

## COMMITTEE REPORT

**Date:** 5 December 2019      **Ward:** Osbaldwick and Derwent

**Team:** East Area      **Parish:** Osbaldwick Parish  
Council

**Reference:** 19/02200/FUL  
**Application at:** 45 Osbaldwick Village Osbaldwick York YO10 3NP  
**For:** Two storey side extension following demolition of garage, and  
dormer to front (resubmission)  
**By:** Mr & Mrs Sanderson  
**Application Type:** Full Application  
**Target Date:** 11 December 2019  
**Recommendation:** Householder Refusal

### 1.0 PROPOSAL

1.1 The application seeks permission for the erection of a two storey side extension following the demolition of the existing single storey garage and the insertion of two front dormer windows.

1.2 The application has been called to committee by Cllr M Rowley in order to allow Members to visit the site and appreciate its context.

### 2.0 POLICY CONTEXT

#### Publication Draft Plan 2018

D4 – Conservation Areas

D11 – Extensions and Alterations to Existing Buildings

#### Development Control Local Plan 2005

GP1 – Design

HE2 – Development in Historic Locations

HE3 – Conservation Areas

H7 – Residential Extensions

Application Reference Number: 19/02200/FUL

Item No:

### **3.0 CONSULTATIONS**

#### Osboldwick Parish Council

3.1 No objections

#### Public Protection

3.2 No objections subject to vehicular recharging facilities being provided.

#### Highway Network Management

3.3 No objections to the existing parking arrangements which would be retained.

#### Foss Internal Drainage Board

3.4 No objections to the two storey side extension.

### **4.0 REPRESENTATIONS**

#### Neighbours and Publicity

4.1 Two responses supporting the scheme on the following grounds:

- The house is in need of an upgrade
- The design creates a symmetrical scheme
- Extending the width of the garage would provide a more usable space
- Dummy windows could be inserted into the side elevation and landscaping planted to break up the side elevation
- No detrimental impact upon the conservation area or Yew Tree Mews
- An approval would enhance the village and all occupant and neighbours

### **5.0 APPRAISAL**

5.1 Key Issues

- Design
- Impact upon the character of the conservation area

Application Reference Number: 19/02200/FUL

Item No:

## National Planning Policy Framework

5.2 There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt. In the absence of a formally adopted local plan the most up to date representation of key relevant policy issues is the National Planning Policy Framework, February 2019 (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.3 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.4 Paragraph 127 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 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

5.6 The NPPF, Chapter 16 - Conserving and enhancing the historic environment), Paragraph 190 states that Local Planning Authorities should identify and assess the

Application Reference Number: 19/02200/FUL

Item No:

particular significance of any heritage asset that may be affected by a proposal. Paragraph 192 a) states that when determining planning applications, local planning authorities should take account of sustaining and enhancing the significance of any heritage asset.

5.7 The NPPF, Chapter 16, Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. ,

5.8 The NPPF, Chapter 16, Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.9 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).

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

5.10 The relevant policy is D11 'Extensions and Alterations to Existing Building', which states that it is important to plan positively for the achievement of high quality design for all development proposals. Proposals to extend, alter or add to existing buildings will be supported where the design:

Application Reference Number: 19/02200/FUL

Item No:

- responds positively to its immediate architectural context and local character and history, in terms of the use of materials and detailing, scale, proportion, landscape design and the space between buildings;
- the significance of a heritage asset and/or its setting and the character and appearance of conservation areas;
- positively contributes to the setting, wider townscape, landscape and views;
- protects the amenity of current and neighbouring occupiers, whether residential or otherwise.
- contributes to the function of the area and is safe and accessible.
- protects and incorporates trees that are desirable for retention.

5.11 Policy D4: “Conservation Areas” states that development proposals within or affecting the setting of a conservation area will be supported where they; (i) are designed to preserve or enhance the special character and appearance of the conservation area and would enhance and better reveal its significance; (ii) respect important views; and (iii) are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

5.12 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

5.13 The relevant City of York Council Local Plan Policies are H7 'Residential Extensions', GP1 'Design', HE2 Development in Historic Locations and HE3 Conservation Areas.

5.14 The Council has a Supplementary Planning Document (SPD) for House Extensions and Alterations. The SPD was subject to consultation from January 2012 to March 2012 and was approved at Cabinet on 4 December 2012. 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 is a material consideration when making planning decisions. In connection with side extensions the guidance states that if not sensitively designed and located, side extensions can erode the open space within the street

Application Reference Number: 19/02200/FUL

Item No:

and create an environment that is incoherent and jumbled. It goes on to state extensions should also not have a detrimental impact on the streetscene by significantly projecting beyond a clearly defined building line of the adjacent street, or detract from the spaciousness of the area. The roof of a building is an important and prominent element of its design. Unsympathetic roof extensions can have a dramatic effect on a building's visual appearance.

## ASSESSMENT

5.15 The application site is within the Osbaldwick Conservation Area. Within such areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

5.16 The application site is a detached dwelling located at the junction with Osbaldwick Village and Yew Tree Mews, set behind a large front garden, facing the Green. Planning permission was granted in 1986 for the erection of a two storey side extension to the boundary with 43 Osbaldwick Village. The current application seeks permission to replicate the extension to the opposite side elevation, following the demolition of the existing single storey garage, and insert dormer windows to the front elevation of the existing and proposed extensions.

5.17 The proposed extension would be located immediately adjacent to the existing grass verge to the side of the dwelling. It would be set down from the ridge and would be at full two storey height to the rear. From the ridge the front roof would pitch down terminating at single storey eaves height, creating a long roof slope. It is proposed to insert a catslide dormer within this roof slope. The front and rear elevations of the extension would project beyond the main elevations of the existing dwelling slightly, to match the existing extension.

## DESIGN

5.18 Concerns are raised in connection with the design of the extension. It is appreciated that the proposed extension would in effect mirror the existing extension which appears to have been approved in 1986. However, it is considered that the existing extension is of poor design and does not relate well to the host building. The long pitched roof is at odds with the dwelling and the forward projection and slight wrap around draws attention away from the main dwelling. It appears to represent

Application Reference Number: 19/02200/FUL

Item No:

an odd design choice that introduces an uncharacteristic feature to the host property that detracts from its external appearance. If this style of extension were to be replicated the pleasant character of the host building would be lost. The extensions would subsume the property. Furthermore, when combining the width of the two extensions they would almost double the frontage of the property, creating a scheme which appears to be out of proportion with the host building and dominate the front elevation.

5.19 When assessing the rear elevation of the property the increase in width is apparent. The proposed extension, when combined with the existing, would create an unacceptably elongated rear elevation. The full two storey height and slight rearward projection emphasises the extensions and results in the loss of the original character of the property.

5.20 The scheme also proposes the insertion of catslide dormer windows to the front elevation. Whilst, dormers are present to a modern extension to the neighbouring property they are not a characteristic of the area. Whilst they would break up the massing of the roof they do not appear to sit comfortably within the roof slope. When viewed on site it appears that they would be very narrow in order to be accommodated within the roof and may appear at odds with the host building.

## IMPACT UPON THE CHARACTER OF THE CONSERVATION AREA

5.21 As stated the site is located with the Osbaldwick Conservation Area in a prominent position facing onto The Green. It is considered that the proposed extension would detract from the character of the conservation area. The proposed design, in terms of the long roof, is not considered to be a design feature and does not appear to be replicated elsewhere within the vicinity. The existing extension draws undue attention to the property and detracts from the street scene. To replicate this would increase the visual impact the dwelling has upon the conservation area and further detract from its setting.

5.22 In addition the rear elevation of the property is highly visible in views from Yew Tree Mews, which is also located within the conservation area. The properties to this western side of Yew Tree Mews are set back from the highway behind gardens and driveways. The proposed extension at 45 Osbaldwick Village would abut the grass verge. As such the rear elevation of the property projects out considerably past the front elevation of the dwellings to the rear. When viewing the property from Yew

Tree Mews the extension would be overly prominent and would dominate views to the detriment of the street scene.

5.23 Further concerns are raised in connection with the siting of the extension close up to the highway verge, although a small area would be retained to prevent footings and eaves overhanging the boundary. However, it is considered that extending the property in the proposed manner would have a detrimental impact upon the street scene by filling the width of the plot. The openness has been retained, by only a single storey extension being present, which protects the character of the conservation area. Closing this gap, by increasing the height, would result in a loss of openness and would create a narrowed entrance to Yew Tree Mews which is considered to relate poorly to the existing open character within the vicinity of the site.

5.24 It is considered that the proposals will have a detrimental impact upon the character and appearance of the conservation area and as such the application conflicts with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.25 In assessing the proposal officers have considered the desirability of sustaining and enhancing the significance of the heritage asset and have considered the impact it would have on the significance of this heritage asset, as required by Paragraph 193 of the NPPF, and have judged that there will be less than substantial harm. Whilst the proposed extension would bring balance to the host dwelling and provide improved accommodation for the occupiers it is considered that these are not sufficient to outweigh the harm identified, particularly when considering the weight to be given to the conservation of the asset. There are no public benefits, as outlined in Paragraph 196 of the NPPF, arising which would overcome this objection.

## **6.0 CONCLUSION**

6.1 It is considered that the proposed extension would have a detrimental impact upon the character and appearance of the host dwelling and the conservation area due to the design and massing of the combined extensions. Officer's recommend refusal.



## **COMMITTEE TO VISIT**

### **7.0 RECOMMENDATION: Householder Refusal**

1 It is considered that the design, form and mass of the two storey side extension, that includes a catslide roof, dormer and forward and rear projections, would represent poor design that fails to relate to the existing house, would appear overly dominant and incongruous and would subsume the host building. Furthermore, the width and mass of the side extension would result in the full width of the plot being filled which would result in a loss of openness which is an important spatial characteristic of the conservation area.

As such, it is considered that the proposal would detract from the streetscene and would harm the character and appearance of the conservation area. For these reasons, the proposal would lead to less than substantial harm to the significance of the designated heritage asset and there are no identified public benefits that would outweigh this harm. Thus, the proposal conflicts with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fails to comply with guidance for heritage assets contained within the National Planning Policy Framework, in particular paragraphs 193 and 196 and those on good design in paragraphs 127 and 130. The proposal would not be in accordance with; Policy D1 (Placemaking), Policy D4 (Conservation Areas) and Policy D11 (Extensions and Alterations to Existing Buildings) of the Publication Draft York Local Plan 2018; Policy GP1 (Design), Policy H7 (Residential Extensions) and Policy HE3 (Conservation Areas) of the Development Control Draft Local Plan 2005.

### **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 application has been resubmitted following the withdrawal of a previous scheme

Application Reference Number: 19/02200/FUL

Item No:

which was also recommended for refusal. No amendments have been made to the revised scheme and as such a positive outcome could not be achieved, resulting in planning permission being refused for the reasons stated.

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