

COMMITTEE REPORT

Date: 19 January 2011 **Ward:** Holgate
Team: Major and Commercial **Parish:** No Parish
Team

Reference: 10/02593/FUL
Application at: 39 St Pauls Square York YO24 4BD
For: Erection of detached two-storey dwelling with front and rear dormer windows to side of 39 St Pauls Square. Alterations to existing front wall / railing to create access to 2no. car parking spaces. (revised scheme)
By: Mr and Mrs Gardiner
Application Type: Full Application
Target Date: 11 January 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application site is approximately 429 square metres in size and is related to a group of service buildings to the rear of a large house (No.128) on Holgate Road. Currently used as a vegetable garden, the site has a frontage to the one way access road linking Holgate Road to St. Paul's Square.

1.2 Located to the south west of St. Paul's Square, the front boundary comprises a low brick retaining wall surmounted with original railings approximately 1 metre above pavement level. Immediately adjacent to the southern boundary is No.40 St. Pauls Square, a single storey dwelling converted from a former workshop. To the north, are a pair of Grade II listed 19th Century houses and on the western boundary, lies No.1 Enfield Crescent, a two storey dwelling converted from a 19th century coach house. The site lies within the Holgate Road / St. Paul's Square conservation area.

1.3 Members may recall that an application for the erection of a six bedroomed two storey dwelling with accommodation in the roof was considered at the August 2010 Committee. The proposal involved the refurbishment of the existing front boundary walls and railings and as such, provided no vehicular access / off street parking. Members refused the application on the basis that the proposed development would result in an increased demand for on-street parking in an area where present demand for available on-street parking in the vicinity of the site is high.

1.4 This application is a revised scheme which details off street parking set behind wrought iron drive gates.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: St Paul's Square / Holgate Road CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: St. Paul's CE Primary 0229

2.2 Policies:

CYGP4A
Sustainability

CYT4
Cycle parking standards

CYH4A
Housing Windfalls

CYL1C
Provision of New Open Space in Development

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYHE2
Development in historic locations

CYH4
Housing devp in existing settlements

CYGP15
Protection from flooding

3.0 CONSULTATIONS

Internal

Design Conservation and Sustainable Development

3.1 In principle the proposed siting and design of the new dwelling would preserve the character and appearance of the conservation area and the setting of listed buildings within the square.

3.2 With respects to revised parking, boundary and frontage proposals, it is noted that there is no other frontage parking in the square. Concerned that the level of car parking area and associated retaining wall will result in predominantly hard landscaping. The visual relationship of entrance gates with front elevation is visually poor. There are 2-3 houses in square which are not listed. Concerned that granting permission for frontage parking would be seen as a material consideration should an application be made for frontage parking at the unlisted properties. Since vehicles will be restricted from parking in the street in front of the property, it appears there will be no net gain in the number of parking spaces available. As a consequence, do not see the provision of parking spaces as outweighing the harm to the character of the conservation area.

Highway Network Management

3.3 No highway objections subject to conditions that the proposed dwelling is to be accessed via a new dropped vehicular crossing, which provides access to 2 No. car spaces. Covered and secure cycle parking is to be provided and should be secured through a condition.

Environmental Protection Unit

3.4 No objections.

Lifelong Learning and Culture

3.5 As there is no on site open space, commuted sums should be paid to the Council for amenity open space, play space and sports pitches.

York Consultancy (Drainage)

3.6 Object to original submission on the grounds of insufficient information. Comments awaited with respects to additional information received.

External

3.7 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 31.12.2010.

3.8 Comments have been received from the occupants of 40 St. Paul's Square expressing concern that it is now proposed to provide off street parking. This could mean disturbing the wall of their house due to the extent of earth that would need to be moved. Also, one of the parking spaces to the front of the property would be lost in providing access and as the proposed house is large, there may be further pressure for more parking.

4.0 APPRAISAL

4.1 The key issues are considered to be:

- principle of residential development
- sustainability
- impact on conservation area / setting of listed building
- highway safety
- residential amenity
- flood risk and drainage

POLICY CONTEXT:

4.2 Relevant Central Government guidance is contained in the following documents:

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) places sustainable development as the core principle underpinning planning. It seeks a spatial planning approach with high quality development through good and inclusive design and the efficient use of resources. It considers that design, which is inappropriate in its context and fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

Planning Policy Statement 3: Housing (PPS3) was re-issued in June 2010 to accommodate two main changes: the exclusion of private residential gardens from the definition of previously developed land and the deletion of a national indicative density of 30 dwellings per hectare. The objectives of the document remain the same. That is, to make effective and efficient use of land and achieve high quality mixed housing that is suitably located.

Planning Policy Statement 5: Planning for the Historic Environment (PPS5) aims to conserve the historic environment and its heritage assets.

Planning Policy Statement 25: Development and Flood Risk (PPS25) aims to avoid inappropriate development in areas at risk of flooding and direct development away from areas at highest risk. It sets out a risk-based approach with the submission of flood risk assessments and a sequential approach for determining site suitability.

4.3 Local planning policies contained in City of York Draft Local Plan (incorporating 4th set of changes), which has been adopted for Development Control purposes, are outlined in section 2.2 and are material to the consideration of this application.

PRINCIPLE OF DEVELOPMENT

4.4 The site comprises the historic garden curtilage of a dwelling house that fronts onto Holgate Road. The site constituted brownfield land at the time the previous application was submitted, but the recent changes to PPS3 have removed private residential gardens from the definition of previously developed land. However, the garden to 126 Holgate Road is large, extending behind the rear of 40 St. Paul's Square, and has a frontage to the road linking Holgate Road with St. Paul's Square. The development would constitute infilling of an underused plot located within the urban area of the City, in a largely residential area and with good access to public transport routes and local facilities.

4.5 The density of development is considered to be acceptable and compatible with the surrounding area, taking into account the various site constraints of flood zones, protected trees, conservation area status, and residential amenity. As a result, it is considered that the principle of development of the site for one dwelling would be appropriate in terms of the aims of PPS1 and PPS3 and policy H4 and GP10 of the local plan.

SUSTAINABILITY

4.6 Local Plan Policy GP4a states that proposals for all development should have regard to the principles of sustainability such as accessibility of the site by means other than private car, high quality design, the use of new non renewable resources and the use of renewable resources on site. The application is supported by a sustainability assessment, albeit brief, which refers to the accessibility of the site and the intention to minimise pollution and the use of non renewable resources. The agent states that solar panels are to be considered as a renewable source of energy and should the application be approved, conditions could be attached to the approval to ensure compliance with the requirements of the Council's Interim Planning Statement on Sustainable Design and Construction, which seeks dwellings to meet as a minimum Code for Sustainable Homes Level 3 and for a minimum of 5% of the energy demand for the development to be met through on site renewable generation for heat and/or electricity.

IMPACT ON CONSERVATION AREA

4.7 The application site is located in the St. Paul's Square / Holgate Road Conservation Area and is sited to the south west of the square. It is quite distinct in character from the formal square, instead related to a group of service buildings to the rear of the large house on Holgate Road. The service buildings, attractive boundary wall and railings and the relationship of the use to the main house are considered to make a positive contribution to the character of the conservation area. Due to the distinct character of the site, it is recognised that its development could have a significant impact on the surrounding area and consider that a high quality design and materials are essential, particularly as the character of the site is to be changed with a dwelling designed to be more reflective of the formality of the square. Policy HE2 of the local plan requires that within conservation areas development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.8 The proposed dwelling has been designed to reflect the prevailing neo-classical style of the majority of the dwellings within the square and is distinctly separate and of different character from sites on the southern side of the square, the frontages of which face onto Holgate Road. It is considered that the proposed dwelling neither defers to, nor dominates the scale of its neighbours and sits comfortably with the historic character and appearance of houses fronting the square. The eaves and ridge height correspond fairly closely to those of the neighbouring property and the articulation of the front elevation reflects the rhythm of both the neighbouring pair of dwellings and the prevailing pattern in the square. With the exception of submitted details relating to the brackets at either end of the gutters, the large scale details

submitted with this application, which were of concern in the consideration of the previous scheme, are deemed to be acceptable.

4.9 Although Officers are satisfied with the principle of a dwelling on this site and consider that the proposed siting and design of the dwelling would preserve the character and appearance of both the conservation area and adjacent listed buildings, there are concerns with respect to the proposal to incorporate frontage parking. This would involve alterations to the existing front boundary wall and railings with the provision of wrought iron gates behind which would be two on site car parking spaces.

4.10 In the consideration of the previous scheme, Officers balanced the problems of introducing a 6 bedroomed dwelling with no off street parking into an area which is already under pressure from on street parking against the harm which would be caused to the character of the conservation area, through the provision of off street parking. A defining characteristic of this part of the Conservation Area is considered to be that properties in the "formal" square do not have frontage parking. Front gardens are enclosed and there is a predominance of soft landscaping. It is considered that comparisons cannot be made with houses with off street parking on the south side of the square which front onto Holgate Road or with No 40 Holgate Road, which comprises a converted former service building to a large house fronting Holgate Road, which are distinctly separate and of different character from the houses fronting onto the square.

4.11 Implications of introducing frontage parking include the impact of the alterations to the front boundary walls and railings which, in themselves contribute to the historic character of the street, and also through the levelling of the car parking area and the associated retaining wall, a predominance of hard landscaping. Also of concern is the visual relationship of the entrance gates to the front elevation, which rather than being centred on the front door as with the rest of the square, line up with a window to the side of the entrance door.

4.12 With the creation of a vehicular access to the proposed dwelling, it is noted that one on street parking space would be lost as a result of this proposal. Therefore the harm to the appearance of the conservation area resulting from the creation of off street parking would only be offset by one additional parking space overall.

4.13 For the above reasons, it is considered that the proposal to create off street parking would be harmful to the character and appearance of the Conservation Area and as such conflicts with Local Plan Policy HE2 and policies 7.2 and 9.4 of PPS5, by undervaluing the significance of the heritage asset as a whole, and by failing to acknowledge the contribution of the proposals to the wider setting and views of some of York's most valued heritage assets.

HIGHWAY SAFETY

4.14 The Highways Officer had recommended refusal to the previous scheme on the basis that in the absence of any off-street parking provision, parking demands would

be displaced onto the adjacent public highway, which is already under pressure from on street parking, which in turn would be detrimental to the free flow of traffic and safety. Given that this revised scheme details 2 No. car parking spaces with storage in the garden shed for up to 4 No. cycles, there are no objections to this revised scheme on highways safety grounds.

RESIDENTIAL AMENITY

4.15 The proposed dwelling would be built 1.2 metres from the southern elevation of 39 St. Paul's Square, a Grade II listed semi detached Victorian property. There is one small window to the gable end of this property, set high up within the roof area, but due to the height of the window in relation to the roof pitch of the proposed dwelling, the reduction in both sunlight and daylight to this window would be minimal. Due to the orientation of the properties and to the fact that the rear elevation of the proposed dwelling aligns with the main rear elevation of No.39 St. Paul's Square, there is no significant impact on the potential daylight and sunlight enjoyed by its occupants.

4.16 With reference to the distance to the gable wall of 39 St. Paul's Square and concerns with respects to the consequences of the build on the structure of No.39 and on No.40, the applicant has confirmed that due to ground conditions, the proposed building would use either a raft foundation or a piled/ring beam solution. Both methods are less disruptive in the ground than conventional strip foundations. All ground works remain subject to control by the Building Regulations, work method statements, conditions surveys of adjacent properties and party wall agreements.

4.17 No. 40 St. Paul's Square, a single storey converted coach house, lies on the southern boundary of the application site. With the exception of two rooflights, no windows overlook the application site. Furthermore, a cross section drawing has been submitted to illustrate that the staircase landing windows of the proposed dwelling would not overlook the courtyard of No.40. No.1 Enfield Crescent comprises a two storey converted coach house on the western boundary of the application site. This property, which would be sited approximately 14 metres from the two storey element of the rear elevation of the proposed dwelling, has a half glazed door feature and window at ground floor and a single window at first floor, all of which, by agreement with the owners are obscure glazed and would remain so.

4.18 In terms of its impact on residential amenity the proposal is considered to accord with the requirements of policy GP1 which states that development proposals will be expected to ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures.

FLOOD RISK AND DRAINAGE

4.19 The development is in low risk Flood Zone 1 and should not suffer from river flooding. With reference to the impact of the proposal on the existing drainage systems, additional information has been requested. It is anticipated that this information, together with comments from Council's Drainage Engineer, will be available at the meeting.

5.0 CONCLUSION

5.1 In the consideration of the previous scheme, Officers balanced the problems of introducing a 6 bedroomed dwelling with no off street parking into an area which is already under pressure from on street parking against the harm which would be caused to the character of the conservation area, through the provision of frontage parking. It was a finely balanced recommendation and Members refused the application on highway grounds.

5.2 Officers are satisfied with the principle of a dwelling on this site and consider that the proposed siting and design of the dwelling would preserve the character and appearance of both the conservation area and adjacent listed buildings. Notwithstanding this, Officers are concerned that not only do the front boundary walls and railings contribute to the historic character of the street but that no other properties in the "formal" square incorporate frontage parking. This is considered to be a defining characteristic of this part of the conservation area.

5.3 Although the revised scheme overcomes concerns relating to highway safety by providing 2 off street spaces (one additional parking space if the loss of the on street space is taken into account), on balance, the proposal is recommended for refusal on the basis of the harm to the character and appearance of the Conservation Area.

6.0 RECOMMENDATION: Refuse

1 The proposed introduction of frontage parking conflicts with a defining characteristic of this part of the Conservation Area which is of enclosed front gardens and soft landscaping. The proposal would involve alterations to the front boundary wall and railings, which are considered to contribute to the character of the streetscene, and would involve an increase in hard surfacing and the siting of entrance gates at odds with the entrance to the dwelling. It is therefore considered that the proposal would harm the character and appearance of the St. Paul's Square / Holgate Road Conservation Area, contrary to national advice in Planning Policy Statement 5: Planning for the Historic Environment and Policy HE2 of the City of York Local Plan Deposit Draft.

7.0 INFORMATIVES:

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