

COMMITTEE REPORT

Committee: East Area
Date: 25 October 2007

Ward: Fulford
Parish: Fulford Parish Council

Reference: 06/02767/FUL
Application at: 4 Pasture Farm Close York YO10 4PZ
For: Erection of 1 no. new dwelling after demolition of existing bungalow (resubmission)
By: Eden Vale Homes
Application Type: Full Application
Target Date: 4 April 2007

1.0 PROPOSAL

1.1 This application is the detailed scheme for a replacement dwelling on this site. Application 07/00593/CAC on this agenda is relevant as that pertains to the Conservation Area Consent for the demolition of the bungalow proposed to be replaced by this house.

1.2 The proposed house has four bedrooms. The house itself has a footprint of 13.2 metres across x 9.8 metres deep at its deepest point, reducing to 7.1 metres at its shallowest point. The height is 8.3 metres to the ridge stepping down to 7 metres with a dormer on the southern flank of the house. There is an attached single storey garage off the southern elevation with a footprint of 4 metres wide and 6.9 metres deep.

1.3 The site is in the Fulford Conservation Area.

1.4 A previous application (06/00771/FUL) was withdrawn following concerns expressed by officers at the size and design of the proposed house and its relationship with no.3 Pasture Farm Close. This scheme has redesigned the house and repositioned it within the plot to stand further towards the northern boundary of the site following the removal of a restrictive legal covenant which was reducing the area of land within the plot which could be built on.

1.5 Cllr Aspden has requested that the item be heard by the Planning Committee. The reason for this is the impact of the development on neighbours and on the grounds of visual amenity in the Conservation Area.

1.6 A committee site visit is to take place because objections have been received and the application is recommended for approval. It will also help to assist in determining the application so as to allow members to consider the relationship of the proposal with neighbouring properties and the visual impact of the development on the street scene and the Fulford Conservation Area, in particular from Pasture Farm Close and St. Oswalds Court.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford 0041

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYGP1
Design

CYH4A
Housing Windfalls

CYNE1
Trees, woodlands, hedgerows

3.0 CONSULTATIONS

3.1 INTERNAL

3.2 Highway Network Management.

No objections. The dwelling will be served by an existing vehicle access and car parking and cycle storage are provided within the site.

3.3 Design, Conservation and Sustainable Development.

The property is situated in the Fulford Conservation Area. The proposals include the demolition of a single storey bungalow situated at the north western corner of the cul de sac, Pasture Farm Close. To the east of the bungalow lies a two storey residential

property divided into flats. To the south lies a detached bungalow. The existing properties on Pasture Lane Close adjacent to the development site appear to date from the 1970's. To the north of the development site lies a public footpath and beyond, a substantial detached house within mature gardens.

The proposed two storey house is of a significantly larger scale than the existing bungalow. The proposed house is set back within the plot towards the northern boundary. This should minimise the impact of the proposed house on the amenity of the neighbouring property at no. 3 Pasture Farm Close. The house is within close proximity of the footpath to the north. There is no fenestration proposed to the northern elevation, other than a bathroom window. Had initial concerns over the balance and size of the house and the position of the garage to the front of the front elevation affecting the outlook from the front windows.

Various amendments have subsequently been made and final plans submitted towards the end of July and the amendments appear to be an improvement on the lean to option for the garage and complement the design of the house. Due to the position of the proposed house in the corner of the Close, the design is unlikely to be detrimental to the character and appearance of the conservation area or views through to the open land behind. The design takes account of the constraints of the site and is generally acceptable.

3.4 Sustainability Officer.

The details of the application offer no information relating to sustainable design and construction of the proposal and do not include a sustainability statement in accordance with policy GP4a of the Local Plan.

The demolition of a serviceable dwelling and replacing it with a larger one on the same site is not sustainable in terms of its use of resources (building materials etc). However the new development will be subject to the 2006 Building Regulations so, if approved, the new property will be substantially more energy efficient than the existing. So in the long term the carbon footprint of the new dwelling may be less than the existing (no figures are offered by the applicant).

In light of the draft nature of the current SPG Sustainable Design & Construction requesting further details, in the form of a sustainability statement and the meeting of the 5% renewable energy requirements may be seen to be unreasonable. However the current Building regulations does not include water conservation or space for recycling and these could be incorporated into the proposal with little or no additional cost to the applicant. Therefore suggest that a condition or an informative could be usefully employed if the application were approved.

Details of the water efficiency measure to be taken at the proposal to be submitted for approval to the Local Planning Authority. Measures should include:

- Dual flush WCs (4/6) litre
- Showers with nominal flow rates less than 9 litres/minute
- Flow restricted spray taps
- Water meter installed
- Water butt installed

To assist occupiers to recycle details of measures to be taken on the development to be submitted for approval by the Local Planning prior to the commencement of work. These measures should include:

- Adequate provision for the storage of 2 180 litre wheeled bins, recycling box and two bags.
- Provision of a compost bin with instructions.

3.4 Landscape Architect

The proposed development brings the property close to the existing hedge which bounds the public right of way between Fulford Ings and St. Oswalds Court. This hedge must be retained in the interests of public amenity along the path. It consists predominantly of holly and elder which are both robust species. I am not sure in whose ownership the hedge is, as it appears to be located on the outside of fencing along the northern boundary of the site. Nonetheless, a condition should be included to ensure the protection and retention of the hedge.

3.5 EXTERNAL

3.6 Fulford Parish Council

Initially objected to the proposals on the grounds of impact on the Conservation Area, neighbours, views over the adjacent Fulford Ings and domination of the adjacent Public Right of Way. Also considered that because of its particular orientation in relation to the adjoining driveways, access seems unsuitable for increased vehicular use.

The existing bungalow does not appear to be in poor condition and we feel that the demolition of a perfectly serviceable and appropriate building in this conservation area is unjustified.

Detailed comments of the final revised plans as follows:

- unattractive gable end of the building is still proposed in close proximity (less than 2 metres) from the adjacent public footpath leading to the Ings. Height and mass will negatively impact upon this footpath and will appear dominant and overpowering in such a sensitive and semi-rural location. The construction of the foundations may impact severely on the health of nearby trees and the hedge that defines this footpath.
- will adversely affect views of the pleasant views of the rural landscape (Fulford Ings) beyond the site. Views into the Conservation area from the Ings will also be adversely affected. This setting is mentioned in the Conservation Area description for Fulford. These buildings appear particularly prominent when viewed from the low-lying Ings.

3.7 Neighbours / 3rd Party Objections.

A total of 10 letters of objection have been received, including 4 from the occupiers of no. 3 Pasture Farm Close. These make the following observations.

From no. 3 Pasture Farm Close.

- i) The proposed replacement house would neither benefit the character nor the appearance of Pasture Farm Close. It would appear over-dominant and out of

character compared to the existing bungalow and the view over the fields from the hammerhead of the car park would be obliterated whereas at present it has uninterrupted views.

- ii) No improvement on the previous application. Losing one bedroom makes no difference.
- iii) Proposed house is too close to the boundary, blocking out light into lounge and bathroom. Existing privacy will cease, rear garden will be overlooked by the proposed new house.
- iv) Pasture Farm Close is not just another cul-de-sac, but a very special one, backing onto fields. Ambience of the Close will be disrupted by the consequences of allowing a large family home which will generate extra traffic and have parking implications. Will not comply with Conservation policy.
- v) Existing bungalow sits comfortably in its corner and will be replaced with an over-dominant building which will not enhance the Conservation area. Existing bungalow is well constructed and suitable for the site so should not be demolished.
- vi) No other build would be acceptable in an area where conservation and preservation are highly regarded.
- vii) Stands as a small community which would be adversely affected by the removal of this unit.
- viii) Site and building contributes to the social and architectural history of Fulford.
- ix) With normal refurbishment it would create a lovely home for years to come.
- x) No exceptional reasons for demolition have been put forward. If this bungalow requires remedial work and new bathroom and kitchen then the whole of Pasture Farm Close needs demolishing. Most houses of this age require some upgrading, at moderate expense. New bathrooms and kitchen units nor major roof repairs do not constitute a reason to demolish. Waste of energy and resources at a time when we are all being told to save energy. City of York Council should be looking to cut carbon emissions.
- xi) Sets a precedent for other serviceable bungalows to be demolished.
- xii) Contrary to Policies HE3 and HE5 of the draft local plan.
- xiii) Only development that may be suitable is a single storey bungalow to match existing.
- xiv) The size of the garden is totally irrelevant to the question of demolition.
- xv) Applicant has failed to address the following considerations:
- xvi) The cost of repairing and maintaining the building in relation to its importance and the value derived from its continued use; the adequacy of efforts made to retain the building in use and the merits of alternative proposals for the site.
- xvii) Waste of energy to demolish and rebuild.

From 22 St. Oswalds Court.

- i) New house will dominate view from lounge.
- ii) Presently have a nice view through to Fulford Ings and when bought this property one of the major considerations was the surrounding area offered little scope for change.
- iii) Proposed house is considerably higher than the existing bungalow and if now further over and therefore will dominate the view from main lounge window.
- iv) Concerned that the proposal is to demolish a perfectly serviceable bungalow that fits in with surroundings. Is a profit making exercise which has little regard for local residents or their quality of life.

From 5 Pasture Farm Close.

- i) New house will overlook rear of this property. Not currently overlooked.
- ii) Vehicular access is already limited. The increase in traffic from a four bedroom house would present more difficulties for residents.
- iii) Pasture Farm Close is a small cul-de-sac which cannot accommodate any increased building.

From 6 Pasture Farm Close.

- i) No clear indication as to whether it is intended to remove the dividing wall between no.6 and no.4. Would prefer it to remain as it affords privacy.

From Cllr Aspden.

- i) Planned house is too big within the site and will block light to neighbours and reduce the quality of life and cannot be classed as a modest building. Plans for a new bungalow would at least be more acceptable.
- ii) The new build will not enhance the Conservation area or Pasture Farm Close.
- iii) Waster of resources to demolish a perfectly good bungalow, only to replace it.
- iv) Sets a precedent for other areas within the Fulford Conservation Area to demolish and rebuild bigger properties.

4.0 APPRAISAL

4.1 KEY ISSUES

- Design and impact on the Conservation Area.
- Impact on neighbour amenity

Design and impact on the Conservation Area.

4.2 The site lies within the Fulford Conservation area. National Guidance is contained in PPG15 (Planning and the Historic Environment) and local plan policy reflects this advice. New development in Conservation areas should be considered against the provisions of Policy HE2 of the Draft Local Plan which states that new development must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area. Policy HE3 says that development of the type proposed here will only be permitted where there is no adverse effect on the character and appearance of the area.

4.3 The site in question stands on the western boundary of the Fulford Conservation Area and in the north west corner of Pasture Farm Close. This cul-de-sac is a mixture of bungalows and two storey buildings of both houses and flats. They appear

to date to approx. the 1970's and as buildings are pleasant but not architecturally inspiring. Its contribution to the Conservation Area is more in the wider context of its setting on the edge of the urban area and as part of the village setting against the Fulford Ings to the west. Therefore, this setting and the impact the development has upon this is an important issue here.

4.4 In terms of the existing type of development on Pasture Farm Close, there is no defined set pattern or type of building. Although the existing building on the site in question is a bungalow and no's 1 and 3 are also bungalows, no. 2 is a house and no's 5-8 are two storey flats. The recent development of flats on St. Oswalds Court are also two storey, as is 122 Fulford Road to the north of the application site. Therefore officers raise no objection to the principle of a two storey development on this site providing its design and setting are deemed to be appropriate.

Design

4.5 The plot in question is substantial in size and easily accommodates the size of dwelling proposed. It is not considered to constitute an overdevelopment of the plot. The design is quite traditional in its approach and following several revisions is now considered to be well balanced with the house stepping down from north to south. It is not considered to look out of place when considered against other two storey development around it, notably the flats to the east and the two storey house at no.2. Officers consider the size and design of the house preserves the character and appearance of the built form of this part of the Fulford Conservation Area.

Setting

4.6 The other principle issue with regard to the harming of the Conservation Area is the impact it has on views through to the Fulford Ings to the west and the relationship this has with the urban fringe of Fulford. From Pasture Farm Close, the site itself is in the far north western corner of the Close and therefore the main two storey element of the new house is more visually related to views from St. Oswalds Court. On the southern border of the plot, the house shows a single storey garage and the views and glimpses over and to the side of this are similar to that associated with the existing bungalow. The distance from the side boundary with no.3 to the nearest two storey element of the new house is approx. 6.7 metres. The footprint of the existing bungalow does not currently allow views through to the Ings from Pasture Farm Close, instead restricting views to glimpses of the trees and open sky. At this point of the site (southern boundary), the view and setting of the site from Pasture Farm Close will not be significantly harmed and will not differ significantly from existing.

4.7 It is acknowledged that introducing a two storey house may reduce the views of some of the trees in the Ings to some extent, particularly from St. Oswalds Court but the issue is whether the harm this causes is sufficient to justify refusing the application on the grounds of harming the Conservation Area. The house will be seen beyond the access road serving St. Oswalds Court and will appear as a new structure behind the existing rear wall. There is a public footpath off St. Oswalds Court leading down towards the Ings and the new house will project to between 1.8 and 2 metres of this footpath. The existing distance between the footpath and building is just under 10 metres with a single storey roof. Officers therefore consider this to be the main issue here as clearly this relationship will change. The current view does imply the link between the built form and the open land to the rear and

views of the trees on the lngs are visible, albeit in many cases only the tops of them. However the application site is slightly lower than the St.Oswalds Court road as the land falls away from east to west and this will reduce the visual impact to some extent. The gap between the new house and the side of no.122 Fulford Road (on the other side of the footpath) will be approx. 15 metres and the hedge that defines the side of the public footpath will remain. Whilst it is acknowledged that some of the views to the trees and open land will be reduced, the question is whether the extent of this reduction and the change in the character of this area preserves the character of the Conservation Area at this point. Officers consider that it does.

Neighbour Amenity.

4.8 Concern has been expressed by neighbours to the development re the impact on their privacy and general amenity. Officers do not consider there to be any impact on St. Oswalds Court residents as distances and orientation are such that there is no overlooking of any private areas or rooms.

4.9 The greatest impact will be on neighbours in Pasture Farm Close. The owners of no. 3 have raised many concerns with the development and the impact it will have on their outlook, privacy, levels of light and the imposing nature of the development. On this, the new house will not project beyond either the front or rear line of their property except for a 2.5 metre two storey rear projection. This projection will stand approx. 17 metres away from no.3 on a side to side orientation. This represents ample distance and will not be harmful to them. As for the remainder of the house, the design has been amended to maintain a similar initial relationship between the two properties as is in evidence now. The single storey garage is now shown presented to the boundary with no.3 and the height of this is 4.8 metres which is similar to that of the existing bungalow. The distance from the shared side boundary to the nearest two storey elevation is 6 metres, rising to 8.7 metres to the side windows. There are 4 windows on the side (northern) elevation of no.3 facing the application site, two of which are secondary lounge windows (main lounge window is on the rear elevation), a bathroom window and a secondary bedroom window to a front facing bedroom. None of these windows are considered to be principal windows.

4.10 Furthermore, No. 3 is due south of the application site and the levels of natural sunlight into these rooms is currently almost non-existent except at the very end of a summers day. The position of the new house will not affect this and will have no impact on the levels of sunlight the house and garden at no.3 would expect to receive now. In this regard therefore, officers do not consider the new dwelling to have any impact on the levels of sunlight inside or outside no.3. Given the distances and amended design, neither do officers consider it to be an overly dominating and imposing structure which will materially harm their outlook or the standard of living they can reasonably expect to enjoy in a residential area. There is already a two storey house on the other side of no. 3 which is due south of them.

4.11 No's 5-8 Pasture Farm Close stand to the east of the application site and are two storey flats. They have a modest sized rear garden / yard. The distance to the shared boundary is 9 metres and between the buildings approx. 17 metres on a front to rear orientation. There is a single storey garage adjacent to the boundary with no.5 and 6 which screens any views of the rear yard from ground floor windows. It is

likely that there will be some views from first floor bedrooms over the top of this garage towards the far side of no.5's garden but this will not be unreasonable in a residential area and no worse than the overlooking from adjacent first floor windows at flats 7 and 8. Given the distance between the properties and the position of the garage on the shared boundary, officers do not consider the reasonable amenity of these neighbours to be affected by the development. No other properties on Pasture Farm Close are considered to be affected by the development.

4.12 There is sufficient space on site for all bins and recycling boxes/bags to be accommodated. The requirement for the developer to achieve an BREEAM Ecohomes "Very Good" rating for the development is not relevant here because the BREEAM Ecohomes ratings and assessment only applies on applications of 4 houses or more . However, a condition is recommended requiring the submission of a sustainability statement prior to commencement, and an informative has been added incorporating the measures recommended by the Sustainability Officer.

4.13 Some concern has been expressed about access and parking. The development utilises the existing entrance and is appropriate for a single dwelling. There is ample parking in the site for several cars. Any extra traffic over existing levels will be negligible.

4.14 The site is in Flood zone 3. However the level of the site rises up from the adjacent Ings and is much higher than the level of the river or nearby Germany Beck. An occupied single storey property already stands on the sites and therefore replacing it with a two storey house offers a greater level of protection for the occupiers in case of a flood as they can move to a higher level. No objections are, therefore, raised on the grounds of flood risk.

5.0 CONCLUSION

5.1 The design of the house is now considered to be much better balanced and of a traditional design which preserves the built character of the Conservation area. Views of the trees and open sky of the Ings land behind will be reduced but officers do not consider this to be of sufficient harm to affect the setting of the Conservation area.

5.2 The size, design, appearance or orientation of the house is not considered to harm the living conditions and amenity of neighbours.

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:-

Drawing no:

- Planning/SL/27/07/07 - Site layout
- Planning P/E/S/ 27/07/07 - Plans, elevation and section.

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.

- 3 VISQ8 Samples of exterior materials to be app
- 4 HWAY10 Vehicular areas surfaced, details reqd
- 5 HWAY19 Car and cycle parking laid out
- 6 All windows and doors shall be of timber construction.

Reason. In the interests of good design in the Conservation Area.

7 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

8 The existing hedge along the northern boundary of the site shall be protected throughout the development operations and retained in perpetuity thereafter at a height of no less than 1.8 metre, unless otherwise agreed in writing by the Local Planning Authority. Any losses to this hedge or trees shall be replaced and made good in conjunction with details and within a timescale to be agreed in writing by the Local Planning Authority.

Reason: To maintain existing levels of screening and amenity from the public right of way.

9 Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

10 Prior to the commencement of the development, the developer shall submit a sustainable design and construction statement for the written approval of the Local Planning Authority. The statement shall include details of measures to be incorporated into the proposal to ensure a sustainable form of development on the site.

Reason: In the interests of promoting sustainable development and the protection of

the environment.

INFORMATIVE: Details could include:

Details of the water efficiency measures to be incorporated into the proposal to be submitted for approval to the Local Planning Authority. Measures should include:

- Dual flush WCs (4/6) litre
- Showers with nominal flow rates less than 9 litres/minute
- Flow restricted spray taps
- Water meter installed
- Water butt installed

To assist occupiers to recycle details of measures to be taken on the development to be submitted for approval by the Local Planning prior to the commencement of work.

These measures should include:

- Adequate provision for the storage of 2 180 litre wheeled bins, recycling box and two bags.
- Provision of a compost bin with instructions.

11 NOISE7 Restricted hours of construction

12 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.4 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.

13 Prior to the commencement of any works on site, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which demolition, construction and deliveries to and from the site will be permitted.

Reason: To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway and adjacent occupants.

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 the impact of the new house on the character of the Conservation Area and the impact on the amenity of neighbours. As such the proposal complies with Policies HE2, HE3, GP1 and H4a of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

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