

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Dringhouses and Woodthorpe
Date: 20 September 2007 **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 07/01628/FUL
Application at: 11 Slingsby Grove York YO24 1LS
For: Erection of two storey detached dwelling to side
By: Mr Kevin Marsden
Application Type: Full Application
Target Date: 19 September 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect a detached dwelling.

1.2 The application relates to the side garden of No.11, Slingsby Grove; a semi detached brick built property. The current garden contains a large flat roofed garage, which can be accessed using the existing driveway. Mature privet hedging encloses the garden to the front and side. A large brick wall approx. 2.0 metres in height forms the southern boundary and forms the shared boundary with a neighbouring bungalow Nos. 94, Tadcaster Road.

1.3 This application is brought before the West and City Centre Sub Committee at the request of Cllr Ann Reid following objections raised by the occupiers of neighbouring properties.

1.4 A committee site visit is to take place because objections have been received and the application is recommended for approval.

RELEVANT PLANNING HISTORY

1.5 06/01687/FUL - Erection of detached dwelling (amendments to permitted scheme 06/00623/FUL to include velux roof windows) - Approved (No. 9, Slingsby Grove)

1.6 06/00623/FUL - Erection of detached dwelling - Approved 20/07/2006. (No. 9, Slingsby Grove)

1.7 No.7/13/6748/PA - Use of land for the erection of one dwelling on existing garden (submitted in accordance with Article 5 (2) of the Town and Country Planning General Development Order 1977, as an "outline application" at 11, Slingsby Grove - Refused 10th April 1989 due to overdevelopment of the site and lack of amenity space.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP10

Subdivision of gardens and infill devt

CYGP1

Design

CYH4A

Housing Windfalls

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

Internal

3.1 Environmental Protection Unit - No Objections.

3.2 Highway Network Management - No Objections.

3.3 Lifelong Leisure and Learning - No Objections.

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 such as the Knavesmire, Hob Moor, Mayfield or Chapmans Ponds

b) play space - which would be used to improve a local site such as Nelsons Lane or Leaside

c) sports pitches - would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

External

3.4 Dringhouses/Woodthorpe Planning Panel - Objections

- * Concerns over the size.
- * Overbearing on the bungalow to the rear.
- * No cycle or bin storage.
- * No outdoor amenity provision.
- * Impacts upon neighbouring amenity.

3.5 Three letters of objection have been received from the residents of a neighbouring property. The letters raise the following concerns:

- * Increased congestion
- * Sewage and Servicing problems
- * Devaluation of Property and Subsequent Compensation
- * Overlooking/Privacy
- * Loss of Light
- * Affordable Housing Provision
- * Pollution

4.0 APPRAISAL

PLANNING POLICY

4.1 Policy GP1 'Design' of the City of York Local Plan Deposit Draft 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.

4.2 H4a - Housing Windfalls: which suggests that a proposals for residential development on land within the urban area would be acceptable, where "the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings." However, any development must be of an appropriate design and must be sustainable e.g. good links to jobs, shops and services.

4.3 GP10 -Subdivision of Gardens and Infill Development: encourages the protection of wildlife and setting, suggesting that existing landscape features are incorporated into the scheme or compensated for elsewhere should their removal be required.

4.4 L1C - Provision of New Open Spaces in Development: the council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential and leisure developments.

ASSESSMENT

4.5 The applicant has clearly stated that all materials used will match the existing where appropriate, ensuring continuity, whilst also setting a desirable precedent for all future development. In terms of design the external features of the dwelling replicates the frontages of neighbouring properties and incorporates many of the features which characterise this diverse street scene. The side and rear garden areas are also compatible to those associated with neighbouring properties, in particular the properties located to the side and rear.

4.6 Concerns have been raised regarding the first floor rear windows impact upon neighbouring amenity; in particular the potential loss of privacy. Although the first floor windows will be located in close proximity to the rear boundary wall and the bungalow beyond, the impact in terms of amenity loss is considered to be minimal. The rear boundary wall measures approx. 2.0 metres in height with the No.94, Tadcaster Road, located approx 4.5 metres beyond; the close proximity of the bungalow to this high wall, in conjunction with existing planting and the angles of vision afforded from the proposed first floor windows (which will all be obscurely glazed) mitigates direct overlooking into the rear/side garden and the north facing windows of the aforementioned dwelling.

4.7 All rooflights within the rear roof elevation are to be high level (following requested amendments) further mitigating the potential for overlooking. Permitted Development Rights have been removed by condition and therefore no further rooflights can be included without the requirement for a further planning application.

4.8 The proposed dwelling by virtue of its location and orientation (north of the adjoining bungalow) will represent little threat to amenity in terms of overshadowing. Furthermore the original drawings have been amended to reduce the proposed ridgeline by 0.6 metres (amended height 8.3 metres). Although some loss of light may occur during the late evening to the side of No.11, Slingsby Grove, the overall impact is considered negligible in this instance.

4.9 The loss of existing garaging has been replaced by the inclusion of parking provision for at least two vehicles to the side of the proposed and existing properties (following amendments to the original scheme). The parking provision will enable the future occupiers of the properties to park off the main highway at all times and will not compound any perceived congestion. Cycle storage is conditioned to be provided to the rear of the existing and proposed property, potentially reducing the need for vehicle usage and promoting sustainable living.

4.10 The applicant is only proposing to build one property, therefore the "affordable housing" policy is not relevant in this instance.

4.11 The "devaluation of property" is not a material planning consideration and can not be considered as part of this application.

5.0 CONCLUSION

The proposed detached dwelling by virtue of its overall design and locality, represents little threat to the visual and residential amenity of neighbouring property or the surrounding street scene in general, meeting policies GP1 and GP10 of the City of York Development Control Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

641.001 Rev B - Plans and Elevations

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect the health of the occupants.

4 All construction and demolition or refurbishment works and ancillary operations, including deliveries to the site and despatch from the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development.

5 VISQ8 Samples of exterior materials to be app

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no doors, windows or other opening additional (including dormer windows and rooflights) to those shown on the approved plans shall at any time be inserted into the external elevations of the detached dwelling hereby approved.

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

7 HWAY19 Car and cycle parking laid out

8 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

9 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 to H 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.

10 The boundary walls and trellis enclosing the rear (southern) boundary of the site shall not be lowered or breached without the prior written consent of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

11 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 alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: To comply with Policy L1C of the City of York Draft Local Plan

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 financial contribution towards the off site provision of open space. The obligation should provide for a financial contribution calculated at £3006.

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.

12 Prior to the commencement of any works, details shall be submitted showing the arrangements for cycle storage at 11, Slingsby Grove. All works are to be approved in writing by the Local Planning Authority and implemented prior to the dwelling hereby approved coming into use.

Reason: To promote the use of cycles

13 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.3 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved

development does not have an adverse impact on the character of the surrounding area.

14 All rear first floor windows shall be obscurely glazed and retained as such, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity.

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 visual and residential amenity. As such the proposal complies with Policy GP1, GP10, H4A and L1c of the City of York Local Development Control Draft Local Plan.

2. Demolition and Construction - Informative

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:

1. 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".

2. 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.

3. 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.

4. 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.

5. There shall be no bonfires on the site.

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