

Item Number: 10
Application No: 20/00848/HOUSE
Parish: Warthill Parish Council
Appn. Type: Householder Application
Applicant: Mr Alan Desport
Proposal: Erection of a rear two-storey extension with attached single-storey garden room and front porch (revised details to approval 13/00351/HOUSE dated 13.05.2013) and erection of detached garden room - part-retrospective
Location: Meadowsweet Cottage Common Lane Warthill YO19 5XW
Registration Date: 18 September 2020
8/13 Wk Expiry Date: 13 November 2020
Overall Expiry Date: 20 October 2020
Case Officer: Ellie Thompson **Ext:** 43326

CONSULTATIONS:

Warthill Parish Council Warthill Parish Council recommends that the extension building works revert back to the dimensions shown in the plans approved by Ryedale District Council in planning application No. 13/00351/HOUSE and that planning application No. 20/00848/HOUSE is refused.
Highways North Yorkshire No objections
Foss Internal Drainage Board Recommend conditions

Representations: , Mr P McFarlane, Dr Mark Pearse, Mrs Sarah England, Mr Simon Whincup, Mr Michael Andrew, Mr Angus Brown, Mr John Semourson, Mrs Heather Stout,

SITE:

Meadowsweet Cottage is a large, two-storey, detached dwelling, located on the eastern side of Common Lane in Warthill. The property dates from the late 20th century, and is constructed from brick under a clay-pantile roof and features white, timber windows. The property is located within the Development Limits of the village and is within the York Green Belt.

The property occupies a large plot, and is set back from the highway within its curtilage. The plot has a 'dog-leg' shape, with a section of the curtilage to the rear of the building facing east with the remainder of the garden angled towards the north-east. The properties and their plots to the south of the application site have similar shaped curtilages.

PROPOSAL:

In 2013, planning permission was granted for the erection of a rear two storey extension to the property with an attached single storey garden room and front porch at the property. This application seeks revisions to that permission.

Permission is sought for the erection of a part-two storey, part-single storey rear extension, together with the erection of a porch to the front elevation (revised details to approval 13/00351/HOUSE dated 13.05.2013), and the erection of a detached garden room building. The application is part-retrospective. The majority of the structures have been built to a 'shell' stage, including walls (and the roof of the extension) but not window or door fittings. As constructed, the building/s differ from the

approved plans of the existing permission (13/00351/HOUSE). Essentially, this application seeks to regularise development at the site, following an enforcement complaint.

The two-storey element of the rear extension has been built with a pitched roof, cross-wing form. It has been constructed from brick under a clay-pantile roof, and will feature white uPVC windows. The extension is proposed to have four, large windows in the rear (eastern) elevation at first floor level, with a small window at ground floor level on the southern elevation, and a high-level horizontal window on the northern elevation. These window openings are already in situ, but windows have not yet been fitted. The overall ridge height of the extension is proposed to be approximately 8.6 metres, with an eaves height of approximately 5 metres. The two-storey section of the extension extends out from the rear of the property by approximately 3.9 metres, and has a width across the back of the property of approximately 7.6 metres. The overall footprint of the two-storey section is approximately 31.3 square metres.

As built and proposed in this application, the ridge and eaves height of the two storey section are the same as that permitted under 13/00351/HOUSE. In comparison with the permission granted under 13/00351/HOUSE, the main differences are that the width of the extension across the back of the house has increased by 0.4m and the depth of the extension from the back of the house along the boundary with the neighbouring property has increased by 0.6m.

The single-storey section of the extension extends out from the rear of the two-storey section, and has been designed with an unusual, angled shape, to follow the alignment of the plot. This section of the extension has a flat-roof form, and will feature large, aluminium framed glazed doors on the north eastern corner of the building. It has been constructed from brick under a grp roofing system. The extension is proposed to feature two horizontal, high level windows on the north and western elevations, and a small, high-level window on the eastern elevation. These openings are in situ. The overall height of the extension is approximately 3.5 metres, however there is an additional parapet wall on a section of wall on the northern elevation of the extension, which reaches approximately 3.9 metres in height. The overall footprint of the single-storey section of the extension is approximately 59 square metres.

The height of the single storey section is built/proposed to be the same as the height of the single storey element approved under 13/00351/HOUSE. The footprint of the single storey section is two square metres less than that approved under 13/00351/HOUSE.

The cumulative ground floor area of both the two-storey and single-storey extensions is approximately 90.3 square metres which is an increase of 4.3 square metres over the ground floor area which was approved under 13/00351/HOUSE.

The new garden room building has already been partially constructed, and is situated to the rear of the existing garage building, within the rear garden of the property. It is understood that the applicant had intended to construct the garden room utilising permitted development rights. However, in order to complete the building with a 'warm' flat-roof form, this will result in a building height of 2.7 metres.

As a result the detached garden room building requires planning permission and has been included in the application. It has been constructed from brick, and there is a high-level, horizontal window opening in place on its southern elevation, with a single door opening on the western elevation. The overall footprint of the building is approximately 21.5 square metres.

The new porch has a footprint of approximately 5.5 square metres. It has been constructed from brick with a flat-roof form, with an overall height of approximately 3.5 metres. The height of the porch (as built) is an increase of 0.3m in the height approved under 13/00351/HOUSE. The footprint of the porch is also proposed to increase by 0.9 square metres.

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 SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

The Yorkshire and Humber Plan (Regional Spatial Strategy)

York Green Belt Policies (YH9 and Y1)

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.

A summary of the representations received from neighbours and the Parish Council is as follows:

One objection has been received from the occupiers of the neighbouring property to the south (Isca House) raising the following issues:

- **Scale, Size and Design:** the contributor cites Officers feedback from the original application (13/00351/HOUSE) relating to the scale of development, which at the time led the application to be revised to reduce the width and depth of the scheme. The contributor considered that the applicant has not implemented these amendments, and that what has been built is not subservient to the existing house, and is of the same scale as the scheme that was originally rejected. The extension is out of proportion to surrounding buildings and neighbouring extensions and not sympathetic to original dwelling.
- **Impact on Neighbouring Amenity:** Scale and bulk of what has been built has a significant impact on the amenity (and potential value) of neighbouring properties.
- **Loss of Privacy:** Concern that the extension results in significant overlooking of the garden of Isca House, due to the orientation of the plots. The increase in the projection of the two-storey extension increases the angle and unusual orientation, and brings the windows closer to the boundary. The height of the single storey extension and position of the neighbouring garage do not reduce the loss of privacy experienced.
- **Impact on York Green Belt:** Scale and bulk of development is clearly visible from Public Right of way to the east, leading from Warthill to Gate Helmsley.
- **Inaccuracy of Plans and Design Statement:** Measurements and the Positioning of the Neighbouring Garage/Boundary are not accurate. East Elevation Plans are an inaccurate representation of the impact of scale and size. Inaccuracy and lack of professional plans make it challenging for an accurate planning decision to be made.
- **Concern for Setting a Precedent:** For extensions of a similar scale and for building outbuildings along the length of the plot, potentially beyond the building line.

- Groundworks: Concern that the extension has been built without groundworks for drainage.
- Quality of Build: Concerns that the build does not meet building regulations; materials are stored unprotected and site is unoccupied and not secured overnight/at weekends. Concerns relating to the Health and Safety of the site and the lack of safety equipment were also raised.
- Length of Build: Works started in 2016 and are still incomplete four years later, requiring another planning application.
- The contributor wished the Planning Committee to be aware that when the original application was made, they worked collaboratively with the applicant and did not object to the application.

The occupier of the neighbouring property to the north (Marwood House) has made comments neither objecting nor supporting that application:

- Extension is strikingly large and dominant, but the extension and the porch do not significantly interrupt the sight lines or overlook Marwood House.
- Proposed landscaping will improve the gardens.
- Outbuildings are close to the boundary but are not a significant intrusion; they will be sympathetic and not overlooking.
- Concern raised for precedent and disregard of the planning process. The contributor seeks assurance that all such regulations (including building standards) and processes have been followed both for the extension and outbuildings, as non-compliance could affect the future sale of neighbouring properties in terms of value and legal completion, including a formal determination as to whether formal Development Limits have been/will be exceeded.
- The contributor expressed a desire for the decision to progress in a timely way, as construction has been sporadic and slow, which is unsightly and unacceptable.

Six letters of support have been received for the application, making the following points:

- The extension will provide necessary increased living space and enhances the visual appearance of the property.
- The proposed works are in-keeping with other dwellings and neighbouring properties in the village.
- Scale/size of the extension is similar to many extensions in the village.
- The proposed works greatly increase the level of privacy for the applicant – the single-storey extension means they are no longer over-looked by Isca House.
- The large window in the southern elevation of the property that overlooked Isca House has been bricked up.
- The new outbuildings are small and appear private and do not dominate the garden.
- Changes/revisions (from approved scheme) appear to have occurred mainly due to constructability, misinterpretation and availability/reliability of contractors.
- Majority of the scheme cannot be viewed from the street or neighbouring properties due to existing mature planting and neighbouring garages.
- Considered that there is no detriment to neighbouring properties in terms of privacy, amenity or light and will be substantial improvement to the dwelling.

- It would be best for all involved if the build was completed as soon as possible.

Warthill Parish Council responded to the application, and concluded that the application should revert back to the original permission, and the current application be refused. The Parish Council raised the following concerns:

- What has been built is bigger than what was originally approved, in respect of both the width and depth of the extension. The increase in size is considered to cause harm to the amenity of the neighbouring properties.
- The single-storey extension has increased in area to what was approved. It is not sympathetic to the character of the original dwelling, the plot size or neighbouring properties.
- Concern that it will set a precedent for future development of this scale at neighbouring properties.
- The proposed garden room appears to extend beyond the Development Limits into the Green Belt, and there is concern that this would set a precedent for more development beyond the Development Limits/in the Green Belt. The building is not supported if it extends beyond the Development Limits.
- There is a building to the east of the Garden Room that is not on the plans, and it is not clear if this falls within this application but it appears to extend beyond the Development Limits.

The Local Highway Authority was consulted and raised no objections to the proposed plans.

The Foss Internal Drainage Board was consulted and recommended conditions.

Planning History:

12/00167/HOUSE: An application for the erection for a two-storey side extension to side elevation and erection of a detached double garage following demolition of existing garage was refused.

13/00351/HOUSE: Planning permission was granted for the erection of a rear two-storey extension with attached single-storey garden room and front porch (revised details to refusal 12/00167/HOUSE dated 03.04.2012).

15/01430/COND: Condition 02 of approval 13/00351/HOUSE dated 13.05.2013 was discharged.

Appraisal:

Members are reminded that a planning permission exists at the site for much of the development proposed and this is a relevant consideration in the determination of the application. In considering the planning issues raised by the application, it is the implications of the changes between the approved scheme and the proposed scheme that are of particular relevance to the determination of the application.

Design

The proposed two-storey rear extension is large in scale, and has been constructed with a pitched-roof, cross wing form. The ridge and eaves heights of the extension matches the overall respective heights of the original dwelling at approximately 8.6 metres (ridge) and 5 metres (eaves). The overall width of the extension is approximately 7.6 metres, which subsumes the rear elevation of the host dwelling. Although this element is not designed to be a visually subservient addition to the property, the mass of the two storey section remains subservient to that of the existing dwelling. This serves to ensure that the two storey element is not physically or visually out of proportion with the existing dwelling. The proposed roof design is considered to relate well to that of the existing dwelling.

The proposed single-storey rear extension has been constructed with a flat roof that reaches approximately 3.5 metres in height (4 metres to the top of the parapet on the northern elevation). The extension has an angled form which follows the diagonal orientation of the plot. The overall footprint of the single-storey extension is approximately 59 square metres. The form and layout of the single-storey extension is considered to be unusual and contemporary. Although it is large in scale and its design is forced by the constraints of the plot, it is not readily visible from public vantage points.

The existing property is not considered to be of any significant architectural merit. Despite the cumulative size of the proposed extensions and the contemporary and unusual form of the single storey section, the design of the extensions would not individually or cumulatively detract from the character and appearance of the host dwelling. Moreover, the property sits within a generous plot and within this context, the proposed building, despite its resultant cumulative size, would not appear out of proportion with the overall size of the plot.

The existing planning permission granted approval for a two-storey rear extension with an overall ridge height of approximately 8.6 metres, and a width across the back of the property of approximately 7.2 metres. The previously approved two-storey extension was proposed to extend out from the rear elevation of the host dwelling by approximately 3.5 metres, and had an overall footprint of approximately 25 square metres. The previously approved single-storey extension also had an angled form, and had a footprint of approximately 61 square metres, and an overall height of 3.5 metres. The cumulative footprint of the entire extension on the previously approved scheme was approximately 86 square metres. As a result, it is important to acknowledge that what has been built, is not significantly larger (in terms of width, depth and floor area) than what has already been granted permission. Moreover, the roof form and built form of the development proposed is not different to the permitted scheme.

On this basis, it is considered that the proposed part two-storey part single-storey extension is, on balance, acceptable in design terms and complies with Policy SP16 (Design) of the Local Plan Strategy.

The proposed new detached garden room building has been partially constructed in a re-entrant area, between the rear elevation of the garage building, and the boundary with the neighbouring property (and their garage) to the north. The building has a footprint of approximately 21.5 square metres, and has been constructed from brick. It is proposed to be finished with a flat roof, which will have an overall height of approximately 2.7 metres. The building is small in scale, and will have a simple appearance that will match the contemporary design of the single-storey extension. It is considered that the building is appropriate in design, in terms of scale, materials and form. On this basis the detached garden room complies with Policy SP16 (Design) of the Ryedale Local Plan.

Effect on Neighbours

The two-storey section of the extension extends from the rear of the property to a depth of 4 metres along the boundary with the neighbouring property to the south. The eaves height at this position is 5 metres. As built/proposed this element of the scheme is 0.6 metres longer than the building for which planning permission exists. Whilst the building does result in a large expanse of flank wall against the boundary of the neighbouring property, the increase in its length is not considered to be significantly larger than the building for which permission currently exists. The increase in length would not in itself result in a situation which would lead to an unacceptable overbearing effect or loss of light, over and above that which would be experienced as a result of the approved scheme. It is understood that the occupier of the neighbouring property to the south did not object to the previous/approved scheme although members will be aware that the occupier of the neighbouring property is objecting to the current proposal.

There are four large window openings on the rear of the two-storey extension at first floor level. Due to the orientation of the plot and the neighbouring plot to the south, the rear garden of Isca House is angled behind the application site, in direct view of the first floor windows. The single storey

extension and the neighbouring garage create a slight buffer between the windows and the neighbouring garden, potentially partially obstructing the view from the southern-most window, however it is considered that views into parts of the neighbouring garden to the south will be achieved. It should be noted that the property and the neighbouring property have fenestration on their rear elevations and some inter-visibility between gardens will have historically existed. This existing relationship was a consideration in the determination of the approved scheme and the existing permission includes four windows situated in the rear elevation of the two-storey extension, albeit slightly smaller in size than those currently proposed. While these windows would have been set approximately 0.6 metres further away from the rear garden of the neighbouring property, they would have been constructed with the same orientation and facing the same direction towards the neighbouring garden and a section of that garden used as a patio area.

As a result it is considered that the level of overlooking that will be experienced from what has been built, is not significantly different from what would have been experienced as a result of the scheme for which planning permission already exists. The orientation of the plots is such that views towards the neighbouring garden are limited, and there are no views back towards the rear elevation of the neighbouring property.

The proposed detached garden room building is situated between the existing garage building and the northern boundary of the site, immediately beyond which is an extended neighbouring garage/outbuilding. It is considered that the proposed garden room will have no detrimental impact on the amenity of neighbours, in terms of loss of light, loss of privacy or overbearing effects.

On balance, the proposed scheme is considered to be acceptable in terms of its impact on the amenities of the occupiers of the neighbouring property.

Impact on the York Green Belt

The extension is to the rear of the property. The property occupies a generous plot and whilst the two storey element of the scheme will be visible from some surrounding public vantage points (a public right of way to the rear of the site and glimpsed views from the highway) the development proposed is within the context of existing development and in a relatively discrete location. In this respect, it is not considered to impact on the openness of the York Green Belt and is not in conflict with national policy in this respect.

Development Limits

Several comments have been made relating to the proposed development extending beyond the identified Warthill Development Limits, which runs across the rear garden of the application site, in line with the eastern-most corner of the existing garage building. The Development Limits, as identified by Policy SP1 (General Location of Development and Settlement Hierarchy), are intended to restrict the development of new dwellings or separate buildings. The development proposed in this application consists of an extension to an existing property within the development limits, and a smaller-scale outbuilding and in this respect, there is no conflict with Policy SP1 of the Ryedale Local Plan Strategy.

Other Issues

Concern has been raised relating to the potential for this development to set a precedent for extensions of a similar design and scale within the locality, as well as a precedent for development outside of the development limits. Members are reminded that the Local Planning Authority is required to consider every planning application on its own merits against the policies of the development plan and in the context of all relevant material considerations.

Concern has also been raised about the impact of the proposed development on the value of neighbouring properties. This is not a material planning consideration and is not relevant to the determination of the application.

Concerns have been raised that the development for which permission is sought is comparable to a proposal for which planning permission was previously considered unacceptable and revised as part of the application 13/00351/HOUSE. Initial designs as part of that application were revised to address officer concerns over the roof design and scale of the two storey section. The roof design and proposed length of the extension along the neighbouring boundary (4.9m to 3.9m) were reduced as part of that process.

Members will be aware that the standard of build is a matter for the building control process.

Warthill Parish Council has objected to the proposal. The Parish Council supported the approved scheme. The differences between the approved scheme and the proposed scheme are limited and are outlined in the report.

Conclusion

The development proposed is considered to be acceptable in design terms and in terms of its impact on the occupiers of neighbouring properties. The existing permission is the fall- back position and is a material consideration. The differences between the existing permission and the development proposed are not considered to be so significant as to render the proposed scheme unacceptable. Approval is recommended subject to the following conditions.

RECOMMENDATION: Approval

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

- Site Location Plan (received by the Local Authority on 23/09/2020)
- Proposed Site Layout Plan (dated September 2020) (scanned to file on 15/10/2020).
- Proposed Ground Floor Plan Drawing, (drwg. no. 01, dated august 2020) (received by the Local Authority on 23/09/2020)
- Proposed First Floor Plan drawing, (drwg. no. 02, dated august 2020) (received by the Local Authority on 23/09/2020)
- Proposed Front and Rear Elevation Plans drawing, (drwg. no. 03, dated august 2020) (received by the Local Authority on 23/09/2020)
- Proposed South Elevation drawing, (drwg. no. 04, dated august 2020) (received by the Local Authority on 23/09/2020)
- Proposed North Elevation drawing, (drwg. no. 05, dated august 2020) (received by the Local Authority on 23/09/2020)
- Proposed Garden Office Elevations and Floor Plan drawing, (drwg. no. 06, dated august 2020) (received by the Local Authority on 23/09/2020)

Reason: For the avoidance of doubt and in the interests of proper planning in accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

2 Prior to the occupation of the development hereby approved by this permission, a Scheme for the provision of surface water drainage works shall be submitted to and approved by the Local Planning Authority in consultation with the Internal Drainage Board. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology.
- If soakaways are not feasible, then the Board may consider a proposal to discharge surface

- water to a watercourse (directly or indirectly).
- For the redevelopment of a brownfield site, the applicant should first establish the extent of any existing discharge to that watercourse.
 - Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
 - Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
 - Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
 - A 30% allowance for climate change should be included in all calculations.
 - A range of durations should be used to establish the worst-case scenario.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.