

COMMITTEE REPORT

Date: 11 November 2010 **Ward:** Hull Road
Team: Householder and Small Scale Team **Parish:** Hull Road Planning Panel

Reference: 10/02057/FUL
Application at: 2 Heathfield Road York YO10 3AE
For: Single storey side and rear extension (revised scheme)
By: Mr Mark Hutchinson
Application Type: Full Application
Target Date: 23 November 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application property is a semi-detached house located in a cul-de-sac off Millfield Lane. Members may recall that at the East Area Sub-Committee on 9 September 2010 planning permission was refused to erect a single storey rear extension and a two-storey side extension at the property. The planning application was refused for the following reason:

"The proposed one and two-storey side extensions would be located in close proximity to much of the rear garden of 1 Heathfield Road. It is considered that if approved the proposal would result in the small space being unduly enclosed by an overdominant and overbearing form of development which would also result in excessive overshadowing. As such the proposal conflicts with policy GP1 (criterion l) and H7 (criterion d) of the City of York Draft Local Plan (fourth set of changes) approved April 2005 and advice contained within paragraph 1.33 of the City of York Council's Guide to extensions and alterations to private dwellings March 2001."

1.2 The revised application now submitted is for the erection of a pitched roof single storey extension to the side and rear. The width of the extension is slightly narrower than the previous scheme with the accommodation proposed to the side of the house reduced from 4.1metres to 3.6 metres. The accommodation proposed to the rear of the property has also been reduced in width to leave a gap of 0.9m to the boundary fence.

1.3 The eaves height of the extension is approximately 2.5 metres. At its highest point the ridge height of the single storey side extension is 4.7 metres (revised plans were received on 18 October 2010 that reduced the ridge height from 4.9 metres).

1.4 The application has been referred to Committee because of the level of local interest in the application and to ensure consistency given that the previous application was also determined at Committee. A site visit took place on 8 September 2010 in connection with the previous 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

2.2 Policies:

CYH7
Residential extensions

CYGP1
Design

3.0 CONSULTATIONS

3.1 Internal

Environmental Protection - No objections to the planning application. Do not consider that a condition seeking sound proofing along the boundary with number 3 Heathfield Road can be justified on planning grounds.

3.2 External

Hull Road Planning Panel - No objections

Neighbours

Letters of objections have been received from the occupants of 4 properties in Heathfield Road. The concerns raised are:

The single storey extension is very high and will enclose 1 Heathfield Road and lead to the unacceptable loss of light. The new 2m boundary fence already reduces sunlight.

Concerns about drainage and sewerage due to the increase in the number of bathrooms.

There will be more people occupying the property. The narrow cul-de-sac is unsuitable as the increased traffic will be a danger to pedestrians (including children playing) and damage footpaths.

This is a family street and the likely increase in the number of students in the house is not compatible with this and will lead families to sell their homes.

The Hull Road area has enough students already.

The 900mm gap to the side of the extension is inadequate for cycles and wheelie bins.

The scheme overdevelops the rear garden.

The work on the house will be undertaken by an absentee landlord and would not therefore benefit local trades people.

4.0 APPRAISAL

4.1 Key Issues:-

- Impact on streetscene
- Impact on neighbours
- Car parking
- Impact of occupation by students

4.2 Development Control Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 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 the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.4 Policy H8 relates to the conversion of dwellings to houses in multiple occupation. The relevance of this policy to the proposal is considered below.

IMPACT ON THE STREETSCENE

4.5 The design of the extension reflects the appearance of the original house to an acceptable degree. The window position and materials relate well to the main house. The rear roof slope of the side extension has a gable roof, this differs from the roof form of the main house, however, this part of the extension is located in a position that would not be prominent from the street and when viewed from the rear is partly screened by the rear elevation.

IMPACT ON NEIGHBOURS

4.6 There is adequate separation to the front and rear. The attached property (number 3) has a conservatory to the rear. It is not considered that the 3 metre deep single storey rear extension (which could be erected was permitted development without the need for planning permission) would have an unreasonable impact in respect to light or outlook.

4.7 The main neighbour affected is number 1. This property was visited. The home has kitchen and living room windows on the rear of the ground floor and bathroom and bedroom windows on the first floor. The previous scheme was refused because it was felt that the home's small rear garden would be harmed by the one and two-storey development through it causing overshadowing and being overbearing.

4.8 It is considered that the amended scheme would not cause such harm to living conditions as to merit refusal. The single storey side extension would largely be viewed against the existing house and would cut out little additional sunlight. The rear element of the extension is a relatively low structure and has been moved slightly further off the side garden boundary.

4.9 Although the development will alter the character of the neighbour's rear garden area, it is considered that overall, the changes from the previous refused scheme, including the increased separation from the boundary and the lowered eaves and ridge height are such that the physical impact of the development is no longer considered unreasonable. Because of the relatively high ridge height of the proposed side extension and the proximity to the neighbour's garden a condition has been included removing permitted development rights to alter the size or shape of the roof of the extension.

CAR PARKING

4.10 The property has a wide front garden. There is space for off-street car parking for at least two vehicles and also the potential to increase the car parking area further. It is considered that this is sufficient to meet the needs of the extended property. There is a 900mm access to the rear for refuse bins and cycle parking.

IMPACT OF OCCUPATION BY STUDENTS

4.11 From information contained in letters from neighbours it would appear that the property has been occupied by 3 or 4 students for several years. In April 2010 Central Government planning legislation came into place that required planning permission to be sought were it was proposed to change the use of a dwelling house (typically a family home) to a house in multiple occupation. This change in legislation had no impact on 2 Heathfield Road as it was already a House in Multiple Occupation and as such could be occupied by up to 6 unrelated people without planning permission being required.

4.12 The previous planning application was refused on 9 September 2010. On 1 October 2010 Central Government planning legislation was amended so that permission would no longer be required to make a change of use from Class C3 (dwelling house) to Class C4 (houses in multiple occupation). This has no impact on the application property.

4.13 Neighbours concerns in respect to the application property being used as a 'student house' are noted. However, this is not considered material to the determination of an application for a single storey extension to the property. At the

present time it is the case that any house owner could typically seek to extend their property and then choose to rent it to up to 6 unrelated people without requiring planning permission for the change in occupation. Although there is sympathy for any neighbours who may suffer from 'noisy neighbours', in planning terms this is not considered grounds to refuse the application or to insist on additional measures such as sound proofing of party walls. Complaints relating to 'noisy neighbours' could be considered under separate legislation by the Council's Environmental Protection Unit.

5.0 CONCLUSION

5.1 The previous application included a two-storey side extension. It was considered that the proposal would have an unacceptable impact on the small rear garden of 1 Heathfield Road. The current application is for a single storey extension to the side and rear. It is considered that when viewed from the adjacent garden the extension will largely be seen against the existing house and will cut out little direct sunlight. The reduction in scale and the slight narrowing of the proposed extension is also considered to be sufficient to avoid it being overbearing.

5.2 It is recommended that the application be approved.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ1 Matching materials

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

Revised plan MH 2 A received by the Local Planning Authority on 18 October 2010.

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

4 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 B and C (enlargement or alteration to the roof) of Schedule 2 Part 1 of that Order shall not be carried out to the approved side extension 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 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.

**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 effect on the amenity and living conditions of adjacent occupiers and the impact on the streetscene. As such the proposal complies with Policies H7 and GP1 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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