

COMMITTEE REPORT

Date: 8 August 2013 **Ward:** Hull Road
Team: Householder and **Parish:** Hull Road Planning
 Small Scale Team Panel

Reference: 13/01327/FUL
Application at: 1 Foxthorn Paddock York YO10 5HJ
For: Two storey side and single storey rear extensions
(resubmission)
By: Mr N Malloy
Application Type: Full Application
Target Date: 15 July 2013
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application is a resubmission of a previously refused application (Ref: 12/03776/FUL) for the following reason:

" It is considered that the proposed two storey extension, by virtue of its size, scale and proximity to the boundary, would appear unduly oppressive and overbearing when viewed from the rear of the neighbouring property at 71 Yarburgh Way and would thus detract from the standard of amenity that the occupiers of this property could reasonably expect to enjoy. The proposal would, therefore, conflict with National Planning Policy Framework 2012 (para 17 - bullet point 4), which seeks to achieve high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and Policies GP1 (i) and H7 (d) of the City of York Draft Local Plan and with the Council's Supplementary Planning Guidance "A Guide to Extensions and Alterations to Private Dwelling Houses" March 2001".

A subsequent appeal was dismissed (appeal ref: APP/C2741/D/13/2195030/).

1.2 The key difference between the original scheme and the revised application is that the first floor section of the extension has been reduced in length on the shared boundary with the dwelling at 71 Yarburgh Way from 7.4 metres to 4.8 metres. In addition this section of the proposal has been set down from the existing ridge by approximately 1.0 metres whereas the previous application incorporated a set down of 0.5 metres. The design of the extension incorporates a hipped roof, which would connect with the original gable roof design of the dwelling.

1.3 The remainder of the application would be unchanged and would create a single storey side and rear "wraparound" extension. The side extension would project beyond the rear of the dwelling by approximately 8.3 metres, incorporating the existing detached garage within the footprint, with a total height of approx 3.6 metres reducing to approximately 2.2 metres at the eaves. The single storey rear extension would project from the rear wall of the dwelling by 3.6 metres and would be set in from the shared boundary with the dwelling at 3 Foxthorn Paddock by approx 0.2 metres.

1.4 The application has been called to Committee for consideration by Councillor Neil Barnes in order that the impact on neighbour amenity can be considered.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001
DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1Design
CYH7 Residential extensions

3.0 CONSULTATIONS

Foss Internal Drainage Board

3.1 The nature of the application would increase the surface water 'run off' from the site into watercourses that are already at full capacity. The Board would wish to ensure that the application is viewed in conjunction with policy GP15A and that the applicant takes steps to ensure the surface water discharge does not exceed the existing discharge rate. Subject to this being achieved the Board would have no objections to the application.

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3.2 No objections.

Councillor Neil Barnes

3.3 Objects to application because of the loss of quality living conditions for the occupants of 71 Yarburgh Way. The overall mass and bulk of the extension is not substantially reduced and in relation to the proximity to 71 Yarburgh Way. No shadow report submitted to indicate impact on 71 Yarburgh Way.

Third Party comments

3.4 Objections received from 71 Yarburgh Way and 6 Hesketh Bank stating that the revised proposal has not addressed the previous concerns relating to:

- over development,
- loss of privacy
- loss of light/ outlook
- size and scale of the proposed extension
- blocking the corner view resulting in a claustrophobic outlook from the rear windows of the properties
- the design of the roof is alien to the design of the estate.

4.0 APPRAISAL

4.1 KEY ISSUES:

- Impact on amenity of neighbours.
- Impact on street scene.

THE RELEVANT POLICES AND GUIDANCE

4.2 Planning Policy Frame Work (2012) sets out the Government's overarching planning policies. As one of 12 core planning principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). It states that the Government attaches 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 (paragraph 56). It 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 (paragraph 64).

4.3 Draft Local Plan Policy CYH7 - states that residential extensions will be permitted where (a) the design and materials are sympathetic to the main dwelling and the locality (b) the design and scale are appropriate to the main building (d) there is no adverse effect upon the amenities of neighbours and (e) proposals respect the spaces between dwellings.

4.4 Draft Local Plan Policy CYGP1 - sets out a series of criteria that the design of development proposals are expected to meet. These include requirements to (a) respect or enhance the local environment, (b) 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; (c) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features

that contribute to the quality of the local environment; (e) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.5 City of York Council: House Extensions and Alterations Draft Supplementary Planning Document (December 2012) states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling and should also appear subservient. The appearance of the side extension will be improved if it is set back from the main building. The scale of the new extension should not dominate the original building, it should be set back by at least 0.5m and have a lower ridge height than the main dwelling. Proposed extensions should have pitched roofs and the materials should match those of the main property.

DESIGN & VISUAL AMENITY

4.6 In terms of design the introduction of the pitched roof connecting to the existing gable would appear slightly at odds with the appearance of the original roof. However because the proposal incorporates a significant set down of approximately 1.0 metres and is set back from the principal elevation, it is not considered that the design would detract unduly from the property or wider street scene. Overall, it is considered that the appearance of the extension would incorporate an appropriate degree of subservience. Furthermore, the applicant intends to use materials match the host dwelling, as well as the character and appearance of the street scene. It is noted that the appeal Inspector considered that, on balance, the design of the previous proposal with a similar pitched roof would respect the character and appearance of the surrounding area.

4.7 The single storey extensions to the side and rear would be screened from the public domain by the height and massing of the first floor extension. The size and scale is in proportion with the host property and rear garden, therefore considered acceptable.

RESIDENTIAL AMENITY

4.8 When considering the previous appeal proposal, the Inspector stated that the main issue is the effect of the proposed two storey extension on living conditions at 71 Yarburgh Way. From this it would be reasonable to deduce that the single storey elements of the extension were considered to be satisfactory. The occupiers of no. 71 have objected to the proposal and the impact on the living conditions of this property has been carefully assessed.

4.9 The property at no 71 is located away from the shared boundary but is angled towards the application property. However, in the revised proposal, the two storey extension has been set well forward of the rear wall of the application property. Whilst this would still project slightly beyond the rear wall of no. 71, it is considered that a reasonable outlook would be maintained from the rear of this property. As a result of the reduction the massing, the main impact of the extension would be generally confined to the neighbour's side garden where the distance between the two dwellings gradually increases. The extension would be located to the east of no. 71 and whilst some additional overshadowing of the garden areas may occur, particularly during the mornings, it is not considered that this would be so severe, or would occur for such long periods, that the refusal of planning permission would be justified. On balance, whilst the two storey extension would be visible from the neighbouring gardens, the revised design has reduced the overall scale of the first floor to a degree that is considered to address the previous concerns relating to its dominant/overbearing appearance, overshadowing, and loss of outlook.

4.10 It is considered that there is adequate separation between the single storey side/rear extension and the properties to the rear in Hesketh Bank. So far as the impact on no. 3 Foxthorn Paddock is concerned, the extension would have a relatively modest projection of 3.6 metres and incorporates a mono pitch roof that reduces to 2.4 metres in height at the eaves. In dismissing the appeal relating to the previous proposal, the Inspector stated "..... I am not convinced that the proposal would be close enough to any other existing dwellings (other than no. 71) to harm living conditions. Also, in terms of the design of the proposal, I consider that, on balance, it would respect the character and appearance of the surrounding area." Furthermore, it is also the case that a similar single storey development could be erected by extending separately on the side and rear elevations under permitted development tolerances without the requirement of planning permission. In addition permitted development would also cover detached structures in the rear garden providing the height remained under 2.5 metres within 2.0 metres of a boundary.

4.11 In view of the above assessment the revised application is considered acceptable and would comply with policies H7 (Residential Extensions) and GP1 (Design) of the Draft Local Plan.

DRAINAGE:

4.12 The Internal drainage Board's concern about the proximity of the application property to watercourses currently operating at capacity, and the risk of potential flooding as a consequence of additional run off, are noted. However, from an engineering perspective it is very difficult to attenuate surface water flows from small extensions such as that proposed. This is recognised by the IDB. In the absence of an Article 4 Directive bringing all residential extensions within planning control and in the absence of any such engineering solution, the cumulative impact of small residential extensions on surface flooding is difficult to manage. Under current

legislation, significant areas of side and rear garden, can be hard-surfaced or built upon, using permitted development rights, without planning permission being required. Therefore, it is not possible, at the present time, to apply such recommendations consistently and fairly. It should be noted that provision for hard-surfacing, within domestic curtilages forward of the principal elevation, is now applied consistently, under Class F of the General Permitted Development Order (2008).

5.0 CONCLUSION

It is considered that the revised proposal would not unduly harm the living conditions of nearby neighbours with particular reference to 71 Yarburgh Way and 6 Hesketh Bank or appear incongruous in the street scene. As such approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years -

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

Drawing no. 12.41.2 Rev 'B' received 17.05.2013

Drawing no. 12.41.3 Rev 'A' received 17.05.2013

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

3 VISQ1 Matching materials -

4 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 additional windows shall be inserted into the side elevation adjacent to the property at 71 Yarburgh Way.

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.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

The Local Planning Authority had pre-application discussions with the applicant which resulted in the submission of a revised application for an extension with a reduced length at first floor.

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