

COMMITTEE REPORT

Date: 5 September 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 Nik Malloy
Application Type: Full Application
Target Date: 15 July 2013
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 Members may recall that this application was deferred at the Planning Sub Committee Meeting (Thurs 8th August 2013) because Members wished to see a detailed shadow study before making their decision. A shadow report has subsequently been submitted on behalf of the applicant by David Chapman Associates which includes 3D images showing the existing and proposed shadow pattern incorporating the proposed extension in terms of its impact on the closest neighbours. In accordance with standard practice, the times and dates used are 9am and 4pm (2pm in December) on the winter and summer solstice and the spring and autumn equinox (21/03, 21/06, 21/09 & 21/12).

1.2 This application is a resubmission of a previously refused application (Ref: 12/03776/FUL) which was also dismissed on appeal (appeal ref: APP/C2741/D/13/2195030/) (planning ref 13/00014/REF) 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".

1.3 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.

1.4 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.

FOR INFORMATION:

1.5 This application was originally called in to the August East Area Planning Sub Committee by Councillor Neil Barnes in order that the impact on neighbour amenity can be properly 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:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

INTERNAL:

3.1 Foss Internal Drainage Board: 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.

3.2 EXTERNAL:

THIRD PARTIES:

3.3 Hull Road Planning Panel - no objections.

3.3.1 Neighbour consultation letters were originally sent on 21.05.2013 objection responses received from the following neighbours :

71 Yarburgh Way:

Development has not addressed the previous concerns relating to the following:
Over development.
Loss of privacy.
Loss of light/ outlook.

6 Hesketh Bank:

Development has not addressed the previous concerns relating to the following:
Size and scale of the proposed extension.
Over development.
Block the corner view resulting in a claustrophobic out look from the rear windows of the properties.
Design of the gable.

3.3.2 Cllr Neil Barnes:

Application to be heard at Committee for the following reasons:

Adverse impact on the living conditions 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.

3.3.3 On submission of the shadow report the residents at 71 Yarrowburgh Way and 6 Hesketh Bank were sent emails on 19th and 20th August 2013 inviting them to make representations. Further objections have been received from Mr Duncan Macleman of Ormonde Architects on behalf of Dr and Mrs Saad of 71 Yarrowburgh Way on the following matters:

Accept that the revised Shadow Report is now accurate.
Detrimental effect on this property, especially in the early part of the day.
Property would be faced with an imposing blank gable.
Practical aspects of building a large extension on the boundary.
Issues with the erection of scaffolding impacting on the garden area.

3.3.4 There have been no further comments received at the time of writing this report (22nd August 2013). Any additional representations will be reported at the Committee meeting.

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 Framework (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 hipped 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 that match the host dwelling, thus it is not considered that the proposal would adversely affect the character or appearance of the street scene.

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 is considered acceptable.

RESIDENTIAL AMENITY/ IMPACT ON 71 YARDBURGH WAY :

DOMINANCE AND MASSING:

4.8 Attention is drawn to the previous appeal decision, in which 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 separation between the two dwellings gradually increases.

OVERSHADOWING/ LOSS OF LIGHT:

4.10 The two storey extension would be located to the east of no. 71 and as such any additional overshadowing would be generally confined to early mornings when the sun is in the southeast. This is demonstrated by the shadow report, which indicates that at 9am the parts of this property which would be most affected would be the sections of the garden to the side and immediately to the rear. However, as the sun tracks to the south and west, the shadow study demonstrates that there would be little or no additional impact as at this time of the day the existing dwelling at no. 71 casts a shadow over its own garden. As the additional overshadowing would be confined to a relatively short period during the early mornings, it is not considered that the impact would so severe, or would occur for such long periods of the day, that the refusal of planning permission would be justified.

4.11 On balance, whilst the two storey extension would be visible from the neighbouring garden, 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.

6 HESKETH BANK/ 3 FOXTHORN Paddock:

4.12 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.

4.13 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.

OTHER MATTERS:

4.14 The concerns relating to the impact on 71 Yarburgh Way with particular reference to the practical aspects of building a large extension on the boundary and issues with the erection of scaffolding impacting on the garden area would be civil matters and cannot affect the determination of this application. An informative has been added drawing attention to the applicants obligations under the Party Wall etc Act.

DRAINAGE:

4.15 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

5.1 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.

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.

A shadow study was also requested in order to demonstrate the impact of overshadowing on the closest properties.

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<<http://www.communities.gov.uk/publications/planningandbuilding/partywall>>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

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