**STRENSALL WITH TOWTHORPE PARISH COUNCIL**

The Village Hall, Northfields, Strensall, York YO325XW

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**MINUTES OF A PLANNING COMMITTEE MEETING HELD REMOTELY ON TUESDAY 08 DECEMBER 2020 AT 6.30PM**

**Councillors Present:** Andrew Bolton Chris Chambers John Chapman Dr Helen Cox Tony Fisher \* Lawrence Mattinson

**In Attendance:** Fiona Hill (FH) - Parish Clerk

**Public Present:** 2

\* City of York Council Strensall Ward Councillor

1. **To note apologies for absence and approve the reasons given:**

Cllr Tony Gavin – was away delivering for a food bank

1. **To receive any declarations of interest under the Parish Council Code of Conduct or**

**Members register of interests:**

Cllr Bolton – 20/02183/FUL – neighbour

Cllr Fisher did not take part in the planning discussions or vote, as he is a member of the City of York Planning Committee.

1. **To approve the minutes of the monthly Parish Council meeting of 10th November 2020:** Resolved – Approved (Unanimous)
2. **To discuss any ongoing issues and information received -** - The Parish Council would write to express dismay at the felling of the tree on York Road, which was not detailed in the planning application, due to a possible error by the planning officer. – The Parish Council noted that the applicant had been asked for proof of foundations, as they were claiming the original planning consent had been started.
3. **To consider and respond to consultations from City of York Council to the following**

**planning applications:**

1. 20/02183/FUL – Demolition of existing dwelling and garage and erection of two storey dwelling with detached garage, outbuilding, outdoor pool to rear and associated landscaping following demolition of existing dwelling @ The Hawthorns  Lords Moor Lane

Resolved – The Parish Council Objects (Unanimous) to this application for the reasons as follows:

The Balcony

The Balcony to the rear of the property will a harmful effect upon the living conditions of the occupants of the adjacent property, Copperfield. The overlooking and loss of privacy is particularly damaging to Copperfield, but also overlooks the private garden areas of Karelia and to a lesser extend, Moorfield. Full occupiable balconies are not appropriate in a property situated like The Hawthorns, were significant harm a can be caused to neighbouring properties. The damage to Copperfield also applies to the approved proposed new build at Copperfield.

The development fails to accord with the amenity protection aims set out in the core planning principles at paragraph 17 of the National Planning Policy Framework, Policy GP1(i) and H7(d) of the City of York Development Control Local Plan and paragraphs 3.1 and 3.4 of the City of York House Extensions and Alterations Draft Supplementary Planning Document.

Policy H7 'Residential Extensions' of the City of York Local Plan Deposit Draft sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of the area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD offers overarching general advice relating to such issues as privacy and overshadowing as well as advice which is specific to particular types of extensions or alterations. The underlying objectives of the document are consistent with local and national planning policies and the advice in the SPD is a material consideration when making planning decisions.

In respect to privacy and balconies, the following paragraphs are relevant.

3.1 states that proposals should not result in direct overlooking of rooms in neighbouring dwellings or excessive overlooking of adjacent garden areas. 3.4. Balconies and roof gardens can cause particular concern as overlooking of neighbouring gardens or adjacent windows is normally much more direct. Issues relating to noise can also be significant. Balconies and roof gardens will only normally be acceptable where they overlook public or communal areas, or areas of neighbouring gardens that are not typically used for sitting out or already have a low level of privacy.

A significant similar case is Greensleeves, where the application for a proposed very similar balcony was refused twice and the appeals refused on both occasions, for the same reasons as the Balcony at The Hawthorns should also be refused

The City of York relevant planning application decisions and reasons are:

16/02368/FUL and Appeal Ref: APP/C2741/D/17/3171361

19/01912/FUL and Appeal Ref: APP/C2741/W/19/3242818

All of the reasons for planning refusal and appeal refusal also apply in this case at The Hawthorns

Garage in front garden

One of the main characteristics of Lords Moor Lane, are the large open front gardens to properties on both sides of the lane. This openness adds to the pleasant street scene. There is no development in any front garden on Lords Moor Lane.

The positioning of a large triple garage with a footprint of 87 sq.M, in the front garden will have a detrimental effect on the street scene of Lords Moor Lane.

It is also harmful to the amenity of the adjacent neighbouring property, Copperfield

In 2011, before the property, Heathfield was redeveloped, a similar application (11/02261/FUL) was made to locate a double garage, perpendicular to the house, in the front garden. Following objections by neighbours and discussions between the case officer and the developer, the garage in the front garden was removed from the proposed plans, to avoid the whole application being refused..

Any development in the front garden, beyond the normal building line would be incongruous with the street scene.

Swimming Pool

The swimming pool is in very close proximity to the boundary with Copperfield.

The will have an adverse effect on the amenity that the neighbouring residents at Copperfield could reasonably expect to enjoy. It contravenes some of the policies contravened by the proposed Balcony. The swimming pool will have a Plant Room or pumps etc. These typically are quite noisy and emit an annoying hum, further damaging the amenity of the neighbouring property at Coppefield.

This site is not suitable for a swimming pool so close to neighbouring property. The sitting out area at Copperfield is adjacent the swimming pool at The Hawthorns.

The swimming pool will have a Plant Room or pumps etc. These typically are quite noisy and emit an annoying hum

Levels & surface water

The water attenuation proposals are noted. However, the rear gardens on this side of Lords Moor Lane are notoriously prone to flooding and waterlogging. The soil in this area is solid clay to a significant depth. The water table is very high and water enters the gardens from the field at the rear. No amount of roof water attenuation through sedum planting is going to lower the water table. It is noted that the levels around the swimming pool area are significantly raised. This will result in surface water flowing towards Copperfield, seriously exacerbating the waterlogging at Copperfield and therefore damaging the amenity of a neighbour.

Cllr Fisher joined the meeting and the members of the public left the meeting.

1. 20/02128/FUL - Extension to existing single storey garage to create workshop and garage at ground floor with home office, store and wc in roof space, 2no. dormers to east elevation, 1no. dormer to south elevation, 2no. rooflights to west elevation and 1no. rooflight to north elevation @ 2 The Willows

Resolved – The Parish Council Objects (Unanimous) to this application for the reasons as follows:

The external staircase would lead to a loss of amenity/privacy to Number 4 The Willows, so the staircase should be either internal or enclosed.

The office should be for the sole use of the owners of Number 2 and is should be conditioned that it should remain an office.

The trees on site are subject to Tree Preservation Order 140/A/1991/G2

1. 20/02339/TCA -Crown thin Silver birch; remove 2no. branches from Sycamore - tree works in a Conservation Area @ The Stables 70 The Village

Resolved – The Parish Council has No Objections (Unanimous) to this application and will be guided by the City of York Council Tree Officer.

1. **To note planning decisions received:**
2. 20/01450/FUL - Single storey rear extension to detached garage to create utility room with addition of pitched roof @ 2 Whin Close - Approved
3. 20/01623/FUL - Two storey side extension and single storey rear extension @ 9 Stuart Close – Approved
4. 20/01667/FUL - Two storey side extension, enlarged dormer to side, bay window to front, replacement roof and windows throughout @ Candovers 16 York Road – Approved
5. 20/01909/TPO - Crown reduce canopy height and spread of Oak tree to previous reduction points, up to 2m - protected by Tree Preservation Order no. 131/1989 @ Deans Oak 21 Oak Tree Close – No Objections
6. 20/01930/TCA - Fell Conifer tree in a Conservation Area @ 69 The Village – Consented
7. 20/01933/TCA - Fell Ash tree in a Conservation Area @ 3 Princess Road – No Objections
8. 20/01771/FUL - Partial conversion and change of use of existing garage into hairdressing business (Use Class E) with associated alterations including installation of door, 2no. windows and 1no. rooflight @ 8 Shelley Drive – Approved
9. 20/01952/FUL - First floor side extension @ 8 Brecks Lane – Approved
10. 19/02463/FULM - Formation of flood storage area consisting of construction of earth embankment with spillway, excavation of two temporary and two permanent borrow pits, erection of river flow control structure, re-profiling of sections of the River Foss, realignment of short section of Black Dike, raising of section of Ings Lane, carriageway edge protection to part of Lilling Low Lane and associated new and improved access arrangements, drainage, accommodation works, landscaping and biodiversity mitigation (cross boundary application with Ryedale) @ Foss Upstream Storage Area Brecks Lane - Approved
11. **To confirm date of next meeting as Tuesday 22nd December 2020 @ 6.30 p.m.** Resolved – Agreed