

## COMMITTEE REPORT

**Date:** 5 March 2020                      **Ward:** Osbaldwick and Derwent  
**Team:** East Area                              **Parish:** Holtby Parish Council  
**Reference:** 19/02608/FUL  
**Application at:** Rose Cottage Main Street Holtby York YO19 5UD  
**For:** First floor rear extension  
**By:** Mr Rounding  
**Application Type:** Full Application  
**Target Date:** 12 February 2020  
**Recommendation:** Householder Refusal

### 1.0 PROPOSAL

1.1 The application site relates to a detached two storey dwelling situated on Main Street in the village of Holtby. Planning permission is sought for the construction of a first floor rear extension to be built above and existing side and rear extension.

1.2 This proposal is a resubmission of a previously withdrawn development (ref: 19/02165/FUL) for the construction of a first floor side and rear extension. The application was withdrawn due to concerns raised about the impact the extension would have on the Green Belt.

#### Property History

1.3 First floor side and rear extension - withdrawn (ref: 19/02165/FUL).

1.4 Extension to dwelling to enlarge kitchen and extension to outbuilding for storage purposes in connection with antique shop (approved 1980) (ref: 3/63/19/PA).

1.5 Erection of a single storey extension to side and rear of dwelling to form entrance hall, cloaks, garage and utility room and a 2 storey side extension to form dining room and kitchen with bedroom and bathroom over (approved 1991) (ref: 3/63/19/PA).

#### Councillor Call - in

1.6 The application has been brought to Area Planning Sub Committee by Councillor Waters. He supports the Parish Council's support of family orientated proposals involving sympathetic extensions of properties in the village. Councillor Waters has made comments that there has been some demolition to outbuildings previously situated to the rear of the dwelling.

## **2.0 POLICY CONTEXT**

### Development Control Local Plan 2005

CYH7 Residential extensions

CYGB1 Development within the Green Belt

CYGB4 Extensions to existing dwellings in the Green Belt

### Publication Draft Local Plan 2018

Policy GB1 Development within the Green Belt

Policy D11 Extensions and alterations

## **3.0 CONSULTATIONS**

### Holtby Parish Council:

3.1 No problems with this application.

## **4.0 REPRESENTATIONS**

4.1 None received.

## **5.0 APPRAISAL**

5.1 The key issues are:

- Green Belt
- Neighbour amenity
- Very Special Circumstances

### Planning Policy

5.2 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

5.3 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)

5.4 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.

### The Publication Draft Local Plan 2018

5.5 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. 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).

### Development Control Local Plan (2005)

5.6 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. Policy CYGB1 states that permission will only be granted where a) the scale and location would not detract from the open character of the Green Belt b) it would not conflict with the purposes of including land within the Green Belt c) it would not prejudice the setting and special character of the City Of York. Draft DCLP Policy CYGB4 states that the extension and alteration of dwellings in the Green Belt and open countryside will be permitted providing the proposal: a) would not cause undue visual intrusion; and b) is appropriate in terms of design and materials; and c) is small scale compared to the original dwelling.

## Holtby Village Design Statement

5.7 The Holtby Village Design Statement was approved as a draft Supplementary Planning Guidance on 28 April 2005. Design guideline No. 25 states that any new buildings or extensions should be sympathetic to location and overall character, with the use of local design features and local materials.

### Supplementary Planning Document (SPD) for House Extensions and Alterations.

5.8 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. Advice in the document is consistent with local and national planning policies and is a material consideration when making planning decisions. Guidance in sections 7, 13 and 18 relating to townscape, rear extensions and extensions in the green belt are relevant to the determination of the application.

### Green Belt

5.9 The application site lies within the general extent of the York Green Belt as shown on the Key Diagram of the saved RSS Green Belt policies and therefore Section 13 (Protecting Green Belt Land) of the NPPF is applicable. Paragraph 133 of the NPPF states that 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 permanence.

5.10 Paragraph 144 of the NPPF establishes that substantial weight should be given to any harm to the Green Belt. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. An exception set out in Paragraph 145 (c) relates to 'the extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.'

5.11 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. National Planning Practice Guidance states that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. It states that openness is capable of having both spatial and visual aspects in other words, the visual impact of the proposal may be relevant, as could its volume.

5.12 The original dwelling has been extended at two storey height on the north-west side elevation. A further extension has been constructed at single storey height to the (other) south east side and rear elevation of the dwelling. National guidance in the NPPF states that extensions to buildings should be judged against the size of the original building, thus the cumulative impact of incremental increases, although they may be small scale in themselves, is a material consideration. In assessing proportionality the original dwelling had a foot print in region of 44 square metres. The previous development has increased the foot print by 52 square metres to 96 square metres. While, the proposed enlargement would not further increase the foot print of the dwelling, the volume of the dwelling would be more than doubled by the cumulative effect of the proposed and previous extensions. This is considered to be disproportionate in appearance compared to the original house, comprising inappropriate development in the Green Belt which by definition would be harmful to the Green Belt.

5.13 Policies and guidelines with the 2005 Draft Plan and the Village Design Statement relating to the “washed over” status of the village in the Green Belt carry no weight in the decision making process because they are not in accordance with the NPPF. The NPPF states 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 Holtby in the Green Belt, the Local Plan Topic Paper TP1 (Approach to defining York’s Green Belt) stating that “Development remains low density with the majority of properties having large gardens which add to the Village’s open nature.” It concludes that the village “exhibits a high degree of openness, and contributes to the openness of the Green Belt.”

5.14 The first floor rear extension is subject to revised plans which has lowered the enlargement down from the ridge and incorporated a hipped roof replacing the original gable “end” roof shape. This revision would improve its appearance when seen in the context of the main dwelling. However, the increased scale of the building would harm openness. The dwelling is considered to be in a prominent position on Main Street and clearly visible from the adjacent highway and connecting roads. Furthermore, the rear the dwelling lacks any natural screening, resulting in the development being visible across flat areas of open countryside. As such, it is considered that the additional massing, size and scale of the development would harmfully impact the openness of the Green Belt.

### Neighbour Amenity

5.15 In relation to the assessment of neighbour amenity, paragraph 13.2 of the SPD advises that The Council will have regard to a number of factors including the impact on sunlight, the relationship to windows and the height of the structure. Paragraph

5.2 states that it is important that neighbours' do not feel unduly hemmed in by proposals. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing/loss of light or over-dominance/loss of light. The host dwelling is located within an ample open rear garden and well-spaced from adjacent dwellings. Thus, there would be no impact to residential amenity.

### Very Special Circumstances

5.16 The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. There are no very special circumstances which have been advanced, or appear to exist. Therefore, 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.

## **6.0 CONCLUSION**

6.1 The application site lies within the general extent of the Green Belt. The proposed extension when taken in conjunction with existing extensions to the property, would result in a disproportionate addition to the original dwelling, which would represent inappropriate development in the Green Belt and would harm openness. No very special circumstances have been identified that would outweigh this harm, the proposal conflicts with the National Planning Policy Framework 2018 Chapter 13 (Protecting Green Belt Land) in particular paragraphs 133, 134, 143, 144 and 145c, Policy GB1 of the Publication Draft York Local Plan 2018 and Policies GB1 and GB4 of the City of York Draft Local Plan 2005.

## **7.0 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, when taken in conjunction with existing extensions to the property, would result in a disproportionate addition to the original dwelling, which would represent inappropriate development in the Green Belt. It would cumulatively 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 (paragraphs 133, 134, 140, 144 and 145c ), policy GB1 of the Publication Draft Local Plan 2018 and policies GB1 and GB4 of the Development Control Local Plan 2005, which seek to restrict the size of additions and extensions to existing dwellings in the Green Belt in order to maintain openness.

## **8.0 INFORMATIVES:**

### **Contact details:**

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