

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 11 June 2009  
**Ward:** Skelton, Rawcliffe, Clifton Without  
**Parish:** Clifton Without Parish Council

**Reference:** 09/00456/FUL  
**Application at:** 16 Fairway York YO30 5QA  
**For:** Erection of first floor side extension over existing garage and single storey rear extension  
**By:** Mr Nigel Sanderson  
**Application Type:** Full Application  
**Target Date:** 28 May 2009

### 1.0 PROPOSAL

1.1 This application seeks planning permission to erect a first floor side extension over an existing attached garage at this semi-detached property. The extension would be set back from the front wall of the property by approximately 1.8metres and set down from the ridge by approximately 1.0 metre. The proposed single storey rear extension would project a maximum of 3.3 metres into the rear garden with a maximum height of 4.0 metres.

1.2 This application is to be determined by Planning Committee due to the amount of objection letters from third parties relating to the proposal being in conflict with the character and appearance of the surrounding area. For this reason, a site visit has also been recommended.

1.3 The application site consists of a traditional semi - detached dwelling set behind a low boundary wall . The rear of the dwelling over looks a school playing field. The application is outside the Clifton Conservation Area.

1.4 No relevant Property History.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

Schools : Clifton Without Junior 0189

Schools : Canon Lee 0245

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

### **3.0 CONSULTATIONS**

#### 3.1 Internal

None

#### 3.2 External

3.3 Clifton Without Parish Council - no objections subject to neighbours

#### 3.4 Response to neighbour consultation letters -

##### No 5 Fairway

Size of extension appears double to the foot print.

Property has a conveyance which states any garage should leave at least 4 feet to the boundary of the dwelling. Every semi should have a clear space of not less than 4 feet on one side of the boundary.

Concerns for no18 difficult to see how garage could be implemented without with out impact on the adjoining garage.

##### No18 Fairway

Impossible to demolish shared garage.

Design of two garages built as one with decorative brickwork continuous across the front of both garages.

Residents garage roof has been replaced due to asbestos, concerns relating to supporting wall, which supports conservatory - adding further risk.

Terracing impact.

Loss of light - front houses face north.

Privacy effected by first floor window.

Loss of character.

##### No 16 Fairway

Loss of original character of dwelling.

##### No 22 Fairway

Impact on no 18.

Loss of original character.

##### No 1 Fairway

Out of character.

Loss of original appearance.

Granting permission could result in a catalyst of other permissions.

No24 Fairway

1940s property proposal would unbalance appearance.  
Not sympathetic to area.

#### **4.0 APPRAISAL**

4.1 Key Issue(s): Effect Upon Neighbours And The Surrounding Area.

4.2 Draft Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings

4.3 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.12) Good design and a scale of development that respects the original dwelling and established pattern of development are essential to making a quality extension.

4.5 Assessment:

The proposed development would extend approx 3.7 metres in width above the existing attached garage, set down from the original ridge by approx 1.0 metres, and incorporating a set back of approx 1.8 metres from the principal elevation. The single storey rear extension would be positioned in the south facing garden, set away from the shared boundary with the property at No.14 Fairway. This extension would be largely hidden by the adjoining garage at no.16 and is of an acceptable distance from the dwelling at no.14.

4.6 Effect upon the Street Scene:

Fairway is situated off Rawcliffe Lane and is outside the Clifton Conservation area. This street is characterised by semi - detached properties built around the same time. The spacing between the properties is dictated by attached garages and associated driveways located to the side of the semi-detached dwellings, some of which are linked, as is the case with the application property. It is noted during the site visit that there are four other dwellings within the street hosting two-storey side extensions, one being the attached neighbour at no 14, the others being nos. 50,52 and 56 located further along Fairway towards the far end of the street. Planning permission was refused in August 2007 for the erection of a two storey extension at 7 Fairway on the opposite side of the street. However, it is considered that the spacing between the dwellings on this side of the street is far more regular and unspoilt.

4.8 In terms of visual impact the proposed extension would incorporate a set down from the original roofline, extending over the garage, which is set back from the principal building line, and would therefore comply with the Councils Supplementary Planning Guidance on residential extensions. Due to the extension being set down and set back from the principal elevation, it is considered that an undesirable "terracing" situation would be avoided, and that the proposal would not alter the existing natural space between dwellings to an unacceptable degree.

#### 4.9 Neighbour Objections:

Objections have been received from a number of residents in close proximity to the proposal: nos. 1,5,16,18,22 and 24

The objections received by local residents relate to the unsympathetic design and loss of character to the originality of the surrounding area. Other concerns relate to the size and scale of the extension and the impact the proposal would have on the dwelling at no.18 Fairway.

4.10 The occupier of no. 5 states that the dwellings are subject to a conveyance restricting the size and position of proposed extensions in relation to the shared boundary. If there are such legal restrictions on the deeds of the property, then it is possible that the development would be unable to proceed even if planning permission is granted. However, this is a civil matter that cannot be considered in the determination of this planning application.

4.11 In terms of neighbour impact, the proposal would have the greatest impact on the adjacent dwelling at no16 which is linked to the application site by the attached garages. The small window at first floor level is thought to serve a non-habitable room, and for this reason it is considered that an objection on the grounds of loss of light or outlook would be difficult to sustain. Furthermore the impact on the existing adjacent garage and conservatory during construction are not material planning considerations. In this regard, the applicant would be required to adhere to the terms of the Party Wall Act , which is separate from planning legislation. Indeed, work could not commence on the development until the applicant has complied with the provisions contained within the Act.

4.10 The single storey rear extension would be approx 4.0 metres at the highest point reducing to 2.8 metres at eaves level. The total projection would not exceed 3.2 metres and it would be located approximately 3.4 metres from the shared boundary. As such, it is not considered that there would be any significantly adverse impact on the amenity of the adjacent occupiers in terms of loss of light or overshadowing.

## 5.0 CONCLUSION

The design and materials are considered acceptable therefore the proposal at first floor level is unlikely to detract from the character and appearance of the residential area. The neighbouring gardens are well screened and it is not considered that the development at the rear will appear overbearing or give rise to any unreasonable loss of amenity to adjoining residents.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Drawing no. Y/JD/AP/832/08-201 received on 6 March 2009
- 3 VISQ1 Matching materials

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (amended 2008) (or any order revoking or re-enacting that Order), no first floor windows shall be inserted in the side elevation facing the neighbouring dwelling at 16 Fairway without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity and privacy of the adjoining residents.

## 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, the proposal would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours and the effect on the character and appearance of the area. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

### 2. 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 Department of Development and Environment Services, alternatively it is available on the communities and local government website <http://www.opsi.gov.uk/>

### Contact details:

**Author:** Sharon Lickers Development Control Assistant

**Tel No:** 01904 551359