

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 08 September 2010

H

Summary Statement

Miscellaneous Item

Site

17 Menston Old Lane, Burley in Wharfedale
[Approve] – page 77

Ward

Wharfedale

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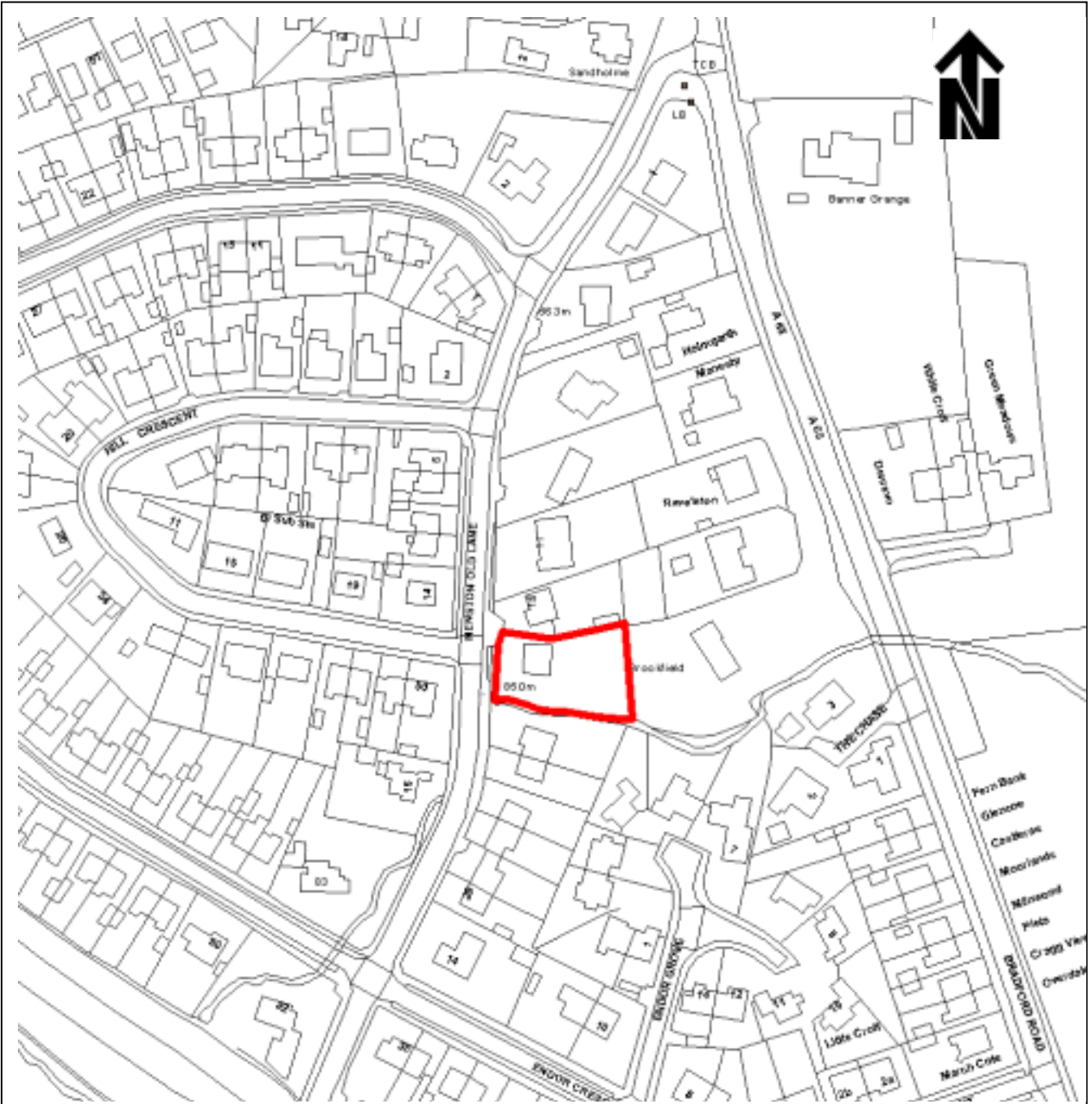
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

10/00729/HOU

8 September 2010



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ITEM NO. :	<p>LOCATION:</p> <p>17 Menston Old Lane Burley In Wharfedale Ilkley</p>
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8 September 2010

Item Number: 18
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
10/00729/HOU

Type of Application/Proposal and Address:

A full application for the construction of a two storey side extension at 17 Menston Old Lane, Burley In Wharfedale (A two storey rear extension is shown on the submitted plans which has been granted planning permission).

Applicant:

Mrs Victoria Hiley

Agent:

Mr Mark Scatchard

Additional Information

This planning application was deferred from the Shipley Planning Panel meeting of 29th July 2010. The report is attached as Appendix A. Members resolved 'That the application be deferred to enable further investigations to be undertaken with regard to the specific flood risk on the site and that following this the application be re-submitted to the Panel.

The Council's Senior Drainage Engineer has looked into the matter and prepared the following report which is accompanied by a plan showing the flood routes identified by the Council's Software.

1. *Background*

The Council received an application for planning approval (10/00729/HOU) to construct a two storey side extension at No. 17, Menston Old Lane, Burley-In-Wharfedale early in 2010. Objections received cited flooding of the property and surrounding area as a reason to refuse the application.

2. *Investigation*

- a) *A survey of residents living in the vicinity of No 17 Menston Old Lane revealed that an incident of flooding occurred in the summer of 2002. Nos. 15, 17, 19 Menston Old Lane and No. 50 Hill Crescent were all affected by the incident.*
- b) *Immediately following the incident The Council investigated the cause of the flooding.*

The culvert carrying that watercourse known as Mickle Ing Beck had been unable to deal with the flow from the catchment it served causing a build up of surface water to the culvert entrance to the West of Menston Old Lane, which ultimately flowed across the road to re-enter the watercourse to its (the roads') East.

The culvert had two defects, firstly the intrusion of tree roots; secondly apparatus belonging to one of The Statutory Undertakers had been constructed within the culvert, at one point. The tree roots and apparatus have been removed.

In June of this year (2010) the culvert was again investigated and found to be defect free.

In July of this year (2010) reports of surface water flowing from the highway into the garden of No. 25 Menston Old Lane led to further investigations revealing a silt chamber within the highway boundary in need of emptying. This has since been attended to; no further complaints having been received.

The flood routes identified by The Councils' software will be unaffected by the proposal (see attached PDF file)

3. *Proposed Development*

The property lies in land identified by The Environment Agency as flood plain (Flood Zone 2). Such a zone is identified in PPS 25 (Development & Flood Risk) as suitable for "More Vulnerable" development, into which classification residential housing falls.

The developer proposes to set finished floor levels, in accordance with Environment Agency advice, 300mm higher than the levels likely to be reached when a 1% probability rainfall event occurs.

4. *Conclusions*

It is reasonable to assume that past instances of flooding have been a result of operational defects within the land drainage network which have now been rectified.

The developer has complied with the requirements of PPS 25 and The Environment Agency (the operating authority for flood defence).

In the event of an emergency flood routes remain unaffected.

5. *Recommendation*

The drainage proposals are considered adequate for planning purposes.

6. *The Author*

This report has been prepared by Alan Davison who has a degree in Civil and Structural Engineering and is a Member of The Chartered Management Institute, a Graduate Member of The Institution of Civil Engineers and has thirty six years engineering experience, thirty two of those in drainage related matters.'

Conclusion

In view of the comments of the Council's Drainage Engineer approval is recommended for the reasons and conditions set out in the report in Appendix A.

Appendix A

29 July 2010

Item Number: 1
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
10/00729/HOU

Type of Application/Proposal and Address:

A full application for the construction of a two storey side extension at 17 Menston Old Lane, Burley In Wharfedale (A two storey rear extension is shown on the submitted plans which has been granted planning permission).

Applicant:

Mrs Victoria Hiley

Agent:

Mr Mark Scatchard

Site Description:

The application property is a two storey detached dwelling located on the east side of Menston Old Lane. The property is situated within a residential area of detached and semi-detached houses. The existing dwelling has a render finish with some stone detailing and has concrete tiles to the roof.

Relevant Site History:

08/05198/FUL – Construction of detached double garage, two storey rear extension and internal alterations - Approved 01/10/2008

09/05587/HOU – Construction of two storey side extension -Refused 14/01/2010 for the following reasons:

1. The proposed two storey side extension would be contrary to Policy D1 and UR3 of the Replacement Unitary Development Plan (2005) and the Supplementary Planning Guidance contained within the Council's approved Revised House Extension Policy (2003), as the proposed extension would, by reason of its excessive width and relationship with the neighbouring dwelling, be over dominant and detract from the character of the street scene to the detriment of visual amenity.
2. The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information on the flood risk to the proposed extension and mitigating measures.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the RUDP

Proposals and Policies

D1 General Design Considerations
UR3 The Local Impact of Development
TM12 Parking Standards for residential developments
TM19A Traffic Management and Road Safety
D4 Community Safety
NR15B Flood Risk

Supplementary Planning Guidance - The Councils Revised House Extensions Policy (2003)

Parish Council:

Burley In Wharfedale Parish Council recommends refusal stating that the proposal:

Represents over-development in relation to the original property;
Given the known history of the nearby watercourse (Mickle Ing Beck) and the likelihood of flooding at this property and the surrounding area that the information provided re flood risk is not sufficient; Neither requirement for the ground levels to be set at 300mm above the known or modelled 1 in 100 annual probability flood level, or the affect on other properties of the restriction to the watercourse by the side extension have been addressed. The Committee strongly suggests a full Flood risk Assessment is carried out. If a professional sound engineering case is made for this proposal having no effect on others or damage to itself, then this would allow the committee to reconsider and avoid going to Panel. If this is not provided then we would wish the application to go to Panel.

The applicant submitted further information to address the flood Risk issue which was made available to the Parish Council.

The Parish Council advised that the additional information does not fully address their concerns regarding flooding of the application property and more importantly on the neighbours or surrounding area.

Publicity and Number of Representations:

Publicised by neighbour notification letters. Publicity expiry date 24th March 2010. Two representations received.

Summary of Representations Received:

One representation raises the following concerns:

1. Over-dominant and detracts from the character of the street scene to the detriment of visual amenity.
2. Damage mature trees to the detriment of the character of the area.
3. Cause flooding. The extension would be built on the flood plain of Mickle Ing Beck. The extension would place a barrier in the course of the flooding stream which could water to be diverted causing flooding to 17 Menston Old lane and 15 Menston Old Lane.

The other representation supports the deletion of the ground floor windows to the northern elevation and requests that approval is subject to a condition that no windows be inserted in the northern elevation without planning permission.

Consultations:

Trees Team - The tree report, as amended, now accurately plots the Root Protection Areas of the trees. Although the extension encroaches on the Root Protection Areas particularly that of the Pine, it is unlikely, provided the trees are adequately protected during construction, that there will any major long term affect on the trees. A protective fencing condition is recommended.

Environment Agency – No consultations were undertaken by the Local Planning Authority with the Environment Agency. Changes to article 10 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, introduced an exception to the requirement to consult a statutory consultee where a Local Planning Authority (LPA) considers that the development proposed is subject to standing advice. Domestic extensions in Flood Zone 2 are the subject of standing advice which the applicant has followed. Furthermore, the applicant consulted the Environment Agency direct for advice regarding their flood risk proposals.

The Environment Agency responded as follows;

“The Environment Agency’s Flood Risk Standing Advice for householder extensions less than 250m² in area requires one of the following:

Proposing floor levels are set no lower than existing levels and flood proofing of the proposed development has been incorporated where appropriate. Details to be provided of any flood proofing/resilience and resistance techniques, to be included in accordance with ‘improving the flood performance of new dwellings’ CLG (2007).

OR

Flood levels within the extension will be set at 300mm above the known modelled 1 in 100 annual probability river flood (1%) or 1 in 200 annual probability sea flood (0.5%) in any year.

The Flood Risk map shows that the site is not situated within Flood Zone 3, which corresponds to the 100 year flood level. It can be assumed, therefore, that the ground levels on the site are above the 100 year flood level and propose to set the floor levels at 300mm above existing ground levels. This would in effect be the same as option 2 described above.

Given the lack of modelled data available for the site an approximate level would be the best estimate that could be achieved.”

Summary of Main Issues:

1. Impact on the Local Environment
2. Impact on neighbouring occupants
3. Flood Risk
4. Community Safety Implications

Appraisal:

Impact on the Local Environment

The proposed two storey side extension projects 5.8 metres from the east facing side elevation of the original dwelling. Whilst the proposed side extension is relatively wide in relation to the original dwelling (65% of the width of the original dwelling) it is to be set back from the front elevation of the dwelling by 4.9 metres. The extension will, therefore, be subservient to the original dwelling. Furthermore, the set back will significantly reduce the impact of the extension in the street scene in that it will retain the break between the dwellings.

The design of the extension, whilst not replicating the existing dwelling is not considered to be harmful to the overall appearance of the dwelling or the street scene in which there is a variety of house types. Materials are to be used which match the original dwelling.

There is a group of trees on the eastern site boundary – Scots pine, Silver Birch (x2) and Atlas Cedar. The applicant has submitted a tree survey and the Tree's Officer is satisfied that the proposed development will not harm the trees.

The proposal is not considered to have a detrimental impact on the character of the surrounding area and therefore, in terms of visual amenity, the proposal is not considered compliant with policy D1 of the Replacement Unitary Development Plan (2005) or Guidance contained within the councils Revised House Extensions Policy (2003).

Impact on Neighbouring Occupants

The proposed extension is to be located on the south side of 17 Menston Old Lane and will also project beyond the rear elevation of the original dwelling.

The extension will be largely hidden from view from 15 Menston Old Lane owing to the siting of the approved two storey rear extension (the side extension will only be visible from the rear garden of No 15). As such there will be no adverse impact on the light to or outlook from No.15 as a result of the proposed extension.

The proposed extension will be over 14m from the boundaries to the front and rear and as such there will be no adverse impact on the occupants of properties located to the front and rear of No 17.

The extension will be located over 2.5m from the boundary with No 19 Menston Old Lane, to the south. No. 19 has had a two storey side extension and although there are side facing ground floor windows on the extension these are secondary windows which should not prejudice a similar extension at the neighbouring property. Owing to the siting of the extension and its relationship with the property and grounds of No. 19 it is not considered that the two storey side extension will be overbearing in relation to the rear elevations or primary garden amenity space of No. 19 .

The plans show the incorporation of two velux windows in the north facing side elevation of the original dwelling facing No 15 Menston Old Lane. These windows are indicated as serving non-habitable rooms and will be over 2.5m above floor level and therefore will not result in overlooking of No.15 .

The proposal also incorporates an additional first floor window in the southern facing side elevation of the existing dwelling, serving a non-habitable room. This window will be no bigger and no nearer to the boundary with No. 19 than existing windows and is not therefore considered to increase levels of overlooking.

The proposal is not considered to cause harm to the residential amenity of neighbours and is therefore compliant with policy UR3 of the Replacement Unitary Development Plan and guidance contained in the councils Revised House Extensions Policy (2003).

Flood Risk

The Parish Council have raised concerns regarding the flooding of the application property and the surrounding properties.

The application site lies within Flood Zone 2. The applicant has indicated on the plans that the floor level will be set 300mm above existing ground levels and confirmed that the floor levels will in fact be set nearer 600mm above ground level as is the case with the rear extension which has been started in accordance with a previous consent. The Environment Agency have confirmed that setting the ground floor 300mm above ground levels accords with the Environment Agency's Standing Flood Risk advice. As such it is not considered that refusal on the grounds of flood risk can be justified.

Impact on Highway Safety

The proposal retains sufficient off-street parking for two vehicles. Alterations to the access have been approved as part of a previous application.

Community Safety Implications:

There are no apparent Community Safety implications.

Reason for Granting Planning Permission:

The proposed two storey side extension is considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the extension upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significantly adverse effect upon their residential amenity. There are no highway safety implications. It is considered that the development has satisfactorily addressed the issue of flood risk. As such this proposal is considered to be in accordance with Policies UR3, D1, TM19a, TM12, D4 and NR15B of the Replacement Unitary Development Plan (2005) and guidance contained within the Revised House Extensions Policy (2003).

Conditions of Approval:

1. The development hereby approved shall only be carried out in accordance with the amended plans P-01 REV E, P-02 REV E, P-03 REV E and E-01 REV E dated 18th June 2010 and received by the Council on 23rd June 2010 showing finished floor levels and trees on site.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

2. The first floor side extension hereby permitted shall be constructed of facing and roofing materials to match the existing building.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan (2005)

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the north and south elevations of the extension without the prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 and D1 of the Replacement Unitary Development Plan.

4. The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2005) approved by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.
