



Report Reference Number: 2020/0510/HPA

To: Planning Committee
Date: 26 August 2020
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0510/HPA	PARISH:	Kelfield Parish Council
APPLICANT:	Miss Sarah Finn	VALID DATE:	22nd May 2020
		EXPIRY DATE:	17th July 2020
PROPOSAL:	Erection of two storey side extension		
LOCATION:	4 The Crescent Kelfield York North Yorkshire YO19 6RQ		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee at the discretion of the Head of Planning as there have been 11 letters of representation received.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the development limits of the settlement of Kelfield.
- 1.2 The application site comprises of a two-storey end of terrace dwelling, which has a driveway to the front and along the side of the dwelling and a large garden area to the rear. The dwelling is located on The Crescent, which is residential in nature and comprises of two storey dwellings of a uniform style.

The Proposal

- 1.3 The application householder full planning permission for the erection of a two-storey side extension.

- 1.4 The proposed side extension would have a parapet flat roof and would measure approximately 5.1 metres in height. The proposed extension would project out from the side elevation of the host dwelling by approximately 4 metres. The proposed extension would be finished in larch timber cladding and would also include a living roof.

Relevant Planning History

- 1.5 The following historical application is considered to be relevant to the determination of this application.

2019/1293/HPA (PER – 24/01/2020) Proposed erection of two storey side extension.

- 1.6 The above was a conventional two storey side extension, with external brickwork to match the host dwelling, and a subservient hipped tiled roof to assimilate the extension with that of the design and finish of the host dwelling.

2. CONSULTATION AND PUBLICITY

- 2.1 **Parish Council** - No comments received within the statutory consultation period.

- 2.2 **Neighbour summary** – The application has been advertised by site notice and neighbour letter resulting in 11no. letters of support being received.

- 2.3 The letters of representation have been summarised as follows:

- Four letters of representation provided no comments on the proposal other than indicating 'support' for the proposal.
- Three letters of representation state that they 'support the application'.
- One letter of representation supported the extensions sustainable design.
- One letter of representation stated that the extension would be of great design and character.
- One letter of representation supports the proposal's environmentally friendly roof and contemporary design.
- One letter of representation supports the proposal's contemporary design.

- 2.4 It is noted that that all the letters of representation were submitted after the site notice expiry date and 10 of the 11 letters of representation are not from addresses local to the site.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located within the defined development limits of Kelfield, which is a Secondary Village with defined Development Limits as identified in the Core Strategy.

- 3.2 The application site is located part within Flood Zone 2, which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP15 - Sustainable Development and Climate Change
SP19 - Design Quality

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development

5 APPRAISAL

5.1 The main issues to be taken into account when assessing this application are:

- The principle of the development
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Flooding

The Principle of the Development

5.2 The application site is located within the defined development limits of Kelfield and seeks permission for the erection of a two-storey side extension. There is nothing in the NPPF to identify this type of development as being unsustainable or preclude in principle development of this type in this location. The extension is for domestic purposes and therefore appropriate in nature.

Design and impact on the character and appearance of the area

5.3 Relevant policies in respect to design and impact on the character and appearance of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF which relate to design include paragraphs 127, 130 and 131.

5.4 The host dwelling has a hipped roof with eaves to a maximum height of 5.2 metres and ridge to a maximum height of 7.4 metres from ground level. The proposed extension would have a parapet flat roof and would measure approximately 5.1 metres in height. The proposed extension would project out from the side elevation of the host dwelling by approximately 4 metres. The proposed extension would be finished in larch timber cladding and would also include a living roof, which sits behind the parapet.

5.5 The application site benefits from permission for a two-storey side extension, which was granted under permission 2019/1293/HPA. Careful attention was made to the design of this extension, to ensure it remained subservient to the host dwelling and that the design and materials complimented the character of this row of dwellings.

5.6 This revised submission is in stark contrast to the recently permitted scheme. The proposed extension would be attached to the side elevation of the existing dwelling and would be clearly viewable from the highway, the street-scene and from neighbouring properties. The host dwelling forms part of a row of terraced dwellings, which have a symmetrical design and uniformity within the street-scene. However, from the site visit, it was noted that 7 The Crescent has benefitted from a two-storey side extension (brick and tile construction) and, as such, it is considered that some of the uniformity within the street-scene has been eroded.

5.7 With regards to the current proposal, the proposed extension would be two-storey and would have a flat roof that sits behind a small parapet. The extension would be cladded in larch timber and would have a living roof, all of which would jar with the character and form of the local area.

- 5.8 It is noted that the settlement of Kelfield does not benefit from a Village Design Statement nor does the site lie within a Conservation Area, however this is not to say either the design or use of materials on domestic extensions becomes any less important. The dwellings in the village are predominantly constructed of red brick with pitched roofs with pantiles. Some painted and rendered properties do exist on the main street, however the areas immediate character i.e. 'The Crescent' is of matching materials and architectural form. The proposed 'box like' addition on the side of the dwelling and the use of uncharacteristic materials will be an incongruous addition to the dwelling and would have a significant impact on the character and appearance of the area. The proposal therefore fails to comply with policy SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.9 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing and loss of light to neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.10 In considering any potential instances of overlooking, there would be several additional openings at ground floor level. However, these would not result in additional overlooking due to the existing boundary treatments. There would be 1no additional opening at first floor level, to the front elevation, which would face out towards the side elevation of the neighbouring dwelling, 3 The Crescent. From the site visit, it was noted that there are no windows on the side elevation, at first floor level, of the neighbouring dwelling. There would be 2no additional openings at first floor level on the side elevation, which would face towards the shared boundary and the end of the neighbouring property's garden. There would be 1no additional opening at first floor level, to the rear elevation, which would face out towards the rear garden. It is not considered that the proposed development would result in significant overlooking.
- 5.11 In terms of overshadowing, the proposed extension would be erected to the south of the neighbouring dwelling no. 3 The Crescent. The host dwelling benefits from a large plot and there would be a separation distance of at least 10 metres between the proposed extension and the side elevation of the neighbouring dwelling. As such, it is not considered that the proposal would significantly impact on overshadowing. Also, the proposed living roof has no direct access and therefore cannot be used as a balcony or raised terrace.
- 5.12 Having regard to the above, it is considered that the proposal would not have any significant adverse impact on the amenities of the occupiers of any neighbouring residential properties. The amenities of the adjacent residents would therefore be preserved in accordance with Policy ENV1 (1) of the Selby District Local Plan.

Flooding

- 5.13 The application site is located within Flood Zone 2 which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.

- 5.14 NPPF paragraph 164 States that "Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 50". The NPPG defines minor development and includes minor non-residential extensions (industrial/commercial/leisure, etc. extensions) with a footprint less than 250 square metres. A sequential and exception test is therefore not required in this instance.
- 5.15 A FRA was submitted with the proposal which states that floor levels within the proposed development will be set no lower than existing levels and flood proofing of the proposed development has been incorporated where appropriate. The FRA is considered to be acceptable. The proposed scheme is therefore in accordance with the advice contained in within the NPPF and NPPG.

6 CONCLUSION

- 6.1 Having regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, the proposed two storey side extension, by reason of its design and use of materials would conflict with the local character and appearance of the area.
- 6.2 The proposal would negatively impact on the character and appearance of the area contrary to Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

The proposed development would not have a significant impact on residential amenity and would be acceptable in respect of flood risk.

7 RECOMMENDATION

This application is recommended to be REFUSED for the following reason:

The proposed two storey side extension, by reason of its flat roof parapet design and use of larch cladding, would be an incongruous and harmful addition to the side of the existing dwelling. The proposal would jar with the character and form of the dwellings in the immediate area and would negatively impact on the character and appearance of the wider streetscene, contrary to Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within Section 12 of the NPPF.

8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 **Financial Issues**

Financial issues are not material to the determination of this application.

10 **Background Documents**

Planning Application file reference 2020/0510/HPA and associated documents.

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Appendices: None