

**Item Number:** 11  
**Application No:** 16/00721/HOUSE  
**Parish:** Marishes Parish Meeting  
**Appn. Type:** Householder Application  
**Applicant:** Ian Wilson & Rachel Campion  
**Proposal:** Erection of a two storey side extension and single storey rear extension (revised details to refusal 15/01437/HOUSE dated 01.02.2016)  
**Location:** Rowan Cottage School House Hill Marishes Low Road Low Marishes Malton North Yorkshire YO17 6RJ

**Registration Date:**  
**8/13 Wk Expiry Date:** 8 June 2016  
**Overall Expiry Date:** 26 May 2016  
**Case Officer:** Tim Goodall **Ext:** 332

#### **CONSULTATIONS:**

**Countryside Officer** Comments made and informative to be added  
**Highways North Yorkshire** No objections.  
**Parish Council** Object

**Neighbour responses:** Paul & Amanda Welford,

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#### **SITE:**

The site contains a two storey end of terrace dwelling at Low Marishes. The dwelling is of brick construction with a slate tile roof. There is a rear garden with parking to the side of the dwelling. There is also a single storey detached annexe within the curtilage of the dwelling.

The attached dwelling is known as Joiners Cottage. The application site is located outside of a defined settlement limit. Part of the rear garden is located within Flood Zone 2.

#### **PROPOSAL:**

Planning permission is sought for the erection of a two storey side extension and a single storey rear extension to the dwelling.

The rear extension will be 3.1 metres deep and have a mono pitched roof 3.7 metres high at the ridge and 2.5 metres high at the eaves.

The side extension will be 3.7 metres wide and 7.0 metres high. The extension will have a dual pitched roof and be set back from the front elevation of the dwelling.

The materials to be used in the construction of the extension will match the existing dwelling.

#### **CONSULTATION RESPONSES:**

There have been 2 objections to the application.

The occupiers of Joiner's Cottage have objected to the application. The full objection is available online on public access. A summary is below.

- loss of light to the lounge and bedroom windows
- overlooking and overshadowing the garden
- compaction of the ground during the build will have a severe impact on ground water drainage
- alterations and extensions undertaken at Rowan Cottage have led to an increase in flooding due to the inability of ground water to drain away
- Concerns over the physical condition of the vehicular access with relation to construction vehicles and materials

Marishes Parish Meeting object to the proposal due to a loss of light to the neighbouring dwelling.

Some of the contents of the objections relate to material planning considerations. As the application is recommended for conditional approval, under the Council's scheme of officer delegation it is brought to the Planning Committee for Members to consider and determine.

The remainder of the contents of the objections are not planning matters and are therefore not considered in the appraisal of the planning application.

## **POLICY:**

### **National Planning Policy**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### **Ryedale Plan - Local Plan Strategy**

Policy SP16 - Design  
Policy SP19 - Presumption in Favour of Sustainable Development  
Policy SP20 - Generic Development Management Issues

## **HISTORY:**

10/00613/FUL - Approved - Change of use, alteration and extension of outbuilding to form a one-bedroom self-contained granny annex

15/01437/HOUSE - Refused - Erection of a rear two storey extension with single storey side entrance porch

## **APPRAISAL:**

The key issues to consider are:

- i. Character and Form
- ii. Impact on neighbour amenity
- iii. Other matters

### **i. Character and Form**

Extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of materials to accord with Policies SP16 (Design) and SP20 (Generic Development Management Issues).

The proposed extensions include a two storey side extension and a single storey rear extension that will project the full width of the dwelling and the proposed side extension. The roof of the proposed side extension will be set down from the main roof of the dwelling and the extension will be set back from the front elevation.

The rear extension will have a shallow pitched roof and patio doors to the rear elevation. The other windows to the proposed extensions will match the designs of the existing windows. The materials used in the construction of the extension will also match those used in the original construction. When considered against Policies SP16 and SP20, the proposed extensions are considered to be sympathetic and appropriate development to the dwellinghouse.

## **ii. Impact on neighbour amenity**

In accordance with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy, new development is required to 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 proposed rear extension will be 3.1 metres deep, a maximum of 3.7 metres in height, reducing in height to 2.5 metres at the eaves. Overall the rear extension is considered to be a modest development that will result in some loss of light to the rear habitable room at ground floor level. However, it should be noted that the extension to the rear, if constructed without the side extension, would fall within the Government's permitted development tolerances for rear extensions in terms of its height and that an extension projecting by up to 3 metres from the rear wall and up to 4.0 metres in height could be constructed without planning permission. Furthermore, the Government has in recent years extended 'temporary' permitted development rights to include rear extensions of up to 6 metres to attached dwellings.

The potential fallback position is therefore a significant consideration in the determination of the application in terms of its amenity impacts.

## **iii. Other Matters**

Objections have been raised over the condition of the private access road to the dwelling and the impact of construction traffic. The condition of the access road is outside of the scope of this application and it is not considered reasonable or enforceable to place conditions restricting construction traffic for a relatively modest extension to a dwelling house.

The Council's Countryside Officer considers the development to have low potential to harm bat habitats and has recommended an informative be added to the decision notice regarding bat roosts.

There were no further responses to the public consultation.

While part of the garden lies within Flood Zone 2, the extent is approximately 12 metres from the rear elevation of the dwelling. Due to the minor nature of the development, a flood risk assessment is not required.

In conclusion, the planning application is considered to be acceptable when considered against national and local planning policies. Approval, subject to the following conditions is recommended to Members.

## **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 Unless otherwise approved in writing by the Local Planning Authority, the materials, colour and external finish to the external walls and the roof tiles of the development hereby permitted shall match that of the existing dwelling, currently known as 'Rowan Cottage'.

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

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

Site Location Plan validated by the Local Planning Authority 13/04/16

Drawing No 15-1114-4 validated by the Local Planning Authority 23/05/16

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

### **INFORMATIVE**

All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 ( as amended by the Countryside and Rights of Way Act 2000) and are further protected under section 41/42 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 ( as Amended) and applied to whoever carried out the work. Contact details: Natural England, 4th Floor, Foss House, Kings Pool, 1 - 2 Peasholme Green, York, YO1 7PX Tel: 0300 060 1911

### **Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties