

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 15 November 2007 **Parish:** Acomb Planning Panel

Reference: 07/02291/OUT
Application at: 106 Albion Avenue York YO26 5QY
For: Outline planning application for erection of 1no. dormer bungalow and garage (resubmission)
By: Mr K Storey And Ms J Burton
Application Type: Outline Application
Target Date: 21 November 2007

1.0 PROPOSAL

1.1.1 Outline planning permission is sought for the erection of a detached dormer bungalow to the rear (north east) of 107 Albion Avenue. As this application pertains to outline planning permission, scale, appearance and landscaping are reserved for future approval. This application however seeks approval for layout and access.

1.1.2 Access to the proposed development is shown via the existing driveway which presently serves no. 107. It is proposed to demolish the applicant's existing single detached garage and dwarf boundary wall (adjacent the footpath) to facilitate vehicular movements to the rear of the site.

1.1.3 The applicants seek approval for a detached dormer bungalow, which is approximately 10.00 m in length x 8.50 m in width x 2.70 m to eaves level and 6.50 m to ridge level. It is also proposed to form 2 no. dormer windows to the front elevation of the property and 1 to the rear. Each proposed dormer will serve a bedroom. The proposed indicative plan which supports this application states that the dwelling will consist of a living room, kitchen/family room, study and living room on the ground floor and 3 bedrooms at first floor level, including a main bathroom and 1 en-suite bathroom.

1.1.4 The proposal also includes the erection of a single attached garage, a drive and turning arrangements for the proposed dwelling. The applicants state in their design and access statement that the size, scale and height of the property is similar to that found in surrounding areas (which can be seen on the submitted location plan).

1.2 SITE

1.2.1 The plot area is 0.047 hectares in size. The proposed plot is irregular in shape and measures approximately 35.00 m in length x 20.00 m in width. However the proposed plot tapers in width as it extends towards Boroughbridge Road to approximately 3.00 m in width. The site is set back from Albion avenue by

approximately 33.00 m and about 25.00 m from Boroughbridge Road. The proposed site is located to the rear of 106 Albion Avenue, which is a semi-detached bungalow.

1.2.2 The design and access statement (DAS) which accompanies this proposal states that a separation distance of 21.00 m can be achieved between the proposed dwelling and the rear façade of no.106. It is further stated within the DAS that the rear garden of the proposed dwelling is 20.00 m in length. As such the agents state that the proposed new dwelling would not impinge upon the amenity of adjacent neighbours.

1.2.3 106 Albion Avenue is located at the hammerhead of Albion Avenue close. No.106 adjoins 104 Albion Avenue. Both these dwellings are built on a 45° splay so as to face the hammerhead of the close. No.106 is approximately 6.50 m in length x 8.00 m in width and is single storey in height.

1.3.1 HISTORY

1.3.2 A similar outline planning application was withdrawn on 19/06/2007. The application was withdrawn on the basis of concern raised by officers. The principal area of concern was the proposed access for the new dwelling being too close to the existing dwelling (No.106 Albion Avenue). This application attempts to overcome the concerns.

1.3.3 The applicants state that the existing garage (belonging to no.106) would be demolished and a new one erected further back in the site. The applicants consider that this arrangement would provide a protected area around the side entrance. Visitors, etc. would be able to gain access to the building from the front door of the property.

1.3.4 The applicants also state that the gates to the new property would be set back, than the new gates to no.106, to prevent vehicle congestion. This would, in the opinion of the applicants, provide private and secure boundaries to each dwelling and allow pedestrians and vehicles alike to move through the site without imposing on each others amenity.

1.4 COUNCILLOR REQUEST

1.4.1 The application is being presented to planning at the request of Councillor Simpson-Laing as there has been a lot of opposition from local residents.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Manor CE 0250

2.2 Policies:

CYGP1
Design

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYGP10
Subdivision of gardens and infill devt

CYL1C
Provision of New Open Space in Development

CYGP4A
Sustainability

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 Highway Network Management (HNM)

3.1.2 The HNM officer commented that there are no highway objections to the principle of this development.

3.1.2 However the officer advised that 2 conditions should be imposed relating to the vehicular access and surfacing details to be agreed prior to development commencing. The officer also advised Informative 1 should also be attached.

3.1.3 Environmental Protection Unit

3.1.4 Environmental Protection Unit raised a number of concerns. The first concern related to noise disturbance to local residents whilst demolition, construction work and deliveries to and from the site (if a the application is approved). They recommended a condition restricting the hours of construction should be attached, should the application be approved to address this concern.

3.1.5 Although the site is unlikely to be affected by land contamination, they also recommended a condition, which places a watching brief for the discovery of any unsuspected contamination be attached should the application be approved.

3.1.6 The EPU also recommended a condition, should the application be approved, concerning hours of operation, a noise and vibration assessment, scheme of mitigation measures for adjacent neighbours, contaminated materials and the standard demolition construction informative which encompasses noise and vibration control, operation of plant and machinery, control of pollution, minimise dust emissions and no bonfires on site.

3.1.7 Life Long Learning and Culture

3.1.8 Commented that as there is no on site open space commuted sums should be paid to the Council for :-

- Amenity open space - which would be used to improve a local site such as the Northfield School site or Danebury Drive allotments;
- Play space - which would be used to improve a local site such as Viking Road;
- Sports pitches - would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy.

3.2 EXTERNAL

3.2.1 Neighbours

3.2.2 18 neighbour objection letters have been received. The objections related to:-

- The location and proximity of the proposed new dwelling would impact upon the existing privacy of adjacent neighbours;
- The proposal, if approved, would be out of character with the existing area;
- The proposal would shade adjacent neighbours private gardens and shade primary living areas;
- The proposed dormers would affect adjacent neighbours privacy;
- The proposal would create additional noise intrusion due to vehicular movements in the rear garden etc.;
- The entrance to the rear of the site is very restricted;
- The property is 'in effect' 2 stories in height and not be in keeping with the existing dwellings within the hammerhead of Albion Close;
- If the application were approved it would set a precedent for future development of this type;
- Albion Avenue cul-de-sac suffers from congestion. The proposal would create further congestion in the cul-de-sac;
- The proposal would have an adverse impact upon the safety of pedestrians using the adjacent public footpath;
- If approved it would worsen the problem for emergency vehicles gaining access to the cul-de-sac;
- Shared drives have been known to cause problems;
- Adjacent neighbours views would be affected;
- There be an impact upon the hedgerow which bounds the site;

- The proposal would detrimentally affect house values of adjacent neighbours;
- The proposal would have an adverse impact upon local wildlife;
- Are the drains adequate in the area to accommodate this extra dwelling?; and
- Create additional problems of flooding in the area by creating further hard surfaces which are impermeable and overloading the sewers.

4.0 APPRAISAL

4.1 The main considerations are:

- Principle of development;
- Impact on visual amenity of area;
- Impact on residential amenity; and
- Open space and education.

4.2 POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 PPS 3 - 'Housing' sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPG3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development

4.2.3 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.

4.2.4 Policy 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.

4.2.5 Policy 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.

4.2.6 Policy L1c requires proposals for less than 10 dwellings to contribute towards the provision of open space (including sport, amenity and children's play provision) by way of a commuted sum.

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The site lies within the defined settlement boundary of York. There are no other relevant statutory constraints i.e. Conservation Area, etc. Central Government guidance regarding new housing is contained within Planning Policy Statement 3: Housing, policies H4a and H5a of the Draft Local Plan are also relevant. The key aim of local and national policy is to locate new housing on brownfield land in sustainable locations. PPS3 sets out a sequential test which favours the re-use of previously developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. Policy H4a deals with housing developments within existing settlements and says that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy H5a says a density of 30 dwellings per hectare should be achieved on this site subject to the scale and design of the development being compatible with the character of the surrounding area and that there is no harm to local amenity.

4.3.2 Due to the location of the site and its proximity to local facilities and accessibility it is considered to be a sustainable location however whilst the principle of development is acceptable there are a number of concerns regarding this proposed development. Such concerns are the impact of the development on the visual amenity of the area and impact upon the amenity of adjacent residents. These issues are discussed below.

4.4 IMPACT ON VISUAL AMENITY OF AREA

4.4.1 The existing property (106 Albion Avenue) is a semi-detached single storey family dwelling with a large rear garden. As a consequence of the dwelling being sited on 45° splay to hammerhead of Albion Close, it has a larger garden area than other dwellings in the area. The emphasis of both PPS1 and 3 and local plan policies is that development should maximise use of existing sites but that development should respect the character of the site and its surroundings.

4.4.2 One of the key principles identified in PPS1 is to ensure that development plans and decisions taken on planning applications contribute to the delivery of sustainable development is that 'planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted'.

4.4.3 Furthermore PPS1 requires planning authorities to plan positively for the achievement of high quality and inclusive design for all development, including

individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

4.4.4 Such a stance is supported by Local Plan Policies GP1, GP10, H4a and H5a which seek to ensure scale design density, layout and mass are compatible with the site surroundings.

4.4.5 The proposal would result in an additional 7.00 m high dormer bungalow being built within the rear garden of the existing property (106 Albion Avenue), between this existing property and the boundary adjacent neighbouring dwellings. There would be a distance of (approximately) 21.00 m from the rear elevation of no.106. The applicants indicate on their submitted site layout, that the following separation distances can be achieved between the proposed dwelling and adjacent neighbours:-

- 21.00 m to 1 Portal Road;
- 24.00 m to properties on Beckfield Lane;
- 27.00 m to 243 Boroughbridge Road;
- 20.00 to 104 Albion Avenue;
- 21.00 m to 106 Albion Avenue;
- 31.50 m to 5 Portal Road and
- 32.00 m to 108 Albion Avenue.

4.4.6 In addition a single storey rear extension has also been erected to the rear of no.106. This is not indicated on the submitted layout. The actual separation distance between the proposed dwelling and no.106 would be less than the stated 21.00 m. It is estimated that the separation distance would be approximately 17.00 m. However if measuring from the original dwelling the separation distance would be acceptable.

4.4.7 The site is bounded 2.00 m high fencing adjacent the public footpath (north west boundary) and the east boundary adjacent dwellings in Beckfield Lane. Hawthorn hedging also bounds parts of these boundaries and the rear northern boundary. It is considered that the majority of views, from the proposed dwelling, would be obscured by the existing boundary features. The dormer windows would afford some views into neighbouring properties/curtilage. However, in this instance such a relationship is considered acceptable due to the separation distances acknowledged above (4.4.5).

4.4.8 The relationship with other neighbouring dwellings consequently satisfies the requirements of the local plan, insomuch that the proposed extension would not have a detrimental impact upon their amenity in terms of privacy and loss of light due to shading etc.

4.5 IMPACT ON RESIDENTIAL AMENITY

4.5.1 The access to the proposed dwelling would pass very close to windows in the south westerly corner of the parent property and alongside the full length of that garden. Indeed the Council's Highways department state that the access would be only 2.80 m wide at the s/e corner of the dwelling (no.106). This 'pinch point' would mean that vehicular movements would be extremely close to no.106. It would also introduce vehicular traffic into the open area immediately adjacent to the rear of the gardens of neighbouring properties, in particular 104 Albion Avenue. This would clearly create a significantly different situation from that which currently exists. As a consequence this would, in the opinion of the planning department, lead to increased noise and disturbance to those living nearby, contrary to policy GP1 of the Draft Local Plan.

4.6 HIGHWAYS CONCERNS

4.6.1 Local residents have expressed concern regarding highway safety and vehicular movements within the close. However the Council Highway's department have not raised an objection to this proposal. They recommend the imposition of 2 highway conditions.

4.7 OPEN SPACE

4.7.1 Under Policy L1c there is an open space provision requirement for this site. If the scheme were acceptable in all other respects the provision of open space could be dealt with by condition.

4.8 OTHER ISSUES

4.8.1 Objections relating to loss of view and detrimental effect upon house valuations are not considered to be material planning considerations.

4.8.2 The safety of pedestrians using the public right of way has been raised by a number of objectors as an important issue. Whilst this situation is not ideal, no objections have been received from the Council's Highways department regarding this arrangement. Furthermore advice was also sought from the Council's Public Rights of Way (PROW) department. Informal advice received from the department confirmed that whilst such an arrangement is not encouraged there are numerous instances where this situation exists already. The PROW officer also confirmed that the footpath was not a recorded public right of way. Private vehicle access over public rights of way, whilst not encouraged cannot be prevented by the Council. The PROW officer further added that pedestrians would take precedent over vehicular traffic in such instances where a vehicle needed to either cross over or infringe a public right of way.

5.0 CONCLUSION

5.0.1 In the opinion of the Local Planning Authority, the access to the rear of the site is considered inadequate in width and would, in the opinion of the Council, exacerbate an already unsatisfactory arrangement and create noise intrusion and consequently loss of amenity to existing and future occupiers of 106 Albion Avenue.

5.0.2 As a consequence the proposal is considered to be unacceptable and is recommended for refusal, contrary to GP1, GP10, H4a and L1c of the City of York Development Control Draft Local Plan and National Planning Guidance PPG1 and PPG3.

6.0 RECOMMENDATION: Refuse

1 The access to the proposed dwelling would pass very close to windows in the south westerly corner of 106 Albion Avenue and alongside the full length of that garden. It would also introduce vehicular traffic into the open area immediately adjacent to the rear of the gardens of neighbouring properties, in particular 104 Albion Avenue. As a consequence the development would detrimentally impact upon the residential amenities of both adjacent neighbours and existing and future residents of 106 Albion Avenue by reason of noise and disturbance. The proposal therefore fails to satisfy policies GP1, GP10 and H4a of the City of York Draft Local Plan (incorporating the 4th set of changes) Development Control Local Plan approved April 2005.

7.0 INFORMATIVES:

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