

COMMITTEE REPORT

Date: 7 July 2011 Ward: Hull Road
Team: Householder and Parish: Hull Road Planning
Small Scale Team Panel

Reference: 11/00564/FUL
Application at: 5 Millfield Court Millfield Lane York YO10 3AW
For: Single storey rear extension, cycle store and
conversion of garage to bedroom (resubmission)
By: Mr Alan Ellis
Application Type: Full Application
Target Date: 11 May 2011
Recommendation: Refuse

1.0 PROPOSAL

1.1 Application site

The application site relates to a property located on land that previously formed part of the rear gardens of 107, 109 and 111 Millfield Lane. The dwelling that is subject to this application (5 Millfield Court) is a dormer bungalow nearing completion located to the rear of another infill bungalow and block of three flats that were built in 2002/3. The site is accessed via a private road located between 111 and 113 Millfield Road. Immediately to the east of 5 Millfield Court are the rear gardens of 9 and 10 Burniston Grove.

1.2 Proposed development

This application is a revision of a previous application for which planning permission was refused in December 2010. It is proposed to erect a single storey side extension to the east elevation of the dwelling. The floor area is approximately 3.5m x 3.5m. It would immediately abut the rear garden boundary of 9 Burniston Grove. The attached garage would also be converted to living accommodation.

The application differs from that refused in 2010 in that its length has been reduced by 2m and the rear elevation of the roof hipped to reduce its profile.

5 Millfield Court has no permitted development rights for extensions. In addition, condition 9 of planning permission 08/01598 also required the

area for car and cycle parking to be retained unless planning permission is granted for its conversion.

1.3 Property history

There have been several previous applications relating to 5 Millfield Court. They are outlined below. All have been determined under delegated powers:

June 2005 - 05/0891/FUL – Erection of dormer bungalow. Approved.

September 2005 – 05/01690/FUL – Erection of dormer bungalow (Revised scheme). The revisions included an increase in the ground floor footprint of the building by around 20% from the original consent. The ridge height was also increased by 0.6m. Approved.

December 2007 – 07/02500/FUL – Single storey rear extension and 3 dormers to the side elevation. The proposal increased the ground floor footprint of the building by a further 15% and provided additional living space within the roof. Approved.

August 2008 – 08/01598/FUL – This was a retrospective application to regularise relatively minor elements that had not been constructed in accordance with the approved plans. Approved.

December 2010 – 10/02332/FUL – Single storey rear extension, cycle store and conversion of garage to bedroom. This was refused because of the negative impact it would have on the living conditions of 9 and 10 Burnsiton Grove.

1.4 The application has been called in for a Committee decision by Councillor Mark Warters, Member for Osbaldwick Ward. The reasons relate to the applicant/agents dissatisfaction with the Council's scheme of delegation and the implications for possible appeal costs should the application be refused given the agent's reputation for pursuing such matters.

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

Floodzone 2 GMS Constraints: Flood zone 2

Floodzone 3 GMS Constraints: Flood zone 3

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal

None.

3.2 External

Planning Panel - No objections

Neighbours:

Objections have been received from the owners of 9 and 10 Burniston Grove. The following concerns have been raised:

This is the sixth application in 6 years all extensions have been to increase the size of the property.

Diagrams seeking to justify the scheme are not to scale and could easily be mis- interpreted.

The alterations and extensions that were approved in 2008 (07/02500) were stated to be to meet the requirements of a disabled person. There is now adequate space to meet the needs of a person with disabilities within the existing dwelling and this reason should not be used again to justify an additional extension.

The extension will add to the mass of a house, which already goes beyond what is acceptable in scale, form and proximity to neighbours. The property has no permitted development rights.

The extension will only be 5.5 metres from the conservatory of 10 Burniston Grove. The property dominates this house and any further extensions are unacceptable.

A new cycle store is not needed, as there are existing outbuildings that could serve this purpose.

Having put up with building work for 4 years and finding the existing dwelling unacceptable, the comment from the agent that any rejection of the amended scheme would be petty and unwarranted is unhelpful.

4.0 APPRAISAL

4.1 Key Issues

- impact on streetscene
- impact on amenity and living conditions of adjacent occupiers

4.2 The proposal will not have a significant impact on the streetscene. There is adequate grassed and hard surfaced garden space remaining to meet the needs of the house for recreation, parking and storage. The extension meets requirements in respect to flood risk. The key issue in assessing the proposal is whether the proposed extension would have an unacceptable impact on the living conditions of the occupants of 9 and 10 Burniston Grove.

4.3 Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.4 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.

4.5 Planning Policy Statement 1 sets out the Government's overarching planning policies. It sets 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.

4.6 When judged in isolation the extension is small in scale. The eaves height of the extension would be only marginally higher than the fence that adjoins the rear garden of 9 and 10 Burniston Grove. The ridge of the section of the proposed extension roof that 'cuts' in to the side roofslope of the house would be approximately 1.8 metres higher than the 1.8m boundary fence at its highest point. The area that projects beyond the house is hipped to reduce its impact.

4.7 However, although the proposal is small in scale it is not considered that the impact on 9 and 10 Burniston Grove is so minor that it can be considered to be immaterial. 5 Millfield Court is a relatively large structure, which has been built, in close proximity to the rear gardens of Burniston Grove. It is the case however, that the design of the house (with its low eaves and shallow roof pitches) is such that the ridge of the property is approximately 15.5 metres from the rear of adjoining properties. It is considered that this separation coupled with a relatively low ridge height and a slight change in ground levels is sufficient to avoid undue harm in terms of loss of light.

4.8 The key consideration in determining the latest application is not the impact on light levels, but whether the proposal would have an unacceptable impact on the character and enjoyment of the rear rooms and gardens of 9 and 10 Burniston Grove.

4.9 The depth of the rear garden at 9 Burniston Grove is relatively shallow at between 5.5 and 7.0 metres. At the present time, it is the case that the mass of roof tiling along the side of 5 Millfield Court creates a dominant built structure when viewed from the rear of this property. It is also the case, however, that the absence of development along the small section of garden boundary that immediately faces the rear habitable room window of no. 9 provides an element of visual relief and retains a degree of openness and a balance between close up views of the existing tiled roofing and the longer distance views beyond. However, if the application property was extended for a further 3.5

metres along the boundary, as proposed, it would result in the overall length of built development along the rear boundary of no. 9 being increased to approximately 10 metres, and would remove the degree of openness that presently exists. Given the restricted depth of the rear garden at no. 9, it is considered that this would lead to the impression of being unacceptably enclosed by development and detract from the character of the house and garden, particularly when combined with the impact of previous extensions and amendments that have taken place at the dwelling.

4.10 The previous scheme was refused due of the impact on number 10 as well as number 9 Burniston Grove. It is recognised that the extension would be located within close proximity to the conservatory at no. 10. However, it is considered that the reduction in ridge height and length when compared with the previously refused scheme is sufficient to avoid the extension causing unacceptable additional harm to the amenity and living conditions of the occupiers of this property.

5.0 CONCLUSION

5.1 Since the dwelling was first approved in June 2005 several planning applications have subsequently been approved to modify the design. These have resulted in the dwelling moving closer to the rear of properties on Burniston Grove and increasing in size. If this current proposal were approved, the overall footprint of the dwelling would increase to 160 sq metres from an originally approved area of approximately 90 square metres.

5.2 Although when taken in isolation the proposed extension is modest in scale (12sqm), it is considered to be material to the amenity and living conditions of the adjacent occupiers at 9 Burniston Grove. Most of the previous extensions to the property have also been relatively modest, however, as can be seen, cumulatively, the overall increase in the size of the approved dwelling is not insignificant. It would be unreasonable to argue that it is not possible to extend the application property further, however, it is considered that the existing impact of the dwelling on 9 Burniston Grove is such that any additional proposals to extend the property within close proximity to no. 9 are likely to be unacceptable.

5.3 The location of the proposed extension is particularly sensitive, as it would occupy the only undeveloped section of the garden boundary immediately opposite the only principal ground floor habitable room window in the rear elevation of no. 9. At this point, the depth of the rear

garden is only 7 metres. For this reason, it is considered that to allow an additional extension along the boundary would detract from the character of the garden area, create an additional impression of enclosure, and detract from the standard of amenity that the occupiers of 9 Burniston Grove could reasonably expect to enjoy.

5.4 It is recommended that the application be refused.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed single storey extension would immediately abut the rear garden boundary of 9 Burniston Grove. Because the property has a relatively short rear garden the extension would be positioned approximately 7 metres from the main rear ground floor opening of that property. Notwithstanding its relatively low height, it is considered that if the development were approved it would, when combined with previous development at the site, lead to the adjoining property and garden being unacceptably enclosed and result in an outlook that would be dominated by a localised level of built development that in scale, form and proximity goes beyond what is considered to be acceptable in this location. As such the proposal conflicts with policy GP1 (criterion a, b, c and i) and H7 (criterion d and e) of the City of York Draft Local Plan (fourth set of changes) approved April 2005.

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