

COMMITTEE REPORT

Date: 9 September 2010 **Ward:** Fulford
Team: East Area **Parish:** Fulford Parish Council

Reference: 10/00258/FUL
Application at: 34 Eastward Avenue York YO10 4LZ
For: Two storey rear extension with balcony, two storey extension to front incorporating porch, alterations to roof, with gates, brick piers, wall and railings to front (resubmission)
By: Mr Ahmed Karbani
Application Type: Full Application
Target Date: 5 May 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 **SITE:** The application site, 34 Eastward Avenue, is a semi detached 1930s property, which shares its rear boundary with Fulford School. There is a large detached garage located at the end of the rear garden, which was granted retrospective planning permission in August 1997. Alterations have also been undertaken to the front bay windows of the property.

1.2 **PROPOSAL:** The proposal has been amended since it was first submitted. These revisions represent a reduction in the extent of development on the site. Permission is now sought for the erection of the following:

(i) part single/part two storey rear extension to accommodate ground floor kitchen/dining area and first floor bedroom extension. Dimensions are approximately 3.6m long at ground floor and 2.5m long at first floor by 5.1m wide. The eaves line would be similar to that of the main house, with the ridge approximately 1.4m lower;

(ii) part single/part two storey front extension, to accommodate ground floor porch measuring 1.5m long x 2.2m wide x 3.3m high (hipped roof) and bedroom extension at first floor projecting 600mm from the main front wall of the house (flat roof to continue that of the existing bay);

(iii) roof extension changing side hipped roof to full gable as continuation of roof of main house - this is considered to be permitted development under the changes to the General Permitted Development Order which came into force in October 2008;

(iv) front boundary enclosure comprising two pairs of vehicular gates and one central pedestrian gate with brick supporting piers on either side and between the three openings (four piers in total). The maximum height of the piers, including the decorative acorn-shaped stone features, is 1.5m. The gates would be curved at the top with a maximum height to the top of the curve of 1.55m.

1.3 APPLICANT'S CASE: No written submission has been received, but the applicant previously confirmed verbally to this officer that the intentions of extending the property are to:

- accommodate additional family members, including individuals with disabilities;
- plan for the future needs of family members, including individuals with disabilities;
- increase security at the property following racially motivated incidents of anti-social behaviour and crime at previous address and fear for future incidents.

1.4 HISTORY: This is the third application submitted for similar extensions to the property.

08/02007/FUL - Refused in 2008 on the grounds of residential and visual amenity. The proposal included a 5m long rear two-storey extension, part single/part two storey front extension, extension to roof to form reduced hipped roof and 2.8m high front boundary wall/gates/railings. Following the refusal, pre-application discussion took place resulting in a letter being sent to the applicant, with accompanying plan, setting out what was considered to be an acceptable volume of extension.

09/01988/FUL - Refused in early 2010 on the grounds of residential and visual amenity. The proposal was little different to that previously refused in terms of extent of development and included an over-sailing roof to the wider rear extension and steep gable feature to the front extension above the eaves of the main house roof.

1.5 MEMBER INTEREST: Councillor Aspden has called the application to committee because it represents overdevelopment of the area and does not match other properties in the street. He supports the objections/comments of Fulford Parish Council on this application.

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

Schools GMS Constraints: Fulford 0246

2.2 Policies:

CYH7
Residential extensions

CYGP1
Design

3.0 CONSULTATIONS

3.1 PUBLICITY: The application has been re-advertised since the submission of the revised drawings. The consultation period expired on 25.8.2010.

3.2 INTERNAL

Highway Network Management

No objections. Request condition HWAY10 (Vehicular areas to be surfaced, sealed and positively drained)

3.3 EXTERNAL

North Yorkshire Police

Does not consider that sufficient evidence has been submitted to support the applicant's proposals for the front boundary treatment. Secured by Design guidance advises that it is desirable for dwelling frontages to be open to view with walls, etc, being kept low (maximum height of 1m). There have been no reported crimes and only one report of anti-social behaviour (January 2010) connected with the application in the past twelve months. Advice was previously given by the Police Architectural Liaison Officer about alternative measures to protect the applicant's property, including CCTV, secure windows and doors, 2m high gates at the side of the property, security lighting, alarm system and fire proof letter boxes.

Fulford Parish Council

Objected to the application on following grounds, though no response received at the time of writing to the revised scheme.

- design of security gate is out of character for the streetscape;
- changing roofline of one of semis is detrimental to appearance of two semis and neighbouring houses and is incongruous in streetscape;
- size and height of extension will effect amenity of neighbouring properties at 32 and 36 with respect to light, shadowing and outlook;
- raised roofline of rear extension.

Local residents

Seven letters were received to the application from local residents, with two letters being received at the time of writing in response to the revised scheme. The concerns raised were numerous due to the various elements of the scheme. They relate to the impact of the proposal on:

- neighbouring residents amenity from loss of daylight and sunlight;
- the streetscene from the uncharacteristic front boundary wall;
- the precedent that would be established for other similar proposals;
- the upset to the community feel of the neighbourhood;
- the over-development that the various extensions along with the existing oversized garage would result in.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Visual amenity
- Residential amenity
- Parking and highway safety
- Special circumstances

4.2 POLICY CONTEXT: Relevant Central Government planning policy is contained in Planning Policy Statement 1: Delivering Sustainable Development. This encourages good design and social inclusion. Paragraph 34 of PPS1 states that design which is inappropriate in its context or fails to take the opportunity of improving the character and quality of an area should not be accepted. It stresses the need of taking into account the needs of all the community, including particular requirements relating to age, sex, ethnic background, religion, disability and income.

Policies GP1 and H7 of the City of York Draft Development Control Local Plan (incorporating fourth set of changes) and advice in the Council's Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 are material to the consideration of the application.

- Policy GP1 sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to: respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; and, ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

- Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.3 VISUAL IMPACT

The site lies on the south side of a straight road that is characterised mainly by semi-detached houses. Whilst the design and external appearance of houses differ, there is a strong building line at the front and a regular rhythm and spacing of properties along the street. There are examples of the addition of porches and canopies above the original front entrance door, though these are of limited projection. The predominant treatment to front boundaries along the street comprises low walls with infill planting or front boundary enclosures, though there are some examples of railings above dwarf walls.

The proposal represents a reduction in the extent of development over previous schemes. The rear extension is much reduced in its length and height, especially at first floor and so would not be unduly prominent from the street. The front porch has

been reduced to a reasonable level of projection and the first floor element above the porch has a flat roof that continues that of the existing flat roofed bay window. In visual amenity terms, the proposal is now considered to be acceptable.

The walls and railings are still high at 1.5m and their design is uncharacteristic with others on the street, largely due to the inclusion of two sets of vehicle gates and individual design with four 'acorn' topped piers. There is another property on the street that has a dwarf wall with railings above and brick piers that exceeds 1m in height. The Police Architectural Liaison Officer has confirmed that there have not been any reported crimes at the property in the past twelve months and only one reported incident of anti-social behaviour. However, the applicant has continued to maintain in his proposals high boundary enclosures due his fear of crime. The presence of another high boundary enclosure on the street scene and perceived fear by the applicant could be considered to overcome the reservations about the height and design of the enclosure.

4.4 RESIDENTIAL IMPACT

The main property affected would be no.36 Eastward Avenue, which is attached to the application dwelling to its east. The rear extension would be located close to the boundary, though set back from it by approximately 800mm. The extension has been significantly reduced to a projection of 3.6m at ground floor and 2.5m at first floor. The main impacts would be the overshadowing that would be caused to the rear of no.36 in the later afternoon (approximately 3pm onwards), in particular to the rear conservatory and in the summer months, before the sun passes beyond the houses. As the houses face south, the extension would not have much impact until this point, albeit the neighbouring occupants would be aware of the presence of the extension at all times of day. It is noted that the conservatory at no.36 has a largely solid wall adjacent to the boundary with the application site, except for a series of high level windows, and that the canted windows would extend beyond the extent of the two storey part of the proposed extension. The extent of overshadowing that the proposed extension would be likely to cause is considered to be within acceptable limits in planning terms, given the location of the properties in an urban area and that sunlight and daylight would not be affected for the majority of the day.

4.5 HIGHWAY SAFETY

The proposal involves the erection of two sets of vehicular gates and one pedestrian gate at the front of the site. The set of gates adjacent to the eastern boundary of the site would not allow for a vehicle to park and the gates to be closed behind it as there is insufficient room (there is only a distance of 3m remaining on site with the gates in the open position). However, the Highway Officer notes that the replacement of a personnel gate at the side of the house with a 1.8m wide gate would allow for vehicles accessing through the western gate to access the side driveway and rear garage. Therefore no highway objections are raised.

4.6 SPECIAL CIRCUMSTANCES

The applicant has verbally indicated to this Officer that the extensions to the property are required to, firstly, accommodate family members with disabilities (an internal lift

is proposed), secondly, plan for future family needs as well as, thirdly, to increase security at the site following racially motivated incidents elsewhere in the City. These requirements are material considerations and need to be balanced against any identified harm to the visual amenity of the area or residential amenity of local residents.

5.0 CONCLUSION

5.1 There is a long history to the proposed developments at the site that seek to achieve the same needs for the applicant and his family. Concerns have been raised previously to the scheme due to the impact on visual and residential amenity. However, the current application incorporates reductions in the extent of development and meets the needs of the applicant whilst lessening the impact on the local environment and amenity of neighbours. On balance, the application is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing nos. K/15-PL-05B, K/15-PL-06C, K/15-PL-07B, K/15-PL-08C and K/15-PL-09D dated 02/10.

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 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, window or other opening additional to those shown on the approved plans shall at any time be inserted in the side elevation of the property.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

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 visual amenity, residential amenity and highway safety. As such the proposal complies with Policies GP1 and H7 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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