

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 16 July 2007

**Ward:** Acomb  
**Parish:** Acomb Planning Panel

**Reference:** 09/00722/REM  
**Application at:** 106 Albion Avenue York YO26 5QY  
**For:** Reserved matters application for the scale, appearance and landscaping of 1no. dormer bungalow and garage to which outline planning permission (ref 07/02291/OUT) relates  
**By:** Mr Martin Armitage  
**Application Type:** Approval of Reserved Matters  
**Target Date:** 14 July 2009

### 1.0 PROPOSAL

1.1 Reserved Matters permission is sought for the erection of a detached dormer bungalow to the rear (north east) of 107 Albion Avenue. The reserved matters to be considered are, scale, appearance and landscaping/

1.2 Access to the proposed development is shown via the existing driveway, which presently serves no. 107. The applicant's existing single detached garage and dwarf boundary wall (adjacent the footpath) have been already been demolished to facilitate vehicular movements to the rear of the site.

1.3 The applicants seek approval for a detached dormer bungalow, which is approximately 9.80 m in length x 8.60 m in width x 2.60 m to eaves level and 7.00 m to ridge level. It is also proposed to form 1 no. dormer window to the front elevation of the property and gable end and 2 dormers to the rear. 1 rear dormer will serve the main bedroom, the rear other will serve bedroom 3 and the front dormer will serve the main upstairs bathroom. The dwelling will consist of a kitchen/dining/family room, study and lounge on the ground floor and 3 bedrooms at first floor level, including a main bathroom and 1 en-suite bathroom.

1.4 The proposal also includes the erection of a single attached garage, a drive and turning arrangements for the proposed dwelling. The applicants state in their design and access statement that the size, scale and height of the property is similar to that found in surrounding areas (which can be seen on the submitted location plan).

1.5 Initially the applicants sought planning permission for a dwelling which was 13.04 m x 9.40 m in plan. They were advised that the proposal fell outside the scope of the outline permission due to its increase in size from the scheme approved by the Inspector. The applicants consequently reduced the size of the proposed to accord with their outline approval.

### SITE

1.6 The plot area is 0.047 hectares in size. The proposed plot is irregular in shape and measures approximately 35.00 m in length x 20.00 m in width. However the proposed plot tapers in width as it extends towards Boroughbridge Road to approximately 3.00 m in width. The site is set back from Albion Avenue by approximately 33.00 m and about 25.00 m from Boroughbridge Road. The proposed site is located to the rear of 106 Albion Avenue, which is a semi-detached bungalow.

1.7 The design and access statement (DAS), which accompanies this proposal, states that a separation distance of 21.00 m can be achieved between the proposed dwelling and the rear façade of no.106. It is further stated within the DAS that the rear garden of the proposed dwelling is 20.00 m in length. As such the agents state that the proposed new dwelling would not impinge upon the amenity of adjacent neighbours.

1.8 106 Albion Avenue is located at the hammerhead of Albion Avenue close. No.106 adjoins 104 Albion Avenue. Both these dwellings are built on a 45° splay so as to face the hammerhead of the close. No.106 is approximately 6.50 m in length x 8.00 m in width and is single storey in height.

## HISTORY

1.9 An outline planning application was withdrawn on 19/06/2007. The application was withdrawn on the basis of concern raised by the Local Planning Department (LPA). The principal area of concern was the proposed access for the new dwelling being too close to the existing dwelling (No.106 Albion Avenue). This application attempts to overcome the LPA's concerns.

1.10 A similar outline planning permission was refused on 16/10/2007. The applicants subsequently appealed the decision and were successful (APP/C2741/A/08/2066342/WF)

## COUNCUILLOR REQUEST

1.11 The application is being presented to planning at the request of Councillor Simpson-Laing.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: Manor CE 0250

## 2.2 Policies:

CYGP1  
Design

CYH4A  
Housing Windfalls

CYH10  
Car parking not required for CC housing

CYL1C  
Provision of New Open Space in Development

## 3.0 CONSULTATIONS

### INTERNAL

Highway Network Management (HNM)

3.1 The HNM officer commented that the access and layout has already been agreed at Appeal and therefore no objections are raised.

Design, Conservation and Sustainable Development - Landscaping

3.2 The landscape architect commented that there are a number of trees to be retained including a purple leaved beech and a number of fruit trees. Protective barriers are required to ensure adequate protection during construction shall be conditioned.

### EXTERNAL

Acomb Planning Panel

3.3 Objections were raised relating to the overdevelopment of the area and the restricted access to the proposed dwelling.

Neighbours

- The location and proximity of the proposed new dwelling would impact upon the existing privacy of adjacent neighbours;
- The dwelling would impact upon the open aspect currently enjoyed by residents;
- The proposal, if approved, would be out of character with the existing area;
- The proposal would cause overshadowing and would appear dominant in this location;
- The additional dwelling would breach the maximum number of dwellings in an already maximised cul-de-sac (CYC planners maximised the level of dwellings in

their original plans)

- The proposed dormers would be too intrusive and would affect adjacent neighbours privacy, roof lights would be preferred;
- The scale and footprint of dwelling is out of proportion with other properties in the area and is larger than originally approved at outline stage;
- The dwelling is too big for the site;
- The proposal would create additional noise intrusion due to vehicular movements in the rear garden etc.;
- The proposal does not have a precise height measurement and the roof is out of character with hipped roofed properties in the area;
- The separation distances are inaccurate. Plans do not show extensions to both 238 and 240 Beckfield Lane;
- If the application were approved it would set a precedent for future development of this type;
- Albion Avenue cul-de-sac suffers from congestion. The proposal would create further congestion in the cul-de-sac;
- The proposal would have an adverse impact upon the safety of pedestrians using the adjacent public footpath;
- Adjacent neighbours views would be affected;
- Impact on drainage in area and create additional problems of flooding in the area by creating further hard surfaces which are impermeable and overloading the sewers.
- Access and safety compromised by construction vehicles. This has become evident recently with the laying of a garage base, which meant that vehicles blocked the road for 3 hours with no access in or out.

Letter on behalf of residents from Cllr Simpson-Laing

3.5 Concerns were raised initially with the outline application regarding the size of the development. The reserved matters application shows an increase in size from what was originally proposed.

3.6 Residents are concerned about the ridge height, which is an approximation, the design of the roof is out of character with surrounding properties, not being hipped and having dormer windows which increase the visual impact.

3.7 The size of the dwelling within the plot should be considered. Neighbouring residents are concerned that the dwelling is nearer to their properties and question the distances between properties.

3.8 CYC Policy GP1 is designed to ensure neighbouring properties are protected from noise, disturbance, overlooking and overbearing structures. This should be taken into account by restricting the height and size of the proposal and there should be assurances that all distances from neighbouring properties are set out clearly at committee stage.

3.9 Objections are therefore related to scale, density and appearance.

## 4.0 APPRAISAL

4.1 The reserved matters to be considered are:

- Scale;
- Appearance; and
- Landscaping;

### POLICY

4.2 PPS1 '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.

4.3 PPS 3 'Housing' 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. PPS3 also advises that car-parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

4.4 Other relevant policies:-

- Policy GP1
- Policy H4a
- Policy GP10
- Policy L1c

### SCOPE OF THE APPLICATION

4.5 The principle of the development of the site has been established by virtue of the previous appeal decision relating to the site. In allowing new housing development on the basis of infilling, Policy H4a of the Draft local Plan states that development should be of an appropriate scale and density to surrounding development, and should not have a detrimental impact on existing landscape features. Policy GP10 states that planning permission for sub-division of existing garden areas, or infilling, to provide new development will only be granted where this would not be detrimental to the character and amenity of the local environment. Policy GP1 relates to design and 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 the character of the area, using appropriate building materials. The importance of design is referred to in Central Government advice contained within Planning Policy Statement 1: "Delivering Sustainable development".

4.6 The scale of the proposed dwelling is a single storey in height but incorporates three bedrooms within the roof space served by dormer windows and a small gable end. Whilst the height of the dormer bungalow has increased in height from 6.30 m on the plan to 7.0 m. The Design and access statement (appended with the appeal) confirmed that the building would not exceed 7.0 m in height. Bearing in mind the

Inspector considered the plans indicative, it is considered that the increase in height is acceptable. Therefore after amendments to the size and scale of the proposed bungalow it is now considered to be within the spirit of the appeal decision and consequently acceptable.

4.7 In allowing the appeal, the Inspectors treated the appearance of the building as indicative. However he raised no objections to its appearance or style. Bearing in mind these comments and his general support for the scheme, it is considered difficult for the Council to object to the detailed appearance of the dwelling. The detailed design indicates a three bedroom dwelling of modern design. However, the site is not within a conservation area and it is considered that the design would be appropriate and would not appear out of keeping with its surroundings. External materials can be conditioned.

4.8 The proposed landscaping scheme is considered acceptable.

4.9 Other issues: whilst a number of objections were received regarding this scheme, the majority cannot be taken into account as this application approval seeks reserved matters approval only. The principle of development, highways matters, drainage, separation distances, overshadowing cannot be revisited as these issues were agreed by the Planning Inspector.

4.10 The majority of objections were related to the scheme as originally submitted. The applicant has amended the scheme. All relevant parties were given further opportunity to comment upon the revised scheme. However the period for further consultation expires on the day of committee. Therefore any comments regarding the revised scheme will be presented to committee verbally.

4.11 The application cannot be judged against Policy GP4a 'Sustainability' as this application is for reserved matters only. The Inspector did not impose such a condition when he approved the scheme at outline. The Inspector did not impose a condition seeking an open space contribution.

## **5.0 CONCLUSION**

5.1 In the opinion of the Local Planning Authority, the amended scheme is considered acceptable in terms of scale, appearance and landscaping. As a consequence the proposal is considered to be unacceptable and is recommended for refusal, contrary to GP1, GP10, H4a and L1c of the City of York Development Control Draft Local Plan and National Planning Guidance PPS1 and PPG3.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 PLANS2 Approved plans and other submitted details

2 HT1 IN Height - 7.00

3 VISQ8 Samples of exterior materials to be app

4 No demolition, construction or other work associated with implementation of this permission, including deliveries to and from the site, shall take place outside the hours of 08:00 to 18:00 on Mondays to Fridays, 09:00 to 13:00 on Saturdays and at no times on Sundays or Bank Holidays.

## **7.0 INFORMATIVES:**

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 locality, highway safety. As such, the proposal complies with Policies H4a, H10, T4, GP4a and GP1 of the City of York Local Plan Deposit Draft; national planning guidance contained in Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'.

### **Contact details:**

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