

**Item Number:** 12  
**Application No:** 16/00361/HOUSE  
**Parish:** Kirkbymoorside Town Council  
**Appn. Type:** Householder Application  
**Applicant:** Mr N Marwood  
**Proposal:** Raising of roof height of existing dwelling to allow formation of first floor domestic accommodation, erection of two storey extension to south elevation, erection of detached garage and removal of existing detached garage and coal store  
**Location:** Briarfield Vivers Place Kirkbymoorside YO62 6LX

**Registration Date:**  
**8/13 Wk Expiry Date:** 4 May 2016  
**Overall Expiry Date:** 29 April 2016  
**Case Officer:** Charlotte Cornforth **Ext:** 325

#### CONSULTATIONS:

**Parish Council** No response to date  
**Highways North Yorkshire** Recommend conditions

**Neighbour responses:** Mrs Julie Kay, Mr Michael Clements,

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#### SITE:

The site is located to the west of Old Road, with a highway verge separating it from the road, to the south of Queens Way and to the north of Vivers Place, within a predominantly residential area of Kirkbymoorside. The site currently contains a pair of bungalows that are in a state of disrepair. This application seeks alterations to one of the bungalows, Briarfield, the most eastern bungalow and the one closest to Old Road.

#### PROPOSAL:

Raising of roof height of existing dwelling to allow formation of first floor domestic accommodation, erection of two storey extension to south elevation, erection of detached garage and removal of existing detached garage and coal store.

Members should also note that an application has been submitted for the adjoining bungalow known as The Bungalow for the same proposals. This application is also to be determined by Planning Committee (Planning Reference: 16/00363/HOUSE ) and shall be read in conjunction with this report.

A revised site layout plan has been received from the agent, showing additional planting on the front southern boundary of the application site, accompanied by a cross sectional drawing from The Bungalow site to The Struan, following a letter of objection from the occupiers of The Struan. A re-consultation has been carried out and the occupiers of The Struan maintain their objection. Therefore, the application is presented to Members for determination because the objections raise material planning considerations. This will be discussed in more detail in the appraisal section of this report.

#### HISTORY:

There is no planning history regarding the site.

## **POLICY :**

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP16 Design

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

National Planning Policy Framework (2012)

Chapter 7. Requiring good design

National Planning Practice Guidance (2014)

## **APPRAISAL:**

The main considerations to be taken into account when considering the proposal are:

- i. Character and form
- ii. Impact upon the street scenes and immediate locality
- iii. Impact upon neighbouring amenity
- iv. Highway safety
- v. Other matters

### i. Character and form

The existing bungalow measures 5.7m to the ridge. The proposed ridge height of the bungalow to allow for first floor domestic accommodation will measure 6.8m to the ridge. The two storey extension to the south (front) will project forward at ground and first floor level by approximately 0.9m from the original front wall of the bungalow. It should also be noted that there is an existing ground floor bow window and the proposed two storey extension will project 0.1m further forward at ground and first floor level compared to the existing ground floor bow window. To allow for the additional first floor accommodation, a pitched roof dormer and a roof light are proposed on the southern elevation, along with a cat slide dormer on the northern elevation. Furthermore, a first floor window is proposed on the two storey extension to the south. The ground floor fenestration will consist of bi-fold doors and two windows to the south elevation and two ground floor windows and a door to the rear elevation. All windows and door will be UPVC. The raised roof will section will be constructed of a pantile roof to match the existing bungalow and the two storey extension will be constructed of bricks. The detached garage will serve both Briarfield and The Bungalow and will be positioned to the rear of the properties. It will measure a total of approximately 11.9m in length, 6m in width, 2.5m to the eaves and 4.8m to the ridge. It will be constructed of brick and pantiles, with a single garage door and personnel door to the eastern elevation and a window to the southern elevation.

It is considered that the alterations and extension to the main dwelling, along with the detached garage are appropriate and sympathetic to the character and appearance of the host building. This in terms of scale, form and use of materials, complying with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

### ii. Impact upon the street scene and immediate locality

The properties that front Old Road, Queen's Way and Vivers Place are predominantly two storey, with the dwellings to the west of the site and in the corner of Vivers Place being single storey. It is considered that the raising of the roof height of the existing dwelling, the two storey extension to the south elevation and the erection of a detached garage will not be detrimental to the street scenes of Vivers Place, Old Road and Queens Way. There are existing trees on the eastern boundary of the site and the existing front hedge will be retained that will help to ensure that the development is not immediately visible from the street scenes.

### iii. Impact upon neighbouring amenity

A letter of objection has been received from the occupiers of The Struan with regard to the original scheme. A revised site layout plan has been received from the agent, showing additional planting on the front southern boundary of the application site, accompanied by a cross sectional drawing from The Bungalow site to The Struan. A re-consultation has been carried out and the occupiers of The Struan withhold their objection.

The original objection states:

*The property looks directly at our house & garden, at present as a bungalow this does not cause any problem. With a extension to the south this brings the property closer to us and with a two storey development will look directly into our kitchen/ garden and will be an intrusion of our privacy. Whilst we welcome improvements to the property,( it's neglected state has been a cause for concern for many years) we feel it should remain single storey in keeping with the bungalows to the west, Summerfield & Garth Corner*

The objection with regard to the revised plan states:

*We have looked at the amended plan layout and still feel that there will be an intrusion of our privacy. The extra planting is totally irrelevant as the problem lies with the increased roof height and dorma windows looking straight into our kitchen & garden. We strongly feel that the roof height should remain at the existing level. There is plenty of room available on the site to extend the property at ground floor level. We are more than happy to have you visit our property and experience what we consider intrusive.*

Members should note that the Case Officer has visited The Struan.

The agent has responded to the original comments made by the occupiers of The Struan following an email from the Case Officer. Their comments state:

*With reference to the above applications - I have now visited site and taken additional dimensions and site levels to clarify some of the points raised in your email of 31st March.*

*The minimum separation distance between the properties is from Brierfield to the gable wall of the "end extension" ( the approx. position of the extensions have now been added) which is 22.2m, but that is to a blank gable which is directly behind a 2m high hedge and will therefore not create any loss of privacy.*

*If there was to be any concern it would be between the proposals and the single storey rear sunroom extension (to The Struan), which has side windows facing North towards our development, the main windows to the rear elevation of The Struan face West and are therefore at a very shallow angle to proposed new windows to Brierfield and The Bungalow, which would make it almost impossible for any overlooking to occur between the rooms served by those windows.*

*The critical dimensions therefore are those between the proposed first floor windows to the gables of Brierfield & The Bungalow and the single storey sunroom, to the rear of the Struan and which are 26.6m & 27.7m respectively, which we feel is a more than adequate separation between the properties – especially when 21m is normally seen as an acceptable distance in terms of privacy. It should also be noted, that the proposed first floor windows are actually no closer to The Struan than the centre point of the existing ground floor bow windows.*

*As shown on the section, whilst the land slopes, with the adequate separation distances between the properties and when the fact that the properties each have their own screen hedges (2m high to the Struan & 1.8m high approx. to Brierfield/The Bungalow) has been taken into consideration, the proposals do not, in our opinion, create an unacceptable loss of privacy to the rear of the property or garden.*

*Whilst we consider the proposed separation distances to be adequate to prevent any unacceptable loss of privacy, we would be happy to reinforce the existing landscaping to provide additional screening. The existing boundary hedge to Vivers Place will be retained at its current height and reinforced as required with similar species.*

*The existing Holly tree to the site frontage, which is approx. 4m high, will remain and additional trees will be planted around it as indicated on the attached drawings which will interrupt the sight lines between the dwellings. It is proposed to plant a mix of evergreen and deciduous trees to maintain screening throughout the year.*

Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy states:

*New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence*

The comments of the occupiers of The Struan are appreciated. However, whilst the plot is located on slightly rising ground in relation to The Struan (as demonstrated in the cross-section drawing), there is a significant degree of separation between the proposed first floor windows and the side facing window located in the sun room extension of The Struan. As pointed out, the separation distance of 26.6 metres is significant and in excess of 'industry norms' when considering back-to-back distances within built upon areas of towns. The applicants agent has pointed out other similar relationships within the immediate area which they consider to be acceptable in terms of their impacts on amenities. Members will note that there is also an existing, well established hedge on the boundary of The Struan where it abuts Vivers Place. Additional screen planting is also proposed within the application site to strengthen the existing plating to provide screening throughout the year. On balance, and subject to conditions recommended below, the proposal is considered to be acceptable in terms of its impact on the occupiers of neighbouring property.

#### iv. Highway safety

The Local Highway Authority has raised no objection to the proposal and has recommended that conditions regarding the verge crossing, the parking spaces, ensuring that the garage is not converted into a habitable room, precautions to prevent mud on the highway and construction parking and traffic.

#### v. Other matters

There has been no response to date from the Town Council regarding the proposal. A query was submitted from occupier of 1 Queens Way asking for clarity of the existing and proposed roof heights. This was outlined to them in an email and there has been no further responses from them.

## vi. Conclusions

It is considered that, on balance, the raising of the roof height of the existing dwelling to allow the formation of first floor domestic accommodation, the erection of a two storey extension to south elevation, the erection of detached garage and removal of existing detached garage and coal store is considered to meet the relevant policy criteria outlined within Policies SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval.

### **RECOMMENDATION:                      Approval**

- 1            The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2            Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building, including the verge and eaves detail the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 3            Notwithstanding the submitted details, Prior to the commencement of the development hereby permitted, details of proposed planting to provide additional screening to the development, and supplement existing landscape features, shall be submitted to the Local Planning Authority for approval in writing. The submitted scheme shall consist of locally native species only specified in a planting schedule providing details of species, planting sizes and numbers of each species. The approved scheme shall be implemented within the first available planting season (Nov – March ) following completion of the development. In the event of any plant material dying , or become seriously diseased or damaged within a 5 year period following planting, it shall be replaced with similar species to a specification that shall be first agreed in writing with the Local Planning Authority unless the Local Planning authority give written consent to any variation.

Reason: To ensure that the development is properly integrated into the immediate locality and to protect the amenities of neighbouring occupiers, in accordance with Policies SP16 and SP20 of the Ryedale Plan – Local Plan Strategy.

- 4            Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

c. The existing access shall be improved by widening and up-grading of construction specification in accordance with the approved drawing number 2063/1/06 and Standard Detail Number DC/E9A.

h. The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

- 5 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number 2063/1/6/A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

- 7 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 8 Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Alterations and Extensions to Briarfield, Kirkbymoorside - Revised Site Layout Plan and Site Section 2063/1/06/A.

Alterations and Extensions to Briarfield, Kirkbymoorside - Proposed Plans and Elevations - 2063/1/05.

Alterations and Extensions to Briarfield, Kirkbymoorside - New Garage - Plans and Elevations 2063/1/07.

Reason: For the avoidance of doubt and in the interests of proper planning.

**Background Papers:**

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties