

**Item Number:** 8  
**Application No:** 21/01297/HOUSE  
**Parish:** Malton Town Council  
**Appn. Type:** Householder Application  
**Applicant:** Debbie Burtenshaw  
**Proposal:** Erection of single-storey extension to the rear elevation including 2no. roof lanterns following the demolition of existing outbuildings  
**Location:** 63 Town Street Old Malton Malton YO17 7HB

**Registration Date:** 27 September 2021  
**8/13 Wk Expiry Date:** 22 November 2021  
**Overall Expiry Date:** 3 November 2021  
**Case Officer:** Ellie Thompson **Ext:** 43326

#### **CONSULTATIONS:**

**Malton Town Council** Recommend Approval  
**Building Conservation Officer** No Objections

**Representations:** Mr Julian Empett, Mr Michael MacKenzie, Mrs Hazel Robertson,

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#### **SITE:**

The property is a traditional, semi-detached dwelling, located on Town Street in Old Malton. The property is located within the Old Malton Conservation Area, and the northern boundary wall of the application site is a Grade II curtilage listed building, under the listing of the neighbouring property to the north (Hunters Hall). The property is located within both Flood Zones 2 and 3.

The property is constructed from brick under a clay pantile roof, and features traditional timber windows. The property benefits from a long, narrow rear courtyard area, within which are a number of traditional outbuildings.

#### **PROPOSAL:**

This application seeks permission for the erection of single-storey extension to the rear elevation of the property, to include 2no. roof lanterns, following the demolition of the existing outbuildings.

The new extension is proposed to have a modern, flat-roof form, and will feature two lantern rooflights. The extension is proposed to extend along the northern boundary wall of the site, in the position of the existing outbuildings. The building is proposed to be constructed from traditional, clamp brick, with large expanses of glazing (anthracite grey uPVC framed windows and doors) on its southern and western sides. The roof is proposed to be constructed from a grey GRP roofing system.

The height of the structure is proposed to be approximately 2.7 metres, however the overall height to the top of the lantern rooflights will be approximately 3 metres. The overall footprint of the extension is proposed to be approximately 29.1 square metres.

#### **PLANNING HISTORY:**

21/01516/LBC: an application for listed building consent for erection of single-storey extension to the rear elevation including 2no. roof lanterns following the demolition of existing outbuildings has been submitted alongside this application.

## **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 SP12 Heritage

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

### Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 66 and 72

## **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.

3 objections have been received in response to the application, from occupiers of the neighbouring properties. These are summarised below:

- Loss of Light
- Loss of Privacy
- Access/Right of Way within site for maintenance of attached neighbouring properties.

Malton Town Council has recommended approval. The Building Conservation Officer has also been consulted and has raised no objections to the proposed scheme.

## **APPRAISAL:**

The main considerations in the determination of this application are:

- i) Design, character and appearance
- ii) Impact on the Conservation Area
- iii) Impact on residential amenity
- iv) Other Matters

## Design

The new extension is proposed to have a flat-roof form, and will be situated against the northern boundary wall of the site. As such, it is considered that the extension will have a simple, unobtrusive and modern appearance. The form of the extension is considered to reflect the long, linear character of the site, and the extension will be subservient in scale to the host dwelling which is considered to be appropriate. The proposed use of clamp bricks will match the host dwelling, while the large sections of glazing will ensure that the extension is clearly legible as a modern addition to the property.

The proposed extension will not be visible from vantage points along Town Street to the front of the property, owing to the boundary treatments of the neighbouring property to the north. Some glimpsed, distance views may be achievable from the part of Town Street which runs to the west, between the application site and The Royal Oak public house. However these views are minimal, and it is not considered that the extension would have a detrimental impact on the character and appearance of the street scene.

On this basis, the proposed development is considered to be appropriate in terms of design, and is considered to comply with Policy SP16 (Design) of the Ryedale Local Plan Strategy.

## Heritage

The property is located within the Old Malton Conservation Area and as such, Ryedale District Council has a statutory duty to have a special regard for the preservation or enhancement of the character or appearance of that area. Further to this, the northern boundary wall of the site is a Grade II curtilage listed building, under the listing of the neighbouring property to the north (Hunters Hall). As such Ryedale District Council have a statutory duty to have a special regard for the preservation of the listed building, its setting or any features of special architectural or historic interest which it possesses.

This part of the Old Malton Conservation Area is characterised by small, traditional cottages fronting the street and set behind a small area of village green space.

The new extension is proposed to be of a contemporary design, however it will have a long, linear form which reflects the traditional pattern of outbuildings and their position and orientation within linear curtilage and garden plots to the rear of small traditional cottages. The extension will not be visible from any public vantage points to the front of the dwelling along Town Street. While some glimpsed views of the extension may be possible from the rear of the dwelling, these views would be minimal, and they extension would be clearly legible as a modern addition to the property. On this basis, it is considered that the proposed development would have a neutral impact on the character and appearance of the Conservation Area.

The proposed development would see part of the Grade II, curtilage listed northern boundary wall of the property be built up with matching brick by approximately 0.54 metres. The wall has seen some modifications in the past, with a central section of the wall being raised to a higher height of approximately 3 metres, above the rest of the wall which is approximately 2.5 metres in height. The proposed alterations would see the wall on either side of the existing raised section be raised to match. The wall is proposed to be raised in order to level out the wall to obscure the roof of the new extension from view from the north. The appearance of the wall will not be significantly altered, and it is considered that its character and significance as a high, brick, boundary wall will be retained.

The Building Conservation Officer has been consulted on this application and has raised no objections to the proposed development. On this basis, the proposed development is considered to comply with Policy SP12 (Heritage) of the Ryedale Local Plan Strategy.

### Impact on Residential Amenity

The property is a semi-detached property, and its rear outdoor amenity space extends directly behind the rear of neighbouring properties (nos. 61, 59, 57 and 55 Town Street). The position and orientation of the properties is such that the southern boundary of this outdoor space forms the rear elevation/wall of these neighbouring properties. Within this wall there are three, small, square, obscure glazed windows, serving nos. 61 and 59 respectively. These windows are at ground floor level and face directly into the application site. Some concerns around loss of light and loss of privacy have been raised from the occupiers of neighbouring properties.

The overall height of the new extension will be no higher than the highest point of the existing outbuildings, at approximately 2.7 metres. Notwithstanding this, the overall mass of the extension is larger than the existing structures, and it will be set closer to the rear elevation of the neighbouring properties leaving a gap of approximately 0.9 metres. Although these windows are set into a north facing wall and face into an enclosed area, it is considered that there will be some reduction in the level of daylight to the neighbouring windows.

It should be noted that the property benefits from permitted development rights, which would allow an extension of the same height to be constructed in this location, providing it extended out from the rear of the property by no more than 3 metres in depth. As such it is considered that the same level of light reduction for the first two neighbouring windows (closest to the rear elevation of the dwelling), could be achieved under permitted development rights. The window that is situated the furthest away from the rear elevation of the application property would not be affected by an extension completed under permitted development. However, as the neighbouring windows face directly into the applicant's rear amenity space, it is considered that light could be reduced from this window by other means, such as garden paraphernalia, (planting, furniture and fencing) if the applicant chose to introduce these into the outdoor amenity space.

As such, while the proposed extension will see a reduction in light for the three windows in the rear elevation of the neighbouring properties, it is considered that the fall-back position as outlined above would also reduce light to these neighbouring windows to a similar extent. It should also be noted that the proposed extension features significant fenestration on the elevation facing the neighbouring properties. The glazing will help to reflect light and this will help to mitigate the impact of the extension in this location.

Some concerns were also raised in relation to the potential loss of privacy for the neighbouring properties, as the majority of the new extension is proposed to be constructed from glass. The three windows in the rear elevation of the neighbouring properties are all obscure glazed, and as such it is not considered that the proposed development would result in any loss of privacy, over and above what is currently experienced.

On this basis, and taking into account the fall-back position, the proposed development is considered to be acceptable under the provisions of Policy SP20 (Generic Development Management Issues) of the Ryedale Local Plan Strategy.

### Other Issues

Concerns were raised in relation to the right of access for the occupiers of the attached neighbouring properties, to allow for them to carry out maintenance works when required. The proposed development would see a space approximately 0.9 metres wide between the new extension and the rear elevation of the neighbouring properties, in order to maintain a space for access. Notwithstanding this, however, the right of access is a private matter pertaining to property law, and is not a material planning consideration.

The property is located in Flood Zones 2 and 3. The supporting information indicates that the proposed extension will be constructed with a concrete foundation, at a floor level to match the host dwelling and that all electric sockets will be a minimum of 450mm above floor level. These details

align with the Environment Agency's standing advice for householder developments, and on this basis the proposed flood mitigation methods are considered to be appropriate.

### Conclusion

The proposed development is considered to comply with the relevant policy criteria set out in Policies SP12, SP16 and SP20 of the Ryedale Local Plan 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):

- Site Location Plan (scanned to file on 28.09.2021)
- Proposed Floor, Elevation and Block Plan, drwg. no. 3129/02, (scanned to file on 28.09.2021)

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, samples of the brick to be used on the exterior of the development hereby approved (including the works to the northern boundary wall) 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 SP12, SP16 and SP20 of the Local Plan Strategy.