

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 17 September 2009 **Parish:** Guildhall Planning Panel

Reference: 09/01535/FUL
Application at: 34 St Marys York YO30 7DD
For: Erection of garage (resubmission)
By: Mr Daniel Rose
Application Type: Full Application
Target Date: 9 October 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to 34 St Marys where a pair of semi-detached 5-bed dwellings is under construction, granted planning permission in application 07/02969/FUL.

1.2 The street is in the Central Historic Core conservation area. There is a hotel at no.32, flats at no.35; a grade II listed building, and the railway line beyond the rear garden.

PROPOSALS

1.3 Planning permission for the houses, nos. 33 and 34, gave each a single detached garage, setback 3.5m from the rear elevation. Subsequently application 09/00552/FUL was approved increasing the length of each garage by 2m to 9.3m. The garages would be 2m back from the main rear elevation of the houses.

1.4 This application seeks to increase the height of the garage at no.34 to gain space in the roof, for a playroom. The ridge height of the approved garages was 3.8m; in this application the proposed ridge height would be 5.3m.

1.5 Planning permission has already been refused in July this year to increase the height of the garage to a proposed ridge level of 5.6m (application 09/01096/FUL). The application was refused on the grounds that due to the location, size and height of the proposed garage it would -

a) detract from the openness of the rear gardens/space behind the buildings on the northwest side of St Mary's. As such the proposal would harm the character and appearance of the conservation area and the setting of the neighbouring listed building no.35 St Mary's.

b) have a detrimental impact on the living conditions of no. 35, as it would be overbearing and overdominant.

COMMITTEE

1.6 The application is brought to planning committee at the request of Councillor B Watson, due to the history of applications at the site, which have been determined at planning committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core 0038

Floodzone 2 GMS Constraints: Flood Zone 2 CONF

2.2 Policies:

CYGP1	Design
CYH7	Residential extensions
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE4	Listed Buildings

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 No response to date. Officers did not support the previous scheme. Comments to that proposal (which was an identical scheme but with a higher ridge level of 300mm) were as follows -

3.2 Do not support the proposals due to a) the adverse effect on the character and appearance of the conservation area and b) the negative impact on the on the amenity and setting of the adjacent listed building.

3.3 The site is within the Central Historic Core conservation area in the area extended in 1975 to include the approach roads and adjacent Georgian, Regency and Victorian development outside the city walls. St Mary's itself is defined by a relatively consistent tall terrace of mid Victorian townhouses built in an unbroken line on the SE side, and a series of closely spaced contemporary houses (1860s) on the opposite side of the street. A pair of houses, sympathetic to the architecture and scale of existing dwellings, is being built to replace an incongruous 1930s building on the NW side. The new houses are set back from the building line of adjacent properties to protect a mature tree, which gives some relief to the hard environment of the street. Ground levels fall away from the street and so the two garages, which have been approved to serve the new dwellings, recede from view thereby maintaining views through to the rear gardens and mature trees beyond. The houses on this side of the street have relatively generous gardens which extend to the tree lined boundary of the main

railway line; and the gardens are otherwise uninterrupted by backland development. A substantial listed building (grade 11) occupies the adjacent site to the NE.

3.4 Although the outbuilding has been well designed to relate to the architecture of the primary building it is considered that the massing and height of the new building would be harmful to the character and appearance of the conservation area in this location. The increased volume of the structure would be a significant solid interruption within the open landscape gardens to the rear of St Mary's. It would intrude on the tree canopy of the mature garden trees. The front gable would be more visible to the street, partially removing one of the few glimpsed views providing relief from within the street to the gardens beyond. The effect of proposals on landscape character and views are legitimate considerations when assessing their impact on the character and appearance of a designated conservation area (ref Local Plan policy HE2 & English Heritage document "Guidance on Conservation Area Appraisals" paras 4.8 & 4.12).

3.5 In addition the structure would unacceptably compromise the amenity of the neighbouring property by introducing a high blank wall onto the boundary where previously an open aspect has been enjoyed. The increased height of the garage would add to the overshadowing already introduced by the new house, as it is located to the SW of the adjacent garden. The character of the garden setting of the adjacent listed building would also be altered by the proposals, which affect a significant length of the exposed boundary.

HIGHWAY NETWORK MANAGEMENT

3.6 No response to date.

PLANNING PANEL

3.7 No response to date.

CONSERVATION AREAS ADVISORY PANEL

3.8 No response to date.

PUBLICITY

3.9 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments is 16.9.09. No written representations have been made to date.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are the impact on the character and appearance of the conservation area, the setting of no.35 St Mary's, which is grade II listed, and the amenity of neighbours as a consequence of the proposed higher building than that approved under application 09/00552/FUL.

POLICY

4.2 It is a requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve the setting of listed buildings and the character and appearance of conservation areas.

PPG15: Planning and the Historic Environment

4.3 Paragraph 4.2 of PPG15 advises the quality of the area is dependent not only upon the quality of buildings, but also includes other considerations including, the historic layout of property boundaries and thoroughfares, character and materials, scaling and detailing of contemporary buildings, and vistas along streets and between buildings.

City of York Draft Local Plan

4.4 HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

4.5 Policy HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

4.6 Policy HE11 states that existing trees and landscape, which are part of the setting of conservation areas and listed buildings will be required to be retained, and provision made for planting within new development where appropriate. Where trees are allowed to be removed they should be replaced with appropriate specimens.

4.7 Policy H7 states that planning permission will be granted for house extensions where: the design and materials are sympathetic to the main dwelling and the locality of the development; the scale is appropriate; there is no adverse impact on residential amenity; proposals respect space between dwellings; and that the proposed development does not result in an unacceptable loss of private amenity space within the curtilage of the dwelling.

4.8 GP1 Refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials; avoid the loss of open spaces, vegetation and other features 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; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.9 The 2005 appeal decision which regards refused applications 04/01465/FUL and 05/00409/FULM to develop the site is also relevant. In the appeal decision the inspector advised of the importance of retaining an element of space around buildings,

which formed part of the character/appearance of this part of the conservation area. When viewed from Bootham Terrace and the private areas to the rear of the premises on St Mary's, the report deemed that development with a significant additional rear projection beyond the existing building line would have an adverse impact on the setting of nos.35, 37 and the spacious character of the conservation area.

APPEARANCE AND IMPACT ON THE SETTING

4.10 The previous approval for a longer garage was granted permission on the basis that due to the proposed ground level, only its roofslope would be visible when looking along the rear gardens of the houses on this side of St Mary's. As such the development would be reasonably inconspicuous and would not detract from the appearance of this part of the conservation area. It would also be of acceptable design and materials.

4.11 Between the houses on the northwest side of St Mary's and the railway line the conservation area is defined by open gardens, with a row of mature trees at the end. The trees are protected as they have tree preservation order status. This layout makes a positive contribution to the setting.

4.12 The garage has been reduced in height from the previous scheme, which was refused. However it is considered the reduction does not overcome the previous reasons for which the application was refused.

4.13 With the proposed taller garage, 2.9m of the structure would be viewed above the boundary wall with 35 St Mary's (3.2m in previously refused application), some 1.3m of which would be a solid brick wall (1.7m previously), giving the appearance of a boundary wall around 2.7m high from the side of no.35, in relation to 1.3m currently. Considering this height, the length of the garage (9.3m), and as the house itself also goes beyond the established building line, cumulatively, there will be a significant loss of openness. Views along the rear gardens will be lost and the garage will appear incongruous. This open vista and the row of trees forms part of the historic setting, makes a positive contribution to the character and appearance of the conservation area and forms part of the setting of the listed building - no35 (a view shared by the inspector in the 2005 dismissed appeal to develop the site - see paragraphs 28-29). The proposed development would interrupt and thus detract from such. The submitted design and access statement advises the existing trees mean the development would not be prominent in views of the garden. Due to its position and height it would be seen from no.35 and further away. Of the trees that would partially screen the garage, their coverage would not be so great when out of leaf and at least the closest one would need to be removed to accommodate the development.

4.14 Due to the increased height of the garage it would also impede views of the open rear garden area and trees along the railway line from the street, and to some extent the symmetry between the two new houses will be lost. However given the setback of the garage from the street (23m) and the lower ground level at which the garage would be located, in officers opinion the harm to the appearance of the conservation area would not be material and does not warrant grounds to refuse the application.

4.15 Overall the proposed garage would detract from the character and appearance of the conservation area and the setting of no.35; a listed building.

RESIDENTIAL AMENITY

4.16 The proposed extension due to its height, proximity to the rear elevation of no.35, and the cumulative impact including the rear building line of the house, would have an adverse impact on the amenity of occupants of no.35, in particular those of the basement flat. From this level, and to a lesser extent the ground floor level the extension would lead to a loss of outlook and would appear overbearing.

OTHER MATTERS

4.17 There is no objection to the scheme on highway safety grounds; in this respect the application is no different to the previous two schemes at the site - the application for the two new houses and the recently approved application to increase the length of the garages.

4.18 Given the size of the building proposed it could potentially be occupied as a separate dwelling. However this could be prevented through a planning condition, which would be applied on the grounds that there would be harm to the setting/conservation area as a result of ancillary requirements.

5.0 CONCLUSION

5.1 Despite reducing the ridge and eaves level, around 300mm and 400mm respectively, it is maintained that the proposed development would have an adverse effect on the character and appearance of this part of the conservation area, the grade II listed building, no.35 St Mary's, and the amenity of the occupants of that building. Officers recommend refusal.

6.0 RECOMMENDATION: Refuse

1 The proposed garage due to its location, size and height, and considering the building line of the host dwelling, would significantly detract from the openness of the rear gardens/space behind the buildings on the northwest side of St Mary's. This open vista forms part of the historic character of the area and makes a positive contribution to both the character and appearance of the conservation area and the setting of no.35 St Mary's, which is a grade II listed building.

The proposal is therefore contrary to national planning policy contained in PPG15 which requires development proposals to at least maintain the character and appearance of conservation areas, and advises that the quality of such areas is dependent not only upon the quality of buildings, but also includes other considerations including, the historic layout of property boundaries and thoroughfares, character and materials, scaling and detailing of contemporary buildings, and vistas along streets and between buildings. The proposal also conflicts with policies GP1, HE2, HE3, HE4 and H7 of the City of York Local Plan.

2 The proposed garage building would have a detrimental impact on the living conditions of no.35, as it would be overbearing and overdominant, due to its location, size and height. As such the proposal is contrary to policies GP1 and H7 of the City of York Local Plan.

7.0 INFORMATIVES:

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323