

Item Number: 13
Application No: 19/00418/73A
Parish: Sherburn Parish Council
Appn. Type: Non Compliance with Conditions
Applicant: Mr Kirby
Proposal: Variation of Condition 02 of approval 18/00009/HOUSE dated 22.02.2018 to replace Drawing no. TWO with Drawing no. TWO REV C.
Location: 4 Church View Sherburn Malton North Yorkshire YO17 8PW

Registration Date: 29 March 2019
8/13 Wk Expiry Date: 24 May 2019
Overall Expiry Date: 10 May 2019
Case Officer: Niamh Bonner **Ext:** Ext 43325

CONSULTATIONS:

Sherburn Parish Council No response received

Neighbour responses: Mr Andrew Bean, Mrs Jill Carrington,

SITE:

4 Church View is a semi-detached dwelling located within the village of Sherburn. This falls within development limits and an archaeologically sensitive area.

PROPOSAL:

This application seeks approval for the Variation of Condition 02 of approval 18/00009/HOUSE dated 22.02.2018 to replace Drawing no. TWO with Drawing no. TWO REV C.

The originally proposed plan was updated during the determination period of the application and the revised plan was readvertised.

Following the approval of the above referenced application 18/00009/HOUSE, the principle of the single storey side extension has been considered acceptable. The extension has been commenced. However it became apparent during the construction phase that the roof proportions and position of the windows were not as indicated on the approved plans. The Design and Access Statement notes "During construction, it appears that the builder was unable to build the extension as per the approved plans."

The agent has therefore submitted this application to seek a variation of the approved plans condition, under the S73 application route, which is appropriate when seeking variations to developments which have partly or fully commenced. All works have ceased on site until the conclusion of this application.

It is noted that the proposed development is for a child with disabilities to provide accessible ground floor living and bathroom accommodation. A supporting statement has been received, explaining the rationale behind the alterations and circumstances of the occupier, which will be summarised below.

POLICIES

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

HISTORY:

The following application is considered relevant to the current proposal:

18/00009/HOUSE: Erection of single storey side extension. Approved

It is noted that within the determination of this application, North Yorkshire County Council Archaeology confirmed they had no objection and did not need to be reconsulted on this application. No further consultation was therefore necessary.

REPRESENTATIONS:

Two letters of representation have been received in relation to this proposal.

The first from the occupier of 6 Church View, notes the following:

"I don't think it is fair that you have changed the plans 3 times to suit the builders and not the neighbours. The first plans were the perfect size and looked like the surrounding buildings. The roof is far too high and is already looking an eyesore so when the cheap nasty looking roof tiles go on it is going to look stupid and doesn't go with the rest of the street. We didn't object to the first plan because everything looked right WE CAN NOT see why the roof has to be that high if it comes down to the type of roof tiles they have to use then we want them changing to allow the roof to be lowered it is looking like a 2 story building because of the size of the roof and not a single story building like the first plans showed we have no problem with were the windows are."

The second from the occupier of 2 Church View, noted the following:

"I support this planning because the little boy it's for will help him loads and give him independence he needs. It'll also help him as he is awaiting a operation but due to the stopping of the extension it is putting him back."

APPRAISAL:

The main considerations within the determination of this application are:

- i) Form, Design and Streetscene Impacts of the proposed altered scheme.
- ii) Neighbouring Impact
- iii) Other matters, including consultation responses.

i. Form, Design and Streetscene Impacts

The footprint of the proposed extension and its positioning within the plot remain consistent, however the following alterations to the approved plans have been made:

- The proposal will now incorporate an eaves height of 2.3 metres and a ridge height of 4.8 metres, what was previously approved incorporated an eaves height of 2.3 metres and ridge height of 4 metres, therefore presenting a steeper pitch and increased proportions.
- The window to the extension has been set at 800mm above ground level whereas the existing windows are 700mm above ground level.
- The plans indicate an existing window at first floor level in the original host dwelling which would be located partly behind the proposed roof will be blocked up. This will be treated with matching render.

The following summarised information was contained within a supporting statement produced by the planning agent on the 16th May 2019.

“The applicant has applied to RDC for a Disabled Facilities Grant following an in-depth consultation with NYCC Health and Adult Services to meet the current and future needs of a disabled child.

Master Kirby falls within the definition of a disabled person under Section S100 of the Housing Grants Construction and Regeneration Act 1996 and the works have been supported in writing as “Necessary and Appropriate” by an Occupational Therapist from North Yorkshire County Council Health and Adult Services.

The size and internal layout of the extension are therefore very specific to the needs of the Client. The bedroom has been sized to allow adequate turning space for future wheelchair use and a hospital bed with carer access to both sides. The size of the bathroom allows for wheelchair transfers and carer support.

This variation application for an increase in pitch is to allow the installation of tiles to match the roof covering of the host property. The width of the extension obviously affects the pitch of the roof, and because of the aforementioned needs of the Client, this extension is wider than all other similar additions on the street. As a result, even an interlocking tile would require a minimum pitch of 13.5%, which would still overlap the bottom of the side elevation window. In order for the roof to sit under this window, and appear visually similar, the pitch would need to be less than 10%.

From the a funding point of view a flat roof was an option, and this would not be an issue for the OT with regard to the future installation of hoists, ceiling tracking, etc., however it would be the only flat roof on the street. With this in mind the Architect’s original rationale was as follows:

“The proposal is set on a prominent corner and on a plot which is an open aspect. The extension will be visible from many points and therefore it was considered at the design stage that this application should reflect the local vernacular of the village. A flat roof GRP design was considered to be too prominent for the location and a pitched roof with tiles to match the host property was felt to be more subservient.” We respectfully ask that the above is taken into consideration in this case.”

This statement is noted. It is considered that whilst this extension as proposed/partially built would be larger when completed than originally approved as a result of the higher roof proportions and steeper pitch, it is not considered that this would consequently harmfully detract from the character of the dwelling. Additionally, this steeper pitch would allow the use of concrete tiles that would match the existing clay roof tiles in form and colour finish, which would be preferable to a flat roof in this highly visible location, or the use of lightweight or interlocking tiles that could visually jar with the appearance of the original dwelling. Furthermore, it is considered that the extension would remain subservient to the host dwelling. It is noted that along Church View, there are a range of extensions of different types and proportions and it is considered that this would not appear discordant with the character of the street scene.

In addition to the consideration given to the roof tiles, the proposed extension will continue to be finished in render to match the original construction materials of the host dwelling. The agent has confirmed that a careful colour matching process will be undertaken which will help it to visually assimilate with the original building. This render will also be used to block up the first floor level window.

Whilst the use of matching materials was not specifically conditioned during the original application, it is considered necessary now, given the increase in roof form to ensure that the roof tiles accord in form and colour finish with those used within the host dwelling, to prevent an incongruous appearance. A second condition ensuring that the proposed render accords with that of the host dwelling is also recommended.

As identified above a letter of objection has been reviewed and its contents are noted in relation to the concerns raised about the scale and form of the extension and its construction materials. As discussed above, it is not considered the scale and form is incongruous and the use of appropriate materials will be secured by planning condition, which would prevent wider streetscene harm.

The proposal is considered to remain a typical design, albeit with increased proportions and is subservient to the host dwelling and streetscene. The minor alterations to the fenestration is also considered acceptable. It is therefore considered that the proposal will be in conformity with policy SP16 of the Ryedale Local Plan Strategy and will also benefit the specific needs of the occupiers of the dwelling.

ii) Neighbouring Impact

The proposal extension is only in close proximity to one neighbouring dwelling, No. 6 Church View. This proposal does not have any openings facing the neighbouring dwelling and sufficient distance would remain between the two properties.

It is considered that the development will not create a material adverse impact upon neighbouring occupiers. This is in terms of being overbearing in presence, causing loss of light or loss of privacy, in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy. Whilst a letter of objection, noted above has been received from the occupier of no. 6 Church View, this did not relate specifically to amenity matters and has been discussed fully in the section above.

iii) Other matters, including consultation responses

Two letters of representation have been received in relation to this proposal, as detailed in the report above.

The points in relation to character/form/materials and scale raised by the occupier of 6 Church View have been addressed above. The point in relation to the submission of additional/revised plans is noted. However the Local Planning Authority is obliged to accept, process and consider alterations to schemes. The original and revised schemes have been fully advertised in line with established practice and it is noted that a proposal cannot be considered either favourably or unfavourably as a result of its retrospective nature or it being a revision to an earlier scheme. All proposals are required to be assessed against policies in the development plan and material planning considerations.

No further letters of representation have been received beyond the two previously highlighted. The Parish Council did not respond to the application.

In light of the above considerations and subject to the recommended conditions, the proposal is considered to satisfy the relevant policy criteria outlined within Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan(s) and:

Site Location Plan
Proposed Scheme (Drawing no. TWO Rev C)

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

- 2 Unless otherwise agreed in writing with the Local Planning Authority, the extension hereby approved and infilling of the first floor window along the side elevation shall be completed with render that in all respects matches that used within the construction of the host dwelling.

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

- 3 Unless otherwise agreed in writing with the Local Planning Authority, the extension hereby approved shall be completed with roof tiles that match in form and colour finish, those used within the construction of the host dwelling.

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