

3.2.2 Neighbour Response - Objection Letters:

80 Penyghent Avenue (neighbours on shared boundary) have written two letters with concerns regarding:

Loss of light and air

Problems of flooding / discharge of drain water

Loss of privacy / over looking

Existing / Proposed noise

Covenants attached to the original development dating back to 1944

Visual impact

(Visited property 19.07.07)

302 Fifth Avenue (rear) concerns regarding:

Problems of flooding

Destroy large amount of land

Mitchell's Solicitors - legal objection by 80 Penyghent Avenue

Covenants attached to the original development dating back to 1944 on issues of additional development

Copy of HM Land Registry Report

4.0 APPRAISAL

4.1 Relevant Local Policies And Key issue(s): Effect upon neighbouring property and the street scene

4.2 Draft Local Plan Policy CYGP1 states that development proposals will be expected to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.3 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development.

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.22) conservatories should be sited at the side or rear of the dwelling. They should have pitched roofs. Issues of privacy for neighbours and users is important, and obscure glazing should be considered for windows that face neighbours property, solid sides can be used or a permanent fence or wall constructed to the boundary.

4.5 This property is a detached dwelling located in a residential area. The dwelling has a good-sized rear garden and a detached garage to the side elevation.

The property along with four other dwellings situated to the side and rear of the application site were built at a later date than the traditional semi- detached properties that dominate this area.

4.6 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the surrounding area.

4.7 Effect upon the Street Scene - The conservatory would be in keeping with the character, design and external appearance of the existing property and the surrounding area. The building material to be used would blend in with the existing property.

4.8 Effect upon the Neighbouring Properties (particular reference to 80 Penyghent Avenue & 307 Fifth Avenue)

Visited property 19.07.07 at request of the residents - the proposal was viewed from their property whilst conducting a site visit.

80 Penyghent Avenue (neighbours on shared boundary) have written two letters with concerns regarding:

Loss of light and air - Consideration has been given to the possibility of the loss of light. Because of the ample separation between the properties and the relatively modest projection of the extension, it is considered that the proposal is satisfactory and would not impact significantly on light into the primary windows.

Problems of flooding / discharge of drain water - A letter has been submitted by the agent confirming that any surface water from the conservatory will discharge into the existing main drains, therefore it is unlikely that the proposed development will add to the existing problem of garden flooding.

Loss of privacy, over looking & visual impact - The proposed conservatory will be built adjacent to the boundary and the proposed plans show a solid brick wall. There is sufficient boundary treatment and the roof will be pitched away from the neighbours. There is a gap of approximately 6 metres between the host property and the adjacent detached property, therefore it is not considered that the proposed conservatory will have a detrimental impact on the neighbours at No 80.

Existing / Proposed noise - It is not considered that the normal domestic use of the conservatory would be likely to significantly increase noise levels to the extent that planning permission could be refused.

A legal covenant that was put on the original title deeds of the property in 1944 relating to alterations to the property impacting on the adjoining neighbours light and air at the time of the completion of the development.

This covenant is a legal issue and is not directly relevant to the consideration of the application. The granting of planning permission would not override any legal covenant that may exist in relation to the property.

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The letter relates to the covenant on original development - please see previous paragraph for comments.

302 Fifth Avenue (rear) concerns regarding:

Problems of flooding - As stated above, rainwater will discharge to the mains drains and it is not considered that the conservatory will exacerbate any existing problems of garden flooding due to excessive rainwater

4.9 Assessment Of Neighbour Objections- There is an approx 2 metre high timber boarded fence defining all boundaries with small gaps between which offer limited views through. The distance is acceptable from the surrounding properties. The extension would be out of public view and seen only from the upper floors of neighbouring dwellings hence, there would be no overlooking affect upon the adjoining properties and adequate daylight would be maintained towards the principle rooms of the nearby properties.

5.0 CONCLUSION

The development will be effectively unseen from public areas and the design and materials are considered acceptable. The rear garden is well screened and it is not considered that the development will appear overbearing or give rise to any unreasonable loss of amenity to adjoining residents as a result of unreasonable overshadowing or loss of light.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 VISQ1 Matching materials

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

Portal Application Approved Plans Floor and Elevations

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.

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, the proposed first floor extension would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the residential amenity of neighbours or the impact upon the street scene. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Sharon Lickers Development Control Assistant

Tel No: 01904 551359