

# COMMITTEE REPORT

**Date:** 5 December 2019

**Ward:** Wheldrake

**Team:** East Area

**Parish:** Naburn Parish Council

**Reference:** 19/02126/FUL

**Application at:** 10 Vicarage Lane Naburn York YO19 4RS

**For:** Two storey side and rear extensions and single storey front extension

**By:** Mr Andrew Holmes

**Application Type:** Full Application

**Target Date:** 28 November 2019

**Recommendation:** Householder Refusal

## 1.0 PROPOSAL

1.1 The application site is a two storey semi-detached dwelling located on Vicarage Lane in a residential area of identical house types. The dwelling is located within the village settlement limits of Naburn and part of the CYC Green Belt.

1.2 This proposal is a resubmission of a previously refused development (ref: 18/01761/FUL) for the construction of a two storey side and rear extension. The proposal was refused on the grounds of the inappropriate development in the Green Belt and design and appearance.

1.3 The application is supported by a Planning Statement written by Mr Holmes (Applicant). The statement considers there is a lack of clarity to the Green Belt policies and the Council's interpretations to appropriateness and volumes when considering residential extensions. The Applicant has included a possible permitted development fall back for development with a similar foot print.

## 1.4 Property History

Two storey side and rear extension refused on 13<sup>th</sup> December 2018  
(ref: 18/1761/FUL)

Two storey side and rear extension refused on 8<sup>th</sup> July 2019 (ref: 19/00829/FUL)

1.5 The application has been brought to Sub Planning Committee by Councillor Christian Vassie to explore the reasons for refusal on the grounds of Naburn's inclusion within the York Green Belt and its impact on the residential streets.

## **2.0 POLICY CONTEXT**

### 2.1 Development Control Local Plan 2005

CYGP1

Design

CYH7

Residential extensions

CYGB1

Development within the Green Belt

### Publication Draft Local Plan 2018

Policy GB1

Development within the Green Belt

Policy D11

Extensions and alterations

## **3.0 CONSULTATIONS**

### 3.1 Naburn Parish Council - support the application

## **4.0 REPRESENTATIONS**

4.1 Neighbour consultation letters expired on 10.06.2019. There are four letters of support from the following residents at 1, 9, 12 and 17 Vicarage Lane.

## **5.0 APPRAISAL**

5.1 The key issues are:

- Green Belt

- Character and Openness
- Design
- Permitted Development / Fall Back Position
- Neighbour amenity

## 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. The village of Naburn is approximately 6km (4 miles) and is thus within the boundary of the Green Belt.

## 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.

5.7 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

5.8 The village of Naburn was, in the 2005 Draft Local Plan a 'washed over' settlement in the Green Belt. Policy GB2 of the 2005 Plan allowed for more extensive extensions and infill development proposals in 'washed over' areas. However the NPPF no longer contains policies for 'washed over' settlements, stating 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 Naburn in the Green Belt. The Local Plan Topic Paper TP1 (Approach to defining York's Green Belt) stating that "Naburn remains set in a largely rural landscape surrounded by open country and farming land with leisure facilities developed along the river. Grass verges throughout the village add to the rural feel of the village, alongside the large gardens of many of the houses which add to its open nature." Concluding that "This area exhibits a high

degree of openness, and contributes to the openness of the green Belt. It is recommended to be included in the Green Belt."

5.9 The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 143 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 states 'substantial weight' should be given to any harm to the Green Belt. Paragraph 145 goes on to set out the types of development that are not inappropriate in the Green Belt. In this regard the national policy establishes that the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, should be regarded as an exception to inappropriate development in the Green Belt. Policy GB1 of the 2018 Publication Draft Local Plan states that permission will be granted where the scale, location and design of development would not detract from the openness of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it would not prejudice or harm the character or setting.

5.10 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.

5.11 In assessing proportionality the proposed development would increase the foot print of the dwelling from 37.23 square metres to 77 square metres which would be over half the size of the original house. Furthermore, the consequence of the additional massing size and scale of the development would also result in a significant increase in the volume of the original dwelling. Taken together, this is considered to represent inappropriate development which, by definition, would be harmful to the Green Belt. For this reason, the proposal would conflict with Central Government planning guidance contained within the NPPF, in addition to policies GB1 and GB4 of the 2005 DCLP and policy GB1 of the 2018 Draft Local Plan. Furthermore, no very special circumstances have been advanced.

### Character and Openness

5.12 The NPPF states that openness is an essential characteristic of the Green Belt. The application property occupies a prominent, open location and from the rear lacks any natural screening and is visible across flat areas of open countryside. The

proposed massing of the development would create an overly large development which would be very prominent from rear gardens to the point it would significantly harm the openness of the green belt. It is acknowledged that there are some noticeable large extensions to neighbouring dwellings in this location. However, these extensions would not follow the current Green Belt policy as set out in the NPPF and the emerging Local Plan. As such existing extensions to neighbouring dwellings would not be considered to set precedent for allowing development at this dwelling. Moreover, in dismissing a recent planning appeal for extensions at no.21 Vicarage Lane the Inspector stated that these characteristics provide the street with a sense of greenery, openness and spaciousness.

### Design

5.13 The host dwelling is a hipped roof semi-detached property located in a rural street of identical pairs of semi-detached houses. The proposed two storey side extension would be stepped down from the existing roof ridge by 500mm and stepped back from the principal elevation at first floor height by 500mm, including a single storey extension forward of the property frontage. The depth would project beyond the rear elevation at two storey height by 3 metres, incorporating a width of 4.2 metres, reducing to single storey adjacent to the joint boundary. The design and scale of the rear extension is considered to overcome the previous reasons for refusal, which incorporated a wide two storey hipped roof of 9.5 metres in width. This enlargement was considered to constitute an over dominant in incongruous, unattractive development. Therefore, with the use of matching materials the revised proposal would comply with the advice provided in Paragraph 7.1 of the SPD which states that a basic principle 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.

### Permitted development / fall-back position

5.14 The Applicant has demonstrated by a plan submitted on 21 November 2019 the comparison between this proposal and a proposal of a similar foot print which could be achieved under permitted development. The plans illustrate a single storey side and two storey rear extension, which attach to the existing house without connecting together. The criteria contained within Class A of Part 1 (sections h) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). While a substantial development to the rear could be achieved here, it would not necessarily provide the desired space, particularly at first floor without the upper floor to the side extension. Moreover, without the first floor side extension the existing spaces between this dwelling and dwelling at 9 Vicarage Lane and openness would be retained. Hence, it is not considered that the development

described here would result in a recommendation to approve the application on these grounds possible permitted development fall back.

### 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. Paragraph 13.6 advises that when deciding the acceptable projection of two-storey extensions a starting point will be the '45 degree guidance', which is established by drawing a line on a floor plan from the centre point of the nearest ground floor habitable room window towards the proposed extension. Extensions that project beyond a 45 degrees line will normally be unacceptable unless it can be clearly shown they will not unduly harm the living conditions of the affected property. This guidance does not take account of the extension's impact on direct sunlight.

5.16 The attached dwelling at 11 Vicarage Lane has a two storey side and rear extension, in addition to a single storey mono- pitched rear extension. The length of the extension would result in a small loss of light during the later part of the day. The house is south facing and is well placed to receive high levels of direct sun light. The first floor sections of the rear extension would be in full view from the rear garden. However, the resulting massing would be set off the boundary by 5 metres, thus would not be so harmful given the openness and garden sizes that exists at the rear. The ground floor sections would be screened from view and the rear openings of this neighbour would be well away from the bi folding doors to the proposed extension. Therefore, it is not considered that the development from the neighbour's aspect would have an oppressive and overbearing impact. Furthermore, the introduction of the full length windows would provide views on to the rear garden and would not result in any significant new overlooking of adjacent properties.

5.17 The dwelling on the opposite boundary at 9 Vicarage Lane is separated from the extension by the width of the driveway. This dwelling hosts a car port on the side driveway which leads to a detached garage located behind the main house. The visible sections of the extension would be from the main house to the detached garage. However, the main outside habitable areas of this rear garden are screened by an existing two storey rear extension. Therefore, whilst the ridge height would be visible from the rear garden, it is not considered that its appearance would unduly oppressive or result in any loss of light. The additional first floor windows are

set well away from the shared boundary serving bedrooms. Thus would not create any additional overlooking or loss of privacy.

## **6.0 CONCLUSION**

6.1 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. The proposed two storey side and rear extension would more than double the size of the dwelling. This would result in a disproportionate addition over and above the size of the original building. Thus, the proposal would represent inappropriate development in the Green Belt. In addition from the rear of the dwelling, the proposal would be viewed as a solid and substantial domestic scale extension to the original building. This resulting appearance would create a much more visually assertive addition to the property clearly visible across the largely undeveloped and open countryside. Thus, causing harm to the openness of the Green Belt. The benefits of the development to create larger family home is acknowledged. However, these issues are not considered material in assessing the impact of the development within Green Belt. Therefore, as 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 145, Policy GB1 of the Publication Draft York Local Plan 2018 and Policies GB1 and GB4 of the City of York Draft 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.

## **COMMITTEE TO VISIT**

## **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, due its significant footprint and size over two storeys would result in a disproportionate addition to the original dwelling, which would represent inappropriate development in the Green Belt. It would 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, 143, 144 and 145), Policy GB1 of the City of York Publication Draft Local Plan 2018 and policies GB1 and GB4 of the City of York Draft 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:**

### **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 considers that the proposed extension would clearly result in a disproportionate addition to the original dwelling which would represent inappropriate development in the Green Belt, resulting in planning permission being refused for the reasons stated and a positive outcome could not be achieved.

#### **Contact details:**

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