

## COMMITTEE REPORT

**Date:** 8 September 2011      **Ward:** Huntington/New Earswick  
**Team:** Householder and Small Scale Team      **Parish:** Huntington Parish Council

**Reference:** 11/01503/FUL  
**Application at:** 168 New Lane Huntington York YO32 9ND  
**For:** Single and two storey side extensions and porch to front  
**By:** Mr Mick Wood  
**Application Type:** Full Application  
**Target Date:** 1 August 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application property is a detached two-storey dwelling located on the corner of New Lane and Brockfield Park Drive. The elevations of the garden facing Brockfield Park Drive and New Lane are surrounded by a hedgerow that is approximately 2.5m high.

1.2 It is proposed to erect a two-storey side extension to the south elevation (fronting Brockfield Park Drive) and a single storey extension to the north elevation . A porch and canopy is also proposed to the front elevation (facing New Lane).

1.3 Following the submission of the plans amendments were made to the scheme to site the single storey elements slightly further from the boundary with 166 New Lane.

1.4 There is a mature oak tree located in the north-east corner of the garden. This is protected by a preservation order.

1.5 The application is being brought to committee as the applicant is an employee of City of York 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:

CYH7

Residential extensions

CYGP1

Design

## 3.0 CONSULTATIONS

### 3.1 Internal

None

### 3.2 External

Parish Council - Object: The size, mass and scale in relation to the original property constitute over-development. Loss of amenity to 166 New Lane. The development is out of character with the surrounding area.

Neighbours occupying 166 New Lane object, stating:-

- It is so close to the boundary that it will lead to the severe loss of light and outlook to the kitchen and dining room.
- The size if the development will appear incongruous.
- The proposal could lead to the house being used for multiple occupancy and will detract from property values.

The objector also states that the boundary hedge does not extend along his boundary as shown on the plans and that he otherwise has a good relationship with the applicant.

## 4.0 APPRAISAL

4.1 The key issues in assessing the proposals are:

- The Impact on the streetscene
- The Impact on neighbours' living conditions
- The impact on a protected tree.

4.2 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.

4.3 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.

4.4 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.

## THE IMPACT ON THE STREETSCENE

4.5 The two-storey extension proposed to the south is in line with the building line set by the front of adjoining properties on Brockfield Park Drive. The design of the extension is harmonious with the design of the original house. The garden space that would remain around the extension will ensure that the site does not appear over-developed. The two storey extension links in with a single storey canopy and porch proposed for the front elevation. The porch and canopy are modest in scale and would have little impact on the appearance of the area.

4.6 The extension to the north is single storey. It is set back from the road and subservient to the main house. It will not have a significant impact on the streetscene.

## IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.7 There is adequate separation to properties across Brockfield Park Drive. The main neighbours affected are 59 Brockfield Park Drive and 166 New Lane.

4.8 59 Brockfield Park Drive is a bungalow. It has only non habitable windows on the east elevation. The rear section of the extension will largely be screened from number 59 by the garage of number 59.

4.9 166 New Lane is also a bungalow. On the south elevation of the bungalow there is a kitchen window and dining room window facing the proposed single storey extension. These windows are located only around 1m from the side garden boundary with the application property.

4.10 It is unusual to have main windows located in such close proximity to a garden boundary. It will inevitably be the case that the proposed extension will impact on

the outlook from the side windows of 166 and the level of light entering them and in most circumstances would be deemed unacceptable. However, in assessing the proposal it is necessary to consider what development the occupier of 168 New Lane could reasonably erect within close proximity to the windows without needing planning permission. There is already a boundary fence approximately 1.8m high around 1m from the side windows that limits the outlook from the rooms. Under the current planning regulations it would normally be possible to erect a detached building such as a shed or garage immediately on the garden boundary providing they did not exceed 2.5m in height. A building between 2.5 - 4m in height would need to be erected at least two metres from the boundary.

4.1 The applicant has had some regard to the light and outlook needs of number 166 and has set the dining room extension 2.1 metres from the boundary fence and located the proposed pitched roof garage 0.9m from the boundary. The footprint of the new pitched roof garage is similar to that of the existing flat roofed garage.

4.12 On balance it is considered, taking account of the applicant's permitted development rights, that the proposal is acceptable. Whilst accommodating his own needs, some regard has been given to the impact on the neighbouring property's windows. To a degree the scheme is beneficial in that, the applicant is agreeable to a condition that removes the ability of the applicant and future occupiers to erect any permanent structures above 1.8m in height between the site of the extensions and the neighbouring windows without requiring planning permission. This will help to ensure that the occupier of 166 New Lane retains a moderate outlook from the side windows that are located so close to the boundary with the application property.

## IMPACT ON PROTECTED TREE

4.13 There is adequate separation between the site of the proposed extension and the protected tree to avoid harm to the roots or canopy. The applicant has also indicated that the site can be accessed by construction workers without causing harm to the roots. A condition has been included to protect the mature tree during development.

## 5.0 CONCLUSION

5.1 It is not considered that the proposed extensions will have a harmful impact on the streetscene or the protected tree within the garden.

5.2 It is the case that the extensions are within close proximity to two side windows in 166 New Lane. The affected windows are located unusually so close to the rear/side garden of the application property and under permitted development legislation single storey detached outbuildings could be erected by the applicant directly in front of the openings without the need to apply for planning permission.

5.3 The proposed extensions have been pulled a little way off the boundary to mitigate the impact and are single storey in height. The garage is a similar distance from the boundary as the existing garage and the dining room is around 3 metres from the kitchen window. Although they will impact negatively on light and outlook, it is not considered the impact is unduly harmful taking account of the impact that alternative development could have on the neighbours' living conditions and the unusual relationship between the applicant property and number 166.

5.4 On balance it is considered that the proposal is acceptable and is recommended for approval.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years -

2 VISQ1 Matching materials -

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), unless otherwise agreed in writing with the Local Planning Authority, prior to the completion of the extensions approved by this consent no new outbuildings or other development shall be erected between the application property and 166 New Lane ,and following the completion of the extensions approved by this consent no other extensions, outbuildings or other structures exceeding 1.8m in height shall be erected or located within the property cartilage between the application property and 166 New Lane.

Reason: In order to safeguard the rights of control of the Local Planning Authority in the interests of the amenity of the occupants adjacent property.

4 Prior to the commencement of development a construction method statement shall be submitted to and agreed in writing with the Local Planning Authority showing temporary protection to trees in accordance with British Standard BS5837. This shall include protecting fencing around the protected tree, an area marked and used for the storage of materials and details of vehicle movement. The works shall be undertaken in accordance with the approved method statement.

Reason: To ensure that the works do not conflict with the wellbeing of the nearby Beech tree.

5 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing MWNL/04/B and MWNL/06/B received by the Local Planning Authority on 11 August 2011.

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

## **7.0 INFORMATIVES:**

### **Contact details:**

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