



The proposal is also considered to be contrary to National planning policies contained within PPS1 "Delivering Sustainable Development" and PPS3 "Housing".'

1.2 This refusal was the subject of further appeal which was dismissed. An enforcement notice for the demolition of the bungalow was upheld. Therefore, at present the existing part erected dormer bungalow is unauthorised. However, the reserved matters consent for the erection of a bungalow further to the south than that which is partly constructed remains live and therefore in planning terms could still be constructed.

1.3 This application seeks planning permission to make alterations to the existing unauthorised building. In summary the footprint of the existing building would be maintained as is currently built on site but the height of the building would be reduced with rooms in the roofspace no longer proposed. In order to create additional internal space to compensate for the loss of accommodation on the first floor, an extension of the footprint southwards is proposed and what was originally intended to be an integral garage would be a bedroom and utility room.

1.4 This application has been brought before planning committee as all recent applications relating to a new dwelling being erected on this site have been determined by members.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design

CYGP10 Subdivision of gardens and infill devt

CYH4A Housing Windfalls

## **3.0 CONSULTATIONS**

INTERNAL

3.1 Highway Network Management - No objections subject to conditions regarding the proper drainage of the vehicular access and car and cycle parking.

EXTERNAL

3.2 Acomb Planning Panel - No correspondence received at the time of writing the report.

### 3.3 Third Parties -

One letter received at the time of writing the report, any further letters will be reported verbally. The following comments were received from a resident of 5 Portal Road:

- it was an ill conceived application from the beginning and it should never have been approved;
- the existing half constructed building is an eyesore and the application should be approved or refused quickly to make sure it does not stay this way;
- consideration should be given to limiting any development on the first floor in the future.

## 4.0 APPRAISAL

### 4.1 Key issues:

- Impact on the street scene; and
- Impact on the amenity of local residents.

4.2 A live planning permission for the erection of a dormer bungalow remains on the application site. Therefore, it is considered that the principle of a residential dwelling within this back garden area has been established. Whilst the details of the existing bungalow were considered unacceptable by both the Local Planning Authority and the Secretary of State, it is not considered that it is relevant to re-evaluate the principle of development on this site.

### IMPACT ON THE STREET SCENE

4.3 The proposed bungalow is single storey in height, no rooms are proposed to be created within the roof-space. This means that the height of the proposed building is just 5.2m to the ridge and 2.5m to the eaves. The application site is visually prominent from both Boroughbridge Road, Albion Avenue and Beckfield Lane. However, the site is well screened by a 1.8m high timber fence and/or some green landscaping on all boundaries. Therefore, views of the proposed dwelling would be limited largely to views of the roof slopes.

4.4 The proposed bungalow is of traditional design, typical of many around the city and in the immediately surrounding area. The dwelling would be built using bricks and tiles which are consistent with those in the area. The proposed bungalow does occupy a significant proportion of the application site, however given the modest height of the bungalow and the space between the proposed dwelling and all site boundaries it is considered that the site would not appear overdeveloped.

4.5 The proposed bungalow has an increased footprint over that of the previously approved dormer bungalow. This increase in footprint is the result of a 4m by 6.2m front protruding gable ended structure to create a bedroom and en-suite. This element of the building is modest in height and is not considered to have a significant impact on the appearance of the dwelling when viewed from the public domain. The proposed dwelling represents a decrease in height of 1.8m from the approved dormer bungalow with all dormers removed from the roof. It is therefore considered that the proposed bungalow would have a lesser impact on the character and

appearance of the area than the approved dormer bungalow. It is therefore considered that the proposed bungalow is acceptable in terms of its impact on the street scene.

## IMPACT ON NEIGHBOURING AMENITY

4.6 The retrospective application which was refused was considered unacceptable due to the bulk and location of the building being overbearing and dominating the outlook from neighbouring residential properties. Whilst the location of the proposed building is no different to the refused application, the significant changes in its design overcome this perceived harm.

4.7 As previously discussed the total height of the proposed bungalow has been significantly reduced from around 7m to 5.2m. Given the structures location close to the rear gardens of houses on Beckfield Lane, this 1.8m reduction in height has a significant benefit to residents within these dwellings. It is considered that a further improvement from the previous proposal is the roof structure. Previously, a gable end was proposed to face the rear gardens and the houses along Beckfield Lane. The revised plan has removed this gable and hipped the roof away from the gardens as well as reducing the ridge height. The hipping of the roof would allow a much improved outlook from properties on Beckfield Lane as well as allowing more natural light to enter the curtilages.

4.8 The other dwelling significantly affected by the proposed bungalow is the host dwelling at 106 Albion Avenue. The rear garden of 106 Albion Avenue is approximately 15m in length and it is divided from the application site by a 1.8m timber fence. The proposed dwelling is north of the 106 Albion Avenue and its rear garden, therefore it is not considered that there would be any significant impact on the amount of natural light entering the property curtilage. The proposed dwelling would sit around 2m from the rear boundary fence, thus allowing a reasonable separation between the dwellings given their respective modest heights and the extant planning permission which is in place for a taller dormer bungalow.

4.9 The position of the proposed bungalow is a little closer to a number of houses on Beckfield Lane than that previously approved. Should the bungalow be approved, under standard permitted development rights the owner would be able to make alterations to the roof in the form of dormer windows. It is considered that should dormer windows be located on the proposed bungalow, that there is significant potential for a loss of privacy for local residents. It is therefore recommended that a condition is added to any approval to take away permitted development rights associated with roof alterations in order to prevent any potential developments in the future which could be unduly harmful. Similarly as the footprint of the bungalow is larger and the site area smaller than that originally envisaged for the site it is recommended that this condition also covers extensions to the dwelling.

## SUSTAINABILITY AND OPEN SPACE

4.10 The applicants have a fall-back position of erecting the approved dormer bungalow closer to 106 Albion Avenue. When planning permission was granted for the dormer bungalow no conditions were attached regarding a contribution towards

open space or achieving environmental sustainability standards. Development Control Local Plan Policy L1c regarding open space provision in new developments was in place at the time of issuing the outline and reserved matters consents. As there has been no change in policy position or change in site circumstances and given the fall back position of erecting the dormer bungalow where approved, it is considered unreasonable in this case to require a contribution towards community open space. In respect of sustainability, as a significant proportion of the proposed bungalow has already been erected, it is considered inappropriate to place a condition on any consent regarding environmental sustainability. The Planning Inspector who was responsible for assessing and approving the appeal at outline application stage did not consider that a condition regarding environmental sustainability was necessary.

## CYCLE AND CAR PARKING

4.11 Within the site is a vehicular access driveway and turning area. There is sufficient space within the site for car parking which would prevent vehicles from parking on the street. The previously approved dormer bungalow contained a garage, within the current plans this space is being utilised as habitable living accommodation. Therefore, the cycle parking facility has been lost. It is therefore recommended that a condition be added to any approval which requires the applicants to install a cycle parking facility within the curtilage. It is considered that there is sufficient scope within the site for this to be provided without harming visual or neighbouring amenity.

## 5.0 CONCLUSION

5.1 It is considered that the proposed dwelling overcomes the reasons for refusal related to the previous retrospective planning application on this site. The reduction in height and alterations in building design have alleviated the issues of the structure appearing overbearing and dominant when viewed from neighbouring dwellings.

5.2 There remains an existing planning permission on this site for a taller bungalow than being considered here. It is officer opinion that the proposed bungalow would have a lesser impact on neighbouring amenity and the character and appearance of the area than the previously approved dwelling. For the reasons outlined above the proposed bungalow is recommended for approval subject to conditions.

## 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:-

Application Site Plan and Plans and Elevations received by CYC on 7th March 2011

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

3 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 A, B (addition or alteration to the roof) and C (any other alteration to the roof) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or 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.

4 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 5.2 metres, as measured from existing ground level.

Reason: To ensure that the approved development does not have an adverse impact on the amenity of local residents.

5 The brickwork to be used externally shall match that of the existing unauthorised bungalow. A sample of the roof tile to be used within the construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the finished appearance of the bungalow compliments the character and appearance of the area.

6 All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents.

7 HWAY10 Vehicular areas surfaced, details reqd

8 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

9 HWAY18 Cycle parking details to be agreed

**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 impact on the street scene and the amenity of local residents. As such the proposal complies with Policies GP1, GP10 and H4a of the City of York Development Control Local Plan.

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