

## COMMITTEE REPORT

**Date:** 8 May 2014                      **Ward:** Holgate  
**Team:** Major and                      **Parish:** Micklegate Planning Panel  
                Commercial Team

**Reference:** 14/00416/FUL  
**Application at:** (land at the rear of) 42 Oxford Street York YO24 4AW  
**For:** First floor extension to detached garage  
**By:** Mr Mike Nicholas  
**Application Type:** Full Application  
**Target Date:** 22 April 2014  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site, 42 Oxford Street, is located at the end of a terrace and fronts onto Holgate Road. The main building is 2.5 storey and occupied as offices. There is a single storey double garage towards the back of the plot. It is proposed to add a first floor to the garage, with pitched roof; to provide storage space.

1.2 There is a house next door at 50 Holgate Road which has a part single, part two storey rear extension. The house has an external balcony at first floor level, but the main amenity space is the rear garden which is to the north-east of the garage it is proposed to extend. Residential uses surround the application site in other directions; at 52 Holgate Road and the 3-storey flats to the north at Catesby House, Cambridge Street.

1.3 The site is within the Central Historic Core Conservation Area, which includes the properties on northern side of Holgate Road.

1.4 The application has been called-in for determination by Sub-Committee at the request of Councillor Gunnell on the grounds of over-development.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:  
Areas of Archaeological Interest: City Centre Area  
Conservation Area: Central Historic Core

2.2 Policies:  
CYHE3 Conservation Areas  
CYGP1 Design

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## **3.0 CONSULTATIONS**

### **Micklegate Planning Panel**

3.1 Do not object but noted that the application site was inaccurate and asked that the impact on the neighbours be assessed.

#### **Publicity**

3.2 The application was publicised by letters to the immediate neighbours and a site notice. Objections have been received from neighbours at 50 and 52 Holgate Road. Grounds for objection are as follows -

##### Visual Impact

- The proposed windows would be featureless and uncharacteristic of the conservation area.
- It was asked if a roof-light was shown on the plans?

##### Harmful impact on residential amenity

- The main concern is the affect on the garden at no.50. The proposed structure would be over-bearing and over-dominant and would lead to an unacceptable loss of sunlight/natural light, both in the garden and in the rear room of the house. The objections make reference to other schemes which have had a similar impact and been refused at appeal.

3.3 The scheme has been revised since the initial submission. The neighbours at no.50 have confirmed that they still object to the proposals, on the grounds that the extension would be taller than the existing wall and would lead to a loss of sunlight in the rear garden.

## **4.0 APPRAISAL**

### **4.1 Key Issues**

- Impact on the character and appearance of the conservation area
- Residential amenity

#### **Impact on the character and appearance of the conservation area**

4.2 The National Planning Policy Framework advises it is desirable that development sustains or enhances heritage assets. Where development will lead to harm, it will only be acceptable if the harm is out-weighed by any public benefits the proposals would bring. Local Policy HE3: Conservation Areas requires development proposals preserve or enhance such designated areas.

4.3 The site is within the Central Historic Core Conservation Area, the boundary line extends to include the properties on this side of Holgate Road, to preserve the setting of the street. The development to the north dates from the C20 and is outside the conservation area.

4.4 The existing double garage on site is single storey with a flat roof. There are outbuildings of varying scale and design at the rear of the terrace in which the application site is located. The proposed structure would be taller than the existing, with an asymmetrical pitched roof, with slate tiles. The structure proposed, considering its shape, scale and materials would not be out of character with the area and would not detract from the appearance of the conservation area. In this respect the proposals are compliant with national policy and Local Plan policies HE3: Conservation Areas and GP1: Design.

### **Residential amenity**

4.5 The National Planning Policy Framework requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

#### Overlooking

4.6 Three windows are proposed on the building, facing west. The windows would look beyond the rear of 52 Holgate and toward the rear garden of No 54, some 13m away. The rear garden is already overlooked from the upper floor windows of neighbour's windows. Bearing in mind the proposed storage use, the proposed development would not unduly add to overlooking.

#### Overshadowing

4.7 The adjoining property at 50 Holgate Road has a yard to the rear adjacent to the proposal, accessed through patio doors into a living area. The proposal is to the south-west of the yard. As such there is potential for the raised height of the building to impact upon afternoon sunlight.

4.8 Due to the eaves of the proposed building being set away from the boundary wall and the scale and shape of the proposed extension, there would not be a material impact on the amount of direct sunlight no.50 would receive compared to the existing situation. The applicant has submitted a sunlight assessment. This demonstrates that the impact on the yard as a result of the proposal would not be unduly harmful. Since the submission of these drawings the proposal has been further lowered in height. Updated shadowing drawings have been requested.

## Over-dominance

4.9 The rear garden of no.50 is enclosed by a 2.8m high wall. The proposed structure would exceed the height of the wall by no more than 500mm, for a length of 3.5m. It would be built on the opposite side of the wall, thus offset from the boundary. The roof would slope away. The rear garden is already enclosed by the boundary walls and the rear elevation of no.50 which is part single, part two storey. The additional development would not appear over-dominant in this context.

## Other cases

4.10 The refused applications referred to by the neighbours differ in circumstances to the extension proposed, primarily because of the extent the neighbour's garden in this case is already enclosed. One was a 2-storey extension on a semi-detached house along Millfield Lane (11/01311/FUL). The second was a 5.3m long 3.5m high (flat roof) extension immediately against the boundary, which was previously only demarked with a low 1.5m high fence, at 144 Fulford Road (13/00786/FUL).

## **5.0 CONCLUSION**

5.1 The proposed structure would not harm the character and appearance of the conservation area, being of appropriate scale, shape and materials for its setting. The revised plans show the extension would be no more than 500mm higher than the boundary wall. Considering the extent which the neighbour's garden is already enclosed the additional structure would not be unduly overbearing and it would not have an undue impact on outlook. There would not be a material change in levels of light or direct sunlight in the back garden. Overall there would be no undue impact on residential amenity.

5.2 Approval is recommended as the scheme would not conflict with national planning policy and Local Plan policies GP1: Design and HE3: Conservation Areas.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans: - 618-P31 rev D.

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

3 The development hereby approved shall be constructed using bricks that reasonably match the existing structure in all respects and slate roof tiles, to reasonably match those on 42 Oxford Street.

Reason: In the interests of visual amenity and to preserve the character and appearance of the conservation area.

4 The development hereby approved shall be used for storage only and shall not be altered or extended in any way without a further grant of planning permission.

Reason: For the avoidance of doubt and to ensure the impact of any changes to the development can be assessed considering its impact on the conservation area and amenity.

## **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: requested revised plans to mitigate the impact on residential amenity.

#### **Contact details:**

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