17m deep. Elvington Beck runs along the rear boundary of the site.

1.3 The application is brought to Committee at the request of Cllr. Vassie as it appears not to be a clear-cut decision and would benefit from being considered in the public domain. As a key consideration is the relationship between the dwelling and the existing mature trees on the site, a site visit is also recommended.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Elvington

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP10

Subdivision of gardens and infill devt

CYH4

Housing devp in existing settlements

CYNE1

Trees, woodlands, hedgerows

CYHE3

Conservation Areas

CYGP15

Protection from flooding

CYGP1

Design

3.0 CONSULTATIONS

3.1 INTERNAL

Highways (Network Management) - No objections subject to standard conditions.

Conservation Architect - The proposal would not harm the character or appearance of the conservation area.

Nature Conservation - No objections. Bat habitats should be incorporated into the new development.

Landscape Architect - Feel that the development would create a conflict between the property and neighbouring trees due to concerns about light levels. The property is particularly tight along the southern boundary.

Housing and Adult Services - Should provide more than one unit so that an affordable unit is included.

(N.B. - this is not considered to be feasible given the restricted size of the site and its constraints).

Environmental Protection Unit - Because of concerns in respect to noise from the adjacent village hall the facing elevation should have suitable soundproofing and mechanical ventilation.

York Consultancy - Insufficient flood protection - floor levels should be 600mm above 2000 flood levels and soakaways proven to work through a test to BRE Digest 365.

3.2 EXTERNAL

Parish Council - No objections, but comments raised regarding concerns that the entrance is by the bus shelter and that the development should not lead to activities in the adjacent village hall being curtailed. Also request suitable materials and a contribution towards the cost of the village flood defence scheme.

Environment Agency - Floor levels should be 600mm above average site levels, compensatory surface water storage should be provided through landscaping, and surface water should be disposed of via soakaways.

Ouse and Derwent Internal Drainage Board - No objections subject to a 5m strip adjacent to the beck being kept free of development, the use of soakaways and ensuring that foundations would not affect the stability of the watercourse bank.

Neighbours

Representations have been received from two neighbours. The following issues have been raised:

The house will overlook houses to the front.

The access will reduce much needed on-street parking, create congestion and have poor visibility.

It will lead to the loss of an attractive green space that has value for wildlife.

Request that the vegetation along the beck remains, or is replaced to provide privacy to Willow House.

Need to ensure that new development doesn't lead to a change in the line of the beck or adjacent fence.

4.0 APPRAISAL

Key Issues

- impact on the streetscene and conservation area
- impact on amenity and living conditions of adjacent occupiers
- impact on trees
- highway issues
- drainage
- quality of accommodation provided
- sustainability

4.1 The application site is within the defined settlement limit of Elvington and thus the broad principle of the proposal is acceptable. The site is also within Elvington Conservation Area. When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area. Proposals that make more efficient use of land for residential accommodation in previously developed accessible locations are in line with the overall thrust of current local and national planning policy. However, in assessing the acceptability of the application it is important to ensure that the proposal does not cause harm to issues of acknowledged importance and that the site is a suitable location for a new dwelling.

4.2 Policy GP10 and H4a of the Local Plan relate to infill development and the subdivision of gardens. They place particular significance on avoiding over-development and ensuring that new development is not detrimental to the character and amenity of the local environment. Policy NE1 seeks to protect trees and woodland. Policy HE3 requires new development to protect the character and appearance of conservation areas. Policy GP15a states that new development in flood zone 3 should be shown not to be at risk of flooding and surface water discharge rates should be less than existing.

4.4 The key issues to address when assessing this application are considered below:

IMPACT ON THE STREETSCENE AND CONSERVATION AREA.

4.5 It is considered that the style of the house would be sympathetic to the appearance of other housing in the area. The proposal would change the character of the land where it is proposed through introducing built development and the reduction in the prominence of vegetation along the roadside edge. However, providing significant trees were retained on the site it is not considered that this would be harmful to the character of the village.

4.6 Brook House is a grade II listed building - the Conservation Officer is satisfied that the development would not detract from its setting.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.7 The proposed dwelling would be located approximately 21 metres from the properties on the opposite side of Main Street. In the context of facing two-storey development this is considered sufficient to avoid undue harm in respect to the loss of outlook, light and privacy. It is not considered that the slight increase in the house floor level above existing average site levels would be such to cause harm.

4.8 The rear garden of 'The Willows' on Church Lane runs along the opposite side of Elvington Beck. The separation distance between the rear of the proposed house and the side of the rear garden of The Willows would be around 7 metres.

4.9 It is not considered that the proposal will cause undue harm to living conditions within the house. This is because the development is sufficiently oblique and far enough away not to have a large impact in respect to privacy and outlook. However, during the winter when trees are not in leaf there will be some additional overlooking to parts of the rear garden, particularly from a first floor rear bedroom window. The area of the garden nearest to the house will still remain screened from the proposed house. Normally a minimum separation distance of 10 metres is sought between first floor windows and neighbouring gardens and arguments in respect to the impact on privacy are relatively well balanced. However, the situation does indicate that the scale of the development may be too great for a fairly shallow plot.

IMPACT ON TREES

4.10 The site contains a number of mature trees that are important to the character and appearance of the Conservation Area. The Council's Landscape Architect has

concerns in respect to conflict between the proposed dwelling and existing trees. A detailed tree survey has not been submitted with the application, however, from visiting the site it is clear that the house would be located in very close proximity to the canopy of several trees. When in leaf the trees would dominate the house and garden and reduce light levels. There are concerns that should the house be constructed future occupiers may seek to remove or significantly cut back trees to improve living conditions. This would reduce the amenity value of the site and detract from the landscaped setting of the conservation area, thereby conflicting with policies HE3 and NE1 of the Local Plan.

4.11 The proposed driveway and turning area would thread its way through several trees - subject to appropriate construction techniques it is not considered that it would cause significant harm. A small timber shed could be provided for the storage of cycles.

HIGHWAYS

4.12 It is considered that visibility out of the site for vehicles is acceptable. The new driveway would create car parking for two vehicles and ensure that vehicles could turn in the site and exit in a forward gear.

DRAINAGE

4.13 The application site is within flood zone 3. The Elvington flood alleviation work was completed in the summer of 2007. It is the case however, that the site is still categorised as being within flood zone 3 and the rear wall of the house would be located within several metres of the beck.

4.14 In 2000 the area around the beck that runs through the village suffered severe flooding. It is understood that the flood level was 7.100mm A.O.D. The application site is relatively flat and typically around 6.400mm A.O.D. The applicants have indicated that the finished floor level of the proposed dwelling would be 7.000mm A.O.D. The Environment Agency has stated that the floor levels should be at least 600mm above the average site level. However York Consultancy has stated that it should be 600mm above the 2000 flood level - i.e. 7.700mm. The representative at the Environment Agency has stated that York Consultancy requirements should take precedence. They consider that the new levels are required in the event that the flood defences are overtopped or pumping station fail.

4.15 The applicants have stated that surface water will be dispersed via a soakaway. However, no evidence has been submitted indicating that the ground conditions are such that soakaways will work. Given the requirement to ensure that new development does not increase flood risk this is unacceptable in relation to policy GP15 a of the Local Plan and advice contained in Planning Policy Statement 25 (Flood Risk).

4.16 The Internal Drainage Board have confirmed that they would accept a gap of 5 metres between the house and the beck providing ground levels are not raised.

QUALITY OF ACCOMMODATION CREATED

4.17 The property would be relatively large and if sited in most locations would give occupiers a good a standard of living. However, concerns exist in respect to the

relationship to existing trees. The site is relatively small in relation to the proposed house and there are significant trees on all elevations, particularly the south. The trees will typically be in leaf for approximately five or six months of the year and at such times limited sunlight would reach the inside of the house. Much of the garden would also be in shade.

4.18 The house itself would also cast a shadow over large parts of the garden - for example, the distance between the rear of the house and the top of the beck would be only 5.5m. The distance between the front of the house and the hedge would be around 4.5m. It is not considered good practice to erect a dwelling in such restricted circumstances when the resulting natural light and outlook levels from the house would be poor. Moreover, as mentioned previously this tight relationship may lead to continued pressure from future occupiers to remove trees from within and around the site. This is of concern given their importance to the wider environment.

4.19 The proposed dwelling is located within close proximity of Elvington village hall. The hall is used for a variety of different functions some of which have amplified music and can run into the early morning. The main hall has two windows bounding the application site. The proposed dwelling would be around 17m from the nearest windows. The house has been designed with minimal glazing facing this direction (a dining room and bathroom window). The Council's Environmental Protection Officer has requested a condition seeking noise attenuation measures within the house to avoid conflict causing unacceptable harm to future occupiers living conditions.

SUSTAINABILITY

4.20 The design and access statement submitted with the application makes little reference to sustainability in respect to construction techniques, siting or materials. Concerns exist in respect to the conflict with the well being of trees as well as the impact of the trees on light levels within the proposed house. It is therefore not considered that the application adequately meets policy and guidance requirements that seek sustainable development.

5.0 CONCLUSION

5.1 The proposed development raises concerns in respect to possible conflict with existing mature trees around the site. If approved the scheme could eventually lead to pressure for their removal with resulting harm caused to the conservation area. If the trees were retained they would create a very dark and enclosed living environment.

5.2 The relationship with the property to the rear and the village hall is also constrained. On their own it is not considered that these issues would justify refusal of the application, however, it does indicate that the scheme may amount to overdevelopment.

5.3 The house is proposed within very close proximity to a beck and historically the area has suffered from flooding. Despite flood alleviation works being recently completed, the council's drainage engineers have concerns that the new development is not designed to avoid flood risk should the flood defences fail. It is

also the case that it has not been proven that the scheme will not increase flood risk through increased run-off. This is unacceptable

5.4 As such, for the reasons outlined the application is recommended for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed dwelling would be located in very close proximity to the canopy of mature trees that surround the site. When in leaf, this would result in the occupiers of the proposed dwelling experiencing poor light conditions and having a poor outlook. It could also raise concerns amongst future occupiers in respect to danger caused by falling trees and subsidence. It is considered that this is an unsatisfactory relationship and may in the future lead to pressure for the trees to be removed. This would be unacceptable in that they are important to the setting of the conservation area and the environment generally. It is also considered that the application fails to demonstrate that the proposal would fulfil the aims and objectives of sustainable development. As such the proposal conflicts with Policies GP1 (criterion a), GP4a, H4a (criterion d) and NE1 (criterion a) of the City of York Draft Local Plan (Fourth Set of Changes) 2005 and Central Government advice relating to design quality and context contained within Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 3 (Housing).

2 The proposed dwelling would be located within Flood Zone 3. The application fails to show that the development would reduce flood risk in the wider area. It also fails to show that the new dwelling would have an internal floor level that would provide it with suitable safeguards against flood risk. Accordingly, it is considered that the application conflicts with advice contained within Planning Policy Statement 25 'Development and Flood Risk', Policy GP15a of the City of York Draft Local Plan (Fourth Set of Changes) approved April 2005 and advice contained within the City Of York Strategic Flood Risk Assessment Approved September 2007.

7.0 INFORMATIVES:

Notes to Applicant

1. FOR INFORMATION

This decision relates to drawing 301/01B received by the Local Planning Authority on 13 August 2007 - with the exception of the garage shown on the drawing that has been deleted by the applicant.

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