

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 12 July 2007

**Ward:** Heworth  
**Parish:** Heworth Planning Panel

**Reference:** 07/01184/FUL  
**Application at:** 101 East Parade York YO31 7YD  
**For:** Erection of detached two storey dwelling (resubmission)  
**By:** Mr Tom Dodson And Ms Maggie Serafim  
**Application Type:** Full Application  
**Target Date:** 12 July 2007

### 1.0 PROPOSAL

1.1 This is a full planning application to erect a three bedroom, two-storey house within the rear garden of a large detached property.

1.2 The proposed dwelling is contemporary in style. It is 'L' shaped with a relatively large ground floor footprint of approximately 75 square metres. It incorporates several elements to reduce energy use including solar panels and the careful location of glazing. It is intended to have no off-street car parking. The proposed garden area is approximately 200 square metres.

1.3 The property is proposed to be accessed via a narrow lane that runs between 101 and 99 East Parade. There is currently a workshop and several dwellings located off the lane. The site is located in the Heworth/Heworth Green, East Parade/Huntington Road Conservation Area.

1.4 The application is brought to Committee as one of the applicants is employed within the City Strategy Directorate.

1.5 A previous application to erect a house on the site was withdrawn (07/0327).

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Heworth Green/East Parade 0042

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Schools Heworth CE Primary 0201

2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP9  
Landscaping

CYGP10  
Subdivision of gardens and infill devt

CYH4A  
Housing Windfalls

CYHE3  
Conservation Areas

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highway Network Management - No objections. It is not considered that a recommendation for refusal can be substantiated on traffic generation/safety grounds - even if associated car parking were to be created on site.

Environment and Conservation - Consider the principal of development in the garden area is acceptable. Feel that the contemporary design is appropriate. The design of the proposed house takes account of the constraints of the site and reads as a subsidiary building within the garden of the original house at 101 East Parade. The boundary wall should be retained.

Environment Protection - No objections

#### **3.2 External**

Planning Panel - Object. Concerns in respect to the lack of off-street parking for occupiers and visitors given the pressure on on-street parking. Feel the poor quality and lighting of the private access raises safety issues for non-car users.

Conservation Areas Advisory Panel -  
The Panel felt that this proposal was contrary to Local Plans Policy GP10. The panel also felt that this constituted over-development in an area that was characteristic of houses set in large gardens. The proposal had very little amenity space. The panel were further concerned that if this application was successful it would set a precedent and be further detrimental to the character of the Conservation Area

#### **Neighbours**

One objection from 105 East Parade - Concerns in respect to loss of light and sun to garden for a large part of the day.

## 4.0 APPRAISAL

4.1 Proposals to make more efficient use of land for residential accommodation within previously developed, accessible locations are in line with the thrust of current local and national planning policy. However, in assessing the acceptability of the application it is important to ensure that the proposal does not cause harm to issues of significance.

4.2 Policy GP10 and H4a of the Local Plan relate to infill development and the subdivision of gardens. They place particular significance on avoiding over-development and ensuring that new development is not detrimental to the character and amenity of the local environment. Policy HE3 (Conservation Areas) seeks to protect the character and appearance of such areas.

4.3 The key issues to address when assessing this application are considered below:

### ACCESS AND PARKING

4.4 It is intended that the property will be car free. The property is accessible on foot to a range of shops and services. The private lane that must be accessed to reach East Parade is narrow, however it is an adequate width for pedestrians to pass vehicles. Visibility when exiting from the private lane to East Parade is also poor.

4.5 Although there are currently more than the recommended five units off the private lane it is not considered that a refusal of permission for the additional house on highway grounds could be substantiated given its accessible location. It is also considered that there would be no highways objection were a car parking space to be created within the site.

4.6 The scheme incorporates cycle parking. There is reasonable overlooking of the private lane that links the site of the proposed house with East Parade.

### STREETSCENE/CONSERVATION AREA

4.7 The property will not be clearly visible when viewed from East Parade. The main consideration is the impact on the character when viewed from the courtyard and lane at the rear of the site. There has been a reasonable amount of recent development in the area to the rear of East Parade giving a relatively eclectic character. However, it is the case that the group of long rear gardens that the application property is one of retains an attractive openness with landscaping and views to the church spire to the east.

4.8 Given that there has been much recent development in the area and there is some historic precedent of development along the axis where the home is proposed and the adjoining court it is not considered that a proposed dwelling would necessarily harm the existing character or appearance of the Conservation Area. It is the case, however, that care needs to be taken to ensure that the development does not dominate the rear gardens. Following the withdrawal of the previous scheme the height of the ridge house has been reduced from 6.8 metres to 6.3 metres. The eaves height has also been reduced. The property has also been

removed a little way from the boundary of 105 and a line of new trees included to soften the impact of the side wall.

4.9 The house as proposed is considered to be an attractive unfussy contemporary solution incorporating traditional materials appropriate to the location. It is considered important that the scale of the building is subordinate to the main house and that there is adequate space for tree planting to help soften the impact of the development. The scale of development equates externally to approximately one and a half storeys. Subject to a high quality landscaping scheme it is considered that the development would relate satisfactorily to the character and appearance of the immediate area.

4.10 The scheme would lead to the loss of some fairly modest trees within the garden. This is not considered to be unduly damaging and the proposal will lead to additional planting.

#### IMPACT ON NEIGHBOURS' LIVING CONDITIONS.

4.11 The proposed dwelling would be relatively tight to several properties; however, in most instances it is not considered that significant harm will be caused taking account of the character of the area. The housing to the rear is far enough or 'oblique enough' to avoid undue loss of light and outlook. An existing double garage will also partly screen the development. Number 6 is a mews style property to the west across the private lane. Number 6 contains a first floor bedroom window looking across the site - it is considered that the narrow width of the proposed elevation closest to this property and the limited proposed glazing is sufficient to avoid unacceptable harm.

4.12 The main issue that needs addressing is the impact on number 105 East Parade. This is a semi-detached property with a long, narrow rear garden (approximately 30m x 7m). It is considered that the living conditions within the house will not be unduly harmed given the degree of separation and limited fenestration to the rear of 105. It is the case that the side elevation is proposed to extend for almost 10 metres along the rear part of the side boundary of number 105's garden. However, to try and avoid the development being overdominant the roof along this boundary has been hipped and the eaves reduced to just over 4 metres. A gap of 2.5 metres has also been left to the boundary and tree planting proposed in the space. It should be noted that the garden level of 105 is a little lower than the application property.

On balance it is not considered that the impact on the garden of 105 will be so harmful in respect to the loss of light and outlook to merit refusal. In coming to this conclusion regard is given to the fact that the distance from the rear courtyard of the property to the proposed house exceeds 25 metres.

4.13 In respect to privacy it is considered that the main openings are sensitively located. The first floor element of glazing on the element of the house that projects forward will be obscure glazed to 1.8m to help retain privacy to the host property and number 105 and permitted development rights removed for new openings.

## QUALITY OF ACCOMMODATION

The accommodation has a good standard of amenities. The garden is reasonably large at approximately 200 square metres in size. There is provision for refuse and cycle storage, though no car access.

## 5.0 CONCLUSION

5.1 It is considered that the character of the rear of this area of East Parade has evolved in recent years through residential development accessed off East Parade and the student complex at Limes Court. The location of the development relates to the existing property on the opposite side of the access lane. It is considered that the reduction in scale, improved landscaping and change in position from the earlier submission is such that it would not now cause unacceptable harm to the living conditions of neighbouring properties.

5.2 It is recommended that the application be approved.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

Drawing 770-101 B received by the Local Planning Authority on 17 May 2007.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no windows or doors shall be inserted within the elevations or roof of the approved house other than those shown on the approved plans or agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenities of occupants of the adjacent residential properties.

- 4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development and retained in perpetuity. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

- 5 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), development of the type described in Classes A, B, C, D and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), the south facing opening in bedroom 1 shown on drawing 770/101/B shall at all times be fixed shut and obscure glazed up to an internal height of at least 1.8 metres. The obscure glazing shall be agreed in writing with the Local Planning Authority prior to occupation of the property.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

- 7 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £2,154.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

- 8 Details of the phasing of construction including access for construction vehicles and any removal and re-instatement of the existing boundary wall of 101 East Parade shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

**Reason**

To ensure that construction work does not harm neighbours living conditions or the appearance of the Conservation Area.

**7.0 INFORMATIVES:  
Notes to Applicant**

**1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the conservation area and neighbours' light, outlook and privacy. As such the proposal complies with Policy GP1, GP4a, GP9, GP10, H4a and HE3 of the City of York Local Plan Deposit Draft.

**2. FOR INFORMATION**

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

4. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

5. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

6. There shall be no bonfires on the site.

**Contact details:**

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

**Tel No:** 01904 551657