

COMMITTEE REPORT

Committee: East Area
Date: 15 October 2009
Ward: Fishergate
Parish: Fishergate Planning Panel

Reference: 09/01202/FUL
Application at: 4 Derwent Road York YO10 4HQ
For: One pair of semi detached dwellings following demolition of existing dormer bungalow (resubmission)
By: Mr Warren Breeze
Application Type: Full Application
Target Date: 12 August 2009

1.0 PROPOSAL

1.1 **SITE:** The application site lies on south side of Derwent Road, off Fulford Road. It comprises the second housing plot along the road and is currently occupied by a detached dormer bungalow with attached side garage.

1.2 **PROPOSAL:** The application proposes the erection of a pair of semi-detached 1 1/2 storey houses following demolition of the existing dormer bungalow. The pair of dwellings have been designed to appear as one property, with a front door accessing the right hand dwelling and a side door accessing the left hand dwelling. The dwellings are to be three bedroomed and would have dining/kitchen and lounge on the ground floor. The replacement building would be set further back into the garden than the existing dwelling and, whilst the front walls would be in line with the existing dwelling, two bays would project forward of the front wall. The total width of the replacement building would be the same as the existing bungalow. The front area would provide one parking space per dwelling and areas of soft landscaping. The materials are proposed to be Disempel Mozart Blend bricks and Sandtoft Gaelic clay pantile. The application is a resubmission of one withdrawn in 2008, for erection of two houses (see 1.4 below).

1.3 The application is accompanied by a Design and Access Statement including transport and flood risk assessments, sustainability statement and daylight/sunlight assessment. The Design and Access Statement confirms that the dwellings would be positioned on the site of the existing dormer bungalow with the total proposed footprint of the new dwellings closely following that of the existing dwelling. The site is indicated to be in Flood Zone 1 (low risk). The sustainability statement confirms that the scheme is to be constructed using the best available mix of renewable and conventionally sourced materials and that future residents would benefit from connectivity to key local destinations by public transport.

1.4 **HISTORY:** A previous application for the erection of a pair of semi-detached houses was withdrawn in 2008, following concerns expressed by the case officer. These related to the height and depth of the houses and issues regarding access and parking. The houses proposed in this application were to be full two storey with a fourth bedroom being accommodated in the roof space. Following withdrawal, the

applicant entered into pre-application correspondence with various CYC Planning Officers.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYSP6
Location strategy

CYGP1
Design

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CGP15A
Development and Flood Risk

CYH3C
Mix of Dwellings on Housing Site

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYT4
Cycle parking standards

3.0 CONSULTATIONS

3.1 PUBLICITY: The application was publicised by a site notice as well as letters to local residents and internal/external consultees. The consultation period expired 23.7.09.

3.2 INTERNAL

Lifelong Learning and Culture - Request financial contribution to off site provision of public open space in lieu of on site provision.

Environmental Protection Unit - No objections. Request hours of construction condition and that developer are made aware of obligations the demolition and construction process.

Highway Network Management - Notes that application is resubmission. Main difference is provision of one parking space per unit, which complies with recommended parking standard (maximum of two spaces per three bedroom unit). No objections subject to conditions.

York Consultancy (Drainage) - Development is in low risk Flood Zone 1 and should not suffer from river flooding. Object to proposed development on grounds of insufficient information to determine the potential impact of the proposals on the existing drainage systems. An appropriate assessment should be submitted to demonstrate that soakaways would work as a method of surface water disposal. If the soakaway is unsuitable than peak run-off rates from the development must be attenuated to 70% of the existing rate in accordance with PPS25. The proposed drainage layout (drawing no. 09/06/104) shows foul and surface water as one system. Separate foul and surface water systems should be used.

3.3 EXTERNAL

11 letters of objection from or on behalf of local residents:

- loss of privacy from upper windows to houses either side or opposite;
- loss of daylight and sunlight from additional height;
- two semi detached houses between existing bungalows would appear out of place and would "sandwich" no.2 between two taller properties;
- two houses on site of one bungalow, extending close to site boundaries, represents inappropriate density on site;
- impact of construction works on noise, pollution and congestion;
- impact on appearance of line of similar styled bungalows, character of adjacent properties and nature of this part of road;
- impact on drainage from extra hard surfaces/increase in bathrooms and kitchens;
- potential traffic hazard and highway safety issues due to increase in traffic and on-street parking in a very congested narrow road and subsequent impact on emergency services access;
- reduction in on-site parking spaces to serve increased number of dwellings is not realistic or an improvement;
- existing dwelling is adequate and it would be unsustainable to demolish perfectly good family home;
- inadequate amenity space for three-bedroom family homes;
- question whether SUDS and solar panels are workable by future residents;
- should not reward active neglect of building to justify demolition and new build;
- loss of view of series of bungalows of different designs and good amount of sky;
- a precedent would be set for similar proposals;

- appears to be inbuilt bias in favour of applicant by planning officers, who have given pre-application advice to help application succeed.

1 letter of support from prospective owner/resident of one of the two houses:

- excellent location close to York centre with nearby links to major road networks;
- no compelling case to retain an unlisted building, not in a conservation area, that will struggle to provide modern standards of insulation and energy efficiency;
- considers thrust of objections are from 'NIMBY' school;
- claims re: overlooking in suburban area not credible;
- solar water heating and rainwater harvesting systems based on simple, proven, easily maintained technology.

4.0 APPRAISAL

4.1 Key issues:

- principle of development;
- design and sustainability;
- character and amenity;
- affect on living conditions of neighbours;
- flood risk and drainage;
- access, parking and highway safety;
- impact on local facilities and services.

4.2 POLICY CONTEXT

4.2.1 National Planning Policy - Central Government planning policy is set out in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Guidance Note 13: Transport (PPG13) and Planning Policy Statement 25: Development and Flood Risk (PPS25):

PPS1 seeks the provision of sufficient, good quality new homes in suitable locations and promotes high quality and inclusive design, which avoid segregation and provide opportunities for physical activity and recreation. It states that design, which fails to take the opportunities to improve the character and quality of an area, should not be accepted.

PPS3 supports PPS1 with regard to high quality new housing and encourages sustainable and environmentally friendly new housing development through the reuse of previously developed land, more efficient use of land through appropriate densities, reducing dependency on the private car and provision of affordable housing. It states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, it also states that the density of an existing development should not dictate that of new housing by stifling change or requiring replication of existing styles and form. When well designed and built in the right location, new housing development can enhance the character and quality of an area.

The objectives of PPG13 are to promote sustainable transport choices, accessibility to facilities by public transport and reduce the need to travel, especially by car.

PPS25 sets out the approach to be taken in applying the Government's policy on flood risk management in planning decisions.

4.2.2 Local Planning Policy - Local planning policies contained in the City of York's Draft development Control Local Plan (incorporating 4th set of changes) are material to the consideration of the application. These are summarised in section 2.2 above. The following are of particular relevance:

Policy SP6 requires development to be concentrated on brownfield land within the built up urban area of the city and urban extensions

Policy H3c seeks to achieve a mix of house types, sizes and tenures on all residential development sites where appropriate to the location and nature of the development.

Policy H4a states that proposals for residential development on land not already allocated on the Proposal Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. It requires new developments to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features.

Policy H5a requires the scale and design of proposed residential developments to be compatible with the surrounding area and not to harm local amenity. Within the city centre, new residential developments should seek to achieve a net residential density of greater than 40 dwellings per hectare.

Policy GP1 includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

Policy GP4a states that proposals for all development should have regard to the principles of sustainable development, in relation to accessibility of the site by means other than the car, the quality of the design, with the aim of conserving and enhancing the local character and distinctiveness of the City, minimising use of non-renewable resources, management of waste. The 'whole life' costs of the materials should be considered.

Policy GP10 deals in particular with the subdivision of gardens and infilling, which will only be granted to provide new development, where this would not be detrimental to the character and amenity of the local environment.

4.3 PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.3.1 The proposal involves residential redevelopment of a site currently occupied by a single bungalow and located within a predominantly residential area in a sustainable location close to existing local services and facilities as well as accessible by public transport and non-car modes of travel to the city centre. The site constitutes brownfield land in terms of the definition in PPS3. The development would increase the density of development on site from approximately 21 dwellings per hectare to 42 dwellings per hectare, which is in line with the aims of PPS3 and Policy H5a of the Draft Local Plan (seeks 40 dph in urban areas outside city centre). The principle of residential development on the site accords with the key objectives of national and local planning policies for more efficient and effective use of land.

4.4 DESIGN

4.4.1 The semi-detached properties have been designed to appear as one dwelling with an asymmetrical design and 1 1/2 storeys in height (first floor partially within the roof space). They would appear as a dormer bungalow, with three dormers at the front, but taller and with a greater massing than the existing bungalow. The eaves and ridge would be higher than the existing bungalow and those bungalows either side (eaves approx 1.4m higher and ridge 1m higher than original and adjacent bungalows) and the main element of the building would be wider (by approx. 1.8m) and the side element would be 1.8m higher than the existing side extension. The design of the building, on its own, is acceptable, especially taking into account the varied design and type of properties on Derwent Road.

4.4.2 The site is in a sustainable location and the replacement building is to be orientated so that the main living spaces face south. The proposal includes the provision of solar water heating panels and a rainwater harvesting system. As new build properties and to comply with the aims of PPS1 and RSS, the development would be expected to meet as a minimum, level 3 of the Code for Sustainable Homes and provide 5% on-site renewable energy. These could be addressed by condition.

4.5 CHARACTER AND AMENITY

4.5.1 Whilst the design of the proposed building would differ to any other on the street, it would be situated in a residential street that comprises a mix of houses and bungalows of varying design, form, set back and plot size. Whilst the proposed building would be read in this context, it has a strong relationship with the bungalows on either side. The current property forms one of four bungalows on the south side of the street, which are of differing design.

4.5.2 The building would be higher by 1m and with an eaves level approx. 1.8m higher than those adjacent to it. It would appear as a 1 1/2 storey property rather than bungalow. However, the building (other than the bay windows) would be set back from the front walls of the properties either side, nos.2 and 6. The side element to the building appears to sit somewhat uncomfortably with the neighbouring bungalow, no. 6, when viewed on the submitted street scene drawing. This is due to the combination of its height and roof design in relation to no.6 and the presence of a detached single

storey garage belonging to no.6, but situated in front of the proposed dwellings. However, the relationship of a larger structure behind the garage of no.6 already exists. Furthermore, the side element would be set back from the front wall of the proposed building by 5.6 metres and from that of no. 6 by 6.4 metres and as a result the visual impact on the streetscene would be significantly reduced. As a result, the additional height would not be so jarring when viewed along Derwent Road and consequently it is not considered that the proposal would significantly harm the visual character and appearance of this suburban residential street.

4.6 RESIDENTIAL AMENITY

4.6.1 Concern has been expressed about the impact of the proposal on the residential amenity of surrounding occupiers, in terms of light and privacy, due to the increase in footprint, mass and height. Disturbance and adverse affect during construction is also cited.

(i) Light - The main issue is the impact of the additional projection at the rear, as a result of its mass and height, on properties to either side of application site. A sunlight and daylight assessment has been submitted in support of the application and the resident at no.2 Derwent Road has submitted lengthy representation on this matter. It is likely that some additional casting of shadows would be inevitable given the difference in form between the existing dwelling and those proposed. The issue is whether the impact is within acceptable limits to prevent significant harm to the residential amenity that adjacent neighbours can reasonably expect to enjoy.

No.2 has a utility room adjacent to the boundary, with its nearest main habitable room windows being a distance of approx. 3.7m from the boundary and approx. 5m from the new building. The existing bungalow at the application site extends approx. 2.9m from the rear elevation of no.2 and the proposed building would extend approx. 5.5m, i.e. a further 2.6m, which would be 1 1/2 storey as opposed to single storey. The impact of this would be the potential for additional casting of shadows in the early morning (approx. 7:00-8:00) and an increased sense of enclosure. It is not considered, however, that the proposed development would affect the sunlight that this property currently enjoys for the majority of the daytime nor would the increased enclosure be unduly harmful given the set back of habitable room windows from the boundary and the size of the rear garden serving no.2.

The impact on no.6 relates to the afternoon/early evening, when shadows would potentially be cast over the conservatory that is adjacent to the boundary with the application site from early/mid afternoon. However, it is considered that the impact of the proposal would be unlikely to be significantly worse than the garage currently at the application site, which is adjacent to the boundary and extends approx. 1.5m further back into the site at only a slightly lower height than the proposed building,

(ii) Privacy - There is no issue about loss of privacy to neighbours either side, as the only first floor windows proposed in the side elevations that would face these bungalows would be a bathroom window facing no.2, which would be normally obscure glazed, and a small landing window facing no.6, which is back from the boundary by approx. 4m and would overlook the roof of the neighbouring bungalow. Ground floor windows face blank walls in the adjacent bungalows.

The ground floor windows of the front wall of the building would be less than a metre nearer to the property facing the site on the opposite of Derwent Road, 3 Derwent Road, which is at a distance of around 17-18m to its bay window. The front areas of the proposed dwellings would be kitchen/dining areas with the main habitable living rooms being situated to the rear of the dwellings overlooking the rear gardens. The development would introduce a new relationship of overlooking between the proposed dwellings and those opposite at first floor level, though the separation distance of 18m is considered to be sufficient to prevent any significant erosion of privacy in this suburban area.

(iii) Construction - the Environmental Protection Unit have requested that the hours of construction be restricted to normal daytime working hours to minimise disturbance to residents from general activity at the site. They have also confirmed the obligations on the developer with regard noise and air pollution as laid down in the Control of Pollution Act 1974.

4.7 FLOODING AND DRAINAGE

4.7.1 The site falls within Flood Zone 1 (low risk) and is therefore unlikely to be subject to river flooding. The Council's Drainage Engineer raises an objection to the application on the grounds of insufficient information with regards to the surface water system and proposed surface water disposal. This has been raised with the applicant who has requested that a condition be attached to any approval to address rainwater run-off and surface water discharge.

4.8 HIGHWAY SAFETY

4.8.1 The proposal includes the provision of one parking space per dwelling, to be provided within the space at the front of the properties. Whilst less than the current parking provision on site, this ratio complies with the maximum standards. In addition, the site is in easy access of public transport and cycle routes as well as local facilities. In light of the above, there is no objection from the Local Highway Authority on highway safety grounds. The relevant Officer has been made aware of concerns of residents about the width of Derwent Road and on-street vehicle parking.

4.9 LOCAL PROVISION

4.9.1 There is no requirement for a financial contribution towards education provision in the area, given the number of units proposed.

4.9.2 Policy L1c requires provision to be made for the open space needs of future occupiers of a development, and is supported by advice in PPS1. For sites of less than 10 dwellings, a commuted sum payment is required for off-site provision. This equates to a commuted sum payment of £2, 124 per dwelling. As the application proposes two dwellings on a site with currently one dwelling, it is reasonable to require a contribution on the basis of one additional unit.

5.0 CONCLUSION

5.1 The proposal represents efficient use of brownfield land in a sustainable location, with a development that would provide adequate parking provision and private amenity space. It is considered that it would be difficult to justify and sustain a refusal on the grounds of the impact of the proposal on the visual amenity of the street scene or the residential amenity of neighbouring occupants.

5.2 Conditions are required if approved to address materials, landscaping, sustainability, hours of construction, highway matters, surface water drainage and public open space provision. In addition, due to the relationship to neighbours, it is recommended that any approval is subject to permitted development rights for the dwellings being restricted.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approved

1 TIME2 Development start within three years

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

Drawing nos. 09/06/102, 103, 104 and 105 received on 16 June 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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, D and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents 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 1995.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, windows or other openings additional to those shown on the approved plans shall at any time be inserted in the side or front elevations or any roof slope of the dwellings hereby approved.

Reason: In the interests of the amenity and privacy of occupants of adjacent residential properties.

6 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs in the garden areas of the two properties hereby approved. The scheme shall include the provision of soft landscaping or turf within the front garden area. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site and in the interests of visual amenity of the area.

7 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

8 HWAY9 Vehicle areas surfaced

9 HWAY18 Cycle parking details to be agreed

10 HWAY19 Car and cycle parking laid out

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

Reason: To prevent obstruction to other highway users.

12 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3*** rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the

building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

13 Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 5% of the expected energy demand for the development hereby approved shall be provided through on site renewable generation for heat and/or electricity. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

14 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the proper drainage of the site, and to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

INFORMATIVE:

With respect to surface water drainage, the submitted details should incorporate the following:

Peak surface water run-off from the development shall be attenuated to 70% of the existing rate, in accordance with a scheme to reduce run off to be submitted to and agreed in writing by the Local Planning Authority (based on 140 l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Details of run off rates including calculations of both the existing and proposed rates shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

15 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter

implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan, which requires that all new housing sites make provision for the open space, needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £2,124.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

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 principle of redevelopment, design, density, sustainability, character and amenity, residential amenity, flood risk and drainage, highway safety and impact on local facilities. As such the proposal complies with national advice contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Guidance Note 13: Transport (PPG13) and Planning Policy Statement 25: Development and Flood Risk (PPS25) and Policies SP6, H4A, H5A, GP1, GP4A, GP10, L1C and T4 of the City of York Development Control Local Plan (incorporating 4th set of changes, April 2005).

Contact details:

Author: Hannah Blackburn Development Control Officer

Tel No: 01904 551477