



### **3.0 CONSULTATIONS**

#### EXTERNAL:

##### Naburn Parish Council

3.1 Support the application.

##### Ouse and Derwent Drainage Board

3.2 Objection on the grounds that the site is in an area where drainage problems exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties.

##### Publicity:

3.3 Six letters of support/no objection have been received commenting generally that the extension would be in-keeping with and not out of scale with the area; that many other properties have been extended in the Lane; and that it would not overlook the neighbours.

### **4.0 APPRAISAL**

#### 4.1 Key Issues

- Whether the development is considered inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
- The effect of the proposal on the openness of the Green Belt and on the character and appearance of the area;
- If the development is inappropriate, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development
- Amenity of adjacent dwellings.

#### PLANNING POLICY

4.2 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

4.3 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. Policy Y1(C1) states that plans, strategies, investment decisions and programmes for the York sub area should in the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

## National Planning Policy Framework (NPPF) (February 2019)

4.4 The NPPF states that the planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

## Publication Draft Local Plan (2018)

4.5 The Publication Draft City of York Local Plan 2018 ('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).

4.6 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

## Development Control Local Plan (2005)

4.7 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. The DCLP does not form part of the statutory development plan, and whilst of very limited weight, its policies are capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

## IMPACT ON THE GREEN BELT:

4.8 The village of Naburn was, in the 2005 Draft Local Plan a 'washed over' settlement in the Green Belt. Policy GB2 of the 2005 Plan allowed for more extensive extensions and infill development proposals in 'washed over' areas. However the NPPF no longer contains policies for 'washed over' settlements, stating that "if it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt." The 2018 Publication Draft Local Plan includes Naburn in the Green Belt. The Local Plan Topic Paper TP1 (Approach to defining York's Green Belt) stating that "Naburn remains set in a largely rural landscape surrounded by open country and farming land with leisure facilities developed along the river. Grass verges throughout the village add to the rural feel of the village, alongside the large gardens of many of the houses which add to its open nature." Concluding that "This area exhibits a high degree of openness, and contributes to the openness of the green Belt. It is recommended to be included in the Green Belt."

4.9 The NPPF states that 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. Paragraph 143 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 states 'substantial weight' should be given to any harm to the Green Belt. Paragraph 145 goes on to set out the types of development that are not inappropriate in the Green Belt. In this regard the national policy establishes that the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, should be regarded as an exception to inappropriate development in the Green Belt. Policy GB1 of the 2018 Publication Draft Local Plan states that permission will 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 character or setting.

4.10 Vicarage Lane is a residential street of two-storey houses set back from the road and with large gardens to the rear, there being significant gaps between pairs of dwellings. Vicarage Lane extends into the open countryside and behind the rear garden of the application site are open fields. In dismissing a recent planning appeal for extensions at no.21, the Inspector stated that these characteristics provide the street with a sense of greenery, openness and spaciousness.

4.11 There is no definition in the NPPF of what constitutes "disproportionate". However, the explanatory text to policy GB4 of the 2005 DCLP states that as a guide, a planning application to extend a dwelling by more than 25% of the original foot print will be considered to be a large scale addition and will be resisted accordingly. In assessing proportionality, the proposed extension would increase the floor area from

35 square metres to 69 square metres. This would be almost double its original footprint and when combined with the proposed mass of the two storey extensions comprises a disproportionate addition over and above the size of the original building, which therefore comprises inappropriate development.

4.12 The NPPF states that openness is an essential characteristic of the Green Belt. The application property occupies a prominent, open location and from the rear lacks any natural screening and is visible across flat areas of open countryside. The proposed massing of the development would create an overly large development which would be very prominent from rear gardens to the point it would significantly harm the openness of the green belt

4.13 It is acknowledged that there are some noticeable large extensions to neighbouring dwellings in this location. However, these extensions would not follow the current Green Belt policy as set out in the NPPF and the emerging Local Plan. As such existing extensions to neighbouring dwellings would not be considered to set precedent for allowing development at this dwelling. Recent appeal decisions in Naburn support the local planning authorities current approach to the Green Belt.

#### DESIGN/ APPEARANCE:

4.14 Draft 2018 Policy D11 (Extensions and Alterations to Existing Buildings says 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.

4.15 The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. Advice in the document is consistent with local and national planning policies and is a material consideration when making planning decisions.

4.16 The host dwelling is a hipped roof semi -detached property located in a rural street of identical pairs of semi-detached houses. The proposed two storey side element would be stepped down from the existing roof ridge by approx 500mm and stepped back from the principal elevation by approx 500mm. On assessment this element of the proposal is a relatively modest extension which is lowered at the ridge height. Moreover, it would comply with the advice provided in Paragraph 7.1 of the Supplementary Planning Document (SPD) for House Extensions and Alterations which states that a basic principle is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally.

4.17 The two storey extension at the rear would be lowered from the main ridge by approx 500mm incorporating a wide hipped roof which would project in total by approx 9.5 metres in width to the joint neighbouring boundary. The length would connect to the two storey side extension and project approx 3 metres in depth into the rear garden. This element of the development is considered to represent a significant increase to the rear of the dwelling. The design incorporating the expanse of the proposed hipped roof would introduce an unduly incongruous, unbalanced development which would not be subservient to, or relate well to the host property. It would make it almost impossible to read the existing simple proportions of the host dwelling and would overwhelm it, altering significantly the appearance of the property. Thus, when viewed from the rear gardens the mass of the development would appear unsympathetic and out of character with the character and form of the surrounding village scene. It is considered that the proposal would conflict with the advice and guidance in the SPD, in particular Paragraph 7.5 which advises that rear extensions should respect the appearance of the house and street unless a justification can be given showing how the development will enhance the street scene. In addition the additional mass must not impact on space around building or conflict with the amenity of neighbouring dwellings.

#### RESIDENTIAL AMENITY:

4.18 The attached dwelling at 11 Vicarage Lane has a two storey side and rear extension, in addition to a single storey mono-pitched rear extension. The length of the extension would result in a small loss of light during the later part of the day. The house is south facing and is well placed to receive high levels of direct sun light. The first floor sections of the rear extension would be in full view from the rear garden. However, the resulting massing would not generally be so harmful given the openness and garden sizes that exists at the rear. The ground floor sections would be screened from view and the rear openings of this neighbour would be well away from the bi folding doors to the proposed extension. Therefore, although development is close to the shared boundary near the house, it is not considered that it would have an oppressive and overbearing impact. Furthermore, the introduction of the full length windows would provide views on to the rear garden and would not result in any significant new overlooking of adjacent properties.

4.19 The dwelling on the opposite boundary at 9 Vicarage Lane is separated from the extension by the width of the driveway. This dwelling hosts a car port on the side driveway which leads to a detached garage located behind the main house. The visible sections of the extension would be from the main house to the detached garage. However, the main outside habitable areas of this rear garden are screened by an existing two storey rear extension. Therefore, whilst the ridge height would be visible from the rear garden, it is not considered that its appearance would be unduly oppressive or result in any loss of light. The additional first floor full length windows are set well away from the shared boundary serving bedrooms. Thus would not create any additional overlooking or loss of privacy.

## APPLICANT'S PLANNING STATEMENT

In support of the application the applicant states that the extension is not disproportionate in scale to either the existing dwelling or the plot as a whole and that the proposal is entirely subservient. Views of the proposals from the surrounding countryside would be limited and the 1.2m gap retained to the side boundary would allow views from Vicarage Lane to the fields behind. The applicant states that the Green Belt status of Naburn village has not been tested as the 2018 Plan is unadopted.

### 5.0 CONCLUSION

5.1 The application site is within the Green Belt. It is considered that the proposed extensions would result in a disproportionate addition over and above the size of the original dwellings and thus represent inappropriate development in the green belt. The size and overall massing of the house would be increased to a level which would harm openness. This would be contrary to the National Planning Policy Framework , and emerging Local Plan Policy GB1 and, which seek to restrict the size of additions and extensions to existing dwellings in the Green Belt in order to maintain openness.

5.2 The proposed development is by reason of its design, size and scale, would not appear subservient to the host property, would unbalance its appearance and appear dominant within the surrounding street scene. It is considered to conflict with national planning advice in relation to design contained within the National Planning Policy Framework. It would also conflict with the Emerging Local Plan Policies D1 and D11 and the Council's Supplementary Planning Guidance 'House extensions and alterations' December 2012 which encourages good design.

5.3 Whilst the proposal would enhance the amenity and living conditions of the existing occupants, it is not considered that this factor constitutes very special circumstances that would outweigh the harm to the Green Belt and the other harms identified.

### COMMITTEE TO VISIT

#### 6.0 RECOMMENDATION: Householder Refusal

1 The application site lies within the general extent of the Green Belt, as set out in saved policies Y1 and YH9 of The Yorkshire and Humber Plan - Regional Spatial Strategy. It is considered that the proposed extension, due its significant footprint and size over two storeys would result in a disproportionate addition to the original dwelling, which would represent inappropriate development in the Green Belt. It would create a significant extension to the original property which would harm the openness of the Green Belt. No very special circumstances have been identified that would outweigh this harm. As such the proposal conflicts with the National Planning

Policy Framework 2018 Chapter 13 and, policy GB1 of the City of York Publication Draft Local Plan 2018, which seek to restrict the size of additions and extensions to existing dwellings in the Green Belt in order to maintain openness.

2 The proposed development represents poor design. It would not represent a subservient addition to the host property and would constitute an over dominant addition resulting in an incongruous, unattractive development which is poorly related both to the existing house, the adjoining house and the wider street scene, thus causing harm to both the appearance of the dwelling and wider local area. The size of the extension would overwhelm the existing rear of the house to such an extent that it makes it almost impossible to read the existing proportions of the host dwelling and does not relate well to it. It would further draw the eye to a dominant form of development which will be sited immediately up to the shared boundary with no.11 and which bears little visual reference to the existing house, or any other extension in the area and altering significantly the appearance of the property at the rear. This poor design and incongruous development results in an imposing, visually unattractive development which would also be visible from public views to the rear and from neighbouring gardens, causing harm. The proposal would therefore conflict with national planning advice in relation to design contained within the National Planning Policy Framework, in particular paragraphs 127 and 130, policies D1 and D11 of the City of York Publication Draft Local Plan 2018, Policies GP1 (a, b and c) and H7 (a, b, e) of the City of York Draft Local Plan (April 2005) and with the Council's Supplementary Planning Guidance 'House extensions and alterations' December 2012, in particular paragraphs 7.1, 7.2, 7.4 a, b, c, and f.

## **7.0 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 considers that the proposed extension would clearly result in a disproportionate addition to the original dwelling which would represent inappropriate development in the Green Belt. Furthermore, the design, scale incorporating the wide expanse of the roof would not be as a considered subservient addition to the host property or character of the street in general. The revised plans did not make the proposal acceptable, resulting in planning permission being refused for the reasons stated and a positive outcome could not be achieved.

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