

Item Number: 9
Application No: 16/00400/73A
Parish: Amotherby Parish Council
Appn. Type: Non Compliance with Conditions
Applicant: Mr T Piercy
Proposal: Variation of Condition 01 of approval 13/00589/OUT to insert drawing no. MP/2014/1/1K - alteration to house design
Location: Land Adj Millfield Lodge Main Street Amotherby Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 24 May 2016
Overall Expiry Date: 31 May 2016
Case Officer: Tim Goodall **Ext:** 332

CONSULTATIONS:

Highways North Yorkshire	No objection
Environmental Health Officer	No views received to date
Parish Council	Object

Neighbour responses: Mrs Catherine Hall, Sarah Ward And Richard Bell,

SITE:

The application site is a building plot with a largely completed dwelling located on the west side of Main Street, Amotherby. Planning permission for a single dwelling was originally granted outline planning permission in 2013.

The dwelling is a single storey dwelling with habitable rooms within the roofspace. The building has a dual pitched roof with a flat roof single storey rear projection. There is a detached garage and vehicular access to main street.

The site is located within the development limit of Amotherby and lies opposite the BATA site. There are dwellings directly to the north (Millfield Lodge) and south (4 Seven Wells) of the site.

PROPOSAL:

The current application proposes to vary condition 01 of planning approval 13/00589/OUT by amending the wording of the condition to include amended drawing MP/2014/1/1K

The wording of the existing condition is as follows:

No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-

(i) the layout, scale and appearance of every building, including a schedule of external materials to be used

(ii) the access to the site

(iii) the landscaping of the site

Reason:- To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters

A 2015 reserved matters approval also included the approved drawing MP/2014/1/H.

The revised drawing (MP2014/1/1K) seeks the following amendments to this approved plan:

- Reduction in the height of the dwelling from 6.5 metres at the roof ridge to 5.7 metres at the roof ridge. (The depth of the house, excluding the single storey rear projection will remain at approximately 10.3 metres)
- Inclusion of a bay window to the front elevation
- Replacement of the previously approved front dormer windows with a roof light
- Reduction in the number of roof lights to the rear elevation from 3 to 2
- Alterations to the roof design of the single storey rear elevation to replace the pitched roof with a flat roof and lantern
- Minor alterations to the dimensions of the garage
- Alterations to the fenestration of the external walls of the dwelling to include ship lap boarding to the gable ends

CONSULTATION RESPONSES:

Three objections were received in response to the public consultation. The contents of the objections are summarised below:

The occupier of 4 Seven Wells objected for the following reasons:

- The flat roof is visible from their garden and is not in keeping with the rest of the view of the village.
- The first floor layout shows a window to the side elevation that was originally for a stair well with obscured glass. The window is now to a bedroom and therefore must open fully for fire regulations. This would therefore impeach on privacy.

The occupiers of Millfield Lodge have objected for the following reason:

- Object to the flat roof to the rear of the property as a pitched roof was more in keeping with the visual character of the surrounding properties.
- Retrospective nature of the planning application.

Amotherby Parish Council have objected for the following reasons:

- Risk of overlooking from the south facing side window and concern that as the window is to a bedroom it may not meet building regulations.
- The shiplap boarding is not reflective of any such materials used on dwellings in the village
- Concerns over the front boundary treatment.
- No evidence of excavations to the connect to the main sewer, concerns over foul drainage.

North Yorkshire County Council have raised concerns over encroachment onto the public highway and compliance with the highway conditions attached to the planning permission.

As a result of the objections to the proposal, outlined above under the Council's scheme of delegation the application is brought to Planning Committee to be considered by Members.

HISTORY:

13/00589/OUT - Permitted - Erection of a dwelling (site area 0.028 ha).

14/00796/REM - Permitted - Erection of a four bedroom dwelling with detached single garage.

POLICY:

National Planning Policy Framework
National Planning Practice Guidance

Ryedale Plan - Local Plan Strategy

SP1 - General Location of Development and Settlement Hierarchy

SP2 - Delivery and Distribution of new housing

SP4 - Type and mix of new housing

SP16- Design

SP19 - Presumption in Favour of Sustainable Development

SP20 - Generic Development Management Issues

APPRAISAL:

Outline planning permission was granted in 2013 for the erection of the dwelling, with the subsequent reserved matters application approved in 2015. A complaint was received that the dwelling had not been constructed in accordance with the approved plan. Following a visit to the site by Council officers, this application was submitted to vary the approved plan in an attempt to regularise the breach of planning control. The current application is required to consider whether the revisions are acceptable and whether they accord with national and local planning policy.

i. Design considerations

To accord with Policies SP16 (Design) and SP20 (Generic Development Management Issues) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Attention should be paid to the grain of settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings. Consideration must also be given to the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

The approved alterations included the removal of two dormer windows to the front roof slope and its replacement with a velux roof light. The prevailing character of Main Street to the south of the site is predominantly of dwellings with dual pitched roofs, without dormers to the front elevation. The dwellings to the north of the site includes a mixture of roof designs that include some front facing gable ends. Officers consider that there is a variety of roof types on this section of Main Street., The absence of the dormer windows is not considered to be reasonable grounds for refusal of the revised drawings on design grounds. Indeed the more simple roof design is considered to be more in keeping with other dwellings in the vicinity of the site. As such, the removal of the dormer and its replacement with a roof light is considered to accord with Policy SP16.

The design of the single storey rear projection has also been altered to remove a proposed pitched roof projection and replace it with a flat roof with a roof lantern. Under householder 'permitted development' rights, a 4.0 metre deep extension can be built without planning permission to a detached dwelling. There are also modest alterations to the dimensions of this element of the proposal. A flat roof and roof lantern to a single storey rear projection or extension is not uncommon in the design of dwellinghouses and this element is not visible from public view. At 4.15 metres in depth, this projection is considered to be modest in scale and in accordance with Policy SP16.

Objectors have noted the alterations to the fenestration of the gable ends of the dwelling and that the shiplap boarding to the gable ends is not in accordance with the previously submitted plans. However, the gable end retains the same colour as the render below and due to its location to the side elevation, is partially obscured from public view. There is an eclectic mix of architecture within the existing street scene, including brick, render and stone. There are also corrugated metal buildings within the industrial unit opposite the site. As such, within the context of the existing street scene the addition of the gable end boarding is not considered to conflict with Policy SP16 to the extent that refusal of the application could be sustained.

ii. Impacts on the Amenity of the Occupiers of Neighbouring Buildings

In accordance with Policy SP20, new development will not have a material adverse impact on the amenity of present and 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 principle of residential development in this location was established with the original grant of planning permission. The revised plans represent modest alterations to the approved designs including a reduction in the overall height of the dwelling. The window to the south facing first floor side elevation is shown as obscure glazed and with restricted opening. As such the revised scheme is not considered to result in a materially adverse impact to the amenity of present and future occupants of neighbouring buildings and therefore complies with Policy SP20.

iii. Other Matters

Concerns were raised during the application process regarding possible encroachment onto the public highway and discrepancies between the proposed plans and what has been built in terms of the front boundary treatment. Remedial works have taken place on site with the boundary wall now demolished and replaced with a fence, as shown on the submitted plans. Conditions relating to Highways works that were imposed on the original permission can be imposed on a revised planning permission.

Concerns have been raised over whether the development meets Building Regulations requirements. These fall outside of the remit of the planning legislation. The applicant has however been advised that the development does need to satisfy the Building Regulations as a separate matter..

v. Conclusion

In conclusion, the revised application is considered to be in accordance with national and local planning policy, and is recommended for approval subject to the following conditions.

CONDITIONS:

Conditions to follow

RECOMMENDATION: Approval