

RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE – 4 JULY 2017

Report of the Head of Planning

Mount House, Main Road, Nawton, Helmsley

Purpose of the Report

To advise Members of an alleged breach of planning control and recommend an appropriate course of action.

1. SITE LOCATION

- 1.1 Mount House is located just outside the centre of Nawton, within the defined development limits of the settlement. The property lies to the southern side of the A170. It is the end property in a row of three.

2. ALLEGED BREACH OF PLANNING CONTROL

- 2.1 The breach of planning control:

- The erection of a two storey wood clad side extension.

3. WHEN ALLEGED BREACH FIRST OCCURRED

- 3.1 April 2016.

4. HISTORY AND EVIDENCE OF BREACH

- 4.1 The Local Planning Authority was first made aware of this site in April 2016. At that time a two storey side extension was being built.
- 4.2 Ryedale District Council (RDC) Officers subsequently visited the site and confirmed that the development was under construction.
- 4.3 RDC officers wrote to the property owners in May 2016 requesting that a retrospective planning application be submitted or that the unauthorised works be removed. No response was forthcoming.
- 4.4 RDC officers visited the site in November 2016 and confirmed that the development appeared to be substantially complete. Officers subsequently wrote to the owners again requesting that they contact the Council. However, again no response has been received.

5. APPRAISAL AND POLICY CONTEXT

- 5.1 The property is a typical vernacular two storey house constructed from grey limestone with a slate roof. The unauthorised two storey side extension replaced a single storey side extension that was set back from the front of the property. The two storey side extension now forms the eastern gable of the property has a half jetted top story to the rear. It is clad in black stained/painted wood with a matching slate roof.
- 5.2 Proposed extensions, considered acceptable in principle should be of an architectural style which compliments the character of the main building. 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.
- 5.3 Timber cladding has been used as a contrast material and is relatively common place on both vernacular and modern buildings within the district. The use of overlapping planks, often known as weatherboarding, have been used as the outside covering of timber-framed structures and are common in many parts of the country. The timber-clad design is identifiably different from the original building and makes the extension more legible and 'honest'. In terms of its general proportions and appearance the extension is subordinate and has similar window styles and proportions to the existing dwelling house.

5.4 National Planning Policy Framework

5.4.1 Section 7. Requiring good design.

Paragraph 56. states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60. states that "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness".

5.5 Ryedale Local Plan Strategy

- 5.5.1 Policy SP16 (Design) of the Ryedale Plan - Local Plan Strategy states that new development should respect the context of its surroundings including the plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings. The type, texture and colour of materials should also be respected.
- 5.5.2 Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy advises that extensions 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.

6. HUMAN RIGHTS AND EQUALITIES

- The Human Rights Act 1998 means that it is now, subject to certain circumstances, directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions.
- When a planning decision is made there is further provision that the Authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest and therefore the Local Planning Authority's decision making will continue to take into account this balance.
- The Human Rights Act is not referred to above because no exceptional circumstances have been raised which require a more careful and sensitive consideration of Human Rights issues.
- In making its decision the Council must also have regard to its public sector equality duty (PSED) under section 149 of the Equality Act 2010. The duty is to have due regard to the need (in discharging its functions) to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
 - Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
 - The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
 - The PSED must be considered as a relevant factor when considering its decision but does not impose a duty to achieve the outcomes in s.149. The level of consideration required (i.e. due regard) will vary with the decision including such factors as:
 - The importance of the decision and the severity of the impact on the Council's ability to meet its PSED
 - The likelihood of discriminatory effect or that it could eliminate existing discrimination.
 - The Council should give greater consideration to decisions that have a disproportionately adverse impact on a protected characteristic and this impact

may be unintentional. In appropriate cases, this may involve an understanding of the practical impact on individuals so affected by the decision. Regard should be had to the effect of mitigation taken to reduce any adverse impact.

- Further, the PSED is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors. The Council is also entitled to take into account other relevant factors in respect of the decision, including financial resources and policy considerations. In appropriate cases, such countervailing factors may justify decisions which have an adverse impact on protected groups.
- This recommendation does not raise any equalities issues.

7 WHY IS IT CONSIDERED NOT EXPEDIENT TO SERVE A NOTICE?

7.1 The extension is considered to be acceptable in terms of its general form, scale and fenestration. There is considered to be no wider adverse impact upon the street scene. The use of black painted timber boarding differs from the facing stonework of the original dwelling house although matching slate has been used on its roof. The use of dark boarding marks the divide between the original house and the newer extension. The material used is however considered to be recessive in colour and overall the extension is considered to be acceptable in terms of its design.

7.2 The appearance of the extension is considered to comply with Policy SP 16 (Design) of the Ryedale Plan - Local Plan Strategy, Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy, as well as the NPPF and NPPG.

As such, it is considered that it is not expedient for the Council to take any further action in relation to this matter.

Recommendation

It is **recommended** that the Council take no further action in relation to the unauthorised erection of a two story side extension.