

COMMITTEE REPORT

Date: 12 August 2010
Team: East Area

Ward: Haxby And Wigginton
Parish: Wigginton Parish Council

Reference: 10/01103/FUL
Application at: 18 The Village Wigginton York YO32 2PJ
For: Detached dormer bungalow with integral garage
By: Mr Brian Curry
Application Type: Full Application
Target Date: 30 July 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a full application for the erection of a 2-bedroom dormer bungalow with integral garage. Access would be via a shared private drive from Longcroft. The proposals would require the removal of a mature Monkey Puzzle tree and the demolition of a timber outbuilding. The application is in effect a renewal of a previous approval (outline and reserved matters granted in 2004 and 2007 respectively), which has expired (see 04/01780/OUT and 07/01284/REM). The proposals are unchanged.

1.2 The application has been called in by Cllr Firth because local residents are concerned that circumstances have changed since the previous proposal was approved.

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:

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CGP15A
Development and Flood Risk

CYL1C
Provision of New Open Space in Development

CYGP4A
Sustainability

CYH4A
Housing Windfalls

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections. Add conditions as for the previous approval.

Environmental Protection Unit - No objections. Add demolition and construction informative.

Structures and Drainage - Objection. The site is in flood zone 1 and should not suffer from river flooding. Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems.

Lifelong Learning and Culture - As there is no on site open space, a commuted sum towards off-site provision should be paid to the council for amenity open space, play space and sports pitches. The contribution should be based on the latest York formula through a Section 106 agreement.

3.2 External

Wigginton Parish Council - No objection but wish to make comments and seek the following safeguards; the privacy of occupiers of 16 and 18 The Village should be respected by appropriate window glazing and screening. Drainage is a problem locally so surface water should discharge to the public drainage system. The position of the house should be more central within the site so that the house can be maintained from within the curtilage. The height of the dwelling could have an overbearing impact on No.18. Highway access is restricted and will need detailed attention.

Public Consultation - The consultation period expired on 22 July 2010. Six objections have been received citing:

- Overlooking,
- Overbearing,
- Dwelling would be too close to No.18,
- Dwelling would be too high for the location,
- Additional windows/clear glazing should not be allowed,
- Eaves appear to overhang neighbouring property,
- Plans are inaccurate,
- Exiting site in forward gear is essential,
- Turning area is too small,
- Inadequate parking
- Drainage via soakaway would be unsatisfactory,
- Drains run under neighbouring property.

4.0 APPRAISAL

4.1 Key Issues:-

- Visual appearance
- Neighbour amenity
- Highway issues
- Open space
- Drainage
- Sustainability

4.2 The most relevant Development Control Local Plan policies are:

GP1 - 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.

GP4a - All proposals should have regard to the principles of sustainable development, including accessibility by means other than the private car.

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. Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

H4a - Permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

L1c - Requires that all housing sites 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.

VISUAL APPEARANCE

4.3 The proposed building is identical to the approved design. It has a simple rectangular footprint and a gable roof. A single dormer on the rear elevation would provide headroom for the landing. The front elevation would have two rooflights.

Two bedrooms and a bathroom would be located in the roof space. The scale and design of the building are in keeping with the character of the surrounding area.

NEIGHBOUR AMENITY

4.4 The nearest dwelling is 12 Village Garth, which is approximately 16m to the north. But no windows face the application site so there would be no loss of privacy from that dwelling. A similar distance separates the proposed building from the rear of 10 Village Garth but a garage block obscures the view. The proposed dwelling would have a gable wall approximately 19m from the rear elevations of 6 and 8 Village Garth but no upper floor windows would face these dwellings. Appropriate boundary treatment (which could be made a condition of approval) would prevent loss of privacy due to ground floor windows.

4.5 The most affected dwelling would be 18 The Village. Its rear elevation and rear garden would face the rear elevation of the new dwelling. However the only upper floor window that would face No.18 is to the landing, and this window would be over 21m from the rear conservatory of No.18. Whilst the occupier of No.18 is concerned about overlooking of his conservatory, the separation distance complies with accepted standards. Furthermore, the conservatory was built after the previous permission was granted and whilst the permission was still valid, such that the house could have been erected at any time and also the effect of the new house on the conservatory could have been considered prior to the erection of the conservatory.

4.6 Bearing in mind the proximity of adjacent dwellings permitted development rights should be removed. This would include provision of additional windows, especially in the roof elevations and gable ends.

4.7 The dwelling would be 6.4m high, as previously approved. It is therefore unlikely to have an overbearing impact on neighbouring occupiers.

HIGHWAY ISSUES

4.8 Parking provision and cycle storage comply with council standards. Access via the shared drive is adequate and turning space within the site would be provided. Provision of the turning space will require the loss of the Monkey Puzzle tree but it is not protected and its amenity value is low.

DRAINAGE

4.9 Whilst the proposals show that foul and surface water from the building would drain into public sewers, the supporting information states that paved surfaces will drain to permeable areas. No details are provided. The site is in low flood risk area zone 1 but bearing in mind the poor drainage in the surrounding area drainage details should be made a condition of approval.

PUBLIC OPEN SPACE

4.10 A developer contribution of £1242 would be required for the provision of public open space in accordance with policy L1 of the local plan. The applicant has been made aware of this requirement.

SUSTAINABILITY

4.11 The site is in a sustainable location within the village envelope and with access to shops and public transport. Whilst the application includes a sustainability statement, standard conditions should be attached regarding renewable energy and Code for Sustainable Homes level 3 in accordance with the Council's Interim Statement on Sustainable design and Construction.

OTHER MATTERS

4.12 Inaccuracies in the plans as initially submitted have since been corrected. Any subsequent minor overhanging of adjacent boundaries is a detailed matter that would normally be resolved on site between respective property owners.

5.0 CONCLUSION

5.1 It is considered that the proposal, subject to the conditions listed below, would not cause undue harm to interests of acknowledged importance, with particular reference to visual appearance, neighbour amenity, sustainability, drainage and provision of open space. As such the proposal complies with Policies H4a, GP1, GP10, GP15, GP4a and L1c of the City of York Local Plan Deposit Draft.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 VISQ8 Samples of exterior materials to be app
- 3 VISQ4 Boundary details to be supplied

4 The development shall be carried out only in accordance with the following plans and other submitted details:-

288/4B received 9 July 2010
288/5A received 21 May 2010

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

5 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-G 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 as amended.

6 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 6.4 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

7 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles for both the proposed dwelling and 18 The Village have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for the purpose shown on the approved plans.

Reason: In the interests of highway safety.

8 No part of the site shall come into use until turning areas have been provided in accordance with details, which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

9 There shall be no raising of ground levels on the site.

Reason: To prevent flooding of adjacent properties.

10 DRAIN1 Drainage details to be agreed

11 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-star 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.

12 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 5% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

13 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 that 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 £1242.

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.

REASON FOR APPROVAL

1. It is considered that the proposal, subject to the conditions listed below, would not cause undue harm to interests of acknowledged importance, with particular reference to visual appearance, neighbour amenity, sustainability, drainage and provision of open space. As such the proposal complies with Policies H4a, GP1, GP10, GP15, GP4a and L1c of the City of York Local Plan Deposit Draft.

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