

## COMMITTEE REPORT

**Committee:** West/Centre Area                      **Ward:** Dringhouses and Woodthorpe  
**Date:** 18 February 2010                      **Parish:** Dringhouses/Woodthorpe Planning Panel

**Reference:** 10/00020/FUL  
**Application at:** 43 West Thorpe York YO24 2PP  
**For:** First floor rear extension. Boundary wall to front and side. Change of use and extension of garage to form retail unit (resubmission)  
**By:** Mr John McGarry  
**Application Type:** Full Application  
**Target Date:** 17 March 2010

### 1.0 PROPOSAL

1.1 The application seeks permission for the erection of a first floor rear extension, the change of use and extension of the existing garage to form a locksmiths store, with sales, and the erection of a boundary wall to the front and side.

#### 1.2 Property History

- 05/2664/FUL - Two storey pitched roof side and rear extension - Refused on the following grounds:

'The proposed extension to the dwelling by reason of its size, mass and scale would fail to be sympathetic to the original appearance of the dwelling. It would appear as an un-harmonious addition that would be detrimental to the visual amenity of the host dwelling and the surrounding area. As such the proposal is at variance with policies GP1 and H7 of the 2005 Local Plan.'

'The proposed extension to the dwelling by reason of its size, mass and scale would have a significant adverse impact on the residential amenity enjoyed by No.41 West Thorpe, at variance with policies GP1 and H7 of the 2005 Local Plan.'

- 06/0722/FUL - Two storey pitched roof side extension and single storey rear extension with detached garage - Approved
- 07/0798/FUL Erection of 2.03m high boundary wall, railings and gate to side and part of rear boundary - Approved
- 09/1912/FUL - First floor rear extension, new boundary wall to front and change of use of garage to retail unit - Withdrawn following a recommendation of refusal

1.3 The application is being brought to committee at the request of Cllr A Reid as the Residents Association are concerned about the retail element.

## **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:

CYH7

Residential extensions

CYS10

New local and village shops

## **3.0 CONSULTATIONS**

Internal

3.1 Highway Network Management - No objections in principle. A general permission for A1 use could attract future developments, with a lot greater servicing and customer requirements it is recommended that a personal permission be added.

3.2 Environmental Protection Unit - No objections

External

3.3 Dringhouses and Woodthorpe Planning Panel – Response will be reported verbally.

3.4 Neighbours – Any letters will be reported verbally.

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Design of extension
- Impact upon residential amenity
- Impact of proposed workshop/sales area on residential amenity

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are H7 and S10. Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.3 Policy S10 states that planning permission will be granted for the development or extensions of an existing local/village shop provided that the proposal is within defined settlement limits; the shop is intended to serve a local need, and the scale of provision is appropriate to the locality; and there is no adverse effect on the amenity of neighbouring properties or on the character of the area.

#### FIRST FLOOR REAR EXTENSION

4.4 The application site is a semi-detached property located at the junction of Chaloners Road and West Thorpe. In 2005 planning permission was refused for a two storey pitched roof side and rear extension. This scheme indicated a two storey rear extension, which projected up to the shared boundary with the adjoining neighbours and the roof being constructed with a gable end to the rear. However, in 2006 planning permission was granted for the erection of a two storey side extension and single storey rear extension with detached garage.

4.5 This application seeks to erect a first floor extension over the previously approved rear single storey element. It would project out to the rear by 3.5m and, unlike the previous refusal, would be set away from the shared boundary by 3.5m. It would be constructed with a hipped roof with an eaves height of 5.2m and a ridge of 6.8m, which is 500mm lower than the existing ridge height of the host dwelling. The main impact would be to the adjoining residents at 41 West Thorpe, who lie to the East of the application site. The first floor extension has been pulled away from the boundary by 3.5m and hipped in order to reduce its impact in terms of visual dominance and overshadowing. The extension is not considered to be visually detrimental to the neighbour's property. There may be a loss of light to the rear of the neighbour's property during the late afternoon but this would not be sufficient to warrant a refusal.

#### EXTENSION AND CHANGE OF USE OF GARAGE

4.6 In addition the application also seeks permission to extend the existing detached garage and convert it to a workshop and sales area in connection with the applicants business as a locksmith. The garage would be extended in width from 2.9m to 4.5m. As a result the ridge height would be raised from 3.5m to 4m. A storage area would be created to the rear with a counter and sales area to the front. A pedestrian door and shop front, with security shutter, would be installed within the front elevation. The garage is sufficiently back from the highway to allow for a single vehicle to park clear of the highway. The existing gates would be retained, which could be closed during the hours the shop is shut.

4.7 The applicant has stated that the shop would be used for the sale of locks and padlocks together with small scale key cutting. It would be used by passing trade and for internet enquiries and orders. There is potential for noise disturbance from the site in terms of vehicle movements and noise from the key cutting equipment. However, the garage sides onto an existing electricity substation, which gives an adequate degree of separation to the neighbouring residential property at 144 Chaloners Road. However, the site backs onto the rear garden to 41 West Thorpe and with the existing window to the rear elevation of the garage noise disturbance may arise. However, due to the small scale of the operation and subject to

conditions controlling the hours and use of the premises it is considered to be acceptable.

4.8 No highway objections have been received based on the small scale of the unit and business proposed. However, it is suggested that the use be made personal to the applicant to prevent a change of use occurring, which may result in increased vehicle movements arising.

4.9 It is considered that the provision of a shop within this location would not have any detrimental impact upon the amenity of the area. The unit would be small scale, and whilst the applicant has not demonstrated that there is a local need for the unit it would be unlikely to generate sufficient visitor numbers to be considered inappropriate within this location.

## **BOUNDARY FENCE**

4.9 At present the site is secured to the side, along Chaloners Road, by an existing 754mm wall with 2030mm brick piers, which support curved timber panels and terminates in line with the front elevation of the dwelling. Planning permission was granted for this in May 2007. As part of this current application permission is sought to carry the wall around the front of the property, facing West Thorpe, but at a reduced height. This would be constructed of a 825mm wall with 1460 brick piers supporting matching timber panels. Due to the fact that the proposed boundary wall is set behind the pavement and deep grass verge it doesn't appear overly prominent. It is in keeping with the originally approved scheme and it is considered that it would not detract from the character of the area or the street scene. In addition it would partially mask the vehicles, which currently park within the large open area to the front.

## **5.0 CONCLUSION**

5.1 It is considered that the proposed extension, whilst relatively large, would not have any detrimental impact upon the character of the area or the neighbouring property. The proposed retail element would be small scale and would not generate unacceptable levels of traffic. The boundary wall to the front is considered to be in keeping with the character of the area and would not have any detrimental impact upon the character of the area or the streetscene.

## **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 and other submitted details:-

Drawing numbers MWT/1/01, 02, 04, 05 and 06 received 6th January 2010

Drawing numbers MWT/1/08 received 19th January 2010  
Drawing number MWT/1/03A received 1st February 2010

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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 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.

5 The retail unit shall operate for the benefit of Mr John McGarry only and shall be used only for the sale of locks, padlocks and associated items and for key cutting, the use hereby approved shall be terminated at such time as Mr John McGarry ceases to occupy the dwelling at 43 West Thorpe.

Reason: Given the residential surroundings of the site the retail unit would not be acceptable if exercised by other persons or for other retail purposes without the prior written permission of the Local Planning Authority because of the potential for an intensification of the use leading to noise and disturbance and parking problems.

6 The hours of operation of the retail unit shall be confined to 08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, and no working on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

7 The shutter shall be painted a colour to be approved in writing by the local planning authority.

Reason: In the interests of the visual amenity of the area.

## **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 the character of the area, residential amenity or vehicular movements. As such the proposal complies with Policies H7 and S10 of the City of York Development Control Local Plan and the 'Guide to extensions and alterations to private dwelling houses' Supplementary Planning Guidance.

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