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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	11 MARCH 2010
PRESENT	COUNCILLORS HYMAN (CHAIR), DOUGLAS, FIRTH, FUNNELL, MOORE, ORRELL, TAYLOR, WISEMAN AND PIERCE (SUBSTITUTE)
APOLOGIES	COUNCILLORS CREGAN AND KING

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**INSPECTION OF SITES**

Site	Attended by	Reason for Visit
52 School Lane, Fulford, York. YO10 4LS	Cllrs. Hyman, Moore, Douglas and Wiseman.	To familiarise Members with the site.
Store to the Rear of 69 Fourth Avenue, York. YO31 0UA	Cllrs Hyman, Moore, Douglas and Wiseman.	To familiarise Members with the site.
49 Muncastergate, York. YO21 9JX	Cllrs Hyman, Moore, Douglas, Firth, Orrell and Wiseman.	To familiarise Members with the site.
5 and 6 Northfields, Strensall, York. YO32 5XN	Cllrs Hyman, Moore, Douglas, Firth, Orrell and Wiseman.	To familiarise Members with the site.

**50. DECLARATIONS OF INTEREST**

Members were asked to declare any personal or prejudicial interests they had in the business on the agenda. None were declared.

**51. MINUTES**

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 11 February 2010, be signed as a correct record by the Chair.

**52. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

**53. PLANS LIST**

**53a 52 School Lane, Fulford, York YO10 4LS**

Members considered an application for the erection of a two-storey extension to rear of the property at 52 School Lane, Fulford. Several amendments had been made since the application was originally submitted.

They were updated that there had been a further letter of objection to the application received from a resident of 69 Main Street, Fulford. The letter expressed concern that the proposed extension to the property at 52 School Lane would shorten the distance to the back of his property and would result in a loss of privacy.

Councillor Aspden as Ward Councillor had made representations to Officers. He stated that he supported the Officer's recommendation for refusal, but sought further clarification. In particular, he wished to draw attention to the loss of the burgage plot resulting from the development.

Councillor Moore sought clarification from Officers of whether the proposed car port to the rear of the extension as highlighted in paragraph 4.12 had been deleted. They responded that the applicant had deleted this element of the proposal.

Representations in opposition were heard from a neighbour, Mr Young, who was representing other neighbours adjacent to the property. He circulated additional diagrams and photographs to illustrate the impact of the proposal. He also declared to the Committee that he had recently become a Parish Councillor but that this was three months after the application had been submitted. His reasons for opposing the application was that the property would be increased by 3.5 times of the original size and that only 25% of the amenity space would remain.

Further representations in opposition were heard from a Representative of Fulford Parish Council, Mrs De Vries. She stated that the Parish Council welcomed the Officer's recommendation to refuse the application due to the harm it would cause to the Conservation Area. She said that the Parish Council was opposed to the truncation of the burgage plot, resulting from the extension of the existing granny annex to a two storey dwelling. She finally stated that the design of the proposed dwelling was inappropriate and would have a detrimental effect on the street scene and appearance of the conservation area.

Representations in support of the application were also heard from the applicants agent, Mr Chapman, who stated that in essence the burgage plot would be retained due to the elongated nature of the extension. He added that he respected that the Officer's recommendation was particularly difficult as it only made reference to the tight manoeuvring space. Further to this he said that the comments from the Highways department towards the application were not negative.

Councillor Pierce moved approval because he felt that the application would capture, recreate and underline the burgage plot and conservation

area. He added that the remodelling of the building had been successful and urged the Committee to review the recommendation of refusal. He finally added that he did not consider that the proposal was not for an extension, but for the replacement of a smaller dwelling with a larger one. He asked for clarification from the Officers as to how the applicant described the proposal.

Officers responded that the applicant had described it as an extension.

Councillor Moore disagreed with Councillor Pierce and moved the Officer's recommendation refusal. His reasons for refusal were that; there was no amenity space for the existing building, the proposed extension would not appear to be subservient to the other building and that if the application were approved that the property would not enhance the conservation area. He also added that there was a conflict between vehicle and pedestrian access which had not been addressed by the application.

Councillor Firth seconded Councillor Moore's call for refusal.

Councillor Taylor highlighted that the impact on the conservation area by the proposed building should not be overlooked. This was because it was one of the few locations in the local area in which the original burgage plots are still visible.

Councillor Hyman added that the proposal would conflict with Council guidance on extensions.

Members then asked about the path adjacent to the property and specifically if it was a Public Right of Way.

Mrs De Vries said that the path was not a Public Right of Way and that the path that was named as such was nowhere near the property in question.

Mr Chapman responded that the previous owners of 52 School Lane had created the path. They originally had situated it to the left of 63 Main Street and widened it out to include usage by residents at 50 School Lane. This path was only intended to be for residents of these properties and not as a Public Right of Way.

RESOLVED: That the application be refused.

REASON: (i) The proposed extension would result in a significant increase in the size of the existing dwelling, however, the external amenity space to serve the extended property is extremely limited and contains no provision for cycle storage. In addition the shared space for vehicle manoeuvring is unduly tight. It is considered that this would create a poor living environment for the occupiers of 52 School Lane and have the potential to cause conflict with the occupants of 65 Main Street. It is considered therefore, that the proposed extension conflicts with policy GP1(criterion g) and H7 (criterion g) and appendix E of the City of York Draft Local

Plan(fourth set of changes) approved April 2005 and advice contained within paragraph 1.23 of the City of York Council's Guide to extensions and alterations to private dwellings March 2001.

- (ii) The proposal would, by reason of its massing, scale, design and external appearance, result in an incongruous form of development that would be out of scale and character with the area. It is considered that this proposed development would seriously detract from the quality of traditional building pattern which is enjoyed at this location within Fulford Conservation Area. The proposal is, therefore, considered to conflict with Central Government advice contained within Planning policy Guidance Note 15 ("Planning and the Historic Environment") and Policies GP1, GP10 and HE2 of the City of York Draft Local Plan.
  
- (iii) The proposal would involve the shared use of the driveway that serves both the proposed dwelling and the existing dwelling at 52 School Lane. This driveway runs alongside the side elevation of the proposed dwelling in close proximity to ground floor windows and the main entrance door. As a result, there would be potential for unacceptable levels of noise and disturbance, together with pedestrian/vehicular conflict, to the detriment of the residential amenity of the future occupiers of the proposed dwelling. The proposal would, therefore, conflict with Policy GP1 (criterion i) of the City of York Draft Local Plan, and the objectives of Central Government advice contained within Planning Policy Statement 1 ("Delivering Sustainable Development") and Planning policy Statement 3 ("Housing") which seek to deliver a high quality residential environment.

**53b Store to the Rear Of 69 Fourth Avenue, York YO31 0UA**

Members considered an application for the erection of 2 dwellings following the demolition of existing outbuildings at the site to the rear of 69/71/73 Fourth Avenue. This was called in to the Committee by Councillor

Officers updated Members informing them that Councillor Potter as Ward Member had sent an email supporting the Officer's recommendation due to the detrimental effect on the surrounding properties.

The Agent for the applicant's Architect, Mr Dykes, commented to Members that the views from the windows of the adjacent properties is not ideal but that residents would rather have a view of new houses than an unattractive building and untidy rear yard. He stated that although there was a restricted amenity space, only 11 out of 15 residents on Fourth Avenue use

their entrance doors. He added that they only use the rear of their properties to empty their recycling bins.

Mr Gildener, a local resident, spoke in support of the application. He told Members that he thought that this was an imaginative scheme and that there would only be a marginal increase in height to include the space of the roof. He also suggested that if the application was approved that it would improve the surrounding area which was in need of an uplift. He finally stated that he thought that the city would benefit from two more units for local residents not students.

RESOLVED: That the application be refused.

- REASON: (i) It is considered that the new dwellings, by virtue of their massing, siting and proximity to windows on the rear elevation of existing dwelling units within 69/71/73 Fourth Avenue, will result in unacceptable loss of light and dominance which will be detrimental to the living conditions of the occupiers of the existing dwelling units. This is considered to be contrary to national planning advice contained within Planning Policy Statement 1 “Delivering Sustainable Development” and Policy GP1 of the City of York Draft Local Plan.
- (ii) The rear yard of 69/71/73 Fourth Avenue provides the outdoor amenity and servicing space for 15 flats, and the introduction of two further dwelling units would not diminish this need. It is considered that the comings and goings within the service yard area and the location of the site on the front of a service road, which also serves the rear of the shops, and properties within the area, will be detrimental to the living conditions of future occupiers of the site. This contrary to advice on design set out in paragraphs 33 to 39 of Planning Policy Statement 1 ‘Delivering Sustainable Development’ and Policy GP1 of the City of York Local Draft Plan.

### **53c 49 Muncastergate, York YO31 9JX**

Members considered an application for a two storey side extension to the property. This application was brought to the Committee at the request of the local Ward Member.

Officers updated Members by saying that they had received an additional letter from a resident stating that the area is worthy of conservation area status. They informed Members that there were a variety of styles of properties on the street.

Representations in objection were heard from a neighbour, Mr Ravenhall. He argued that the application was not in keeping with the style of the other properties on the street. He added that the featureless wall that was

within the proposal for number 49 would restrict light in to the kitchen and landing area of the property.

Members asked Officers if they were content that the proposal would not have a detrimental effect on the lighting.

Officers replied that the proposal would have an impact but that this would be relatively minor and in their view acceptable.

Members commented that there were not strong grounds to oppose the Officer's recommendation. They added that they could understand the points presented by the objectors but that the impact of the light lost from the wall proposed at number 49 would be minimal. Additionally they noted that because Muncastergate was not in a conservation area, that the grounds for refusal on the grounds of design and appearance would be tenuous. Finally they commented on how they thought the extension had been designed to fit in with the surrounding area and that there was an existing garage in the vicinity which was far wider than the one proposed.

**RESOLVED:** That the application be approved subject to the conditions listed in the report.

**REASON:** 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 impact on the streetscene and the amenity and living conditions of adjacent occupiers. As such the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan and the Council's 'Guide to Extensions and Alterations to Private Dwelling Houses' supplementary Planning Guidance.

**53d 5 and 6 Northfields, Strensall, York YO32 5XN**

Members considered an application for the erection of three terraced properties to the rear of 5 and 6 Northfields.

Officers outlined to Members the history of applications on the site. They added that they had received a further five letters of objections since the report had been published. The letters highlighted that:

- The threatening tone of letters received from the applicants agent was not appreciated.
- The applicant admits that the properties will be family homes and not starter homes as previously described.
- That the car parking provision conflicts with the Council's policy on Housing and Government advice on the maximum amount of parking space with cycle parking.
- The proposals for the planting of additional vegetation are a red herring and that the current design of parking is dangerous.

Members asked Officers to clarify the dimensions of the property and if this had changed from the previous applications.

Officers replied that the property which had a footprint of 16.5 metres x 8.5 metres had not changed from the original application.

Members highlighted that the one of the previous grounds for refusal was due to the proposed amount of hard standing. They questioned whether it was not better to alter the wording of the relevant condition to incorporate a porous surface. They also asked whether the changes to the General Permitted Development Order in 2008 included the regulation that areas of hardstanding that are less than 5 square metres in area could be constructed with a non permeable surface without planning permission.

Representations were received from a local resident, Mr Brown, in objection to the application. He stated his request for refusal was due to several reasons which were;

- That there had been a misrepresentation of the property, in that with each application the property had changed the number of bedrooms.
- That along with an increase in bedrooms, there had also been a decrease in the amount of parking spaces afforded to the property.
- The overflow car parking would block access into Netherwoods.
- The previous Officers report had said that the application would have a detrimental effect on the street scene.

Further Representations were received from Strensall with Towthorpe Parish Council in objection to the application. The representative from the Parish Council stated that they were opposed due to the original application being used by the applicants to show that the current proposals were an improvement. He also highlighted the problems with parking that the proposal would create and stated that there was little imagination in the consideration of hedges in the application.

Further representations were heard from a local resident, Mr Chambers, in objection to the application. He said that although two of the rooms in the property were deemed to have been used as “work from home spaces” in the Officers report, that they would inevitably be used as additional bedrooms. He added that out of the 12 residents in neighbouring Netherwoods, 9 had written and registered objections with the Planning Officers. One resident from Northfields had also registered an objection.

Councillor Kirk spoke as the Ward Member and said that she agreed with the comments received from the neighbours in relation to an increase in bedrooms and decrease in the parking space around the property. She finally added that she felt that the application would be detrimental to the area as it failed to respect the existing character of Netherwoods.

Officers informed Members that the appearance of proposed property would be unchanged, and that the only change would be that it would consist of three units rather than one as originally approved.

Members added that the fact that parking standards are referred to as maximum figures had restricted any objections on the grounds of lack of car parking.

Officers advised Members that they should be minded to refuse the application, the reasons for refusal should be a combination of the previous reasons for refusal and the appeal decision in relation to the previous application. It was agreed that the exact wording of the reasons would be agreed between the Chair, Vice Chair and Area Team Leader.

RESOLVED: That the application be refused.

REASON: It is considered that the proposal would constitute an over - intensive form of development occupying almost the full frontage of the site, necessitating car parking being located to the front of the dwellings, resulting in a harsh and incongruous street frontage relative to the remainder of the street. It is considered that the quantity and quality of the landscaping interspersed with areas of hardsurfacing would fail to respect the character, appearance and visual distinctiveness of the area, which to a significant extent is defined by the quality of the landscaped setting of the dwellings. As a consequence, the proposed development is not considered to be appropriate to the character or appearance of the area and is, therefore, contrary to Central Government advice contained within Planning Policy Statement 1: "Delivering Sustainable Development", Planning Policy Statement 3 "Housing" and policies H4a, GP1 and GP10 of the City of York Draft Local Plan (Incorporating the Fourth Set of Changes) (2005).

K HYMAN, Chair

[The meeting started at 2.00 pm and finished at 3.40 pm].