

COMMITTEE REPORT

Committee: East Area
Date: 12 July 2007

Ward: Wheldrake
Parish: Naburn Parish Council

Reference: 07/01167/FUL
Application at: The Old Vicarage Vicarage Lane Naburn York YO19 4RS
For: Erection of three storey detached dwelling (resubmission)
By: Mr I Creer And Ms Y Macalister
Application Type: Full Application
Target Date: 11 July 2007

1.0 PROPOSAL

1.1 The application relates to a site of 0.124 hectares, south of and fronting onto Vicarage Lane, between a large detached property to the west known as The Old Vicarage and a more modern detached house to the east. The site is part of the grounds of the Old Vicarage and extends back from Vicarage Lane, including the detached coach house on the front boundary with the road, the boundary wall dividing this front unsurfaced area from the former orchard and open space behind to the rear garden boundary of the Old Vicarage. There are two mature Sycamore trees within the site, which are protected by a Tree Preservation Order (CYC119). The entire site lies within the York Green Belt, though the front part, north of the boundary wall lies within the defined settlement limit of the village of Naburn.

1.2 The proposal involves the erection of a detached four bedroom house, following the erection of the existing outbuilding. The building would be set back approx. 4.8m from the front boundary and would extend 8.8m beyond the boundary wall currently dividing the site. It would comprise accommodation on three floors: kitchen, dining area, living space, library, utility, family room and garage on ground floor; two bedrooms with bathroom and study on first floor (part of which is in roof space); and, two bedrooms on third floor in roof space. The design is contemporary and would be constructed from red facing brick and timber boarding with natural slate pitched roofs and zinc flat roofs. Access would be taken from Vicarage Lane via a new drop kerb adjacent to that to the neighbouring property to the east. It would access an entrance court and single garage, sufficient for two spaces to be available for the occupants.

1.3 Accompanying the application are the following supporting documents: Design and Access Statement, statement on issue of green belt policy, and summary of arboricultural protection. The Design and Access Statement explains the design philosophy and choice of materials for the building and in particular highlights the constraints set by the protected trees and the intention to build a sustainable dwelling with solar energy, surface water harvesting and underfloor heating.

1.4 Previous planning permissions have been granted for conversion and extension of the Old Vicarage and its coach houses to form 3 dwellings in 2002. The house on the site of the current application, comprised conversion of the existing two coach houses and an extension between them to form one three bedroom house, with first

floor accommodation in the roof space. The majority of the footprint of this building was within the defined settlement limit of the village as defined in the Local Plan with a two storey extension housing a living room with bedroom above extending 4m beyond the boundary wall, which marks the extent of the settlement limit.

1.5 This application has been brought to Committee for determination at the request of the Chair, Councillor Richard Moore.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools Naburn CE Primary 0209

2.2 Policies:

CYL1C
Provision of New Open Space in Development

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CYGP4A
Sustainability

CYGP9
Landscaping

CYNE1
Trees, woodlands, hedgerows

CYGB1
Development within the Green Belt

CYGB2
Development in settlements "Washed Over" by the Green Belt

CYGB6
Housing devt outside settlement limits

CYH4A
Housing Windfalls

3.0 CONSULTATIONS

3.1 Internal

City Development - Policies GB1 and GB2 relevant. The proposed new dwelling would be located partially outside the village settlement limits of Naburn. Therefore, it is contrary to Policy GB2. In this instance, need to consider Policy GB1, which would be relevant to the element outside the settlement limit. Must consider whether Very Special Circumstances exist to justify the proposed development. Unless DC Officer is satisfied that an acceptable very special circumstances argument has been put forward to justify the proposals, a policy objection would be raised.

Environment and Conservation (Landscape) - Proposals seeks to retain second Sycamore on eastern boundary. The building is still within the recommended root protection area but the RPA is significantly increased by the setting back of the building. The removal of the farm access helps the situation. The scheme if implemented appropriately, would probably improve the conditions for the Sycamore closest to Vicarage Lane. The building is set further back from the tree trunk and canopy and allows additional planting on the street front. Although the arrangement results in the loss of some fruit trees to the rear, the Sycamore is clearly the more important in respect of public amenity. The orchard planting could be reinstated with new, healthy, productive specimens to the south of the remaining fruit trees. In visual terms, no objection to the extension into the greenbelt. Have concerns that the proposals include 900mm deep trench foundations, which brings the excavations for the kitchen too close to the tree - asks applicant to explain the change in foundation design or revisit their suggestion of a raft foundation or mini piles.

Highway Network Management - No highway objections subject to standard conditions, regarding access, car and cycle parking, turning areas, entrance gates and dilapidation survey.

Environmental Protection Unit - No objections.

3.2 External

Naburn Parish Council - Do not object providing no trees are removed, the building materials are as stated on the plans. Comment that this is yet another vehicular access onto a narrow road.

No responses received by local residents, either to consultation letters or site notice.

4.0 APPRAISAL

4.1 Key issues:

- Compliance with Green Belt policy;

- Design considerations and impact on visual amenity;
- Effect on trees;
- Residential Amenity;
- Parking and highway safety;
- Public open space contributions.

4.2 Policy Context: Relevant national policy is set out in Planning Policy Guidance Note 2: Green Belts and in the City of York draft Local Plan policies listed in section 2.2.

Green Belt

4.3 The village of Naburn is 'washed over' by the Green Belt and has a defined settlement limit around the built-up area of the village, which was set through the Local Plan process. As stated in section 1.1, the boundary wall that currently crosses the site defines the settlement limit and therefore only the part of the site north of this wall is within the defined settlement limit of the village.

4.4 The relevant planning policy advice regarding Green Belts is set out in Planning Policy Guidance Note 2: Green Belts, and is mirrored in draft Local Plan policies GB1, GB2 and GB6 as set out in section 2.2. PPG2 and Policy GB1 only allow development in the Green Belt where it would not detract from the open character of the Green Belt, conflict with the purposes of including land within it, and not prejudice the setting of the special character of the City, and providing that it is for an appropriate purpose listed in PPG2. These include: agricultural and forestry, the limited extension or replacement of existing dwellings, limited infilling in existing settlements or limited affordable housing for proven local needs. All other forms of development not listed are considered inappropriate development that is, by definition, harmful to the Green Belt and there is a general presumption against such development. It is for the applicant to demonstrate that 'very special circumstances' exist to justify approval of inappropriate development. Very special circumstances will exist only where the harm by reason of inappropriateness is clearly outweighed by other considerations.

4.5 The erection of buildings in settlements 'washed over' by the Green Belt but within the defined settlement limit is permitted by Policy GB2 provided that: it would be within the built-up area of the settlement; and, its location, scale and design would be appropriate to the form and character of the settlement and neighbouring property; and, it would constitute limited infilling that would not prejudice the openness or purposes of the Green Belt. This was the view that would be taken with the previously approved applications in 2002 for a house on the site, the majority of which was within the defined settlement limit. However, this application proposes the erection of a dwelling, which although spanning the boundary, would be mainly beyond the settlement limit. It is therefore contrary to Policy GB2 as it would not meet the first criteria of the policy.

4.6 As the proposed development is not for one of the listed purposes in PPG2 and Policy GB1, it would constitute inappropriate development, which by definition would be harmful to the Green Belt. In accordance with policy, very special circumstances would need to be demonstrated to allow this development to be approved.

4.7 A supporting statement has been submitted which refers to the history of the site and reason why the proposed house now straddles the settlement development limits. This was to address concerns expressed by the Council's Landscape Architect about harm to the adjacent protected Sycamore tree from an application submitted and withdrawn earlier this year. It states that the applicant is seeking a design of dwelling different to that previously approved in order to build a customised dwelling for his own occupation incorporating sustainable energy and construction techniques. It considers that because the site is flanked by two substantial dwellings that project further south and that the dwelling would only project a further 5 metres beyond the extant permission, the entire application site must be regarded as lying within the existing built-up area of Naburn. As such, the proposal complies with Policy GB2.

4.8 It is accepted that the proposed development would not cause any additional harm to the openness or green belt function. However, as stated above, the defined settlement limit has been drawn as part of the Local Plan process and the main bulk of the proposed house and primary living accommodation would fall outside this limit. The proposal does not comply with Policy GB2. It is considered that no 'very special circumstances' have been demonstrated that clearly outweigh the harm to the green belt by reason of inappropriateness. Furthermore, as an extant permission exists for a dwelling, which does not impact on the protected trees, it would be unlikely that any very special circumstances could be successfully demonstrated. Therefore, on green belt policy grounds, the application is unacceptable.

Design considerations and visual amenity

4.9 The density, layout, scale and mass and design of the proposed dwelling would be compatible with neighbouring buildings and the character of the area. The density of the site is lower than the 30 dwellings per hectare set out as an aim in Policy H5a of the Local Plan, though this is as a result of the proposed large garden area that falls within the Green Belt. In order to achieve a higher density on the site would mean development which would be uncharacteristic of the area, would potentially have an adverse affect on the two protected trees or would require further encroachment into the Green Belt beyond the defined settlement limit. The materials of construction proposed would be in-keeping with surrounding buildings, in the use of natural slate and red facing brick, but would introduce more modern materials such as timber boarding and zinc, which although alien as a building material for dwellinghouses in the area would not cause demonstrable harm to visual amenity. The intentions to erect a dwelling that incorporates sustainable energy and construction techniques is to be welcomed.

Effect on trees

4.10 An arboricultural statement has been submitted to support the application and address the issue of the proximity of the proposed building to the protected Sycamore tree located adjacent to the eastern site boundary, which is important due to its public amenity. The application withdrawn earlier this year raised concerns due to the proximity of the building to the tree. The proposed application moves the building further to the south, which retains the tree and although it would still be

within the recommended root protection area, it has been increased significantly from the previous application to the point where the Council's Landscape Architect is no longer in objection to the scheme. The Officer does raise concern about foundation design in this area, but this could be dealt with through condition. There is no objection to the loss of some fruit trees to the south of the dwelling and considers that the situation for the protected Sycamore at the front of the site would be improved through the application.

Residential Amenity

4.11 There would be no demonstrable harm caused to residential amenity as a result of the proposal, given the design of the house and the relationship to neighbouring properties in terms of position, orientation and distances.

Parking and highway safety

4.12 The Council's Highway Engineer raises no objection to the scheme on highway safety grounds, subject to the imposition of standard conditions (as set out in section 3.1).

Public open space contributions

4.13 Local Plan Policy L1c requires a commuted sum payment for housing developments of less than 10 dwellings towards off site provision of open space. This development would generate a figure of £1630 , which would be used to enhance the local Parish Council playground and formal sports facilities in the south zone.

5.0 CONCLUSION

5.1 The scheme would not harm the two protected trees on site, subject to condition regarding foundation design, and would sit comfortably in the street without adversely affecting visual amenity, residential amenity or highway safety. It would incorporate sustainable energy and construction techniques, which is to be encouraged.

5.2 However, the dwelling would in the main be located outside the defined settlement limit of the village of Naburn and as such constitutes inappropriate development in the Green Belt that, by definition, is harmful to it. Officers do not consider that very special circumstances have been demonstrated that clearly outweigh the identified harm. Therefore, despite the intentions of the applicant regarding sustainable development principles, the proposal is recommended for refusal on green belt policy grounds.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 The proposal falls largely outside the defined settlement limit of the village of Naburn and therefore constitutes inappropriate development in the Green Belt that, by definition, is harmful to the Green Belt. It is considered that there are no very special circumstances that clearly outweigh this identified harm to the Green Belt. As a result, the proposal conflicts with Planning Policy Guidance Note 2: Green Belts and Policies GB1 and GB6 of the City of York Draft Local Plan (incorporating fourth set of changes, April 2005).

7.0 INFORMATIVES:

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