

COMMITTEE REPORT

Committee: West/Centre Area
Date: 16 July 2009

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 09/00622/FUL
Application at: 68 Clarence Street York YO31 7EW
For: Part single/part two storey pitched roof rear extension and single storey detached building to rear providing 3 no. letting bedrooms above the shop, 2. no letting rooms in detached building at rear.
By: Mr Chris Georgiou
Application Type: Full Application
Target Date: 4 June 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to 68 Clarence Street, a terraced unit with commercial at ground floor, residential above and a yard/garden at the rear. The site is surrounded by terraced houses on Townend Street to the north, two storey flats on Backhouse Street to the east and the rear of 66, to the south: this area is hardstanding and used for car parking.

PROPOSALS

1.2 Planning permission is sought for a rear extension to the host building and the creation of a free-standing building in the rear yard area, to create additional living accommodation. There would be 3 bedrooms and living accommodation above the shop unit and 2 further bedrooms with living accommodation in the free-standing new building. The building works would be as follows:

- Demolish the existing single storey rear outshot and replace it with a part single/part two storey extension. The extension would project 2.2m from the rear elevation, so it would end in line with extensions at the buildings to each side.
- 8m beyond the rear extension add a single storey building to provide a further 2 bedrooms and living area. The building would be single storey, the width of the rear yard/garden, by 8.6m.
- There would be a single storey outbuilding between for bin storage.

SITE HISTORY

1.3 There have been three unsuccessful applications to develop in the rear yard of 68 Clarence Street.

1.4 In 2008 application 08/00179/FUL was refused. The application proposed to partially demolish the existing building and replace it with a deeper two storey

building (2.5 storey at the rear) with a double pitched roof. There would also be a link to a single storey rear extension. The development was to create 2 x 1-bed flats in the main building and a 6-bed unit in the rear outshot.

1.5 The proposal was deemed to: constitute overdevelopment, offering inadequate levels of amenity for future occupants, harm the appearance of the area and residential amenity and fail to deliver the type of housing identified as being required in the city.

1.6 In 2007 application 07/01382/FUL, for a part single, part two storey detached building to the rear, for use as a 6 bed house in multiple occupation was refused. The scheme was deemed to constitute overdevelopment that would be harmful to the appearance of the area and residential amenity.

1.7 In 2005 permission was refused for a single storey dwelling on this site - 05/01538/OUT. It was refused as it was deemed the proposal would be overdevelopment of the site that would offer limited amenity to future occupants and would compromise the residential amenity of the surrounding occupants.

COMMITTEE

1.8 The application comes to planning committee at the request of Councillors B. Watson, Looker and Simpson-Laing, on the grounds of overdevelopment.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYGP10	Subdivision of gardens and infill development
CYGP11	Accessibility
CYH3C	Mix of Dwellings on Housing Sites
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development
CYT4	Cycle parking standards

3.0 CONSULTATIONS

CONSERVATION

3.1 This site lies in the Central Area of Archaeological Importance and in an area which has produced significant Roman, medieval, and post-medieval deposits. The site lies on the north side of the medieval walled area and outside the Roman

legionary fortress in a medieval suburb of the City. It probably occupies part of the area which was known as the Horsefair in the medieval period. Documentary sources refer to a number of medieval foundations in this area: the chapel of St Anne, the hospitals of St Peter, St Anthony and St Mary. The Roman deposits include burials.

3.2 Three sites (26 Clarence Street, the York St John Extension, and the Arclight building) in this area have been evaluated. At 26 Clarence Street two trenches have been excavated, one on the Clarence Street frontage and the other adjacent to the rear boundary of the site. The main deposits consist of the remains of the 19th century terraced housing which formerly occupied the site. Below these deposits are a series of features (a possible ditch and pits) which have produced exclusively Roman material. These features and deposits lie at and below 1400mm below the existing ground surface. At the former Wheelbase Garage the evaluation indicated the presence of Romano-British layers at about 1.4m below the present ground surface sealed by a significant build-up of post-medieval material.

3.3 There has been no archaeological evaluation of this site. However, it is possible to use the existing information to predict the survival of deposits on this site. The development proposal therefore will have an effect on archaeological deposits which are preserved within the boundaries of the site. These deposits do not merit preservation in-situ. An archaeological watching brief on all other groundworks for the development will be necessary. This watching brief should be secured by means of the standard condition ARCH 2 on any planning consent which may be granted.

HIGHWAY NETWORK MANAGEMENT

3.4 Ask that adequate space be provided for cycles. Advise that the (on-street car parking) respark zone is heavily subscribed. It is unlikely future occupants of this development would be eligible for resident parking permits.

PLANNING PANEL

3.5 Object. The original scheme was considered to be overdevelopment of the site that would harm the levels of amenity presently enjoyed by neighbours.

SAFER YORK PARTNERSHIP

3.6 Within 100 m radius of the site 35 crimes were recorded between April 2008 and 31.3.09, 3 of which affected properties in close proximity to the application site, 2 burglaries, 1 of criminal damage. As such it is recommended ground floor windows are fitted to British Standard 7950 - Secured By Design Standard.

PUBLICITY

3.7 The application was publicised by letters of neighbour notification. The deadline for comments was 6.5.09.

3.8 Four objections have been made on the following grounds:

- Access and storage collection problems as access is via a narrow passage from Townend Street
- Noise disturbance
- Security
- Loss of light
- Lack of demand
- Can sewage infrastructure accommodate the proposed development?

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of development
- Type of units proposed
- Appearance/Design
- Residential amenity
- Highway safety
- Sustainability
- Drainage

PRINCIPLE OF DEVELOPMENT

4.2 Policy H4a of the Local Plan states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.

4.3 The rear yard / garden constitutes previously developed land, as defined in PPS3: Housing and is within walking distance of the city centre. As such in principle the site is suitable for residential development. The impact and appearance of the scheme are covered in paragraphs 4.6 to 4.23.

MIX OF UNITS AND NEED FOR THE DEVELOPMENT

4.4 H3c of the Local Plan states that a mix of new house types, sizes and tenures will be required on all new residential development. The mix should meet local housing needs and be appropriate to the location of the development.

4.5 The application proposes a residential unit in the rear yard. There is already residential accommodation above the ground floor hairdressers. A 2-bed unit is proposed which will contribute to the demand for housing in the city. The existing yard/garden area is overlarge for a shop with living accommodation above. The scheme is not overdevelopment, but makes prudent, more effective use of the land, which is previously developed; a requirement of PPS3: Housing, and on this basis the amount/type of development proposed is accepted.

APPEARANCE

4.6 National policies relevant to the proposal are PPS1 Delivering Sustainable Development and PPS3 Housing.

4.7 PPS1 states that it is the Government's objective to "ensure high quality development through good and inclusive design" (paragraph 5). It goes on to state in paragraph 34 this applies to all development and "design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted".

4.8 PPS3: Housing states that the planning system should deliver high quality housing that is well designed and built to a high standard. Development should be distinctive, maintain character and make efficient and effective use of land. The policy statement advises more intensive development is not always appropriate, but if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

4.9 Of the Local Plan GP1: Design and GP10: Subdivisions and infill development are relevant.

4.10 GP1 states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage.

4.11 GP10 states permission will only be granted for sub-division or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

Existing building

4.12 It is proposed to add an extension to the rear that fits with the neighbouring extensions to each side. The two-storey element follows the rear building line and roof of the two-storey extension at no.66. The existing outshot, which blocks light to the rear of no.70, due to its length and roof slope will be replaced with a 2m shorter extension which slopes down toward the side boundary. Materials and details will match those on the existing house. The scale, shape and detailing of the proposed rear extension are acceptable and implementation would improve upon the current appearance of the rear elevation.

4.13 A rear dormer is proposed. This will be level in height with the dormer at no.70 and aligned with a first floor window on the host building. It will have a flat lead roof and sides. The location, size, shape and materials of the dormer are acceptable.

Proposed building

4.14 With the proposed extension added to the host, the remaining area to the rear would be 20m deep. A new building is proposed in this area which would be the width of the plot by 8.5m, 2.8m tall to the top of the parapet walls and 3.7m to the

ridge of the pitched roof. The extension would have hidden gutters behind the parapet wall and a low pitched roof. Access would be from the alleyway leading from Townend Street, the cycle store would be in the rear extension to the existing building.

4.15 Many of the rear plots beyond the buildings fronting Clarence Street have been built in (Mews style buildings), due to their depth. There are a mix of single and two storey buildings. It has been problematic to develop at the host site as it is toward the end of the terrace, has no rear access and is backed onto from the north (Townend St) and east (Backhouse St).

4.16 Due to the height, shape, with the low pitched roof beyond the parapet wall, it is considered the proposed building would be sympathetic and reasonably respect its setting. At under 2.9m tall the walls of the extension would not be significantly higher than the 2m tall wall that runs along the back of 46-50 Townend Street or the single storey outshots on those buildings. The building would be of appropriate materials.

RESIDENTIAL AMENITY

4.17 Residential amenity is covered in policies GP1 and GP10 which require developments ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance

4.18 L1c states developments for all housing sites will be required to make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted sum payment will be required for off site provision.

4.19 No.70 Clarence Street would benefit from the removal of the existing rear outshot on the host building as less overshadowing would occur as a consequence of the replacement extension. No.66 has an existing two-storey outshot, which the proposed extension would be level with in building line. Overall the rear extension would not harm residential amenity.

4.20 The proposed building in the rear yard due to its height would not have a material effect on the surrounding houses. To the north, nos. 46 and 48 Townend Street would be nearest the building. No undue loss of light would occur, as the side wall to the proposed building would only be around 800mm taller than the rear boundary wall to these houses and 1m further away. Windows are orientated/located so no undue overlooking would occur.

4.21 Although outlook from the bedrooms in the proposed building would be limited (windows would be 2m from a brick wall around 1.8m high) this would be akin to a bedroom at a basement level, and not unacceptable. Otherwise levels of light and outlook would be reasonable and adequate space (bedrooms are 8.6 sq m in area, the internal area overall would be 39 sq m), both indoor and outdoor, would be provided.

4.22 The cycle store would be within the extension to the existing building and could accommodate 7 or 8 cycles; the bin store would be in the form of a permanent

outbuilding in the rear yard. Both are of acceptable size and are convenient for users.

4.23 The applicants agree to make a contribution toward open space in the locality. The new unit would have two bedrooms. According to the guidance document for open space contributions, a contribution of £1,242 is required.

HIGHWAY SAFETY

4.24 GP11 Accessibility, asks that new developments demonstrate that suitable provision will be made for access for people with mobility problems.

4.25 Access to the new building would be through the alleyway, which is around 1m wide at its narrowest point. For disabled persons, an access route needs to be 900mm wide. As such the access is suitable.

4.26 Car parking does not need to be provided; the Local Plan advises it is the choice of the developer to provide car parking and sets maximum standards, in line with national policy. The application site is close to services and the city centre and it would be reasonable to expect that occupants would not own a private car. As such the proposal accords with the objectives of PPG13: Transport, which are to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and reduce the need to travel, especially by car

SUSTAINABILITY

4.27 Based on discussions, with the applicants and the submitted sustainability statement, the following measures are proposed:

- The developers will accord with the principles of the considerate constructors scheme.
- All electrical appliances/white goods to be installed shall be energy saving recommended.
- Water efficient appliances will be installed in the bathroom.
- Insulation of the building will exceed Building Regulation requirements.

DRAINAGE

4.28 Details of the proposed means of drainage from the proposed building can be requested through a planning condition.

5.0 CONCLUSION

5.1 The proposed buildings are of reasonable design and appearance and would be in-keeping with the character of the area. There would not be a material impact on residential amenity or highway safety. The proposal takes reasonable steps to operate sustainability. Overall the scheme is seen to be acceptable and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 Development start within three years
- 2 Approved plans - 01B date stamped 16.6.09, 02C, 03D stamped 25.6.09.
- 3 The eaves level of the building shall not exceed 2.8 metres in height, and the ridge level 3.7 metres in height when measured from ground floor level in the alley behind nos. 44-52 Townend Street.

Reason: In the interests of residential amenity.

- 4 The development shall be carried out using the following materials:

Rear extension

- Bricks and roof tiles to reasonably match those on the existing building, including the colour, texture and bonding of brickwork and the mortar treatment to be used.
- Dormer to have lead roof and sides.
- Doors to bin and cycle stores to be timber.

New building

- Bricks to reasonably match those on the existing building, including the colour, texture and bonding of brickwork and the mortar treatment to be used, unless approved otherwise by the Local Planning Authority.
- Roof to be in either slates, reclaimed or reconstituted slates or tiles to reasonably match those on the existing house unless approved otherwise by the Local Planning Authority.
- Rain water goods to be cast iron.

Reason: In the interests of visual amenity.

- 5 Windows to the existing building shall have sill and lintel/arch details to match those on the existing building.

The window frames and their sills to the free-standing building shall be recessed, set within their reveals.

All doors and windows at ground floor level shall be security-tested to Secured By Design standards - British Standard 7950 and Product Assessment Specification 24.

Reason: In the interests of appearance and safety/security of future occupants.

- 6 LAND1 New Landscape details required

7 DRAIN1 Drainage details to be agreed

8 With regards the outbuilding, development of the type described in Classes A, B, D and E in part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008 shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of appearance and given the size of the application site 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 2008.

9 The development shall be carried out in accordance with the sustainability statement received 16 June 2009 in particular:

- a) Construction will accord with the principles of the considerate constructors scheme.
- b) All electrical appliances/white goods to be installed shall be energy saving recommended (see Energy Saving Trust for further information).
- c) Water efficient appliances will be installed in the bathroom(s): dual flush toilets, showers with nominal flow rates of less than 9 litres/minute and flow restricted spray taps.

Reason: In the interests of sustainable development, in accordance with policy GP4a of the Local Plan.

10 S106OS Section 106 Open Space - 1,242

11 ARCH2 Watching brief required

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 appearance of the area, residential amenity and highway safety.

The proposal complies with Policies GP1, GP4a, GP10, GP11, H3c, H4a, L1c and T4 of the City of York Development Control Local Plan.

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