

COMMITTEE REPORT

Committee: West/Centre Area
Date: 20 August 2009

Ward: Rural West York
Parish: Parish Of Rufforth With Knapton

Reference: 09/01073/FUL
Application at: 4 Trenchard Road York YO26 6BG
For: Subdivision of dwelling to form two semi detached dwellings with two storey side and two storey/single storey rear extensions, new access drive and garage
By: Mr And Mrs A Gioiello
Application Type: Full Application
Target Date: 11 August 2009

1.0 PROPOSAL

1.1 No 4 Trenchard Road comprises a two storey brick built detached house circa 1950 with a substantial garden set within an estate of former military officer 's housing at the western settlement limit of York accessed from Boroughbridge Road York. The estate is privately owned whilst under the overall supervision of a Management Company. The proposal seeks to subdivide the existing property into two semi-detached units with a mixture of two and single storey side and rear extensions, a new and a relocated garage and a new access drive along the northern boundary of the site. The scheme has been amended to deal with concerns in respect of its relationship with the adjoining property No 2 Trenchard Road.

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

2.2 Policies:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYH7
Residential extensions

3.0 CONSULTATIONS

INTERNAL:

3.1 Highway Network Management raise no objection to the proposal subject to the imposition of a series of standard conditions covering access details, car and cycle parking on any permission.

3.2 Lifelong Learning and Leisure raise no objection to the proposal subject to the payment of a commuted sum in lieu of on-site provision of open space.

EXTERNAL:

3.3 Rufforth with Knapton Parish Council object to the proposal on the grounds that in their opinion the proposal would have a materially adverse impact upon the residential amenity of neighbouring properties , it would unacceptably compromise the available amenity space for the properties created by the proposed sub-division, it would have a materially adverse impact upon the visual amenity of the street scene and it would contravene the restrictive covenants under which the estate is managed.

3.4 York(Trenchard) Residents Company Limited object to the proposal on the grounds that it would be contrary to Draft Local Plan Policies GP1 and GP10 in terms of its impact upon the visual amenity of the street scene and the level of available amenity space for prospective occupiers of the property. It would furthermore be contrary to restrictive covenants appertaining to the property and the remainder of the estate.

3.5 . Eleven letters of objection have been received from adjoining residents. The following is a summary of their contents:

- i) Concern at contravention of restrictive covenants appertaining to the property;
- ii) Concern at an increase in on-street parking in the direct vicinity;
- iii) Concern at the impact of the proposal on local property prices;
- iv) Concern at the impact of the proposal on traffic levels in the vicinity;
- v) Concern that the existing property is being used as a "House in Multiple Occupation;"
- vi) Concern at the impact of the proposal on the local drainage pattern;
- vii) Concern at the impact of the proposal upon the residential amenity of neighbouring properties;
- viii) Concern at a possible increase in anti-social behaviour arising from the proposal;
- ix) Concern at the impact of the proposal on the visual amenity of the street scene;
- x) Concern that the proposal would set a precedent for other similar proposals ultimately leading to encroachment into the adjacent Green Belt.

4.0 APPRAISAL

4.1 KEY CONSIDERATIONS:-

Impact of the proposal on the visual amenity of the street scene;
Impact upon the available amenity space for residents of the proposed properties;
Impact of the proposal on the residential amenity of nearby properties;
Impact of the proposal on the local drainage pattern;
Impact of the proposal on the level of traffic movement and on street parking in the vicinity;
The provision of a commuted sum in lieu of off-site open space provision.

4.2 Policy H7 of the York Development Control Local Plan sets a firm policy presumption in favour of new residential extensions where the design and materials are sympathetic to the main dwelling and the locality of the development, the adverse impact upon the amenity which neighbouring residents could reasonably be expected to enjoy, the spaces between dwellings would be respected and the proposals would not lead to an unacceptable reduction in amenity space within the curtilage of the dwelling. The current proposal as amended would result in the creation of a pair of semi-detached houses from the existing detached house by construction of two storey side and rear extensions to north-east and south-west and a further single storey extension to the rear. The existing double garage would be partially demolished and a new integral garage would be created as part of the southern property and a rear garage would be created in the rear garden for the northern property. The design of the northern garage has been amended to by reducing its ridge height to lessen its impact upon the adjacent residential property. The design and external appearance of the properties created would reflect that of other semi-detached properties in the direct vicinity notably Nos 5 and 7 Trenchard Road. Any impact upon the visual amenity of the street scene would be minimal and the terms of Policy H7 of the York Development Control Local Plan would be complied with.

4.3 Policy GP10 of the York Development Control Local Plan sets a firm policy presumption that planning permission will only be granted for the subdivision of existing garden areas to provide new development where this would not be detrimental to the character and amenity of the local environment. The proposal envisages the longitudinal subdivision of the existing site to create two rear garden areas with a domestic garage in the garden area of the northern plot. No significant degree of built development is envisaged in either garden area and its broad character as an amenity area for the properties created would be maintained. The terms of Policy GP10 would thus be complied with in relation to the current proposal.

4.4 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of development proposals which, respect or enhance the local environment, are buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or are dominated by overbearing structures. The current proposal as amended envisages the creation of a pair of semi-detached houses from the existing detached house by construction of two storey side and rear extensions to north east and south west and a further single storey rear extension in-between together with a garage within the garden of the northern unit to be created. The site boundaries to the adjacent

residential properties comprise a 2.1 metre high mature hedge which would be retained within the proposal. No 2 Trenchard Road the closest property to the north lies approximately 14 metres away from the proposed extension and would not be subject to a direct issue of overlooking. The south western extension would project beyond the rear of the adjacent property to the south No 6. The dwellinghouse however lies some 4.5 metres from the common boundary and there would not be any material impact upon the principal living areas in terms of loss of sunlight or aspect arising from the proposed extension. On balance, the proposal as amended would not have a materially significant impact upon the residential amenity of other properties in the vicinity and the terms of Policy GP1 would thus be complied with.

4.5 In terms of traffic generation and on street parking the proposal envisages the provision of garages with associated driveways serving both properties giving the requisite vehicle and cycle parking facilities for each property. Additionally there is scope for a limited degree of on-street parking for visitors to the area.

4.6 In terms of the impact of the proposal on the local drainage pattern the proposal envisages the introduction of a sustainable rainwater harvesting system. Details of this would be appropriately dealt with by the imposition of a condition requiring further approval of details by condition on any permission.

4.7 Policy L1c) of the York Development Control Local Plan sets a firm policy requirement for the payment of a commuted sum in relation to new residential development based upon the net increase in bedroom spaces for the provision of off-site open space. The applicant has agreed to make the relevant payment in this case.

4.8 The issues of restrictive covenants, neighbouring property prices, the alleged use of the existing property as a "House in Multiple Occupation", the possibility of anti-social behaviour by residents of the new properties and precedent for other similar schemes have been raised but are not material considerations in the determination of the current application.

5.0 CONCLUSION

5.1.

No 4 Trenchard Road comprises a substantial two storey brick built detached house circa 1950 set within an ample garden area. The proposal envisages the subdivision of the property into two semi-detached units with two storey side extensions to north and south and a single storey rear extension. The existing garage would be demolished and alternative garage accommodation would be provided for both units within the rear garden for the northern unit and integral within the southern unit. The design of the northern garage and northern side extension has been amended to lessen the impact upon the adjacent property No 2 Trenchard Road. On balance the scheme would have a minimal impact upon the wider street scene and would not have a materially adverse impact upon the residential amenity of neighbouring properties, and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs: 07-18/11 Rev A ; 07-18/12 Rev A ; 07-18/13 Rev A ; 07-18/14 Rev A ; 07-18/15 Rev A ; 07-18/14 Rev A; Date Stamped 3rd August 2009

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 VISQ1 Matching materials

4 DRAIN1 Drainage details to be agreed

5 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

6 HWAY19 Car and cycle parking laid out

7 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no doors, windows or other openings additional to those shown on the approved plans shall at any time be inserted into the external elevations of the two storey side extensions or single storey rear extension hereby approved.

Reason:

In the interests of the amenities of occupants of adjacent residential properties and to secure compliance with Policies GP1 and H7 of the York Development Control Local Plan.

**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 impact upon the visual amenity of the wider street scene, impact upon the residential amenity of neighbouring properties, impact of the proposal on the level of traffic and on-street parking generated, impact of the proposal on the local drainage pattern and impact of the proposal on the level of amenity space for the units generated. As such the proposal complies with Policies H7, GP1, GP10 and L1c) of the City of York Development Control Local Plan.

2. HIGHWAY INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3.

CONSTRUCTION AND DEMOLITION:

i) 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.

ii) 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 entitled "Control of Noise and Vibration".

iii) 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.

iv) 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.

v) 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.

vi) There shall be no bonfires on site.

4. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<http://www.communities.gov.uk/publications/planningandbuilding/partywall>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

Contact details:

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