

Item Number: 11
Application No: 18/00969/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Mrs Harriet Shearsmith
Proposal: Erection of a detached one bedroom self-contained residential annex together with a single storey rear extension to the existing dwelling and demolition of existing detached garage/store and shed
Location: 7 Russett Road Malton YO17 7YS
Registration Date: 26 September 2018
8/13 Wk Expiry Date: 21 November 2018
Overall Expiry Date: 22 October 2018
Case Officer: Alan Goforth **Ext:** Ext 332

CONSULTATIONS:

Parish Council Awaiting response
Highways North Yorkshire No objections

Neighbour responses: Martin Jagger, Gillian Astle, Mr Richard Jagger, Mrs Eileen Jagger,

SITE

The proposed development site is on the western side of Malton within the town development limits. The property is situated on the eastern side of Russett Road (cul de sac). Number 7 Russett Road comprises a detached, two storey, four bedroom property. The property is modern, buff brick built with a concrete pantile pitched roof and has previously been subject to a two storey rear extension. The existing site amounts to approximately 470m². The front, western side of the plot comprises a gravelled area and drive way and there is a part decked, part grass rear garden on the eastern side of the property. A detached garage (22m²) stands adjacent to the northern boundary to the rear of the dwelling and is currently used as additional storage space. The neighbouring residential properties comprise number 5 Russett Road to the north and number 9 to the south. The northern boundary of the property comprises a 2.1m high close boarded timber fence.

HISTORY

There is no planning history relevant to the determination of this application.

PROPOSAL

Planning permission is sought for the erection of a detached one bedroom self-contained residential annex together with a single storey rear extension to the existing dwelling and demolition of existing detached garage/store and shed.

The proposed single storey rear extension would provide an additional 14m² of living space to form a larger kitchen/dining area. It would be constructed from facing brick to match existing, with a part tiled, part glazed roof with aluminium framed bi-folding doors providing access to the rear garden. The extension would project approximately 2.3m off the rear elevation to meet the existing building line of the east elevation. At its highest point the roof would meet the existing building 3.4m above ground level and would fall away to 2.3m high at the eaves.

The existing detached, flat roof garage (22m²) at the rear of the property would be demolished to allow for a single storey, one bedroom 'granny annexe'. The self-contained annexe would provide independent living accommodation for an elderly relative.

The annexe would be constructed on the footprint of the existing garage and would have external area of 35m² measuring 8.1m along the northern boundary and 4.3m along the eastern boundary. The entrance door would be in the west facing gable end elevation and there would be three windows in the south elevation facing onto the garden. The annexe would have a pitched roof and stand approximately 3.7m high to the ridge and 2.1m to the eaves.

Externally the annexe would be constructed from facing brick and concrete pantiles to match the main dwelling with white PVCu windows and door and black PVCu rainwater goods.

POLICY

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Strategy - Policy SP21 Occupancy Restrictions

Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)

National Planning Practice Guidance 2014 (PPG)

APPRAISAL

The main considerations in the determination of this application are considered to be:

- i) Design, form and appearance;
- ii) Impact on residential amenity;
- iii) Highway impacts; and
- iv) Occupancy restriction.

Design, form and appearance

The single storey extension would be off the eastern side of the property to meet the rear elevation building line and the detached 'granny annexe' would be constructed in a similar position to the existing garage (to be demolished) but with an increased footprint and overall height. Policies SP16 and SP20 are relevant in relation to the design of the proposed extension and annexe. Policies SP16 and SP20 require that extensions are appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials. Extensions should also be of an architectural style which complements the character of the main building. The proposed external construction materials for both the extension and annexe would replicate the main dwelling and would appear subservient to the main dwelling.

The annexe would be set back and to the side of the main dwelling and the cul de sac footpath is 30m to the west of the proposed annexe. As a result the annexe would have a negligible impact on the appearance of the street frontage. It is considered that the design and appearance of the extension and

new annexe would be sympathetic to the existing dwelling and would be appropriate in accordance with Policies SP16 and SP20.

Impact on residential amenity

Four letters of objections have been received on behalf of the occupant of number 5 Russett Road. The main concerns relate to loss of light, an overbearing impact and a sense of enclosure and oppressiveness.

As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having 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.

The mass of the east elevation of the dwelling will be increased at ground floor level by the rear extension and at its closest point would be 3m from the northern boundary of the plot. The extension is relatively small and would create an additional 14m² of floorspace. It is considered that the rear extension would not have any material impact on residential amenity.

The existing flat roof garage stands to a height of 2.3m and the boundary treatment along the northern side of application site comprises a 2.1m high timber fence. The annexe would be no closer to number 5 Russett Road than the garage although it would have a larger footprint and mass than the garage and would, therefore, have a greater impact than existing. However, it should be noted that the front gable end of the annexe would be 5.7m from the rear elevation of number 5 Russett Road which is approximately 1.6m further east than the existing garage.

The ground level of 5 Russett Road is higher than the application site by approximately 0.5m and the floor level of the annexe will be 350mm lower than the floor level of the main dwelling. The eaves of the annexe are relatively low and would align with the height of the boundary fence and the apex of the pitched roof would reach 1.6m above the boundary fence.

The applicant has provided a sun study which compares the shadows created by the garage and proposed annexe at different times of the day. There would be no shadowing or loss of light to the habitable rooms of 5 Russett Road and it would comply with the '45 degree test' commonly used in planning to gauge loss of light. The annexe would occupy a position further east along the boundary than the garage and the study shows that there would be negligible changes to the shadowing of the rear garden of the adjoining property.

There are no window or door openings facing north from the extension or annexe and no loss of privacy for number 5 Russett Road is anticipated. The windows in the single storey annexe would face southward at a distance of 11m from the southern boundary with number 9 Russett Road. A detached garage is situated in the rear garden of number 9 which forms part of the boundary and the dwelling sits at an oblique angle in relation to number 7 and it is considered unlikely that any overlooking or loss of privacy would arise from the development.

There is also a concern from the neighbour that the application site is already fully developed and this proposal represents over development of the plot. The rear garden of number 7 amounts to approximately 160m² which would be reduced to approximately 110m² as a result of the proposed built development. The site is within the 50% permissible area for development for ancillary buildings and the built additions are not considered overdevelopment.

It is relevant to set out the permitted development rights for outbuildings so that Members are aware of a possible fall-back position for the applicant. Outbuildings are permitted to a maximum eaves height of 2.5m and maximum overall height of 4m with a dual pitched roof. However, if within 2m of the property boundary, as is the case with this application, the outbuilding cannot exceed 2.5m in height without the need for a specific planning permission. The use of the outbuilding as separate, self-contained, living accommodation would not be permitted development.

The proposed pitched roof of the annexe would extend above the existing garage and would be visible

from the rear of number 5 Russett Road but it is not anticipated that it would result in an overbearing or oppressive presence and an unacceptable impact on natural daylight. The potential impact upon amenity has been taken into account and it is considered that the proposed development would not result in a material impact upon the levels of amenity currently experienced by the adjacent property. The proposed extension and annexe would not have overbearing presence, cause unacceptable loss of light or loss of privacy and complies with the relevant parts of Policy SP20.

Highway impacts

The proposed development would result in the loss of the existing detached garage but it is noted that it is currently used for storage and there is a relatively long driveway to the front of the house which provides adequate off-street parking. The LHA acknowledge that the majority of the front garden area on the western site of the plot is laid to gravel and used for car parking. The LHA have no objections and recommend that the gravel and parking areas are conditioned to be kept clear and maintained for such purposes. It is considered that the proposed development would not create conditions prejudicial to highway safety and complies with the relevant parts of Policy SP20.

Occupancy restriction

The detached residential annexe building would be constructed within the curtilage of the main dwelling and would provide self-contained living space for an elderly relative. It would have shared access, parking areas and outdoor amenity space and due to its size would not be suitable for separate occupation unless used as ancillary residential accommodation as is proposed in this case.

Representations received on behalf of the occupant of number 5 Russett Road have raised concerns in relation to the purpose and use of the proposed self-contained annexe and that it could be sold off as a new dwelling. It is the Officer view that, whilst the proposed building would provide independent living accommodation, it would be inappropriate for residential use separate from the main dwelling. In light of this the use of the annexe shall be limited by condition in line with the requirements of Policy SP21(d) so that it cannot be separately let out or sold and shall remain ancillary to the main house and only occupied by members of the family of the occupier.

Conclusion

At the time of writing this report no response has been received from the Town Council. Members will be updated of their comments at the meeting.

The proposed rear extension and annexe would not have an unacceptable impact on the appearance of the host building in terms of scale, form and use of materials and the development would not be prejudicial to highway safety. The impact on residential amenity has been assessed and whilst the proposed annexe would have a larger footprint and mass than the existing building it is considered that it would not result in a material adverse effect on the amenity of the occupants of the neighbouring property. In light of the above assessment, it is considered, on balance, that the proposal is acceptable and complies with policies SP16, SP20 and SP21 of the adopted Ryedale Plan - Local Plan Strategy and the revised National Planning

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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan ref. P001, dated May 2018
Proposed Site Plan & plans ref. P003 Rev B, dated May 2018
Proposed Elevations- Extension ref. P004, dated May 2018
Proposed Elevations- Annex ref. P005, dated May 2018
Annex Sections ref. P007, dated Oct 2018

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

- 3 All external constructional materials and colour finishes to be used shall match the existing dwelling and be in accordance with those identified in the application.

Reason: In the interests of visual amenity.

- 4 The access and gravel and parking areas on the western side of the plot as shown on the Proposed Site Plan & plans ref. P003 Rev B, dated May 2018 shall be kept available for their intended purpose at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 5 The annexe hereby permitted shall be, and shall remain, ancillary to the use of the dwelling currently known as 7 Russett Road, shall not be sold or let off separately and shall only be occupied by members of the family of the occupier of the main dwelling.

Reason: The application site is within an area where planning policy precludes the provision of new dwellings.