

Item Number: 9
Application No: 18/00712/HOUSE
Parish: Malton Town Council
Appn. Type: Householder Application
Applicant: Mr Jamie Hopwood
Proposal: Erection of single storey garden room to rear with terrace over.
Location: Walnut House 70A Middlecave Road Malton YO17 7NE

Registration Date: 17 July 2018
8/13 Wk Expiry Date: 11 September 2018
Overall Expiry Date: 27 December 2018
Case Officer: Niamh Bonner **Ext:** Ext 325

CONSULTATIONS:

Malton Town Council Recommend approval
Neighbour responses: Mark And Janet Coulson,

SITE:

This application site relates to a detached three storey residential dwelling, Walnut House, located along Middlecave Road, Malton. This site falls within the town development limits and is surrounded by residential dwellings to all sides. Protected trees are located to the far rear of the garden area, at a significant distance from the dwelling.

The property is of relatively recent construction and is one of four detached dwellings constructed at that time, incorporating a modern architectural design.

PROPOSAL:

This application seeks approval for the erection of single storey garden room to rear with terrace over.

This application seeks approval for the erection of a single storey rear extension with first floor outdoor living space above, positioned to the side and rear of the existing dwelling. This would incorporate a maximum total width of c13.75m of which a maximum of c4.3m would be beyond the existing side elevation of the dwelling.

The extension itself would incorporate a maximum depth of c7.9m. Beyond this, an outdoor spiral staircase would be located along the north western corner of the extension, enclosed by solid walls to the side western and rear elevations. This would incorporate a further depth of c2.6m. The extension would incorporate solid walls along the side north eastern and western elevations, with a maximum height of c4.8m and a partly glazed southern elevation (with privacy glass) and a northern elevation with sliding glass openings at ground floor level and a glazed balustrade at first floor level.

The originally submitted plans indicated a spiral staircase positioned to the north eastern elevation, open in nature, without any solid wall screening.

NEIGHBOUR NOTIFICATION RESPONSES

A letter of objection was received in light of the original application from the occupiers of the adjoining property to the west, 70b Middlecave Road. This noted the following summarised concerns. The full letter is available to view in full on the planning file.

- The terrace would overlook the rear garden particularly due to the angle of the extension in

relation to the garden, leading to a loss of privacy and will impact on the enjoyment of their home and garden.

- It is acknowledged that the other properties built by the same developer do overlook aspects of our rear garden however they are small in comparison.
- No precedent for a terrace of this size in the neighbourhood
- The building will be visually overbearing to the west and south, it will appear far greater than a single storey extension, with a visual impact more akin to a two storey extension due to the wall/screen.
- The extension does not afford adequate privacy for their property particularly in regard to the right to quiet enjoyment of garden amenities, in discordance with Articles 1 and 8 of the Human Rights Act.
- The existing properties are low density and are characterised by large plots with significant spaces between dwellings. The extension would lead to a significant reduction in the distance between the detached houses and no precedent existing in the neighbourhood for detached houses to be this close.
- The proposed development does not fit in with the existing street pattern, the building in relation to the plot would be out of proportion and not in accordance with the character of the street.
- The proposed development is overbearing, out of scale in relation to the other properties in the area and will overlook the garden causing a significant loss of amenity. This will be exacerbated by increased noise levels caused by the use of a very large outside living area.

The agent was contacted and made aware of the concerns raised. Revised plans were received. This was subject to reconsultation and a second letter of objection was received from the occupiers of 70b Middlecave Road. This letter highlighted the points raised previously and added the following additional concerns, which are noted in full. This letter is also available to view in full on the planning file.

- The revised plans whilst addressing privacy in a limited fashion, have a significantly higher impact on the enjoyment of our property due to the overbearing nature of the stairwell which reduces our access to light significantly.
- The photos in the revised submission show an area in shade to the rear of our house, this area actually gets sunlight in the morning which will now be blocked by the addition of the stairwell in addition to loss of light from original plans.

HISTORY:

The following application is considered relevant to the current proposal:

02/00509/FUL: Erection of four detached dwellings with garages. Approved.

POLICIES:

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.

i. Form and Character

It is acknowledged that this proposed development is sizeable in footprint and the partly enclosed terraced area would create additional massing of building at the rear of the house.

It is however not considered that what has been proposed would relate unfavourably to the character of the original dwelling, nor would it appear at odds with the architecture along this section of Middlecave Road. The four originally constructed dwellings are characterised by their high three storey appearance and it is considered that an extension of this scale would not result in an unacceptable or visually incongruous horizontal emphasis.

The extension itself is positioned well back within the streetscene (c20m from Middlecave Road) and the proposed design retains a gap (c2.2m) between the host dwelling and the adjoining property to the west, 70B Middlecave Road. The predominantly glazed elements along the southern elevation also limit the appearance of the massing of the extension at this point.

Consequently, given the use of appropriate building materials, including coloured render to match the dwelling, the extension would not present harm to the character of the host dwelling, nor the street scene, including the pattern of dwellings and plot sizes. A condition is recommended to require that the proposed render colour accords with that of the host dwelling.

It is therefore considered that the proposal is in accordance with Policies SP16 (Design) and SP20 (Generic Development Management Issues) of the Ryedale Plan, Local Plan Strategy.

ii. Impact upon neighbouring amenity

The concerns raised by the occupiers of the neighbouring property are noted and the Case Officer has undertaken a site visit within the rear of their property to fully assess the originally proposed development.

It is acknowledged that the extension would result in development which is in closer proximity to 70b Middlecave road than is currently the case. The nearest part of the extension would be situated at a distance of c2.2m from the nearest part of this neighbouring dwelling.

However it is noted that the entirety of the extension (with the exception of the enclosed spiral staircase) would not project beyond the rear building line of 70b Middlecave Road, therefore whilst the side wall forming the extension would be in close proximity to this dwelling at a height of c4.8m, it is not considered that there would be unacceptable harm being experienced due to overshadowing or massing of development. In isolation, the spiral staircase would span c2.6m beyond the rear building line of the adjoining property, however this would be positioned at a distance of c2.3m from the side elevation of 70b Middlecave Road. It is considered that shadowing from this modest projection beyond the rear building line would not result in significant additional harm to amenity.

The second letter of objection highlighted that photographs have been supplied with the revised plans. One taken from the rear kitchen window of the application dwelling illustrates that the rear garden of 70B Middlecave Road experiences overshadowing. The letter notes that the garden is not shadowed in the morning but would become so if the proposed stairwell were approved. It is considered most likely that the shadowing currently experienced is as a result of the scale of the three storey original dwelling. It is not considered that the additional 4.8m high extension (in particular the limited section enclosing the staircase) would result in unacceptable additional shadowing. The benefit of limiting potential impacts upon amenity by virtue of loss of privacy is also noted.

The agent was advised by the Case Officer that the original scheme which incorporated an open staircase to the north eastern side could lead to potential harmful instances of overlooking of the neighbouring property to the west, 70b Middlecave Road, as the alignment of the rear of Walnut House means that the proposed rear extension from this property would by virtue of its form be directly orientated towards the rear of 70b Middlecave Road.

It is considered that the revised scheme would limit direct views towards the private rear amenity space

of 70B Walnut House, particularly the area directly adjoining the rear of the dwelling. It is noted that due to the orientation of the dwellings views of the rear garden space of 70B Middlecave Road can already be realised from the rear windows of Walnut House, including the existing outdoor area along the side and rear of the property at first floor level. The inclusion of the enclosed staircase in the scheme would limit views side wards and would help to 'funnel' any views along to the rear garden spaces. There would be some further limitation of direct views due to the existing landscaping between the two properties, c3.5m high tree planting. It is acknowledged this is not completely 'dense' in form, it does provide some visual separation between the two properties, particularly towards the rear of the gardens. Therefore whilst views would still be realised, these may not be particularly more significant than available from within the existing rear elevation of the property.

It is not considered that any potential new openings within the side elevations at ground floor level would result in harm to amenity. However it is considered that 'permitted development rights' to create openings within the side elevations of the roof terrace at first floor level should be removed to protect the privacy of neighbouring properties in the future.

It is not considered that the adjoining property to the north east would experience any harm by virtue of overshadowing nor overlooking. It is not considered that any other properties would be located in close enough proximity to the proposed development to experience impacts on amenity.

It is therefore considered that the proposal complies with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

iii. Other matters, including consultation responses.

Consultation responses have been received from Malton Town Council in respect of both the original and revised plans recommending approval of the proposed development.

The responses received from the occupiers of 70B Middlecave Road are acknowledged and it is considered that the issues in relation to amenity and design have been addressed in the section above.

It is not considered that the highlighted point in relation to significant impacts potentially being experienced as a result of additional noise from the large outdoor living area would be material in the determination of this application. The extension and roof terrace would be located in an area in which outdoor living/entertainment would be likely to be undertaken presently albeit at ground floor level, therefore it is not considered that this would result in any unacceptable additional harm. If harm to amenity is experienced, it is recommended the neighbours make contact with the Council's Community Officers who can investigate complaints of that nature.

It is noted that the extension would be built in close proximity to the line of trees along the north eastern boundary of the site. The application form indicates that no trees would be removed to facilitate the development and it is noted that not all trees present along the north eastern boundary are shown on the proposed plan. The Agent confirmed in a telephone call on the 7th February 2019 that no trees would be lost as part of the development and that they were agreeable to a condition relating to tree protection measures being agreed prior to the commencement of development to protect this landscaping. Following the site visit it was considered that there would be appropriate separation between the extension and the trees, which are narrow in form, that it would not be likely that the extension would harm their longevity.

Additionally, it was agreed that should any trees which adjoin the extension to the north east fail or die within 5 years of the commencement of the development hereby approved, these should be replaced with planting to be agreed in writing with the Local Planning Authority.

No other representations have been received from the occupiers of other properties.

In light of the above assessment, it is considered that the proposed extension is acceptable in terms of scale, materials and positioning so that will not negatively impact on neighbouring amenity or the character of the host dwelling, nor the streetscene.

Therefore, subject to the recommended conditions, we can be satisfied that this proposal conforms with 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):

Site Location Plan (Drawing no. EX10-01)

Proposed Floor Plans (Drawing no. AR20 01 Rev A)

Proposed Elevations and Floor Plans (Drawing no. AR30 01 Rev A)

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

- 3 Unless otherwise agreed in writing, the proposed development hereby approved should incorporate render which exactly matches that use within the construction of the original dwelling.

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

- 4 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 doors, windows or any other openings shall be created at first floor level, within the north eastern or western (side) elevations of the partly enclosed first floor roof terrace hereby approved.

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

- 5 Prior to the commencement of the development hereby approved, a drawing showing the alignment for protective fencing for the protection of the trees along the side north eastern boundary of the site shall be submitted to the Local Planning Authority for approval in writing. The design of the protective fencing and its alignment shall be in accordance with BS 5837:2012 Trees in relation to demolish, design and construction - Recommendations, or a similar design agreed in writing with the Local Planning Authority. The approved fencing shall be erected prior to the commencement of the development including any soil stripping. This plan shall also indicate with a specific annotation and shall accurately plot the trees directly adjoining the north eastern elevation of the extension hereby approved for review and approval in writing by the Local Planning Authority. Once agreed, if these identified trees within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in advance with the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: to ensure that the long-term health of the trees to be retained is not compromised as a consequence of development and to protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to Policy SP16 and SP20 of the Ryedale Plan, Local Plan Strategy, coupled with the requirements of the National Planning Policy Framework.