

## COMMITTEE REPORT

**Date:** 12 July 2012                      **Ward:** Rural West York  
**Team:** Major and                          **Parish:** Upper Poppleton Parish  
            Commercial Team                      Council

**Reference:** 12/00921/FUL  
**Application at:** 10 Bankside Close Upper Poppleton York YO26 6LH  
**For:** Two storey side extension to existing dwelling; erection of two storey detached dwelling and detached garage (Revised Scheme)  
**By:** Mark Harris  
**Application Type:** Full Application  
**Target Date:** 4 May 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application is for a two storey 4 no. bed dwelling to the side/northwest of 10 Bankside Close, and detached double garage.

1.2 The application is a resubmission. In addition revised plans and elevations have been submitted during this application. The previous application showed the garage with accommodation above with a dormer window, this has been removed in this application. The garage has been reduced in height from 4.9 metres to 4.4 metres. The proposed dwelling has been increased in width by 0.2 metres to 10.7 metres and the rear single storey element has been removed. The two storey extension to 10 Bankside Close has been removed from the proposal leaving a gap of 4.8 metres between the host dwelling and the proposed dwelling.

1.3 The proposed two storey dwelling would be 10.7 metres in width and the same height as the host dwelling. The proposed dwelling would be deeper than the host dwelling: 9.35 metres along the northwest elevation (the host dwelling is 7.3 metres in depth). To the front of the proposed dwelling would be block pavers. The proposed pitched roof garage would be 4.4 metres in height and 5.45 metres in width, and 6.65 metres in depth. The proposed front elevation would have a pedestrian door and single garage door; the rear elevation would have a double garage door, access to the garden to the rear of the garage would be through the building.

1.4 The site is within the Poppleton settlement envelope, outside of the conservation area.

1.5 The site is within a spacious and established street built in the 1970s. The dwellings in Bankside Close are generally two-storey and detached, the application site is one of a line of three houses which are set within more generous plots with larger side gardens. There are a mixture of styles and scale of dwellings in the surrounding streets.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYGP10 Subdivision of gardens and infill devt

CGP15A Development and Flood Risk

CYH4A Housing Windfalls

CYL1C Provision of New Open Space in Development

## **3.0 CONSULTATIONS**

### **INTERNAL CONSULTATIONS**

FLOOD RISK MANAGEMENT TEAM - Object

Insufficient information has been provided by the developer to determine the potential impact the proposal may have on the existing drainage systems

ENVIRONMENTAL PROTECTION UNIT - No objections

COMMUNITIES AND CULTURE As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site within the Parish (b) play space - which would be used to improve a local site such as within the Parish (c) sports pitches - would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement.

### **EXTERNAL CONSULTATIONS/REPRESENTATIONS**

UPPER POPPLETON PARISH COUNCIL - Object to original scheme, at the time of writing the report no comment has been received for the revised scheme, any further comments received will be reported to committee

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- Over development of a green space in a quiet residential area
- Grounds submitted on previous application still valid

17 LETTERS OF OBJECTION to the revised scheme:

- Reduce light to properties on Riversvale Drive
- Cause a loss of privacy to properties on Riversvale Drive
- Loss of outlook from the properties on Riversvale Drive
- Revision does not address the original objections to the scheme
- Contest that a garage can be built under permitted development
- Dwellings around Bankside Green have double garage, removal of garage for host dwelling without replacement would be contrary to Policy GP1
- 6 off street parking spaces is excessive in the context of the street scene and out of character
- Concerned that the proposed garage would be constructed over the existing foul drain servicing part of Bankside Close
- Request that the garage is restricted to garage use only
- Impact to the Green Belt
- Detrimental impact on the open aspect of this part of Bankside Close
- Scheme more out of character than previous
- Two-storey building which harms the open aspect of Bankside Close and increases the density of development
- Cause further parking congestion
- Concerned that the garage may become a dwelling further impacting on the open aspect of the street
- Concerned regarding the precedent of infilling
- No benefit for the community or improvement in amenity
- Does not overcome the previous reason for refusal
- Overdevelopment of the plot, cramped, and not in keeping with the surrounding area and environment
- Scale will dominate neighbouring dwellings
- Does not have the amenity space that would be expected of a dwelling of this size, and as other properties in the surrounding area
- The site is currently a well maintained landscaped garden which enhances the area and is in keeping with the area
- The need is for starter and family homes not luxury houses
- The proposed design does not respect the relationship between buildings
- The massing of the dwelling does not complement adjacent dwellings
- The proposal ignores building relationships and does not appreciate the way space have been used in the area to maintain and enhance the character of the village.
- The daylight/sunlight assessment plays down the impact
- Not considered to be a sustainable development
- Too high and too close to the boundary

- Existing problems with foul drainage, an additional dwelling will exacerbate the issues
- Concerned regarding safety of children during construction
- The original application was refused on inadequate drainage, this still stands
- The proposed garage remain the same height as the proposed two storey, too tall for a structure within a garden
- Proximity of proposed garage to neighbouring dwellings has the potential to cause noise disturbance and loss of privacy

#### 18 LETTERS OF OBJECTION to the original scheme

- Result in a loss of light and overshadowing
- Cause a loss of privacy
- Cause a loss of outlook
- Concerned that the garage has double garage doors in the front and rear elevation
- Result in overdevelopment of Bankside Close and a cramped appearance
- Existing problems with foul drainage, an additional dwelling will exacerbate the issues
- The minor alteration to not improve the situation for occupants of neighbouring dwellings
- Not in keeping with prevailing character of development which includes the gaps between dwellings in sizable plots
- Cause access problems by virtue of small turning area
- Construction would cause disturbance
- Represents an increase of development of 109%, significant increase on the existing density
- Represent a substantial change to the character and appearance of the area
- Contrary to Policies GP1, H7, H4a of the Local Plan
- Contrary to design Guideline 12 and 17 of the Poppleton Village Design Statement
- Loss of on street parking
- Incorrect boundary treatment shown
- Set a precedent for infilling
- Impact to the trees on site unknown
- Scale of the building will be overbearing and dominate outlook
- Users of the proposed garage will cause disturbance to neighbouring dwellings
- Massing not in keeping with surrounding
- Proposed refuse area would cause disturbance to neighbouring dwelling

## 4.0 APPRAISAL

## RELEVANT SITE HISTORY

11/02699/FUL - Two storey side extension to existing dwelling; erection of two storey detached dwelling and detached garage with room above - Refused for the following reason:

- The proposed dwelling and detached garage by virtue of its scale, cumulative impact, massing, bulk, awkward relationship to the host dwelling, and the loss of a green space and gap between buildings would appear cramped and overdeveloped. In addition the proposed development would result in a harmful sense of enclosure in the street, and would have an unduly prominent and over dominant appearance within the area and the street.

## KEY ISSUES

1. Visual impact the area
2. Impact on neighbouring property

## ASSESSMENT

### PLANNING POLICY

4.1 National policy contained in the National Planning Policy Framework (NPPF) states a presumption in favour of sustainable development. The NPPF sets out three dimensions/roles to sustainable development: economic, social, and environmental - development should fulfil all three roles.

4.2 The NPPF attached great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Development should add to the quality of the area, establishing a sense of place as well responding to local character and reflect the surroundings and materials, whilst not preventing or discouraging appropriate innovation, and create developments that are visually attractive as a result of good architecture and appropriate landscaping. The NPPF acknowledges that securing high quality design and inclusive design goes beyond aesthetic considerations and that decisions should address the connections between people and places and integration of new development into the built environment. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions

4.3 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF.

4.4 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.5 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

4.6 The supplementary planning guidance - Poppleton Village Design Statements gives a series of guidelines for development within Poppleton. The guidelines pertinent to this application are as follows: (11) The existing character and traditions must be appreciated when contemplating new development, whatever its size and purpose, imaginative and original design is encouraged but the setting should be considered. (12) To conserve the special character of the traditional communities, the size, scale and massing of the new buildings should harmonise with neighbouring properties and spaces. (13) New development should be mixed, with a variety of design type, size, scale and materials to uphold the present juxtaposition of differing periods of development within the village. (14) Contemporary design should complement and be in sympathy with existing building character. (17) Space should be maintained around the dwellings to avoid the loss of soft landscaping.

#### PRINCIPLE OF RESIDENTIAL DEVELOPMENT ON THE SITE

4.7 The key aim of local and national policy is to locate new housing in sustainable urban locations, with the emphasis on previously developed land. Policy H4a relates to housing developments within existing settlements and states that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy GP10 states that permission will only be granted for subdivision of existing garden areas or infilling where this would not be detrimental to the character and amenity of the local environment.

4.8 The gaps between the dwellings and their landscaping contribute to the appearance of this part of Bankside Close and the proposed development would result in the loss of this gap. The development would result in an element of

enclosure in this corner of the street, however it is not considered to result in harm to the appearance of the area, nor be unduly prominent. The proposed dwelling would be of a similar scale to the host dwelling and the design is considered to be in keeping with the buildings on Bankside Close. The proposed dwelling would be separated from the host dwelling by 4.8 metres. Nos 6, 8, and 10 Bankside Close are set in relatively generous plots however the rest of Bankside Close is more densely developed, the proposed development would reflect this pattern of development.

4.9 The proposed garage would fill the width of the part of the garden it is set within, although the visual impact is mitigated by it being set into the plot and set back from the forward building line. In addition the gap between the proposed garage and dwelling mitigates some of the built appearance. Whilst the door arrangement of the garage is unusual it is not considered to result in visual harm. Any change of use from that ancillary to the dwelling e.g. conversion to a dwelling would require planning permission.

4.10 There would be a relatively small increase in the hardstanding area to the front of the building. Whilst the hardstanding would increase the built appearance of the development it is not considered to cause sufficient harm to warrant refusal. In using the proposed materials the increase in the paved area could currently take place as permitted development. In addition the increase in the number of parking spaces is not considered to be a reason for refusal

## IMPACT TO THE RESIDENTIAL AMENITY OF THE OCCUPANTS OF THE NEIGHBOURING DWELLINGS

4.11 The proposed dwelling would be approximately 21 metres from the rear elevation of 21 Riversvale Drive and 17m from its conservatory which is a later addition. The proposed dwelling would affect the outlook from the rear of no 21 Riversvale and to a lesser extent the bungalows to either side, however the removal of the proposed side extension to no.10 and the consequent 4.8m gap between the dwellings reduces the massing and relatively unbroken facade of the previous refused application. Overall the dwelling is not considered to have a harmful impact on neighbouring amenity by reason of loss of privacy, loss of outlook or an increased sense of enclosure.

4.12 The proposed garage would be constructed to the north of the 12 Bankside Close, the proposed garage would project further back from the rear elevation of 12 Bankside Close. Being to the north-east, the proposed garage is not considered to result in a loss of light to 12 Bankside Close. It would result in a small element of enclosure however it is not considered to result in harm to the residential amenity of the occupants of the dwelling. By virtue of its relationship to the neighbouring dwelling it is not considered to dominate their outlook or be overbearing.

## OPEN SPACE PROVISION

4.13 Policy L1c 'Provision of New Open Space in Development' of the City of York Council Development Control Local Plan (2005) requires a commuted payment towards off site provision to meet the needs of future residents and the local community. At the time of writing a request was made to the applicant but no written confirmation has been received. Committee will be updated of any further correspondence regarding this matter.

## SURFACE WATER DRAINAGE

4.14 Revised details of surface water drainage have been received proposing an attenuation tank to mitigate against the increased surface water run-off from the proposed new development. This is acceptable in principle and further details can be secured through an appropriate planning condition.

## 5.0 CONCLUSION

5.1 The proposed development of a detached two storey dwelling and detached garage for the above reasons is not considered to result in undue harm to the residential amenity of the occupants of the neighbouring dwellings nor cause harm to the appearance of the streetscene or the character of this suburban area. The proposal is considered to comply with local and national policy, and approval is recommended subject to the following conditions.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

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

Drawing Number H110/01 received 8 June 2012

Drawing Number H110/06 received 8 June 2012

Drawing Number H110/04 Revision A received 8 June 2012

Drawing Number H110/06 received 8 June 2012;

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

2 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 £2,836.

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.

3 TIME2 Development start within three years -

4 The materials to be used externally shall match those of the 10 Bankside Close in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

5 HWAY10 Vehicular areas surfaced, details reqd -

6 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), no extensions, garages or other garden buildings shall be erected or constructed to the northwest side of the existing dwelling at 10 Bankside Close.

Reason: In the interests of the visual amenities of the street scene 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.

7 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, E, and F of Schedule 2 Part 1 of that Order shall not be erected or constructed to the new dwelling subject of this planning permission.

Reason: In the interests of the amenities of the adjoining residents, the appearance of the street scene and the pattern of surface water drainage 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.

8 DRAIN1 Drainage details to be agreed -

## **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 the residential amenity of the neighbours, the visual amenity of the dwellings and the locality, and highway safety. As such, the proposal complies with Policies GP1, GP10, GP15a, H4a, and L1c of the City of York Council Development Control Local Plan (2005); supplementary planning guidance in the Poppleton Village Design Statement (2003); and national planning guidance contained in the National Planning Policy Framework (2012).

#### 2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

#### 3. INFORMATIVE:

The developer's attention is 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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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

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Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

#### 4. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

#### Contact details:

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