

COMMITTEE REPORT

Date: 11 August 2022 **Ward:** Dringhouses And Woodthorpe
Team: West Area **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 22/00872/FUL
Application at: 29 Moor Lane Acomb York YO24 2QX
For: Single storey side and rear extensions after demolition of existing garage, and loft conversion with hip to gable roof, dormer to rear and 2no. rooflights to front (part retrospective)
By: Mr Roy Grant
Application Type: Full Application
Target Date: 15 August 2022
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application seeks planning permission for single storey side and rear extensions after the demolition of the existing garage, and a loft conversion with hip to gable roof extension, dormer to rear and 2no. roof-lights to the front. The site lies within the general extent of the Green Belt.

1.2 Amendments have been made to the scheme. The dormer reduced in width and the side extension reduced in length (at the side of the property). Matching windows are also proposed to the front and side of the dwelling so to be more sympathetic to the host dwelling and street.

1.3 The applicant has started works to the roof and therefore the application is now part retrospective.

1.4 The application is brought to Planning Committee, in accordance with the scheme of delegation, as the applicant is a chief officer / senior manager within the Council.

2.0 POLICY CONTEXT

Development Control Local Plan 2005

CYGP1 - Design

CYH7 - Residential extensions

CYGB1 - Development in Green Belt
CYGB4 - Extensions to Existing Dwellings

Publication Draft Local Plan 2018

D1 - Placemaking

D11 - Extensions and Alterations to Existing Buildings

GB1 - Development in the Green Belt

3.0 CONSULTATIONS

Dringhouses/Woodthorpe Planning Panel

3.1 Dringhouses/Woodthorpe Planning Panel object to the application on the grounds that the proposed works alter the aesthetics of the building and are out of character with the adjoining bungalows. They also feel the neighbours have justified concerns regarding being overlooked. They add that the applicant is an employee of the council, but the application form does not state this.

4.0 REPRESENTATIONS

4.1 The occupants of No.25, 27 and 31 Moor Lane have objected to the application on the following grounds -

- The rear dormer results in loss of privacy.
- The works will lead to overshadowing and loss of light.
- Increase in noise with the addition of two additional bedrooms and an office.
- The extension is out of scale with the host dwelling and the works on a whole are considered to be an overdevelopment of the existing bungalow.
- The development is out of keeping with the street.
- The construction of the works will result in noise and disruption.
- Concerns surrounding the unloading of building materials.
- Neighbouring properties include a covenant preventing works from taking place.
- Concerns surrounding surface water drainage.

5.0 APPRAISAL

KEY ISSUES:

- Impact on the openness of the Green Belt
- Visual impact on the dwelling and surrounding area
- Impact on neighbouring amenity

RELEVANT PLANNING POLICY:

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for York consists of the saved policies of the revoked Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt.

Saved Policies of the Yorkshire and Humber RSS

5.2 The Yorkshire and Humber RSS was revoked in 2013 with the exception of the policies relevant to the York Green Belt. Policy YH9(C) states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.

5.3 Figure 6.2 of the RSS illustrates the general extent of the Green Belt outer boundary as being about 6 miles (10km) from York city centre. The application site is located approximately 6km from the city centre. It is on land proposed to be within the Green Belt in the 2018 Publication Draft Local Plan. The site is thus considered to fall within the general extent of the Green Belt.

National Planning Policy Framework

5.4 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims, including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.5 The NPPF also places great importance on good design. Paragraph 134 says development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design. Significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

5.6 In respect of Green Belt paragraph 137 states the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 149 states that the construction of new buildings is inappropriate in the Green Belt other than in some listed exceptions. One of these exceptions is the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original dwelling.

Publication Draft Local Plan 2018

5.7 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF, the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.8 Policy D1 (Placemaking) seeks development proposals improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents.

Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area or the amenity of neighbours will be refused.

5.9 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of

current and neighbouring occupiers, contribute to the function of the area and protects and incorporates trees.

5.10 Policy GB1 (Development in the Green Belt) seeks to manage development in the Green Belt with the primary aim of preserving and enhancing the special character and setting of York and its villages.

Development Control Local Plan 2005

5.11 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF.

5.12 Development Control Local Plan Policy CYH7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

5.13 Development Control Local Plan Policy GP1 refers to design for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity.

5.14 Development Control Local Plan Policy GB1 states planning permission for development in the Green Belt will only be granted where the scale, location and design of development would not detract from the openness of the Green Belt; it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice or harm the elements which contribute to the special character and setting of York. It must also be for one of the specified purposes, which includes the limited extension, alteration and or replacement of existing buildings.

5.15 Development Control Local Plan Policy GB4 'Extensions to Existing Dwellings' states that the extension and alteration of dwellings in the Green Belt and open countryside will be permitted providing the proposal: would not cause undue visual intrusion; is appropriate in terms of design and materials and is small scale compared to the original dwelling. As a guide, a planning application to extend a dwelling by more than 25% of the original footprint will be considered to be large scale and resisted accordingly.

Supplementary Planning Document 'House Extensions and Alterations'

5.16 The Council has a draft Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which has been approved to provide interim planning guidance prior to adoption of the Local Plan on all types on domestic types of development. A basic principle of this guidance is that any extension should

normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Guidance in sections v (character and streetscene) and xvi (Green Belt) are relevant to the determination of the application.

ASSESSMENT

IMPACT ON THE OPENNESS OF THE GREEN BELT

5.17 The extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original, is not inappropriate development in the Green Belt.

5.18 The proposed works will not significantly impact the overall dwelling's footprint; the extension will replace the existing garage and rear lean-to. The works would not erode the openness of the Green Belt given their scale and similarity to the current dwelling and garage. The hip to gable roof extension will be visible from the front, but it doesn't result in an increase in height when compared to the existing ridge and its overall massing.

5.19 There is no conflict with Green Belt policy. The proposals have no material effect on the openness of the Green Belt and do not constitute inappropriate development in the Green Belt.

VISUAL IMPACT ON DWELLING AND THE SURROUNDING AREA

5.20 This application seeks planning permission for a single storey side and rear extension and a loft conversion with hip to gable roof extension, dormer to rear and 2no. roof lights to the front.

5.21 The single storey rear extension will replace both the existing garage and rear extension. It will be "L" shaped, projecting 3.5m from the rear wall of the main dwelling before extending out at the side of the dwelling and replacing the existing detached garage's footprint. The extension will have a flat roof, a total height of 2.95m and the walls finished in render (off-white in colour).

5.22 Given the majority of the extension will be to the rear elevation along with the fact it will create a similar-sized footprint to the current dwelling's layout, it is not deemed to cause any significant harm to the host dwelling's appearance and would not appear as a visually prominent addition to the dwelling. Whilst the use of render does not match the host dwelling, it is not considered to cause any significant harm

to the overall appearance of the dwelling. The rendered areas do not materially affect the principle elevation of the host dwelling and there are a variety of cladding materials used locally.

5.23 The existing hipped roof would be altered to form a gable. A flat roof box dormer is also proposed that would span the rear roof plane of the original dwelling and hip to gable enlargement. The box dormer would be stepped down from the ridge and up from the eaves as well as being set in at both sides. The gable extension is proposed to use matching bricks and tiles to the existing house while the proposed dormer is to be finished in timber cladding. While the timber cladding will not match the existing roof tiles, it is not considered to be significantly harmful given the cedar cladding is deemed to somewhat represent the colour as the existing roof tiles. A condition is proposed to ensure the proposed timber cladding finish is approved before use to ensure it is appropriate in colour. The windows in the proposed dormer are considered to be appropriate in appearance and size when viewed in comparison to the existing windows.

5.24 Although the appearance of the dwelling will be altered by the proposed roof additions, but for the use of the timber cladding, rather than matching roof tiles, the roof extensions would fall under permitted development. The use of timber cladding is a contrast to the roof tiles and is not considered to cause harm to visual amenity.

5.25 The hip to gable roof extension will alter the appearance of the dwelling and its relationship with the attached and adjoining bungalows. However typically such changes to the roof shape of dwellings (undertaken in isolation) are permitted development, and subsequently are commonplace in suburban areas such as this. There are a variety of house types along Moor Lane, this includes bungalows with dormers added and hip to gable conversions. In this context, the roof extensions would not be unduly out of character. It would be unreasonable to refuse the application on design grounds.

5.26 The proposed roof lights do not require any formal consent, have a low visual impact, and therefore are deemed to be acceptable. The scheme has been altered to maintain the use of white UPVC windows at both the front and side to be in keeping with the neighbouring properties when viewed from the highway.

5.27 Overall, the development is not considered to significantly impact the appearance of the street. The use of materials that are not a precise match to the host building are at the rear, where their visual impact does not affect the streetscene.

There are also a variety of dwelling types and materials on show along Moor Lane. The proposal is not deemed to cause a level of harm to both the host dwelling itself or the street that it would warrant a refusal.

NEIGHBOUR AMENITY

5.28 No.31 Moor Lane (attached) is not considered to be significantly affected by the proposed works. The single storey side and rear extension will be of such a size and distance from No.31 that it is not deemed to cause any outlook or dominance concerns. The extension has a similar footprint to the existing rear lean-to and garage. The closet part of the extension will be over 5m from the shared boundary and because of this, along with both its height and the sun's orientation, the extension will not lead to any overshadowing or loss of light to No.31. The extension is also not deemed to cause any privacy concerns. Although a side window is proposed it is not considered to lead to any overlooking; the existing boundary will partly screen it from view. The hip to gable extension is not deemed to lead to any harm to No.31 given it will be screened by the host dwelling. While the dormer does introduce three new windows to the rear, they do not look directly into any neighbouring windows and are therefore are not deemed to cause any direct overlooking concerns that would impact the day-to-day living of the neighbour. It is acknowledged the windows within the dormer will result in No.31's rear garden being overlooked but given the dormer houses two bedrooms and a bathroom, neither of these rooms are considered to be locations within a house one spends large amounts of time in and in reality the chances of any direct overlooking is minimal. Rear dormers can be added to dwellings under permitted development rights. It is typical in suburban locations upper floors and dormer windows allow a degree of overlooking into neighbours gardens. The proposed dormer raises no undue overlooking issues in this case. Due to the sun's orientation, the dormer would also not lead to any direct loss of light to No.31's rear openings.

5.29 No.27 Moor Lane is also not considered to be significantly affected by the proposed works. The extension is not deemed to cause any neighbouring harm to No.27's property given it will sit behind No.27's garage, outbuilding and car porch resulting in no harm with regards to outlook, dominance, privacy and loss of light. It is also not considered to lead to any outlook, dominance or privacy concerns. The dormer again will not lead to any direct overlooking into No.27's rear windows. The windows will lead to the possible overlooking of No.27's rear garden but given the separation distance between the properties and the location of both the host dwelling's new extension and No.27's garage, the overlooking impact is reduced. In addition to this, it is notable that No.23 Moor Lane is a two storey dwelling that already appears to overlook the gardens of the surrounding bungalows and due to this, it could be suggested the dormer windows do not create a new arrangement with first-floor windows already in situ in the immediate area. Due to the separation distance, the dormer is also not considered to lead to any loss of light to No.27's openings. The extensions proposed would not have a material impact on daylight and sunlight to the front or rear gardens of the neighbour, nor would there be affect to primary windows on the front and rear of the house.

5.30 All other surrounding neighbours are a sufficient distance away and would not be adversely affected by the proposal.

OTHER MATTERS

5.31 The increase in noise between dwellings through the addition of the loft conversion is not a material consideration. This is a matter for Building Regulations.

5.32 In response to the concerns surrounding noise and disruption caused by the building works such as the unloading of building materials, this again wouldn't form part of the decision-making process and is therefore not a material consideration for a domestic project such as this.

5.33 A representation advises that the property may feature a covenant preventing works from taking place without consent from the original land owner/property developer. Any covenant in place would not be superseded by any planning consent and is not a material consideration. It would be a legal issue between the applicant and interested parties.

5.34 The works are for a householder extension. They do not significantly alter the overall footprint of development on site, as such and when taking into account what could be added to the property without planning consent, it would be impractical and unreasonable to impose any conditions in respect of drainage.

6.0 CONCLUSION

6.1 Taking into account relevant Green Belt policy and design guidance approval is recommended. The proposed extensions are not considered to result in a disproportionate addition to the existing dwelling, and would not impact on the openness of the Green Belt. The extension would have no undue effect on visual amenity and would not have a significant, or undue impact on neighbour amenity.

7.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Proposed Site Layout Plan - Drg. No: YB750 - 007 REV A (Dated 13.06.2020)

Proposed Ground Floor Plans - Drg. No: YB750 - 005 REV A (Dated 13.06.2020)

Proposed Attic Plan & Typical Section - Drg. No: YB750 - 006 REV A (Dated 13.06.2020)

Existing and Proposed Elevations - Drg. No: YB750 - 004 REV A (Dated

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13.06.2020)

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 materials used externally shall be as specified on approved drawings (condition 2), unless otherwise agreed in writing by the Local Planning Authority prior to their use. The roof tiles and brickwork of the proposed hip to gable roof extension shall match those of the existing house in colour, size, shape and texture.

Samples of the external cladding to the dormer and render to the extension shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the relevant works and the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and for the avoidance of doubt and to ensure the development is carried out only as approved by the Local Planning Authority.

8.0 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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority advised the agent the dormer was too large and matching windows would need to remain at the front of the property so as to be in keeping with the adjoining properties and not impact the streetscene. The agent reduced the dormer to be under 50 cubic metres and alter the front and side windows to white UPVC thus a positive outcome was achieved.

2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

3. INFORMATIVE REGARDING ELECTRIC VEHICLE (EV) CHARGE POINTS

The Government's Electric Vehicle Homecharge Scheme' offers a grant to reduce the cost of installing a home electric vehicle charge point. For more information see the Office for Zero Emission Vehicles' (OZEV) website at:

<https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>. All electrical circuits/installations should comply with the electrical requirements in force at the time of installation.

4. SURFACE WATER DRAINAGE

The owner should, where practical, seek to use sustainable drainage methods at the property, in order to reduce the rate of surface water run-off into the local watercourses. Examples include the installation of water butts (rainwater harvesting), use of green roofs, removal of existing areas of hard standing or the use of porous materials for new areas of hard surfacing.

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