

CCOMMITTEE REPORT

Date: 21 October 2010 **Ward:** Acomb
Team: Major and Commercial **Parish:** Acomb Planning Panel
Team

Reference: 10/01822/FUL
Application at: Decorative Plaster 136 Boroughbridge Road York YO26 6AL
For: Conversion of first floor flat and roof space to create 2no flats with first floor rear extension, new pitched roof to existing side extension, rear dormer and conservatory and external alterations including new shop front and rear windows (resubmission)(retrospective)
By: Mr Michael Beaufoy
Application Type: Full Application
Target Date: 15 October 2010
Recommendation: Refuse

1.0 PROPOSAL

1.1 136 Boroughbridge Road comprises a disused brick built two storey shop unit with flat above dating to the 1920s. It forms part of a wider parade lining the north eastern edge of Boroughbridge Road. Planning permission is sought for conversion of the roof space and existing first floor flat to provide two flats with a first floor rear extension, rear dormer and conservatory and new shop front. The proposal is a revised resubmission of an earlier proposal for three flats (ref:10/01389/FUL) which was withdrawn following concerns in respect of the availability of amenity space and also over-development. The application is in part retrospective as work on the development has already commenced.

1.2 The application has been called-in to Committee by Coun T. Simpson-Laing on the grounds of adverse impact upon neighbouring properties and the retrospective nature of the proposal.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYGP1
Design

CYH8
Conversion to flats/HMO/student accom

CYT4
Cycle Parking

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management raise concern in respect of the detail submitted with the proposal in respect of car and cycle parking.

3.2 Lifelong Learning and Leisure raise no objection to the proposal subject to the payment of a commuted sum in lieu of provision of onsite open space.

EXTERNAL:-

3.3 Acomb Planning Panel raise no objection to the proposal.

3.4 An objection to the proposal has been received from the occupier of the adjacent property expressing concern with respect to the impact upon residential amenity by virtue of overlooking and loss of privacy.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Availability of on-site car and cycle parking space;
- * Impact upon the residential amenity of adjacent property.
- * Impact upon the available amenity space for the occupiers of the proposed properties.

AVAILABILITY OF ON-SITE CAR AND CYCLE PARKING SPACE:-

4.2 Policy H8 of the York Development Control Local Plan sets a firm policy presumption that permission for conversions into flats will only be given where the internal layout is such as to be suitable for prospective occupants and their future amenity, adequate provision is available for the storage and collection of refuse and recycling and adequate on and off street parking and cycle parking can be provided. The current proposal caters for two flats which in a fairly densely built up street frontage would be acceptable and adequate storage space for refuse and recycling would be provided within a compound on the main street elevation of the site.

However the proposed off street parking would be accessed via the restricted area adjacent to a pedestrian crossing and no clear indication has been given in respect of the provision of cycle parking within the site. The applicant has indicated a secure compound on the front street elevation for the storage of bins and recycling. To increase the size of the compound would reduce the level of space available for off-street parking. It may be possible to provide cycle parking to the rear of the site however no indication has been of how this may be feasible and it would impinge upon the area of the proposed ground floor business. The terms of Policy H8 of the Draft Local Plan would thus not be complied with. The terms of Policy T4 of the Draft Local Plan which sets standards for the provision of cycle parking within new development would also not be complied with.

IMPACT UPON THE RESIDENTIAL AMENITY OF THE ADJACENT PROPERTY:-

4.3 Policy GP1 of the York Development Control Local Plan sets a firm policy presumption in favour of new development which respects or enhances the local environment, is of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, provide and protect private, individual or communal amenity space for residential developments and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. The current proposal envisages the extension and conversion of the upper floor including roof space of the property into two flats with the continued use of the ground floor as business premises. As part of the proposed works to the upper floor the provision of a pitched roof is envisaged over the existing flat roofed section adjacent to No 138 Boroughbridge Road creating living accommodation within the existing roof space. This would facilitate the creation of two bedrooms that would be lit by two velux roof lights in the western roof slope. The distance between the proposed extension and 138 Boroughbridge Road is only 1 metre with a dormer extension in the directly adjacent elevation to light a bathroom and bedroom. The close proximity of the roof lights to the dormer means that the proposed development would erode the residential amenity of the adjacent property by virtue of overlooking of a principal living area clearly visible from the site boundary. The terms of Policy GP1 of the Draft Local Plan would thus not be complied with in relation to that aspect.

IMPACT UPON ON-SITE AMENITY SPACE:-

4.4 The application site as currently laid out incorporates a modest rear yard area accessible by both the ground floor business holder and the flat above. The proposal indicates that the rear yard would be partially filled by a glazed conservatory for use by the business holder. No indication is given that the remainder of the rear yard would remain available for the flat occupiers for domestic activities such as hanging washing as at present. The effective removal of the remaining outdoor amenity space would seriously compromise the residential amenity of the future occupiers of the proposed properties. The terms of Policy GP 1 of the Draft Local Plan would also not be complied with in relation to that aspect either.

5.0 CONCLUSION

5.1 136 Boroughbridge Road comprises at present a two storey brick built shop with flat above forming part of a wider shopping parade along the eastern side of Boroughbridge Road. Planning permission is sought in respect of a scheme to convert and extend the existing first floor flat to provide an additional two bed roomed flat with accommodation in the existing roof space. A ground floor conservatory extension would also be provided as additional accommodation for the shop unit. A single car parking space exists on the site frontage to service the needs of the property and a rear yard area serves the needs of the present flat occupier for amenity space. The current scheme would result in the partial building over of the rear yard area and the severing of any direct link between the flats and the rear yard area. The location and means of access to the site by car are unclear as is the location and means of access to the on-site cycle parking. As a consequence the amenities of future occupiers of the site would be seriously compromised contrary to Policy H8 of the Draft Local Plan. Further more the site for some time has been built up directly to the boundary with the neighbouring property No 138 Boroughbridge Road . 138 has a high level dormer window lighting a bathroom and bedroom facing directly into the application site. The proposal envisages the insertion of two velux roof lights in the roof of the elevation facing 138. This would create a clear adverse relationship between the two properties with the potential for significantly increased noise and loss of privacy in a principal living area of the adjacent property. On balance it is felt that the submitted proposal would have a seriously detrimental impact on the amenity of the future occupiers of the flats applied for whilst at the same time eroding the residential amenity of the adjacent property. On balance therefore it is felt that the scheme is unacceptable and it is recommended that planning permission be with held.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposal by virtue of removing the rear yard area as amenity space for use by the proposed flat occupiers and by failing to provide cycle parking space within the application site would cause serious and unacceptable harm to the residential amenity of future occupiers of the site contrary to Policies GP1(g) T4 and H8 of the York Development Control Local Plan.

2 The proposed velux roof lights on the north west elevation of the property by virtue of their close proximity to the site boundary would give rise to an unacceptable impact upon the residential amenity of the neighbouring property 138 Boroughbridge Road by virtue of loss of privacy to a principal living area contrary to Policy GP1 of the York Development Control Local Plan.

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