

COMMITTEE REPORT

Date: 21 April 2011 **Ward:** Clifton
Team: Householder and Small Scale Team **Parish:** Clifton Planning Panel

Reference: 11/00367/FUL
Application at: 45 Ashton Avenue York YO30 6HW
For: Detached 2 storey dwelling with associated detached garage (resubmission)
By: Miss Kirsten Mortimer
Application Type: Full Application
Target Date: 19 April 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 The applicant seeks planning permission to erect a three-bedroom detached house in the rear garden of 45 Ashton Avenue. The first floor is contained within the roof space of the building. The ridge height is approximately 6 metres. Two linked single garages are also proposed to serve the existing and new dwelling.

1.2 The site is part of the large triangular shaped rear garden of 45 Ashton Avenue. 45 Ashton Avenue is a hipped roof semi-detached house at the head of a long cul-de-sac. The surrounding area is largely made up of low to mid density suburban style housing. A public footpath runs to the side of the garden linking Ashton Avenue with Burton Green.

1.3 A previous application (10/01179/FUL) for a dwelling on the site was withdrawn in the summer of 2010.

1.4 The application has been brought to committee as the applicant is employed by the City Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYGP15
Protection from flooding

CYH4A
Housing Windfalls

CYGP10
Subdivision of gardens and infill devt

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections.

York Consultancy - The development is in a low flood risk area and should not suffer from flooding, however, insufficient information has been provided to assess the adequacy of measures to reduce surface water run-off rates.

Environmental Protection Unit - No objections subject to informative relating to the method of construction and monitoring contamination.

Leisure Services - Contribution required for open space improvements.

3.2 External

Clifton Planning Panel - Do not object providing the Council feel that the requirements of applicable Local Planning policies are met.

Neighbours

No replies received.

4.0 APPRAISAL

4.1 Key Issues:-

- Impact on streetscene
- Impact on neighbours
- Quality of accommodation
- Flood risk
- Highway considerations
- Sustainability

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 Planning Policy Statement 1 sets out the Government's overarching planning policies. Planning Policy Statement 3 relates to Housing. Both statements set out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.4 Policies H4a and GP10 allow for the subdivision of gardens for new development providing it is of an appropriate scale, does not harm living conditions and otherwise accords with planning policy.

IMPACT ON THE STREETSCENE

The proposed dwelling would be smaller than the main house, though would still be a substantial building. It is considered that this scale of development would appear incongruous in the open rear garden and would not appear subservient or relate to any existing structures. The dwelling is located only 1m from a public footpath that cuts between rear gardens in the area. It is considered that the structure would be unduly dominant when viewed from the path and would detract from its generally open setting.

The proposed dwelling is also not parallel to the path or house, which further reduces the likelihood that the building would harmonize with its rather ordered surroundings and would give the impression that the development has been 'shoe horned' into the site.

The proposed garage would be subservient to the main house and not be unduly dominant.

IMPACT ON NEIGHBOURS

4.7 There is adequate space around the proposed dwelling and garage to avoid undue harm to most neighbours. However, the proposed dwelling is only a short distance from the rear boundary of 50 Burton Green, with the first floor bedroom windows being approximately 5m from the side boundary of the rear garden. This is considered unacceptable within the local context.

QUALITY OF THE ACCOMMODATION

4.8 The proposed dwelling would create good quality accommodation. The host property has no principal windows on the side elevation and the sole rear ground floor window is well away from the proposed dwelling. It would still retain a good outlook and have a rear garden of approximately 15m x 9m.

FLOODING

4.9 Although the application has included some information relating to measures to reduce surface water run-off rates, the Council's drainage officer considers that the

absence of details relating to changes in surface levels and existing drainage conditions means it is not possible to determine the impact the development would have on surface water run-off rates.

HIGHWAY CONSIDERATIONS

4.10 Two off-street car parking spaces are proposed for the new property and two spaces for the existing property. This is considered acceptable. Space is available for cycle parking.

SUSTAINABILITY

4.11 The proposed dwelling will make more efficient use of land. It is located within a built up area and as such has access to a range of shops and services. The applicant has submitted a sustainability report that addresses key issues including re-cycling and energy efficiency.

5.0 CONCLUSION

5.1 Although the development would create good quality accommodation it is considered that the new dwelling would, due to its scale and siting, appear incongruous within the local context. The dwelling would also detract from the privacy of the property to the rear. In addition, the application fails to provide adequate information to satisfactorily address issues relating to the requirement to reduce surface water run-off rates.

5.2 It is recommended that the application be refused.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed dwelling would not appear subservient to the main house, nor would it relate to the established form or footprint of dwellings in the area. Its location only 1m from the adjacent public footpath is such that the development would be particularly dominant. In addition it would change the character of the footpath and make it a less attractive route to use. It is considered, therefore, that the proposal conflicts with Policies GP1 (criterion a and b) and H4a (criterion c) of the City of York Draft Local Plan (Fourth Set of Changes) 2005 and Central Government advice relating to design quality and context contained within Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 3 (Housing).

2 The proposed north facing first floor bedroom window would be approximately 5 metres from the boundary with the rear garden of 50 Burton Green. It is considered that this separation would be insufficient to retain reasonable privacy to the garden. As such, the proposal conflicts with Policy GP1 (criterion i) of the City of York Draft Local Plan (Fourth Set of Changes) 2005.

3 The application fails to satisfactorily indicate how surface water run-off from the site will be adequately attenuated. As such the application conflicts with national planning advice contained within Planning Policy Statement 25 (Development and Flood Risk), Policy GP15a of the City of York Draft Local Plan (Fourth Set of Changes) approved April 2005 and advice contained within the City Of York Strategic Flood Risk Assessment (approved September 2007).

7.0 INFORMATIVES:

Contact details:

Author: Neil Massey Development Management Officer (Wed/Thurs/Fri)

Tel No: 01904 551352