

COMMITTEE REPORT

Committee: East Area
Date: 15 October 2009

Ward: Haxby And Wigginton
Parish: Haxby Town Council

Reference: 09/01215/FUL
Application at: 57 York Road Haxby York YO32 3EE
For: Erection of 1no. four-bedroom detached house to rear of 57 York Road
By: Mr And Mrs Jeremy Hansbro
Application Type: Full Application
Target Date: 18 August 2009

1.0 PROPOSAL

1.1 The application relates to the erection of a detached, 4-bedroom, pitch-roofed, single dwelling house with linked double garage within the rear garden of an existing dwelling fronting onto York Road. Vehicular access to the new dwelling would be via an existing access, shared with No.57, from York Road. The existing detached garage on the site would be demolished.

1.2 In 2007 planning permission was granted (07/01411/FUL) for a 2-storey side extension to No.57, including the formation of an additional vehicular access onto York Road. The works have been carried out.

1.3 The application is brought to Committee at the request of Cllr Hogg because it is a borderline application between approval and refusal. A number of residents in the vicinity with similar properties will be awaiting the outcome of this application with interest, as if the application is successful, other applications may follow. A site visit has also been recommended.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP4A
Sustainability

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYT4
Cycle parking standards

CGP15A
Development and Flood Risk

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 INTERNAL

Highway Network Management - No objections to the principle of residential development. Part of the driveway is below the minimum width for access by emergency vehicles but, in this case, is adequate. Add standard conditions regarding details of surfacing and provision of parking/manoeuvring areas.

Environmental Protection Unit - No objections. The standard demolition and construction informative should be attached.

Structures & Drainage - The development is in Flood Zone 1 and should not suffer from river flooding. No objections following receipt of the revised drainage statement. The applicant should provide details of ground levels, surfacing and run-off attenuation.

3.2 EXTERNAL

Haxby Town Council - Objection. The site is backland development. The close proximity of the driveway would disturb the neighbouring property.

Foss Internal Drainage Board (IDB) - Surface water drainage problems have been experienced in this area. The suitability of soakaways, as proposed, should be ascertained. If not proven amended drainage proposals should be submitted.

Public Consultation - The consultation period expired on 16 July 2009. Objections have been received from seven addresses raising the following planning issues:

Loss of privacy;
Loss of pleasant open outlook;
Loss of sunlight to garden;
Noise and disturbance;

General loss of amenity;
Flood risk;
Highway safety due to poor sight lines;
Construction noise and disturbance;
Demolition of the garage may compromise the existing boundary fence;
Demolition of the garage would leave a gap in the fence which should be replaced;
The existing boundary hedge should be allowed to grow to protect neighbours' privacy.

4.0 APPRAISAL

4.1 Key Issues

Principle of Development
Visual Appearance
Neighbour Amenity
Highway Issues
Drainage
Open Space
Landscaping and Boundary Treatment
Construction Impact

4.2 Policy Framework

Planning Policy Statement 1 (PPS1) sets out the Government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

"The Planning System: General Principles " - Planning authorities should consider whether a proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

Planning Policy Statement 3 - "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, be developed in suitable locations and make effective use of land. Priority development sites are previously-developed land, in particular vacant and derelict sites and buildings. Design that is inappropriate in its context or which fails to take opportunities to improve the character and quality of an area should not be accepted.

Planning Policy Statement 25 ("Development and Flood Risk") aims to: ensure that flood risk is taken into account in the planning process; avoid inappropriate development in areas at risk of flooding; and direct development away from areas at highest risk.

Draft Local Plan Policy GP1 "Design" - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

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

GP15a - Developers should ensure that the site can be developed, serviced and occupied safely and that discharges from new development should not exceed the capacity of existing/proposed sewers and watercourses.

GP4a -All proposals should have regard to the principles of sustainable development.

T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in the local plan.

L1c - All housing sites shall make provision for the open space needs of future occupiers. For sites of less than 10 dwellings a commuted payment will be required towards off site provision.

The Application Site

4.3 The site accommodates a -storey, detached single dwelling house with access onto a classified road. The house has a large rear garden. The area of the house and garden is approximately 0.08ha. The site is in a suburban, predominantly residential area. The proposed house would occupy part of the rear garden. The plot is bounded on three sides by gardens of residential dwellings.

Principle of Development

4.4 The site is within the settlement limit of Haxby and is in a sustainable location with good access to jobs, shops and services. The principle of the use of the land for housing is acceptable.

Visual Appearance

4.5 The footprint of the house would be approximately 10.9m by 9.0m with a linked double garage. The building would face No.57 and have a traditional appearance. Main windows would face front and rear. The scale, design and appearance of the house are in keeping with the character of the existing building and the surrounding area, subject to appropriate materials being used.

Neighbour Amenity

4.6 The new dwelling would be approximately 19m from the nearest houses, which are in Calf Close. At this distance the dwelling would not be significantly overbearing or cause significant overshadowing, particularly as the gardens are partially screened by planting along the boundary. The north elevation (facing Calf Close) would have no windows at first-floor level so is unlikely to cause significant overlooking. The south elevation (facing 59 York road) would have rooflights and a secondary window to the master bedroom. This would result in some overlooking of the garden of No.59, however the affected area is 50m from the house at No.59 so any overlooking is likely to be minor, particularly as the shared boundary is partially screened by planting. The rear windows of the proposed house would face a remote part of the garden of 9 The Avenue. The area is used for growing vegetables and the impact on the occupiers of No.9 is likely to be insignificant. The house would face the rear garden of the

applicant's house at no.57. There would be some overlooking but it would be largely mitigated by boundary fencing and a substantial willow tree. The impact of the house on the occupiers of no.57 is not considered sufficient to justify refusal.

4.7 Any noise or disturbance generated by the residential use of the house and garden is unlikely to be materially different from the existing use.

4.8 No.57's existing drive is approximately 5m wide and passes down the long side elevation of the existing house. The drive, which would be shared by both houses, is close to habitable rooms on the south side of No.57. These rooms include a kitchen/breakfast room, dining room, sitting room and, at first floor level, three bedrooms. The drive would be separated from the existing house by a new, broken fence/hedge along part of the shared drive. The distance from the shared drive to the long side elevation of the existing house would vary from 1m to 1.6m. Vehicles belonging to the occupiers of the proposed house, together with those of visitors and associated delivery/service vehicles and all pedestrian movements, would all pass by this long side elevation of No.57. These additional movements, although fairly small in number (approximately four return trips per day), would represent a significant increase over and above the existing situation. The noise from vehicle engines and vehicles undertaking manoeuvres into and out of the drive access, supplemented by other noise sources such as car stereos, would be likely to be intrusive to the occupiers (including future occupiers) of No.57. This would particularly be the case if the disturbance was in the evening or early morning or at times when windows were open in rooms facing onto the drive. Consequently, despite the intervening fence/hedge along part of the drive, it is considered that the increase in noise and disturbance experienced by the occupiers of No.57 would be unacceptable.

4.9 In reaching this conclusion, regard has been had to the refusal of planning permission on other "backland" sites in the vicinity of the site, in particular 71 York Road, Haxby (single dwelling in rear garden refused under delegated powers 24 August 2008), 21 The Avenue, Haxby (consent for two dwellings in rear garden refused 9 May 2008, appeal dismissed 13 January 2009 - a subsequent application for a single dwelling has also been refused and is the subject of a further appeal), and 31 North Lane, Haxby (single dwelling in rear garden refused under delegated powers 2 April 2008, appeal dismissed 7 November 2008).

4.10 Furthermore, the proximity of the shared drive to the windows and garden of No.57, together with only-partial screening provided by the fence/hedge has the potential to result in loss of privacy currently enjoyed by the occupiers of No.57.

4.11 Whilst the vehicle movements would cause some impact on the occupiers of No.59 to the south it is unlikely to be significant due to the existing (unbroken) fence along the shared boundary, the presence of the neighbour's garage/outbuilding and the 3.8m separation distance.

4.12 Noise nuisance caused by traffic movements on the drive would be exacerbated by the existing surface material, which is gravel. The assessment of the impact of the movements is based on the assumption that drive would be sealed and surfaced in tarmac or other less noisy material.

Highway Issues

4.13 The access should be a minimum of 3.7m wide throughout to accommodate emergency vehicles. Whilst the access is only 3m wide for a distance of 12m it is straight and is considered adequate. Visibility at the proposed access is within guidelines. Adequate car parking and cycle storage would be provided.

Drainage

4.14 The development is in low risk Flood Zone 1 and should not suffer from river flooding. However, the ground is predominantly clay and is unsuitable for soakaways. The applicants' agent has submitted a drainage statement proposing a separate foul and surface water drainage system. Discharge of surface water would be controlled by a hydro-brake and stored in a length of oversized pipe. The proposed are acceptable subject to details being submitted for approval.

Public Open Space.

4.15 A developer contribution of £3,006 would be required for the provision of public open space in accordance with policy L1c of the Draft Local Plan. Where planning permission is granted the requirement for a financial contribution would normally be secured through a s.106 agreement. The applicant has agreed to pay the required sum and has submitted a unilateral planning obligation to that effect.

Landscape and Boundary Treatment

4.16 If planning permission were to be granted conditions should be attached requiring landscaping details to be submitted for approval. These would include

4.17 Construction Impact

Any construction nuisance would be temporary and is covered by other legislation. Nevertheless, if planning permission were granted a condition could be attached controlling construction hours of working. The Environmental Protection Unit have no objections to the application and consider that any noise nuisance and disturbance could be prevented by attaching the council's standard construction informative.

5.0 CONCLUSION

5.1 The proposal would result in unacceptable impact on the existing and future occupiers of the adjacent house at 57 York Road, contrary to Policies GP1 and GP10 of the Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed development would result in a poor level of amenity for the occupiers of the existing dwelling at 57 York Road due to noise, disturbance and loss of privacy caused by the shared use of the access and driveway to the side of the existing dwelling. The application is therefore contrary to policies GP1 (Design) and GP10 (Sub-division of Gardens and Infill Development) of the City of York Deposit Draft Local Plan and Central Government advice at paragraph 29 of 'The Planning

System: General Principles' (2005) and paragraphs 34 & 35 of Planning Policy Statement 1: "Delivering Sustainable Development" (2005).

7.0 INFORMATIVES:

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