

COMMITTEE REPORT

Date: 16 June 2011
Team: Householder and Small Scale Team
Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 11/00304/FUL
Application at: 136 The Mount York YO24 1BW
For: Demolition and erection of wall to create off road parking
By: Mr Donald Salter
Application Type: Full Application
Target Date: 26 April 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 This application seeks consent for the creation of hardstanding, of resin bonded gravel, to provide two car-parking spaces within the rear garden. This would involve the removal of the rear boundary wall, and its rebuilding 5 metres further up the garden, along with the replacement of a section of hedging with a boundary wall along the common boundary with No. 138 The Mount. Access is proposed via the existing gates which serve the garage block to the rear.

1.2 This regency three-storey end terrace dwelling is Grade II Listed and sited within the central historic core conservation area, and is sited within a row of five dwellings, all Grade II Listed. The houses are sited along a main route into the City.

1.3 This application is to be heard by Committee at the request of Councillor Merrett.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; 138 The Mount York YO2 2BW 0317

Listed Buildings GMS Constraints: Grade 2; 136 The Mount York YO2 2BW 0319

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYH7
Residential extensions

CYHE3

Conservation Areas

CYHE2

Development in historic locations

CYNE1

Trees, woodlands, hedgerows

3.0 CONSULTATIONS

Internal

3.1 Highway Network Management - No objection

3.2 Design, Conservation and Sustainable Development - Object on the grounds of harm to the appearance of the Conservation Area and insufficient justification that no damage to adjacent Sycamore tree will occur.

3.3 Archaeologist - No objection in principle, subject to informative regarding Operations Notice.

External

3.4 Micklegate Planning Panel - No objection

3.5 Safer York Partnership - Advise that for greater security, the height of the gates to the entrance should be increased; and that it would be preferable for cars to be parked within the garages to the rear.

3.6 13 letters of objection from 8 neighbouring households, and one objection letter signed by 22 neighbouring households raising the following concerns:

- Harm to the appearance of the Conservation Area;
- Harm to Listed Building;
- The architectural integrity and cohesiveness of this Georgian/Early Victorian street should be preserved;
- Details submitted are inadequate and possibly misleading
- No site levels shown;
- 'No-dig' technique is inappropriate for car parking
- Risk to adjacent sycamore tree;
- Increased vehicle traffic may damage Yorkstone pavings and kerbs in Mount Parade
- Proposals would harm the special nature of the quiet and green space within area
- Parking of large vehicles such as caravans or mobile homes would spoil the nature of this green space;
- Vehicles will block the street, difficult for emergency vehicles and loading/unloading;
- Increased risk to pedestrians due to increased traffic;
- Misrepresentation within supporting statements re consultation with residents;
- Existing garage block should not be used as a precedent for future development.
- Loss of house value to neighbouring properties;
- On-street parking should be accepted as part of modern urban living;
- May set precedent for further car parking within the area.
- Future owners of existing garages may restrict access.
- Loss of outlook

- Reverse traffic flow - no entry from Holgate Road
- Proposals contrary to CYC policies HE2; HE4 and GP10
- Charging point within proposed shed may result in wider range of industrial uses.
- Private correspondence between the applicant and neighbours should not have been disclosed.

One letter of support stating the additional car parking will aid access to the existing garage block to the rear of the site.

4.0 APPRAISAL

KEY ISSUES

- 4.1: Visual impact on the dwelling and surrounding conservation area;
 Impact on neighbouring residential amenity
 Highway Safety
 Impact on adjacent Sycamore Tree
 Crime Prevention

PLANNING POLICY

4.2 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the GOYH

4.3 DRAFT LOCAL PLAN POLICY CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.4 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 DRAFT LOCAL PLAN POLICY CYHE2 of the Development Control Local Plan states inter alia that development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, details and materials, within or adjoining conservations, and in locations which affect the setting of a listed building.

4.6 DRAFT LOCAL PLAN POLICY CYHE3 of the Development Control Local Plan states that within Conservation Areas, proposals for external alterations will only be permitted where there is no adverse effect on the character and appearance of the area.

4.7 DRAFT LOCAL PLAN POLICY CYNE1 of the Development Control Local Plan states that development proposals should be refused which would result in the loss or damage to trees which are of landscape, amenity, nature conservation or historical value, and which should be protected.

4.8 When determining planning applications within conservation areas, the Council is under a statutory duty to consider the desirability of preserving or enhancing the character and appearance of the area.

4.9 Planning Policy Statement 5: Planning and the Historic Environment offers advice on development proposals in historic environments and confirms the aim of conserving our heritage assets and utilising the historic environment in creating sustainable places. Para HE9.5 states inter alia that where a proposal has a harmful impact on a heritage asset which is less than substantial harm, then in all cases, the local planning authority should weigh the public benefit of the proposal against the harm.

RELEVANT PLANNING HISTORY

136 The Mount

- 02/03859/LBC and 02.03858/FUL - Installation of timber gates in existing boundary wall. Refused 27.02.03
- 08/01142/LBC - Rebuild boundary wall using existing bricks. Approved 27.06.08.
- 10/00214/FUL and 10/00216/LBC - Single storey rear extension, internal alterations and rooflights to front and rear. Approved 08.02.10.
- 11/00966/NONMAT - Non-material amendment to allow alterations to rear roof and internal arrangement. Approved 13.05.11.

20 Mount Parade

- Application No. 7/09/4545A/PA+7/09/4545B/LB - Alterations to boundary wall, including erection of gates and creation of terrace and turning area. Refused 03.06.92. Appeal dismissed 17.02.03.

1 Mount Parade

- Application No. 7/09/6816/LB - Removal of part of wall to create vehicle access with iron gates. Approved 03.07.89.

134 The Mount

- Application No. 7/00/2657/PA - Demolition of existing garage and erection of new garage to rear of site. Refused 23.11.78.

ASSESSMENT

4.10 The application site has a long garden to the rear, with brick boundary wall to the side boundary with Mount Parade and rear boundary with the adjacent garage site to the rear. Hedging is in place along the common boundary with No. 138 Mount Parade. Most of the garden is laid to grass, though the rear section is laid to gravel, with raised beds, which is separated from the grassed area by trellis. A large mature Sycamore tree, the subject of a tree preservation order is also sited within this rear garden.

4.11 An existing block of two garages, with turning area, owned by neighbouring residents is sited to the rear of the host site, and is accessed via gates along Mount Parade, which have been in use for some years, and it is this access the applicant now proposes to use to gain access to the rear. A previous request for consent was refused, as mentioned above, for a new access to be created for access to car parking at the host, though this was refused on

the grounds of harm to the appearance of the Conservation Area and special historic nature of the dwelling.

4.12 No vehicle access can be made from Holgate Road onto Mount Parade, although vehicles may exit from Mount Parade onto The Mount. Mount Parade itself is very narrow, and access along the street is difficult for deliveries and many vehicles need to cross onto the pavement due to the width. The street was subject to an improvement scheme between City of York Council, York Civic Trust and Residents, to replace paving along the highway and pavement. Concern has been raised that vehicles often need to mount the pavement when exiting the existing garages, however it is considered that taking into account the existing established access, it would be difficult to argue that the additional movements proposed would be significant enough to warrant refusal on highway grounds. The size nor type of domestic vehicle parked could not be controlled by planning permission.

4.13 Residents parking is available along The Mount, to the front, which serves other properties along Mount Parade (all houses here are also Grade II Listed). A supporting statement for the proposals has been received by the applicant detailing evidence in relation to acts of vandalism to cars when parked in this location, which has been confirmed in correspondence received from North Yorkshire Police. Parking of cars within the rear garden as proposed, would provide some increased security with regards to car crime for the applicant.

4.14 When viewed from Mount Parade the appearance of the conservation area would appear the same in public view, though from within the site the increase of enclosure with high brick boundary walls would further change the soft landscape appearance of this group of gardens within this row. The area of hardstanding would significantly be increased with approx. one third of the original garden area being removed. Long gardens within the centre of York are rare and being sited along the public route of Mount Parade and with the lack of cars using this lane, gives this part of the conservation area a tranquil quality with contrasts with the busy main road into the city. This is a key characteristic of the conservation area in this location, which would be harmed by this proposal.

4.15 The parking zone and foundations of the new wall would be well within the root protection zone of the tree and the level of the garden would need to be graded down to the existing garden level. The combined effect implies there would be damage to the tree which is of positive value to the area. Insufficient evidence has been provided to the contrary.

4.16 A small lean-to shed is also included within the submission, to provide cycle storage along with car charging facilities. Due to the small scale nature of this proposal, and its siting and design, this element is not considered to harm the amenity of neighbouring residents nor the character or appearance of the Conservation Area, and would be supported.

4.17 Loss in value of house prices is not a material consideration to be taken into account as part of the planning process. Details of private correspondence were forwarded to CYC in error in relation to neighbourhood watch issues, by the agent and are not a consideration as part of this submission.

5.0 CONCLUSION

On balance, insufficient justification has been demonstrated for increasing the parking area and walling in favour of reducing the garden, to outweigh the harm to the appearance of the Conservation Area or adjacent tree. Refusal is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed additional hard-landscaping and additional walling in order to achieve car parking spaces is considered to harm the soft landscape appearance of this group of gardens causing harm to the appearance of the Conservation Area and contrary to City of York Council Development Control Local Plan Policies HE3 and HE2 and national Planning Policy Guidance Note 5 - Planning and Historic Environment.

2 The foundations of the new wall would be likely to cause significant damage to roots of the adjacent Sycamore Tree, which is subject to a Tree Preservation Order and is of significant townscape value, affecting its health and retention. This would be contrary to policy NE1 of the City of York Council Development Control Local Plan and national Planning Policy Statement 9: Biodiversity and Geological Conservation.

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