

COMMITTEE REPORT

Date: 18 July 2023 **Ward:** Osbaldwick And Derwent
Team: East Area **Parish:** Osbaldwick Parish Council

Reference: 23/00540/FUL
Application at: 129 Osbaldwick Lane York YO10 3AY
For: Single storey rear extension and dormer to rear
By: Mr C Brown
Application Type: Full Application
Target Date: 24 July 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 The application property is a traditional brick-built terraced dwelling in use as a House in Multiple Occupation. The proposal seeks permission to extend the existing single-storey rear off-shoot and also construct a rear dormer.

Relevant Property History

1.2 Application Ref. 20/02227/CLU – Certificate of Lawfulness for a House in Multiple Occupation for 5.no occupants within (Use Class C4) – Granted 30.12.2020.

Planning Committee call-in

1.3 The application has been called into Committee by Ward Councillor Mark Warters. The reasons cited being, potential impact resulting from an increase in the size of the property and number of occupants which is of concern to neighbours. He considers that this may lead to parking problems, noise, disturbance and waste disposal issues. It was also noted that no bat survey has been undertaken on a property, which lies within close proximity of Osbaldwick Beck and tall trees.

2.0 POLICY CONTEXT

The National Planning Policy Framework (2021)

2.1 The National Planning Policy Framework (2021) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

2.2 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.

2.3 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.

Emerging Local Plan

2.4 Relevant Policies:

D11 Extensions and Alterations to Existing Buildings

2.5 The emerging Local Plan was submitted for examination on 25 May 2018. Examination hearings took place between December 2019 and September 2022. Consultation on proposed modifications took place in early 2023. In accordance with paragraph 48 of the NPPF draft policy D11 can be afforded significant weight in the decision making process.

Draft House Extensions and Alterations Supplementary Planning Document

2.6 The Draft Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 referred to in emerging Local Plan Policy D11 provides guidance on all types on domestic types of development. It is a material

consideration in the decision making process and is considered to have significant weight given its general compliance with the NPPF.

3.0 CONSULTATIONS

Countryside and Ecology

3.1 The building has features that could be used by roosting bats. The minimum recommendation is that the building is subject to a Bat Roost Assessment to ensure bats are not impacted by the works.

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3.2 Letter of objection received

- Increased occupancy would lead to car parking problems
- Additional waste disposal problems
- Noise and disturbance
- Alterations to a pitched slate roof without a bat survey.

4.0 REPRESENTATIONS

Neighbours Notification Letters

4.1 2.no letters of objection received:

- Dormer would block light into adjacent loft bedroom
- Future plans to convert the lounge into a bedroom
- Already a lot of noise late into the evening
- Refuse black sacks often left out on the back lane attracting vermin
- Only 1.no car parking space at the rear. The front is already congested
- Adjacent garden will be overlooked by the dormer

5.0 APPRAISAL

THE APPLICATION PROPERTY

5.1 The existing internal layout consists of a lounge, bedroom, kitchen and bathroom at ground-floor; 3.no bedrooms and a shower room at first floor; and a bedroom in the loft space. The property has an HMO licence for 5 occupants.

5.2 The current proposal seeks permission for an extension to the existing ground floor rear bathroom to create a dining room to the rear (this will become open-plan with the existing kitchen) and a rear dormer which will accommodate a shower room for the reconfigured existing loft bedroom. The communal kitchen/diner space will be enlarged and the re-configured bedroom in the loft space will also be enlarged. There is a large cycle/refuse store at the bottom of the rear garden. This does not span the whole width and a timber door, on the rear corner boundary, accesses an area of hardstanding. This spans the rear boundaries of several properties on Osbaldwick lane and connects to a short lane, which leads to Osbaldwick Village. In terms of the application property, this space allows for 1.no vehicle to park directly behind its rear boundary.

VISUAL IMPACT

5.3 The dormer will be set down from the ridge, set up marginally from the eaves and set in on each side. It will not dominate the roof scape and will therefore be compliant with design guidance set out in Para 14.5 of the Householder SPD. External materials indicated are cladding and this will be acceptable as long as the colour is slate grey, to match that of the existing roof-tiles. There are two examples of rear dormers within the terrace. Whilst forming part of the planning application the dormer could be permitted development if built independently.

5.4 The ground floor proposal extends the existing rear off-shoot to the side and does not project any further rearwards than existing. The flat roof element will be raised about 0.4m above the existing. External materials indicated are brick.

5.5 Both elements are acceptable in visual terms and will not harm the character and appearance of the host dwelling, or immediate surrounding area.

IMPACT ON NEIGHBOURING AMENITY

5.6 The existing use of the property is as a House in Multiple Occupation within use class C4. The proposal seeks to add a shower room in the loft space and create an open-plan kitchen/dining area in the offshoot. Therefore, while the proposal will improve the amenity of existing and future occupants, it will not result in any significant intensification of the existing authorised use. The floorplans show 5 bedrooms but the property could be lawfully occupied within the planning use class by 6 residents.

5.7 In terms of the rear dormer, this could be constructed under Permitted Development Rights and there will be no additional windows on either side facing elevations. The orientation, positioning and size of the dormer would result in no significant impact on light to the loft room in the adjacent dwelling, nor any significant impact on privacy taking into account existing rear facing upper floor windows in the terrace. The rear extension, including the raising of its roof level will not result in any harm to adjoining living conditions.

6.0 CONCLUSION

6.1 The proposals are small scale and are not considered to result in harm to residential or visual amenity. As such the proposal is considered to comply with NPPF policy, policy D11 of the emerging Local Plan and guidance with the SPD.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing No. 565.001A - Dated 25th January 2023 - Details of materials to be used in the external construction of the extensions as indicated on the submitted application form.

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 to be used externally for the rear extension shall match those of the existing building in colour, size, shape and texture.

The materials to be used for the rear dormer shall be of a similar appearance to those used in the construction of the roof of the existing dwellinghouse;

Reason: To achieve a visually acceptable form of development.

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 Application Reference Number: 23/00540/FUL Item No: 4d

requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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).

Contact details:

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