

Item Number: 13
Application No: 22/01303/HOUSE
Parish: Sheriff Hutton Parish Council
Appn. Type: Householder Application
Applicant: Mr J Rodmell
Proposal: Erection of a two storey side extension and single storey rear extension
Location: 2 Laurels Garth Sheriff Hutton North Yorkshire YO60 6SE

Registration Date: 26 November 2022
8/13 Wk Expiry Date: 21 January 2023
Overall Expiry Date: 13 February 2023
Case Officer: Eleanor Hardie **Ext:** 43342

CONSULTATIONS:

Original scheme

Sheriff Hutton Parish Council Object

Revised scheme

Sheriff Hutton Parish Council Object

Representations: Malcolm Chalk,

SITE

2 The Laurels is a detached dwelling constructed in the late 1980's. The dwelling is of brick construction under a concrete tiled roof, featuring brown uPVC windows throughout. The property currently benefits from a brick and white uPVC conservatory to the rear.

The host dwelling features a number of eaves and ridge heights, including one and a half storey and two storey elements.

The application site is located within the Sheriff Hutton Development Limits.

PROPOSAL

This application seeks permission for the erection of a two storey side extension and a single storey part side - part rear extension, following the removal of the existing conservatory.

The two storey element of the extension would extend beyond the side wall of the dwelling by 3.25 metres with a length of 6.7 metres. The extension would be constructed with an asymmetrical pitch, with an eaves height of 3.1 metres to the front elevation and 4.9 metres to the rear elevation. The ridge height of this element would be 6.7 metres. A hipped roof dormer window would be installed to the front elevation roofslope.

The single storey element would extend 2 metres beyond the side wall of the dwelling and 2 metres beyond the rear wall of the dwelling and be of hipped roof construction measuring 2.4 metres to the eaves and 3.3 metres to the ridge.

The extensions would be constructed of brick and pantiles to match those used in the construction of the host dwelling, with brown uPVC windows. The dormer window would be clad with brown timber effect uPVC cladding to match the existing dormer window.

HISTORY

3/119/153/FA Erection of 25 dwellings at land to rear of The Laurels, West End, Sheriff Hutton.
Approved 12.04.1989

3/119/153A/FA Erection of 25 Oil Tanks (one per residential unit) at land off West End, Sheriff Hutton.
Approved 13.11.1989

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 relevant Development Plan policies for the determination of this application are:

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy - Policy SP16 Design

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

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

REPRESENTATIONS

A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view in full on the public access webpage, and referred to in the report accordingly.

The occupier of the property to the west, Hillview, objected to the proposal, citing the following:

"I wish to formally object to this development on the basis that daylight to my house will be severely impaired, one downstairs window will be totally overshadowed (within two metres) the rear of my house will be darkened along with a substantial amount of garden (within one metre) the overshadowing will extend to the rear bay/French window and the upper window of my property, severely limiting the available light.

It is worth pointing out that at the time of building of Laurels Garth that the estate architects agreed to move the building away from mine on the basis it was limiting the daylight sharing, now it is being suggested that distances be eroded vastly more than they initially proposed.

I am not one for objecting for the sake of it but this this passes all that is reasonable in terms of access to good Daylight and Sunlight design, the development should be allowed to go forwards backwards anyway but west. We have enjoyed unrestricted light for many years and wish it to continue for many years to come, if the application is pursued, I will be enlisting legal assistance."

Further comments were provided by the occupier of Hillview on 3 January:

"I have had a visit from Parish Councillors Penny Bean and David Smith where I explained my problem with the loss of light from the proposed extension. I pointed out that the extension is within 2.8 metres of the fence against the lower window of my house at its furthest point and narrows down to less than 800mm to the fence at the back of the proposal and stands to the full height of the two-storey extension completely blocking light to the house and garden.

I have also shown two images showing the light I would lose in my lounge.

Again, I point out that the proposal does not consider the adjacent property and is totally unfair.”

The images referred to within the correspondence are scanned to the public file.

A further comment was submitted by the occupier of Hillview on 09 January:

“If I could pass one more comment on the proposal that in my opinion is important in so much that it is a large development on a small piece of land so much that it spoils the enjoyment of the surrounding property’s view of the available countryside.”

Sheriff Hutton Parish Council submitted comments objecting to the application on the basis that the two storey side extension would severely impact on the neighbouring property.

Following the submission of a revised scheme and reconsultation, the objector submitted the following comments:

“Having had the chance to look at the revised plan I cannot see how moving the end wall away from my house by 450mm will make any difference to my current enjoyment of light and therefore will not make any difference to my initial objection and the reasons therein.”

An additional comments was submitted on 16 March:

“Objection due to close proximity of development and loss of daylight”

Sheriff Hutton Parish Council responded to the reconsultation advising that their original objection remained.

No responses have been received from any other third party or neighbouring property.

APPRAISAL

The main considerations within the determination of this application are:

- i. Form and character
- ii. Impact on neighbouring amenity
- iii. Other matters

Form and character

The application site relates to a detached dwelling, of brick construction, comprising one and two storey elements. The property is accessed off Laurels Garth, fronting Cornborough Road and is sited centrally within its plot.

Policy SP16 (Design) of the Ryedale Plan – Local Plan Strategy states that:

“To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

- *The grain of the settlements, influenced by street blocks, 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, quality and type of building techniques and elements of architectural detail”*

Policies SP16 and SP20 (Generic Development Management Issues) of the Ryedale Plan – Local Plan Strategy states that:

“Extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials (...)”

The NPPF (paragraph 130) makes it clear that development should be sympathetic to local character and history, including the surrounding built environment.

The original scheme sought permission for a part single, part two storey extension, with an element of the two storey extension featuring an asymmetrical pitch and as a result of the staggered two storey element, an expanse of brick wall on the rear elevation extending to the ridge. The proposal introduced a number of additional roof forms, an odd roof form and a large expanse of brick wall on the rear elevation to the ridge, which was not considered to accord with the design of the host property, resulting in the property as a whole having an awkward, disjointed and uncomfortable appearance.

The proposal now seeks approval for a part two storey, part single storey, rear and side extension. Whilst the proposal does incorporate an asymmetrical roof pitch, the revised simpler form of the two storey extension is considered to be acceptable and would not detract from the character and appearance of the host dwelling. The form and scale is therefore considered acceptable and ensures that the proposal will remain subservient to the host dwelling.

The dwelling is visible within the street scene, with views available from both Cornborough Road and Laurels Garth. Within the immediate area there are a number of dwelling styles, roof heights and roof forms, including dual pitched and asymmetrical roof forms. The revised design is not considered to result in a proposal which would be visually prominent or one which would have a detrimental impact on the street scene.

The extensions are proposed to be constructed from matching materials which is considered to be appropriate. A condition is recommended to ensure that the proposed materials match those of the host dwelling in the interests of good design.

The proposed works will result in an overall additional footprint of approximately 27 square metres. It is considered that the collective appearance of the property as a result of the proposed works will not be unsympathetic to the character and appearance of the host dwelling.

The proposal is considered to be acceptable, being subservient to and not detracting from the character of the main dwelling. On this basis, the proposed development is considered to comply with Policy SP16 (Design) of the Ryedale Plan – Local Plan Strategy.

Impact on neighbouring amenity

Policy SP20 (Generic Development Management Issues) of the Ryedale Local Plan – Local Plan Strategy states:

“New development will not have 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 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”

As detailed previously, concerns have been raised from the occupier of the neighbouring property that the proposed extension would result in loss of light to their property and garden.

Considerable consideration has been given to the material issue of whether the proposed extension would contribute to potential overshadowing, loss of light or overbearing effects that could lead to harmful impacts upon residential amenity being experienced by the occupiers of Hillview.

The side elevation of the objector’s property currently features two small windows at ground floor level, with the concern regarding loss of light primarily relating to the side window nearest the rear elevation, along with the rear elevation bay window and a rear elevation first floor window.

At its closest point, the proposed extension would be within 1 metre of the boundary with Hillview, with the boundary currently featuring a timber fence approximately 1.5 metres in height. However, given the host dwellings angular position within its plot, the proposed side extension would be sited approximately 4 metres from the ground floor side elevation window of the objector's property at its closest point.

The applicant has provided existing and proposed shadow analysis drawings which indicate that there would be some additional overshadowing of the rear and side of the neighbouring property at around 9am in June and midday in December. The proposal will therefore have a relatively limited impact on levels of sunlight to the neighbouring property and will, by virtue of its position and scale, result in some reduction in daylight, particularly via the ground floor side window. However it is understood that the living room benefits from four windows - two side windows, one bay window to the rear, elevation, and one window to the front elevation and as such it is considered that this room would still receive sufficient light levels.

Given the position of the dwellings within their plots and the distances between the proposed extension and the rear elevation windows of the objectors property, it is not considered that the proposal would significantly reduce light to the rear elevation windows.

It is acknowledged that the new extensions as a whole will increase the massing on the application site and western boundary and the proposal is considered to result in an impact on the outlook of the neighbouring property from within the property (when viewed from the side window and rear bay window) and from the patio area outside of the bay window to the rear of the neighbouring property..

The application site is sat at an angular position within its plot and is positioned further south than the neighbour's property. As a result, the host dwelling tapers away from the neighbouring property and boundary the further north into the site. The closest element of the extension to the south-east corner of the neighbouring property would measure at approximately 4 metres and at this point as a result of the asymmetrical pitch, it would have a height of approximately 4 metres.

As existing, the closest point of the two storey element of the host dwelling is within 2.6 metres of the western boundary. The proposed extension would result in the two storey element being within 1 metre of the western boundary at one point. Although this would be the south-western corner of the extension which is the furthest section of the proposal from the rear of the neighbour's property, it would be prominent from the rear of the neighbouring property given the juxtaposition of both dwellings.

The property retains permitted development rights and as such, it would be possible for the applicant to construct boundary fencing, domestic extensions and domestic outbuildings on the western boundary under permitted development. It is considered that the development that could be achieved under a fall-back position would have a similar effect on the outlook from side window of the neighbouring property which could be equally compromised by development under permitted development rights. Clearly however, the fall-back position is less relevant in relation to the impact of the proposed development on the outlook from the bay window and patio to the rear of the neighbouring property. As a result of the two storey scale and mass of the proposed development, there will be a resulting increased sense of enclosure, with the application property having a more 'looming' presence adjacent to its neighbour. However, given the alignment of both properties, the proposed two story element will stretch for approximately 4.5 metres beyond the rear wall of the neighbouring property. It will not run the length of the boundary between the properties. Views across gardens and of the sky will still be achieved from the neighbouring property to the extent that the outlook from the property is not considered to be unacceptable compromised or overbearing.

It is therefore considered, on balance, as a result of the position and angle of the dwelling on its plot, the detailed design of the scheme, and taking into account what can be achieved under permitted development, that the proposed development would not result in an unacceptable, detrimental impact on the neighbouring property in relation to overbearing effects.

No windows are proposed to the gable elevation facing Hillview at first floor level, however given the

position of the dwellings on their plots it is considered necessary to include a condition restricting the formation of additional openings to this elevation to protect the amenity of future occupiers.

The proposed extension would be located approximately 10 metres from the rear (southern) boundary of the application site and it is therefore considered that the proposal would not result in a detrimental impact on the properties to the rear of the application site.

It is not considered that the proposed extension would result in any detrimental impact on neighbouring amenity, in terms of loss of light, loss of privacy or overbearing effects, over and above what is currently experienced at the site.

On this basis, the proposed development is considered, on balance, to comply with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan – Local Plan Strategy.

Other matters

The proposal is not considered to have any impact on highways safety or access given it would not materially impact the site access or parking arrangements.

Conclusion

The proposed development is considered to be acceptable in principle. The design of the scheme is considered to be proportionate and of an acceptable design. The scheme is considered to result in some impact on neighbouring amenity, in terms of some reduction in light and an impact on the outlook of the neighbouring property. In this respect, the acceptability of the proposal is considered to be balanced. However, it is considered that as a result of the position and angle of the dwelling on its plot, the detailed design of the scheme, and taking into account what can be achieved under permitted development, the proposed development would not result in an unacceptable level of harm the residential amenities of the occupiers of the neighbouring property. Therefore, the proposed development is considered to meet the relevant policy criteria set out in Policies SP16 (Design), SP19 (Presumption in Favour of Sustainable Development) and SP20 (Generic Development Management Issues) of the Ryedale Local Plan Strategy and the NPPF. On this basis approval is recommended subject to the following conditions.

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:

Existing Site & Location Plan, drawing number 01, scanned to file 08.12.2022

Block plan, drawing number 04 Rev B, scanned to file 18.01.2023

Proposed Plans, drawing number 03 Rev F, scanned to file 18.01.2023

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

3 The materials of the development hereby approved shall be in accordance with the details included in the Planning Application Form/Plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Local Plan Strategy.

- 4 All new brickwork required to complete the development hereby approved, shall match the brickwork used in the construction of the original dwelling.

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

- 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 further windows or any other openings shall be created within the western (side) elevation of the extension hereby approved at first floor level.

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