

CYGP1 Design
CYH7 Residential extensions

3.0 CONSULTATIONS

Copmanthorpe Parish Council

3.1 No response received up to date of writing.

Neighbour Notification

3.2 Two letters of objection received further to the original scheme raising the following points

- Loss of privacy, light pollution and increased noise and disturbance from large bi-fold doors and roof lantern;
- Overbearing nature;
- Loss of light and sunlight;
- Misleading submitted dimensions;
- Practical concerns regarding construction
- Out of character with other semi-detached dwellings within the area;
- No drainage details provided;
- Difficult to retain side boundary fencing;
- Impact upon neighbouring storage bunker.

3.3 Two further letters of objection received further to revised scheme from residents at one adjacent dwelling raising the following points:

- Neighbouring resident suffers significant health issues and should avoid being exposed to high levels of any form of dust, particularly wood; thus should the works proceed this may cause further irreversible degenerative damage to health and would contravene Human Rights Act.
- Insufficient detail of structure and drainage;
- Harmful effect on neighbouring amenity re-iterating privacy issues, overshadowing and loss of light and dominance and outlook;
- Harms character of existing dwelling;
- Roof lantern will result in light pollution;
- Proposals do not comply with national planning policy document nor CYC Development Control Local Plan nor Supplementary Planning Guidance – Extensions and Alterations (2012)

Should permission be granted the objector requests the following conditions:

- No soak away drainage to be situated within 5m of boundary with 4 Lynwood Avenue;
- Boundary facing wall must be rendered and painted white. Appropriate legal arrangements must be put in place for the on-going maintenance of this wall;
- Fence must be reinstated;
- Roof lantern must be obscure glass;
- For health reasons, ample time must be given to adjacent residents to relocate for the duration of any building work and should be compensated for such a move.

4.0 APPRAISAL

- Impact on neighbouring amenity;
- Visual impact on the dwelling and surrounding area

POLICY CONTEXT

4.1 The National Planning Policy Framework (March 2012) sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 187 states that decision takers at every level should seek to approve applications for sustainable development where possible.

4.2 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.

4.3 Development Control Local Plan Policy H7 states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.4 Development Control Local Plan Policy GP1 refers to design, for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity.

4.5 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 which provides guidance on all types on domestic type development. 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 road/streetscene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient

and in keeping with, the original dwelling. The character of spacing within the street should be considered and a terracing effect should be avoided where required. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook. Guidance in section 13 advises that for single storey extensions privacy can be protected by the use of blank side walls, obscure glazing, high level windows, or by screening along shared garden boundaries.

4.6 Copmanthorpe Village Design Statement aims to preserve and enhance the character and distinctiveness of the village by promoting appropriate standards of design, and that extensions should retain neighbours right to light and privacy, avoid locations which link one house to another, should be set back from plot boundaries and use materials to compliment the main building.

ASSESSMENT

IMPACT UPON THE DWELING AND UPON THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

4.7 Being sited to the rear, the proposed extension will not be open to public view. It is proposed to project approx. 3.6 metres to the rear, to the same distance as the existing two-storey rear extension. Further to amended plans, the extension is proposed to a height of approx. 2.7 metres to the flat roof (a reduction in height of approx. 0.2 metres), with roof lantern proposed above, to a height of approx. 3.2 metres. The extension will abut the side boundary with No. 4 Lynwood Avenue. A render finish is proposed to match the existing building, and large bi-fold aluminium doors are proposed to the rear elevation. The scale and design of the proposed addition is considered to be appropriate in relation to the original dwelling, existing two-storey rear extension and plot size. Sufficient amenity space will remain within the rear garden, and no change to car/cycle parking or bin storage areas is proposed. Taking all of the above into account it is not considered this proposal will harm the character or appearance of the dwelling nor that of the surrounding area.

IMPACT UPON NEIGHBOURING AMENITY

4.8 The main neighbouring impact will be upon those adjacent residents at No. 4 Lynwood Avenue, due to the extension being proposed along this common side boundary. Currently a 1.8 metre high timber fence is in place. As mentioned above, a Large Householder Extension application (under permitted development rights) has recently been withdrawn due to officer concern regarding the impact upon the adjacent residents - this scheme, as well as the original plans for this current application proposed a height to the flat roof of approx. 2.9 metres and a similar rear projection of approx. 3.6 metres. Amended plans were sought and received in order to reduce the eaves of the extension, so as to reduce the impact upon outlook and light for these neighbouring residents.

4.9 This adjacent dwelling has a large ground floor window serving a through living room, which is close to the side boundary - this room also is served by a large window to the front elevation. This dwelling also has a rear projection set further off this side boundary, with a rear habitable room and ground floor rear facing window.

4.10 Due to the proposed length combined with the height proposed, it is considered that some loss of outlook and light will impact upon the closest rear ground floor room, however taking into account this room does have another large window giving outlook and light; also taking into account of permitted development rights (which are a feasible fall-back position); and that this neighbouring dwelling does have another rear facing ground floor habitable room with window, on balance it is not considered that the harm is so detrimental so as to justify the refusal of planning permission.

4.11 It is not considered that when viewed from the first floor rear bedroom window of this neighbouring dwelling that this proposal, including the proposed rooflight, will result in undue additional loss of outlook, noise or disturbance or light intrusion.

4.12 Due to the separation distance of the extension to the rear common boundary, with No. 16 Horseman Close, which is screened by high hedging, it is not considered that undue loss of amenity will occur to these neighbouring residents, with particular regard to privacy and noise.

4.13 Party wall issues and on-going maintenance issues, are not a material consideration to be considered as part of the planning process. Soakaways would be a building regulations matter as opposed to a planning consideration.

4.14 The neighbour's concerns about the impact of the development in on an existing medical condition during construction raise the issue of whether the protections provided under the Human Rights Act 1998 apply (the 1998 Act). The 1998 Act incorporated into UK law protocols under the European Convention of Human Rights. In the light of the neighbour's objection on the grounds that the proposed works may seriously exacerbate an existing medical condition it is appropriate to assume that an interference with human rights is relevant in this case and that rights under the Convention are engaged, and thus would be a material planning consideration. A judgement needs to be made as to whether interference with the Article rights is reasonable and proportionate and justified by being in the public interest and on the basis of the planning merits of the proposal. The Public Sector Equality Duty must be considered as a relevant factor in determining the application but does not impose a duty to achieve the outcomes in s149 as the Public Sector Equality Duty is only one factor that needs to be considered, and may be balanced against other relevant factors in considering whether the grant of planning permission in this case will have a disproportionately adverse impact on a protected characteristic (disability).

4.15 Whist disturbance during building works would not normally be taken into account, the impact upon the neighbour's medical condition needs to be balanced with the applicant's reasonable development rights and expectations. In this instance, taking into account, the small scale nature of the proposal, being very close to permitted development rights, and the applicant's not unreasonable expectation that they can modestly extend their home, the proposal is not considered to be so detrimental so as to justify a refusal of planning permission. There is no provision for compensation within the Planning Act, and as the proposal is considered to be acceptable, there is no requirement to compensate neighbouring residents. It is not considered reasonable to require a condition to delay the start of works to facilitate neighbouring re-location, though this is proposed be added as an informative.

5.0 CONCLUSION

5.1 The scale and design of the proposed extension is considered to be appropriate to the host dwelling and the appearance of the streetscene. Whilst there will be an impact on outlook and light to the rear of the adjoining house this is not considered to justify the refusal of the application. On balance the proposals are considered to comply with the NPFF, Draft Local Plan Policies H7 and GP1, Supplementary Planning Guidance - House Extensions and Alterations (Approved 2012) and Copmanthorpe Village Design Statement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

5/LYN/002 Rev C and 5/LYN/003

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

3 Brickwork to be used externally shall match that of the existing buildings in colour, size, shape and texture. The side elevation, facing No. 4 Lynwood Avenue, shall be finished in white render.

Reason: To achieve a visually acceptable form of development and to protect neighbouring amenity.

7.0 INFORMATIVES:

Notes to Applicant

Application Reference Number: 17/00219/FUL

Item No: 4c

Page 6 of 7

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 (paragraphs 186 and 187) 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:

Amended plans were sought and received to reduce the height of the extension, along the side boundary with No. 4 Lynwood Avenue so as to reduce the impact upon neighbouring amenity.

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).

3. COMMENCEMENT OF WORKS

In the light of neighbouring concerns with regards the construction it would be advisable to give the adjacent neighbours at No. 4 Lynwood Avenue as much notice as possible of the proposed date of commencement of works.

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