



## **2.0 POLICY CONTEXT**

Local Plan Publication Draft (February 2018)

D11 – Extensions and Alterations to Existing Buildings

City of York Draft Local Plan (incorporating 4<sup>th</sup> set of changes, April 2005)

H7 – Residential Extensions

## **3.0 CONSULTATIONS**

Dunnington Parish Council

3.1 Objections were received to the originally submitted plans as well as the revised scheme. It was stated by the Parish Council that the changes made were not considered to be a material change for the better.

3.2 The stated objections are:

- The proposal will increase the bulk/mass of the property substantially and potentially have an over powering detrimental impact on 22 Kerver Lane.
- There will potentially be a loss of privacy due to a proposed window on the ground floor which faces directly on to 22 Kerver Lane.
- There will be a potential loss of light or over shadowing due to the bulk/mass of the proposal on 22 Kerver Lane.
- There are also some inaccurate details shown on the plans which are misleading.
- The proposal conflicts with the Dunnington VDS (page 17/item 20).

## **4.0 REPRESENTATIONS**

Neighbour Notification

4.1 An objection has been received on behalf of the occupiers of 22 Kerver Lane. Objections relate to the original scheme and the revised scheme. The objections relate to the impact on the streetscene and harm to neighbour amenity. In respect to the streetscene, it is stated that the development will, because of its bulk, harm the character of the area. In respect to neighbour amenity it is stated that harm will be caused by overlooking of the rear garden from the habitable room windows proposed in the first floor rear elevation of the two-storey extension. In addition it is considered that the proposal will unacceptably harm outlook from the conservatory.

It is considered that there is insufficient space to provide landscaping to screen the development or preserve privacy.

4.2 The representations do not consider that the revisions to the scheme overcome concerns and consider that they would in fact allow for greater overlooking of their garden. If planning permission is granted a condition should be included that no other windows are inserted in the first floor side elevation.

## **5.0 APPRAISAL**

### **KEY ISSUES**

5.1 Impact on the living conditions of 22 Kerver Lane and the character of the surrounding area.

### **POLICY CONTEXT**

5.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development. Paragraph 130 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including that they are sympathetic to local character, surrounding built environment and their landscape setting. Paragraph 134 says that development that is not well designed should be refused, especially where it fails to reflect 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.

### 2018 Draft Local Plan

5.3 The 2018 Draft Local Plan was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. 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 conformity of the relevant policies in the emerging plan with policies in the previous NPPF (published March 2012).

5.4 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 protect and incorporate trees.

#### 2005 Development Control Local Plan

5.5 The Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations when they are in accordance with the NPPF although it is considered that their weight is very limited.

5.6 Draft Local Plan Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

#### House Extensions and Alterations Supplementary Planning Document (2012)

5.7 The SPD provides guidance relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings. 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 street-scene. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

#### Dunnington Village Design Statement

5.8 Dunnington Village Design Statement was approved as planning guidance in 2006. This document contains a number of recommendations setting out a framework for future development in the village. Advice on house extensions is contained on page 17. In respect to neighbour amenity it states at Guideline 28 that proposals should 'respect neighbours' property, privacy and amenity and consider retention of existing landscaping'.

## ASSESSMENT

### Visual Impact on the Street-Scene

5.9 The extension reflects the form and materials of the host dwelling. The property sits within a large garden and the extension would not lead to over-development. Being to the rear it would not have a significant impact on the streetscene.

### Impact on neighbour amenity

5.10 The key consideration is the impact on 22 Kerver Lane. Number 22 is a large detached house. A conservatory is located on the rear of the property and is set off the side garden boundary with number 20 by around 4.5m. On the rear intact brick elevation of the main house are glazed doors that lead into the conservatory. There is also a window retained in this wall. The room that abuts the conservatory is a dual aspect living room. There is a separate dining room on the ground floor with the only window in the room located in the front elevation. On the rear further from the boundary with number 20 is a window serving a kitchen. The property has a relatively large rear garden being around 20m wide and 13m long.

5.11 The proposal will have an impact on sunlight reaching the rear garden, however, the width and depth of the rear garden is such that the overall impact is relatively modest. It is noted that the existing patio area is to the north-west of the conservatory.

5.12 The proposed two-storey extension of number 20 would have two conventional windows in the first floor rear elevation. These would serve a single room marked on the plans as a bedroom. The existing windows in the first floor rear of the house where the extension is proposed serve a bathroom and landing. Other openings are set further from the boundary. Although the new windows will increase the opportunity for overlooking it is not considered that they would be intrusive or create a degree of overlooking that would be out of place within a residential area. The area of a garden that is normally most private is that which is immediately behind the living space. As the extension would be broadly in line with the rear of number 22 views towards this area from the first floor of the extension would be very oblique.

5.13 The Council's SPD on House Extensions has advice in respect to assessing the acceptability of two-storey rear extensions on neighbouring properties. At paragraph 13.6 on page 20 it states that 'When deciding the acceptable projection of two-storey extensions a starting point will be the '45 degrees rule''. When assessing the acceptability of a two-storey rear extension a line is drawn towards the application site at a 45 degrees angle from the nearest rear facing opening serving a neighbour's ground floor habitable room. Two-storey extensions that project beyond this line will normally be unacceptable. The two-storey extension would not project

beyond a 45 degrees line drawn from the centre of the glazed doors that sit between the lounge and conservatory. The extension would be to the side of the conservatory and would not project beyond a 45 degrees line drawn from the rear of this space. It is not considered that the level of projection of the proposed extension when coupled with the degree of sideways separation to number 20 would create a structure that would be unacceptably oppressive when viewed from within the home or garden of number 22. The extension would be clearly visible when looking sideways from the conservatory of 22 towards number 20, however, there would remain a gap of around 5.6m to the proposed structure and the overall outlook from the conservatory (which includes a glazed roof) would still be of a good standard. In assessing the quality of outlook regard is given to the existence of the views down the property's own garden as well as across the rear of neighbouring gardens.

5.14 The applicant has submitted sun-path diagrams to indicate the impact the proposal would have on sunlight reaching the neighbouring property. Being to the south-east it would be expected that the proposal would have some impact on morning sunlight, particularly at times of the year when the sun is low in the sky. However, it is not considered taking account of the depth and height of the extension and separation to number 22 that the overall loss of sunlight to the rear of the home would be such to justify refusal of the application.

5.15 The representative of the occupiers of number 22 has stated that they object to the application. However he requests that should the application be approved a condition should be included removing the permitted development right to insert additional openings in the side elevation of the proposed extension. It is not considered that this is necessary - planning permission would be required to insert clear glazed first floor openings in the side elevation. It is not considered that the removal of permitted development rights for inserting additional ground floor side openings would be necessary or reasonable. It would be very unlikely that an additional opening would be inserted in the ground floor side elevation, however, were this to occur a 2m fence would retain adequate privacy.

5.16 Given that the proposed extension roof has a low eaves height and there may be the potential using permitted development rights (however unlikely) to erect a box dormer to the side of this, it is considered reasonable given the concerns of the neighbour to remove permitted development rights for the extension roof to be enlarged once it is constructed.

## **6.0 CONCLUSION**

6.1 The development would not have a significant impact on the streetscene. It would bring two-storey development closer to the conservatory/rear garden of 22 Kerver Lane, however, it is not considered that the extent of the negative impact of this on the reasonable enjoyment of the home and garden would be such to justify refusal of the application. The proposal as revised would comply with the National

Planning Policy Framework (2021), policy D11 of the Publication Draft Local Plan 2018 and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

## **7.0 RECOMMENDATION:** Householder Approval

1 TIME2 Development start within three years

2 The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

3 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Drawing MAC-546-05-11 Rev. C received on 14 February 2022.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

4 Notwithstanding the provisions of Article 3 (Schedule 2, Part 1) of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes B (additions to roof) of that Order shall not be carried out to the approved extension.

Reason: To protect the outlook of the neighbour at 22 Kerver Lane.

## **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 took the following steps in order to achieve a positive outcome:

Depth of first floor element of extension reduced.

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