

**Item Number:** 10  
**Application No:** 19/00274/HOUSE  
**Parish:** Helmsley Town Council  
**Appn. Type:** Householder Application  
**Applicant:** Mr & Mrs Higham  
**Proposal:** Erection of extension to garage, first floor extension above garage and single storey rear extension  
**Location:** 3 Chapel Close Helmsley North Yorkshire YO62 5BE

**Registration Date:** 7 March 2019  
**8/13 Wk Expiry Date:** 2 May 2019  
**Overall Expiry Date:** 3 April 2019  
**Case Officer:** Alan Goforth **Ext:** Ext 43332

#### CONSULTATIONS:

<b>Public Rights Of Way</b>	Recommend informative
<b>Helmsley Town Council</b>	No comment
<b>Highways North Yorkshire</b>	Recommends conditions

**Neighbour responses:** Dr P. J. Harris, R. B. Olive, Mrs Julie Hassan, Mr & Mrs Gilbert, Mr & Mrs Whitham, E J Mannings,

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#### SITE:

The application relates to a 4 bed detached property within the cul de sac of Chapel Close, Helmsley. Chapel Close is on the south eastern side of Helmsley within the development limits. The front of the site, including the majority of the dwelling, is within flood zone 2. The application site is within a residential area. The properties on Chapel Close and those on the neighbouring Allenby Road and Crosland Close together form Castle View Estate which was constructed in the mid to late 1990's.

The two storey property is red brick built with a clay pantile pitched roof with upvc and timber frame double glazed windows. The property has gardens to the front and rear and an attached single garage and driveway to the front.

Public footpath number 25.45/9/1 runs through Chapel Close in a southwest to northeast direction to the front of the property.

#### HISTORY:

3/58/276/OA- Residential development (site area 1.09ha) at Station Field, Helmsley. APPROVED 13.01.1993.

3/58/276A/RM- Erection of 18 dwellings together with garages and associated road and sewers (outline approval 3/58/276/OA dated 13.1.93 refers). APPROVED 26.04.1995.

#### PROPOSAL:

Planning permission is sought for the erection of extension to garage, first floor extension above garage and single storey rear extension.

## **POLICIES:**

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 SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

### Material Considerations

Revised National Planning Policy Framework 2019 (NPPF)

National Planning Practice Guidance 2014 (PPG)

## **REPRESENTATIONS:**

The application is subject to six letters of objection from neighbours on Chapel Close, Allenby Road and Crosland Close. The objections only relate to the extensions to the front of the property. The objections relating to restrictive covenants on the properties in Castle View Estate are not material to the determination of the planning application. However, the neighbours' do raise concern that there would be a loss of light to the neighbouring property (number 5) and also that the development is out of proportion and out of character and these are relevant planning considerations.

## **APPRAISAL:**

The main considerations in the determination of this application are:

- i) Design, form and appearance;
- ii) Impact on residential amenity;
- iii) Highways impact; and
- iv) Flood Risk.

### Design, form and appearance

The proposed first floor extension would project 3.1 metres forward of the existing front elevation of the dwelling and would be built over the majority of the footprint of the existing garage. The garage would be reconstructed in a position further forward than existing. The two storey extension would allow for a larger boot room/utility room and a guest bedroom at ground floor and a larger bathroom and fourth bedroom at first floor.

The first floor extension would be gabled with two windows in the north facing elevation to serve the fourth bedroom. The extension would be constructed from brickwork and clay pantiles to match the existing with UPVC window units with cast stone head and sub cil to match existing.

The ridge height of the first floor extension would be approximately 1.5 metres lower than that of the host dwelling and the eaves height would be a continuation of the existing which is approximately 4.8 metres above ground level. The front extension would be no wider than the garage which retains the same dimensions as existing albeit reconstructed further forward.

There have been objections raised by neighbours stating concern that the proposed first floor extension would be out of character and out of proportion. However, it is considered that the first floor extension would be sympathetic to the existing dwelling in terms of its form and proportions and it would not unduly depart from the existing uniformity in terms of appearance and scale of properties within the cul de sac.

The rear extension to provide a larger kitchen dining area would project 3.8 metres off the south elevation which is 200mm shorter than the existing conservatory that it would replace. The extension would span 7 metres across the rear elevation and stand 2.9 metres high which is 500mm lower than the existing conservatory. The flat roof rear extension would be constructed from blue/black facing bricks with a GRP fibreglass roof covering containing two rooflights. Full height aluminium framed sliding doors in the south elevation would provide access to a terrace in the rear garden. There are no objections to the proposed rear extension and it is relevant to note that the proposed siting and dimensions would allow the rear extension to be constructed under 'permitted development' rights.

The extensions to the front and rear would not depart from the existing staggered layout of numbers 5, 3 and 1 Chapel Close. The extensions would not break from the building line or form and arrangement of dwellings within the cul de sac. The external construction materials are considered appropriate and would not detract from the character of the property or have an adverse impact on the streetscene.

It is considered that the extensions are appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials and the proposed development complies with policies SP16 and SP20.

#### Impact on residential amenity

Number 5 Chapel Close is a two storey detached property immediately to the west of the application site. The occupant is concerned that the proposed first floor extension to the front of number 3 Chapel Close would result in loss of light to the first floor side window.

The first floor, east facing side window of number 5 is a secondary window that serves the master bedroom which has its larger, principal window in the north elevation. The main source of daylight is from the north, which would be unaffected by the proposed extension, and it is understood that the east elevation of number 5 is in shade by late morning (GMT) throughout the year.

The applicant's agent has confirmed that the gable of the proposed bedroom extension to the front overlaps the brickwork window opening of number 5 by a margin of approximately 85mm, most of which is taken up by the window frame. As a result the existing first floor side window of number 5 would not face directly onto the side wall of the proposed extension and there would be a gap of approximately 2.5 metres between the side elevations of the two properties which is no closer than existing.

Due to the relative positioning and size of the two dwellings, when conditions allow, number 3 currently casts morning shadows onto the side window of number 5. In addition the topography and tall mature trees that line the former railway line to the east mean that this side window receives little direct sunlight. The front extension may cast early morning shadows on number 5 during the summer months, however, the effect would be negligible when considered in relation to the existing situation.

The front wall of the proposed garage would extend 875mm in front of the line of the north elevation of number 5 and 300mm in front of the line of the ground floor bay window. It is considered that this would not give rise to a material adverse impact on levels of day light reaching the bay window.

With regard to loss of privacy it is considered that by bringing the front elevation of number 3 forward at first floor level it would remove the existing intervisibility between the side bedroom window of number 5 and the front bedroom windows of number 3. This would result in amenity (privacy) improvements for both properties.

The rear extension is single storey with no window openings on either of the side elevations. The garden is enclosed on all sides by a combination of boundary treatments that provides a good level of screening and as a result the extension would not give rise to any overlooking or loss of privacy to neighbouring gardens.

The concerns raised by neighbours are noted, however, in light of the above assessment it is considered that the proposed extensions would not give rise to any material harm in relation to visual intrusion, overlooking, loss of privacy or natural daylight in compliance with Policy SP20.

#### Highways impact

The LHA note the proposed widening of the driveway and recommend the inclusion of a condition to secure the widening to highway standards to avoid traffic across highway verge. The extensions to the front of the property would still allow for ample off street parking.

The public footpath that runs through the cul de sac to the front of the dwelling would not be affected by the proposed extensions. The Public Right of Way Officer has no objection subject to the inclusion of the standard informative to ensure no obstruction of the footpath.

The proposed development would not give rise to any highway safety concerns nor have any detrimental impact on users of roads or footpaths in the area and complies with Policy SP20.

#### Flood Risk

The application site falls partly within flood zone 2 and to address flood risk it is proposed that the floor level of the extensions match the existing floor level and the existing external doors have steps at the thresholds. It is considered that the design incorporates suitable flood protection and complies with the requirements of Policy SP17.

#### Conclusion

The Town Council have confirmed that they have no comments to make on the application.

In light of the above, it is considered that the proposed extensions can be accommodated by the host dwelling without having an unacceptable impact on the appearance of the street frontage or the character and form of residential development within the estate. There would be no material harm to existing levels of residential amenity and no adverse highways impacts. It is considered that the proposal is acceptable and complies with Policies SP16, SP17, SP19 and SP20 of the adopted Ryedale Plan - Local Plan Strategy and the revised National Planning Policy Framework. The recommendation to Members is one of conditional approval.

#### **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:

Site Location Plan ref. EX\_002, dated 02/2019  
Proposed Plans, Elevations & Section ref. PL\_001, dated 03/2019

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

- 3 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP16 of the Local Plan Strategy

- 4 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

c. The existing access shall be improved by widening to highways standard specification E6.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

#### **INFORMATIVE(S)**

- 1 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.