

## COMMITTEE REPORT

**Date:** 6 January 2011                      **Ward:** Fulford  
**Team:** Major and Commercial      **Parish:** Fulford Parish Council  
Team

**Reference:** 10/02586/FUL  
**Application at:** 40 Fordlands Road York YO19 4QG  
**For:** Two storey dwelling to rear (resubmission)  
**By:** Mr And Mrs C Poole  
**Application Type:** Full Application  
**Target Date:** 30 December 2010  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 This is a full application for the erection of a detached house within the rear garden area of 40 Fordlands Road, Fulford, York.

1.2 The application site is located on the south-west side of Fordlands Road, mid-way between Fordlands Crescent and Cherrywood Crescent. The site comprises the right hand half of a pair of traditional brick semi-detached houses with a hipped tiled roof. The property is served by a driveway to a garage sited at the rear of the property. The garden of the property has a similar area to adjacent properties immediately adjacent to the rear of the house but then opens out in to a substantial area beyond this. This further area measures approximately 30 metres wide by 62 metres long.

1.3 The proposal is to construct a detached four bedroomed house set approximately 32 metres back from the rear face of 40 Fordlands Road. The dwelling is set on an angle in the plot and is designed with an eaves height to the main part of the dwelling of 3.3 metres and an apex of 6.9 metres. The attached double garage has a lower eaves and ridge height at 2.5 and 5.8 respectively. Access to the house is to be via the existing driveway, which will serve the existing and proposed properties.

1.4 The application is supported by a Design and Access Statement and a Flood Risk Assessment.

#### Planning History

1.5 Application was submitted and subsequently withdrawn for the erection of 5 dwellings within the rear of 40 Fordlands Road in April 2007 (Planning Reference 06/2509/FUL)

1.6 Application was submitted and subsequently withdrawn for the erection of a detached dwelling within the same site in July 2010. (Planning Permission 10/1191/FUL)

1.7 The planning application has been called-in to sub-committee by Councillor Keith Aspden to give the applicant, residents and Fulford Parish Council an opportunity to put forward their views - both for and against - at a public meeting.

## **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:

CYGB2

Development in settlements "Washed Over" by the Green Belt

CYGP1

Design

CYGP10

Subdivision of gardens and infill devt

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 Highways Network Management - No objections subject to the inclusion of conditions to ensure the proper implementation of the scheme.

3.2 Lifelong Learning and Leisure - A commuted sum is required for this site for amenity open space, play space and sports pitches. Contributions should be based on the latest York formula.

3.3 Environmental Protection - No objections. An informative is requested regarding working practices during construction.

### EXTERNAL

Fulford Parish Council

3.4 On the City of York Local Plan proposals map (south) the site is identified as Green belt with a defined settlement limit to which Local Plan policy GB2 applies. In GB2 it is stated that only limited infilling is normally allowed in washed over settlements.

3.5 The proposed backland development would therefore be inappropriate here and hence planning permission should be refused. The footprint of the proposed dwelling is also very large in relation to the frontage property.

3.6 Recent planning guidance makes it clear that local authorities no longer have to view back garden development in urban areas as brownfield. This back garden is not brownfield but greenbelt and therefore there should be no presumption in favour of development within this garden.

3.7 The original layout of the Fordlands Road neighbourhood is more or less still intact and to date there has been no backland development within the settlement. The site forms a significant green gap between Fordlands and Cherrywood Crescent and if this application were to be permitted, it could set a precedent for further development proposals in the vicinity. Fulford Parish Council therefore continue to be in objections to this revised application

Ouse and Derwent Internal Drainage Board

3.8 The application is not supported by sufficient information to show how surface water from the site will be dealt with. PPS25 advice re sustainable drainage is highlighted. Conditions are suggested to ensure drainage information is submitted.

Environment Agency

3.9 Object to the application because the FRA does not meet the requirements of Annex E of PPS25. Environment Agency requires that the Local Planning Authority should be satisfied that the site passes the sequential test.

## PUBLICITY

3.10 One letter of objection has been received covering the following grounds: -  
- Hedges and trees on the boundary referred to as mature are actually in total neglect and constitute a nuisance and a danger to 50 Fordlands Road  
- If the nuisance of the hedge and trees were remedied there would be no objections to the proposal.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Principle of residential development on the site
- Highways, access and parking
- Impact on residential amenity
- Sustainability
- Open Space
- Drainage

4.2 Planning Policy Guidance note 2 (PPG2) entitled 'greenbelts' says that the construction of new buildings inside a green belt is inappropriate unless it is for, among other categories, limited infilling in existing villages. PPG2 says that the Local

plan should include policies to ensure that any infill does not have any adverse effect on the character of the village concerned. Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the green belt around York with an outer boundary about 6 miles from the city centre.

4.3 Policy GB2 of the CYDCLP states that the erection of buildings in settlements 'washed over' by the Green Belt but within the defined settlement limit is in principle acceptable provided that: it would be within the built-up area of the settlement; and, its location, scale and design would be appropriate to the form and character of the settlement and neighbouring property; and, it would constitute limited infilling that would not prejudice the openness or purposes of the Green Belt.

4.4 Other Local plan policies relevant to the consideration of the detail of this application are: -

- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy GP10 states that the subdivision of gardens and infilling will only be granted to provide new development, where this would not be detrimental to the character and amenity of the local environment.

- Policy 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.

#### Principle of residential development on the site

4.5 The application site is situated in green belt land. The southern portion of Fulford encompassing Fordlands Road is 'washed over' by that designation in the City of York Local Plan. PPG2 makes it clear that villages within the greenbelt should be dealt with in one of three ways. In this case the southern portion of Fulford village has been washed over in line with a village where 'infilling only' is proposed. Paragraph 5.26 of the supporting text to policy GB2 of the draft local plan defines infilling as ' the filling of a small gap in an otherwise built up frontage'

4.6 The proposal which is to introduce a new dwelling into the backland area to the rear of 40 Fordlands Road would not accord with the above definition of infilling. As the proposal does not relate to limited infilling, Officers consider that it represents inappropriate development in the green belt. It also conflicts with Local Plan Policy GB2.

4.7 Paragraph 3.2 of PPG2 says that inappropriate development is, by definition, harmful to the Green Belt. It is for the developer to show why planning permission should be granted. Very special circumstances to justify inappropriate development in the green belt will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

4.8 Despite the site being surrounded by residential development Fordlands Road maintains the character of frontage development and the rear garden area of 40 Fordlands Road forms an attractive, spacious, open and uncluttered feature of the area that makes a positive contribution to the local townscape. The proposed dwelling would add to the accumulation of built development and officers consider that the dwelling would have a harmful impact on the openness of the green belt. PPG2 states that openness is the most important attribute of the Green Belt. Furthermore the use of the site in terms of the use of the access road the introduction of frontage car parking the subdivision of the site by fencing and the introduction of built form to the rear of the site would result in the intensification of the development of the area which would be at odds with its present form. In officers view this would have an adverse impact on the visual amenities of the Green belt, as it would result in a more developed appearance to this part of Fordlands Road.

#### Highways, access and parking

4.9 It is considered that the development can be accommodated without impacting on the highway network subject to appropriate conditions to ensure the permission is implemented in accordance with the submitted detail.

## Impact on Residential Amenity

4.10 Access to the site is via the existing driveway, which serves 40 Fordlands Road. The access road varies in width between 4.1 and 3.7 metres slightly wider than the average driveway width to the majority of similar properties within the area. The proposal is for the access point to be used by both existing and proposed properties. The driveway will continue beyond the rear of 40 Fordlands Road along the side of the garden area to a rear double garage attached to the new property. The proposed access arrangements will create a close relationship to the side elevation and rear garden space of the existing property. The comings and goings of vehicles and pedestrians to the rear house in close proximity to the windows, side gable wall and rear garden area of the front property will be detrimental to the living conditions of that property. This conflict with the aims of GP1, which requires that development, ensures that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

## Sustainability

4.11 The Design and Access Statement makes reference to policy GP4a of the local plan and says that the dwelling will be designed to code for sustainable homes level 3 and will utilise air source heat pump technology. The Interim Planning Statement on Sustainable Design and Construction (IPS) requires that new dwellings should achieve code for sustainable homes level 3 and 5% of energy usage should be from renewable sources. With the undertakings within the application submission it is considered that appropriate conditions can be attached to achieve 5% renewables on site and code for sustainable homes level 3.

## Open Space

4.12 Under Policy L1c there is an open space provision requirement for this site. The provision of open space could be addressed by condition, unilateral undertaking or section 106 agreements.

## Drainage

4.13 The site is located partly within flood zone 2 and partly within flood zone 3a. Table D2 within PPS25 defines residential dwellings as 'more vulnerable' development, which is acceptable in flood zone 2 subject to a sequential test. A sequential test and exceptions test is required in flood zone 3a. The development has been designed so that the whole of the built element of the development is within flood zone 2. The Flood Risk Assessment (FRA), which supports the application, suggests a minimum floor level for the development and storage capacity for surface water drainage. The Environment Agency object to the application because the FRA does not meet the requirements sent out in Annex E of PPS25 and floor levels as shown in the FRA are not acceptable. The application is not supported by a sequential test. The Environment Agency requires evidence of the sequential test to be placed on file. In the absence of an adequate FRA and the submission of a sequential test in accordance with Annex D of PPS25 it is considered that the application cannot be supported. A properly submitted FRA

should address Sustainable Urban Drainage Systems from which it would also be possible to assess the suitability of drainage proposals for the site.

## **5.0 CONCLUSION**

5.1 The proposed development is inappropriate development in the green belt. The proposed development is considered to be unacceptable in terms of its impact on the openness of the green belt and its character and appearance.

5.2 The relationship between the front property 40 Fordlands Road and the proposed development is considered to be such that the access to the rear plot along a drive way immediately adjacent to the side gable and rear garden area of 40 Fordlands will be detrimental to the living conditions of the front property caused by the comings and goings of vehicles and pedestrian associated with the proposed development.

5.3 In the absence of a FRA that meets the requirements of Annex E of PPS25 and without a sequential test as required by Annex D of PPS25 the application is considered to be unacceptable.

## **6.0 RECOMMENDATION:** Refuse

1 It is considered that the proposal does not represent infill development and as such the development represents inappropriate development within the Green belt, which by definition is harmful. The proposed dwelling would add to the accumulation of built development and it is considered that the dwelling would have a harmful impact on the openness of the green belt. Furthermore the intensification of the use of the access road, the introduction of frontage car parking, the subdivision of the site by fencing and the introduction of built form to the rear of the site would result in the intensification of the development of the area which would be detrimental to the visual amenity of the greenbelt. The proposal is therefore considered contrary to advice within Planning Policy Guidance note 2 'Greenbelts', Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 which defines the general extent of the green belt around York with an outer boundary about 6 miles from the city centre and GB2 of City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

2 The proposed dwelling by virtue of the proximity of the associated access arrangements to no 40 Fordlands Road would be likely to detract from the amenities of the occupiers of that property, in relation to noise and disturbance and loss of privacy from a further set of associated vehicular movements and related domestic activities. This is considered contrary to advice on protecting amenity in policies GP1 and GP10 of City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

3 It is considered that the Flood Risk Assessment submitted with the application does not meet the requirements of Annex E of Planning Policy guidance note 25 in relation to floor levels and flood proof construction methods. Furthermore it is

considered that insufficient evidence has been submitted to demonstrate under a sequential test that, given the application site's status as land designated as Flood Zones 2, alternative sites with a lower probability of flooding could not accommodate the proposed development. The application is considered to conflict with Annex D and Annex E of Planning Policy Statement 25 'Development and Flood Risk'

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Diane Cragg Development Management Officer (Mon/Tues)

**Tel No:** 01904 551351