

Item Number: 12
Application No: 21/00733/HOUSE
Parish: Warthill Parish Council
Appn. Type: Householder Application
Applicant: Mr And Mrs Hartley
Proposal: Erection of a two storey side extension
Location: Gower House Rudcarr Lane Warthill North Yorkshire YO19 5TL

Registration Date: 12 May 2021
8/13 Wk Expiry Date: 7 July 2021
Overall Expiry Date: 13 July 2021
Case Officer: Ellie Thompson **Ext:** 43326

CONSULTATIONS:

Warthill Parish Council Object
Warthill Parish Council No further response received

Representations: Mr James Kidd, Mr John Semourson,

SITE:

The property is a large, detached, two-storey property situated on Rudcarr Lane in Warthill. The property occupies a large plot, and is located within the York Green Belt.

The property is constructed from red brick under a clay pantile roof, and features white uPVC windows and doors. The property benefits from a detached garage building, and an existing single-storey rear extension.

PLANNING HISTORY:

There is no relevant planning history for this application.

PROPOSAL:

This application seeks permission for the erection of a two-storey side extension, in order to allow for additional bedroom accommodation and a covered driveway area. The proposed extension was originally designed with an angled western elevation, to accommodate as much capacity as possible up to the western boundary of the site. Officers had some concerns with this original design, which was considered to have an awkward appearance within the plot. These concerns were relayed to the applicant's agent, and the proposed development was revised.

The extension is proposed to have a pitched roof form, and will feature a feature gable on its front elevation, to mirror the existing design of the main property. The extension is proposed to be constructed from matching red brick under a clay pantile roof, and will feature white uPVC windows.

The overall ridge height of the extension is proposed to match the height of the main dwelling, at approximately 7.7 metres. Similarly, the eaves height of the extension will match the eaves height of the main property at approximately 5.1 metres. The ridge height of the feature front gable will be approximately 6.4 metres. The overall footprint of the extension will be approximately 34.3 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 the neighbours and the Parish Council in response to the initial application is as follows:

Two objections were received from the occupiers of the neighbouring properties (Missenden House and Claridge House). They raised the following concerns:

- Does not meet the requirements of Policy SP20; the resulting dwelling will stretch across the entire width of the curtilage, and no other property on Rudcarr Lane exhibits this characteristic.
- The scale, mass and design of the extension would have a detrimental effect on both the neighbouring properties and the village scene.
- Loss of neighbouring amenity: the proposed scheme will be overbearing for the occupants of Missenden House.
- Loss of Light: Two windows on the front (east) of Missenden House serving a bedroom and ensuite will be affected using the BRE 45-degree rule. The extension will also affect the light to a velux rooflight on the eastern side of Missenden House. Using the BRE 25-degree rule light will also affect a downstairs WC.
- The proposed development overlooks the access, driveway and front garden of Missenden House.
- The driveway of Missenden House is a right of way for agricultural access to the church field, and so the proximity of the development to this right of way is a concern.
- Proposed development would be a dominant mass on the boundary of the property, further increased by the topography of the site.
- The eastern elevation of Missenden House is its front elevation, and its front door is in direct line of sight to the proposed extension.
- Removal of a section of a hedge is at odds with Policy SP16.

- Concern around the impact on the York Green Belt: the proposed development is disproportionate, materially larger and would not maintain the openness between the properties.
- A commercial business is operated from Gower House and the proposal would make it difficult for larger vehicles to access through the covered drive way. Concern that a skip would be permanently situated at the front of the site and there could be traffic issues.

Warthill Parish Council also objected to the proposed scheme, and raised a number of concerns, including:

- Scale and Massing of the development would have an overbearing impact on the neighbouring property, which would be particularly pronounced as the eastern side of Missenden House is single-storey.
- The new extension would result in a two-storey dwelling covering the entire width of the plot, which is not considered to be in keeping with the village or any properties along Rudcarr Lane.
- The proposed extension would have a detrimental impact on the view of the properties from Rudcarr Lane.

A summary of the comments received in response to the revisions to the design of the scheme is as follows:

Two objections were received from the occupiers of the neighbours properties (Missenden House and Claridge House). They maintained their previous objections in relation to the design and scale of the development, its impact on the street scene, neighbouring amenity and boundary treatments. The following additional comments were made:

- The dormer arrangement to the front elevation has been moved further west which exacerbates the dominating appearance of the new extension. It would dominate the streetscape and would create an intimidating and oppressive feeling when entering Missenden House.
- The current site plan does not show all the trees on the site or the boundary. There is concern that the foundation of the new extension could affect the root structure of in the future the crown of the trees. One tree in the south west corner of the site provides screening from the first floor windows of Gower House, and its removal would allow for overlooking of the neighbouring properties rear gardens. The trees also add amenity value, landscape quality and visual character.
- The extension is not subordinate to the original dwelling and cannot be 'read' as an addition to the original building.

Warthill Parish Council were consulted on the revised plans, but made no further comments on the proposed scheme.

Following the receipt of the above comments, the applicant's agent provided updated plans, to address some of the issues raised. The revised plans included a plan to address concerns relating to loss of light and an updated proposed plan to show that the boundary hedge and trees will remain. The proposed extension was not revised in design, and as such a formal re-consultation was not undertaken. However, the Case Officer alerted the occupiers of the neighbouring properties to the presence of the new plans, in case they wanted to make any further comments.

The occupier of the property known as Claridge House contact the Case Officer via phone, and verbally confirmed he maintains his objection to the proposed development. The occupier of Missenden House also maintained their objection, and submitted a further written response which raised concerns with the applicant's agent's interpretation of the 25 degree rule, including:

- The topography of the site is not included on the site.

- The proposed development is acknowledged to breach the 25 degree rule which shows the design has been made with no thought to the impact on the neighbouring property.
- The objector also supplied their own annotated version of the agent plans to show their interpretation (measured horizontally not vertically) of the 45 and 25 degree light impingements.

APPRAISAL:

The main considerations within the determination of this application are:

- i. Design, form and character
- ii. Impact on neighbouring amenity
- iii. Impact on the York Green Belt
- iv. Other Matters

Design

The new two-storey side extension is proposed to have a pitched roof form, with a feature gable on its front (southern) elevation. It has been designed so that it has the same ridge and eaves height as the existing property. As a result, the new extension will appear as a continuation of the existing property, which will mirror the existing feature front gable towards the eastern side of the front elevation. The resulting form of the property will be roughly symmetrical when viewed from the front. It is considered that the overall form of the extension will reflect the form and character of the existing dwelling. On this basis the form of the development is considered to be acceptable.

While the new extension is not proposed to be subservient in height to the host dwelling, the overall footprint of the development will be smaller than the floor area of the host dwelling in scale. The property is a large, detached dwelling within a large plot, and it is considered that the proposed extension will appear proportionate to the scale and massing of the host dwelling and its plot.

Some concern has been raised by the occupiers of neighbouring properties and the Parish Council, with regards to the resulting overall scale and width of the property, and its impact on the character and pattern of the street scene. The majority of Rudcarr Lane is characterised by large, detached, two-storey dwellings which sit within generous plots. However, it is considered that these plots are not particularly wide or sweeping, and the properties themselves have all been constructed at a similar distance from the main highway. As such, the properties on Rudcarr Lane are reasonably close together, and do generally appear as a continuous (albeit, set back) street frontage. The proposed development would not undermine this arrangement. In addition, whilst the proposed development would see the reduction in some space between the application property and the closest neighbouring property to the west (approximately 3.8 metres), visually a gap between the built forms would be retained by the presence of the driveway of the neighbouring property. Therefore, it is not considered that the new extension would significantly alter or detrimentally impact the character and appearance of the street scene, or the pattern of development within this area.

The use of matching materials in this location is considered to be appropriate, however a condition is recommended to ensure a good matching brick is used.

On this basis, the proposed development is considered to comply Policy SP16 (Design) of the Ryedale Local Plan Strategy.

Effect on Neighbours

The new extension is proposed to be constructed on the western (side) elevation of the existing building, on and above the existing drive way which serves the property. The resulting western elevation of the property will be approximately 3.7 metres closer to the neighbouring boundary.

The neighbouring property to the west (Missenden House) is situated on the western side of its plot and has been designed with a 'sideways' construction, with its front elevation facing towards the east and the application site. The neighbouring property is comprised of a two storey and single storey elements with the latter facing towards the application site. As well as the main entrance door, there are three windows on this elevation at ground-floor level, which serve a bedroom and en-suite and a WC. It was evident at the Officer's site visit, and from the provided proposed Block Plan, that the application property and the neighbouring property to the west are slightly offset. The proposed extension would face an existing flank wall of Missenden House which features its front door and a WC window, and would not directly face that part of the neighbouring elevation that includes the ground floor bedroom and en-suite windows.

The occupier of Missenden House is concerned that the proposed development would be contrary to the 45 and 25 degree rules in terms of loss of light. The public file includes plans provided by the architect and neighbour to illustrate the effect.

Members are aware that the 45 degree and 25 degree 'rules' are rules of thumb aimed at considering the impact of new development on the natural lighting of habitable rooms in neighbouring properties. The 45 degree 'rule' is used where the nearest side of an extension is at right angles to a neighbouring window. This is not the case in this situation where the side of the application property and neighbouring property are orientated to face each other. The 25 degree 'rule' is applicable to new development which directly faces the windows of a neighbouring property. In this case, however, the proposed extension does not directly face the windows of the neighbouring property. At an oblique angle, the height of the ridge of the proposed extension may result in some very minor reduction in sun light as the sun tracks for east to west. While there may be a slight increase in the impact on morning light to these two rooms, this impact is not considered to be significantly greater than what is currently experienced at the neighbouring property, owing to the existing orientation between the two properties. In addition, the proposed development will not directly overshadow the windows of the adjacent property.

No windows are proposed to be installed in the western elevation of the new extension, so it is not considered that the proposed extension would result in any direct overlooking or loss of privacy of the neighbouring property. Two windows are proposed to be installed in the new extension, with one in the front elevation and one in its rear elevation first floor level. It is not considered that these windows would result in an increased level of overlooking of the gardens of the neighbouring property, over and above what is already experienced from the existing first floor windows. However, it is considered that it would be appropriate that a condition is used to obscure glaze the proposed en-suite window on the rear first floor elevation. Whilst there is some existing inter visibility between the application property and Missenden House, the window would be closer to the windows in the neighbouring property and to avoid any increase in loss of privacy it is appropriate that the window is obscure glazed.

The driveway of the neighbouring property runs along the eastern side of the neighbouring site, between the two buildings, and as such some space between the properties will be maintained. At its closest point (the rear), the new extension will measure approximately 3.1 metres away from the neighbouring building, while the front corner of the new extension will measure approximately 4 metres away from the eastern elevation of Missenden House.

It is acknowledged that the new extension will increase the massing on the application site, however it is not considered that this will create an overbearing presence which is significantly greater than what is currently experienced. The new extension is not larger in scale than the existing property, and the revised proposed development has been designed to sit comfortably within the boundaries of the application site. On this basis, it is not considered that the proposed development would result in an unacceptable overbearing presence on the occupiers of the neighbouring property.

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

Impact on the York Green Belt

The extension is to the side 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, the development proposed is within the context of existing development, and is considered to be in proportion to the existing building. In this respect, it is not considered to impact on the openness of the York Green Belt and is not in conflict with local or national policy in this respect.

Other Matters

Some concern was raised from the occupier of a neighbouring property about a business operating from the site, and the potential impact of the proposed development on highway safety in relation to large vehicles having to reverse onto the highway. The applicant has confirmed that a business is registered to the application site, but it is not operated from it. As such, there is no reason to assume that large vehicles will be journeying to and from the site. The new extension is open at ground floor level, to allow for standard sized vehicles to drive through to the rear of the site and utilise the existing turning area within the rear amenity space of the site. As such it is not considered that the proposed development would have a detrimental impact on highway safety.

Some concern was also raised in relation to the trees that are present within the site, and along the western boundary. The Tree and Landscape Officer has been consulted on the application, and has confirmed that the proposed development would not have a significant impact on the trees at the site. The trees are relatively small, and it is likely that the roots are already restricted due to the effects of compaction from the driveways at the site and the neighbouring property. The Officer has confirmed that he has no objection to the proposed development.

CONCLUSION

The proposed extension is considered to be of a proportionate and acceptable design, and it is not considered that it will give rise to a significant detrimental impact on neighbouring amenity, or that it would undermine the openness of the York Green Belt. The proposed development is considered to meet the relevant policy criteria set out in Policies SP16 (Design) 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 plan(s):

- Revised Site Location Plan, drwg. no. 09.2021.PA02 (scanned to file on 20.07.2021)
- Revised Proposed Plans, drwg. no. 09.2021.PA01 Rev. E (scanned to file on 20.07.2021)

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.

- 3 Prior to works of above ground construction, details and samples of the brick and roof tile to be used on the exterior of the extension hereby approved 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 Policies SP16 and SP20 of the Local Plan Strategy.

- 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 within the western (side) elevations 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.

- 5 Unless otherwise agreed in writing with the Local Planning Authority, the first floor level window to be located to the northern (rear) elevation of the extension hereby approved shall be obscured to the highest level of obscuration (Pilkington Glass Level 5 or equivalent). Unless otherwise agreed in writing with the Local Planning Authority, this window shall be top hung only and retained for the life time of the development.

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