

Item Number: 11
Application No: 19/00021/HOUSE
Parish: Helmsley Town Council
App. Type: Householder Application
Applicant: Mr Philip Pearce
Proposal: Erection of single storey rear extension and single storey extension to front elevation
Location: 6 Bells Court Helmsley YO62 5BA

Registration Date: 10 January 2019
8/13 Wk Expiry Date: 7 March 2019
Overall Expiry Date: 26 March 2019
Case Officer: Niamh Bonner **Ext:** Ext 43325

CONSULTATIONS:

Helmsley Town Council No comment
Neighbour responses: Mr G. J. Oldmeadow,

SITE:

The property is a semi-detached dwelling, located within the development limits of Helmsley, positioned in the cul de sac location of Bell's Court.

The site does not fall in the Helmsley Conservation Area, which runs to the western boundary of no. 4 Bell's Court, nor the Helmsley Article IV designation as a number of properties in Bell's Court have been highlighted as an exclusion area.

PROPOSAL:

This application seeks approval for the erection of single storey rear extension and single storey extension to front elevation

HISTORY:

The following planning history is considered most relevant:

08/00217/FUL: Erection of single-storey extension to form sunroom. Approved

15/01530/HOUSE: Planning application WITHDRAWN - Erection of rear first floor extension and erection of two storey side extension to replace existing attached garage.

This application was withdrawn following concerns raised by Officers in terms of the proposals design, impact upon the street scene and potential impact upon neighbouring occupiers by the installation of a Juliet balcony.

16/00292/HOUSE: Erection of a two storey side extension and first floor rear extension replacing existing attached single garage. Approved

As mentioned earlier, a number of properties in Bell's Court are no longer located in the designated Conservation Area, including the current application site. The current application was advertised by neighbour letter, press and site notice. This site notice referred to the site as being in the Conservation Area. However this is not considered to have impacted upon the actual description of the proposed development which was clear.

POLICY:

Helmsley Local Plan – Policy H9 Design
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP20 Generic Development Management Issues
National Planning Policy Framework
National Planning Practice Guidance

APPRAISAL:

The main considerations within the determination of this application are:

- i. Form and Character
- ii. Impact upon neighbouring amenity
- iii. Other matters, including consultation responses.

This application seeks approval for the erection of single storey rear extension and single storey extension to front elevation

A number of alterations have been made to the proposed plans during the processing of the application and these will be summarised below, together with the representations received.

The original plans related to a single storey porch to the principal elevation, incorporating a project of c2.6m from and c4.6m along the principal northern elevation of the dwelling. This incorporated a part gable end, part lean to design, constructed of brick and roof tiles to accord with the host dwelling.

The plans indicated that this would be inset by c0.5m from the shared boundary with no. 4 Bell's Court, the adjoining property. It is noted that the pair of semi-detached properties incorporate staggered principal elevations, with that of no. 4 projecting much beyond that of the application site. The proposed porch would not project beyond the principal building line of no. 4 Bell's Court.

The proposed rear extension would also be single storey in nature and would be positioned between the existing two storey rear extension and the shared boundary with no. 4 Bell's Court. This would span c4m from and c4.85m along the rear elevation of the property. It would incorporate a flat roof design spanning c3.35m in height with an additional lantern roof light incorporating a maximum height of c3.6m in height. This plan incorporated a solid western facing side wall. This would be constructed of brick, to match the host dwelling and brick and stone coping to the proposed flat roof.

Concern was raised in a representation received on the 13th January 2019 from the occupier of no. 4 Bell's Court. This raised the following summarised objections, which can be read in full on the Council website.

- Building work on previous extensions were accepted with good grace and cordial relationships were maintained with neighbours, despite noise and dust etc.
- Reference was made to discussions undertaken with the applicant prior to the application being submitted where concerns were raised with the porch being attached to their property. They were not aware in advance that there was the possibility of a second extension to rear being proposed in addition to the porch.
- The rear extension is larger than they would have liked and would cause problems in the cleaning and maintenance of their conservatory, access to rainwater goods and drain. It could also necessitate the moving of their sewer.
- Concerns were raised that this would completely overshadow the rear of the property and look totally out of place.
- The front extension looks very close to the side wall but it is difficult to ascertain on plan. It would cause less problems if the gap was adequate to access his side wall.
- Concern about noise, dust and possible disturbance to their property, being made worse by the position of the extensions right next to their property.

- Concern about overdevelopment of the property, the problems this could result in and the affect these proposals could have on the appearance of or value of their property.

Prior to undertaking a site visit, the Case Officer contacted the agent to report concerns with some details on the proposed plans, relating to labelling, accuracy and consistency. Updated plans were received on the 22nd January 2019.

A second letter of representation was received from the occupier of no. 4 Bell's Court on the 25th January 2019. This included supporting photographs and a plan to confirm boundary location, it acknowledged the revised plans added to the planning file on the 23rd January 2019. Again this is summarised below. The full representation is available on the Council's website.

- It highlighted further concerns with the roof plan as drawn, which indicated the roof form associated with no. 6 Bell's Court appeared to project onto the roof of this neighbouring property.
- Concerns were raised about the boundary line and a plan was submitted to show what is considered to be the accurate boundary line between the two properties to be read in conjunction with the supporting photographs.
- The representation provided background to the erection of the conservatory and noted its size and position was constrained by the sewer to rear. Concerns were raised about the size and position of the proposed rear extension and the issue about how the boundary has been represented.
- Concerns raised about the previously alterations to the fence line and panels, which have impacted the neighbours ability to access a drain, which was formerly entirely located within their property boundary.
- Concerns were raised about the view looking out from the conservatory, which would be blocked out by the side wall of the proposed extension. A specific concern has been raised in relation to the sunlight particularly in wintertime.
- The sheer size of the extension and close proximity of the extension is overwhelming and very worrying.

Following discussions between the Case Officer and the agent, additional revised plans were submitted. These incorporated the following amendments:

- Rear extension inset c0.45 -0.5m from the shared boundary, incorporating a width of between c4.5m and 4.25m.
- Indicated location of 2 new manholes on the existing run within no. 6 Bell's Court.
- Incorporated a glazed section on the last metre of the 4m projecting extension along the side western elevation of the rear extension. This is annotated on the proposed plan and being obscure glazed. It included a dwarf wall that would be covered by the existing boundary treatment.
- A greater amount of glazing was added along the rear elevation above the dwarf wall along the rear southern elevation of the rear extension.

The use of additional glazing was intended to limit potential solid massing beyond the rear elevation of the neighbouring conservatory.

A further response was received dated 14th March 2019 from the occupier of no. 4 Bell's Court. It raised the following points:

"Although the amendment would seem to answer some of my concerns raised in my previous communications with you department. It does not answer all the concerns I still have, due to the size and position of the rear proposed extension.

Because it will go beyond the line of my conservatory, I feel it will be quite obtrusive. However if it was at least in line with my conservatory, I feel my original concerns may be allayed. So at the moment I still have concerns to the amended rear extension plan and the affect on my property."

It is noted that a further updated block and location plan, to accord with the most recently received floor plans and elevations was received on the 4th April 2019. This also omitted the detail which appeared to show the roof of the no. 6 Bell's Court projecting onto the neighbouring property which had previously raised concerns. This was not considered necessary to readvertise as it exactly related to the alterations which had been previously been indicated on the previously advertised revised elevations and floor plans.

i. Form and Character

On the basis of the most recently submitted plans, it is considered that the proposed extensions are acceptable in term of form and character.

The proposed extensions do relate to the further extension of what is already a significantly extended property. However it is considered that by virtue of the specific form and positioning of the extensions, these would not result in a cumulatively harmful impact by virtue of overdevelopment of the site. An appropriate level of amenity space would remain to both the front and rear of the property.

By virtue of the staggered relationship of the application site and the adjoining property, no. 4 Bell's Court, it is considered that the proposed porch, whilst relatively large would not appear visually incongruous in this location. It would also not result in harm to the character or appearance of the dwelling, nor would it have any wider street scene impacts.

The extension to the rear would infill the area between the boundary and the previously approved two storey rear element. This would not project beyond the existing, extended building line of the host property. In light of the concerns raised it is noted that this has now been inset by c0.45-0.5m from the shared boundary. Following review of this, it is not considered that the form of this proposed extension would be harmful to the character or appearance of the dwelling, nor would it have any wider street scene impacts.

A condition is recommended to ensure that the extensions are completed in brick to accord with the host property and that the porch incorporates the use of roof tiles also to accord with the construction materials of the host property.

ii. Impact upon neighbouring amenity

Following receipt of the letters of objection (summarised above) from the occupier of the adjoining property, as previously detailed, alterations have been made to the originally submitted plans.

It is considered that the insetting of the rear extension by c0.45-c0.5m from the shared boundary will assist in overcoming the concerns raised about access to the rear of the property. Ultimately, access to drainage, the position of boundary walls and boundary issues are not material planning considerations to which weight can be attached. However it is considered that this amendment is positive in addressing these concerns.

The right to a view is not a material planning consideration to which weight can be attached in the determination of a planning application. Consideration has been given to the material issues of whether the proposed rear extension would contribute to potential overshadowing or overbearing development that could lead to harmful impacts upon residential amenity being experienced by the occupier of no. 4 Bell's Court.

It is noted that Householder Permitted Development Rights, which are available to the occupier of the application property would allow for an extension which could extend 3 metres in projection from the original rear elevation and up to 4 metres in height. With the exception of the glazed lantern roof light (which is not considered likely to impact upon overshadowing or massing of development) the maximum roof height is c3.35m. It is therefore noted that this extension relates to a projection of 1 metre further than what could be achieved under permitted development rights but with a roof form broadly c0.65m lower than what could potentially be installed.

The insertion of the glazed panel to the side western elevation of the extension will assist in limiting the

appearance of a solid massing wall along the last metre of the extension, particularly given the increased glazing to the rear southern elevation. Visually, whilst the parapet wall does continue above the glazed panel, it is considered that this would be more akin to a similar level of massing that might occur through the erection of an extension of 3m in depth under householder permitted development rights. It is also noted that this glazing panel to the western elevation will be obscure glazed, to prevent any future impacts upon the privacy of the occupier of no. 4 Bell's Court.

It is therefore considered that whilst some shadowing may occur, it is not considered that this would be unacceptable harmful in terms of its amenity impacts. The insertion of the glazed panel will contribute to limiting potential overbearing and overshadowing development. This is further supported by the inseting of the extension by c0.45-c0.5m. It is considered necessary to remove permitted development rights to create further openings within the side western elevation of the proposed extension.

As detailed above, in the third letter of response from the occupier of 4 Bell' Court (dated 14th March 2019) it was acknowledged that some of the original concerns have been addressed. This correspondence does highlight that concerns remain in relation to the overall size and position of the rear extension, which they consider would be obtrusive, particularly as this would extend beyond the rear line of the conservatory. It was noted that if this were reduced in scale to match the projection of the conservatory, their concerns may be allayed.

This response is noted, however in light of the appraisal above, it is considered that the additional 1m projection beyond what could be achieved under householder permitted development rights would not sufficiently harmful to warrant a refusal of this proposal. Particularly given the amendments made in relation to the insertion of the glazed panel along the side western elevation and the repositioning of this inset from the shared boundary.

iii. Other matters, including consultation responses.

The Town Council noted they had no comment on the proposal. No response was received from any other neighbouring properties apart from those comments from the occupier of no. 4 Bell's Court, which have been predominately previously addressed above.

The concerns raised by the occupier of no. 4 Bell's Court in relation to dust, noise and disturbance, are noted. This scheme would however relate to two relatively small scale extensions and in line with previous decision making, construction management conditions would not normally be recommended for a householder application of this scale.

Officers also cannot take private discussions, nor personal relationships between neighbours into account during the determination of applications. Additionally the Local Planning Authority cannot give weight to the loss of property value during the determination of proposals.

It is not considered that this proposal would result in any loss of the currently available off street parking provision. It is also not considered that this proposal would result in any harm to the setting of Helmsley Conservation Area.

In light of the above assessment, it is considered that the design of the proposed extensions are considered appropriate in terms of design, scale, materials and positioning. It is not considered that they would contribute to the harmful overdevelopment of the site and an appropriate level of amenity space would remain.

It is furthermore not considered that this proposed development would result in unacceptable harm to the occupiers of neighbouring dwellings by virtue of overshadowing or overbearing development, nor loss of privacy.

Therefore subject to the identified conditions we can be satisfied that this proposal conforms with Policy H9 of the Helmsley Local Plan, Policies SP16 Design and SP20 Generic Development Management Issues of the Ryedale Local Plan, Local Plan Strategy and the National Planning Policy Framework.

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 plan(s):

Location and Block Plan (Drawing no. 6BC_PL_001 Rev B)

Proposed Plans (Drawing no 6BC_PL_004 Rev B)

Proposed Elevations (Drawing no. 6BC_PL_005 Rev B)

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

- 3 Unless otherwise agreed in writing with the Local Planning Authority, the walling materials to be used on the exterior of the two single storey extensions hereby approved shall accord in all respects with the appearance of the construction materials of the host dwelling.

Reason: In the interests of good design and in compliance with Policy H9 of the Helmsley Local Plan, Policies SP16 and SP20 of the Ryedale Plan- Local Plan Strategy and the NPPF

- 4 Unless otherwise agreed in writing with the Local Planning Authority, the roofing materials to be used on the exterior of the single storey extension to front hereby approved shall accord in all respects with the appearance of the construction materials of the host dwelling.

Reason: In the interests of good design and in compliance with Policy H9 of the Helmsley Local Plan, Policies SP16 and SP20 of the Ryedale Plan- Local Plan Strategy and the NPPF

- 5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings shall be created within side western elevation of the single storey extension to rear hereby approved.

Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Notwithstanding the submitted plans, the obscure glazed window situated on the western elevation of the proposed rear extension, as indicated on drawing no. 6BC_PL_005 Rev B, shall be obscure glazed to the equivalent of Pilkington Glass obscuration level 5 and shall thereafter be maintained in that state unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.