



**Report Reference Number:** 2020/0485/HPA

**To:** Planning Committee  
**Date:** 7 October 2020  
**Author:** Bethany Harrison (Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0485/HPA	PARISH:	Cawood Parish Council
APPLICANT:	Mr T Gray	VALID DATE:	22nd May 2020
		EXPIRY DATE:	17th July 2020
PROPOSAL:	Alterations to roof of existing garage to provide additional living accommodation and single storey extension to rear		
LOCATION:	29 Broad Lane Cawood Selby North Yorkshire YO8 3SQ		
RECOMMENDATION:	APPROVE		

The decision on this application is at the discretion of the Head of Planning as 10 letters of representation have been received which raise material planning considerations and Officers would otherwise determine the application contrary to these representations.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located within the defined development limits for Cawood, on Broad Lane. The site comprises a detached bungalow with an integral garage, situated within a large plot which has garden space to front and rear. The dwelling also benefits from a hardstanding to the front of the dwelling for parking cars.
- 1.2 The site is bordered by residential dwellings to the north, east and south and Broad Lane runs to the west of the dwelling.

### The Proposal

- 1.3 It is considered that this application has two elements. The erection of a single storey extension to rear and the erection of a pitched roof over the existing flat-roofed garage, which would adjoin this rear extension.

- 1.4 It is noted that the original proposal under this application was for removal of the existing garage and construction of a new side 1.5 storey side extension in the same siting, however the applicant subsequently amended plans to incorporate the existing garage instead. A full re-consultation was undertaken based on the amended plans.
- 1.5 It is noted that objectors to the application made comments regarding reference to an 'integral' garage. This was an error as it is acknowledged that the garage is attached, however is not integral. The description of development has been changed to describe the garage as 'existing.'
- 1.6 The proposed rear extension would be single storey and has been granted prior approval in its own right under ref:2020/0134/HEN. This would extend 7 metres from the rear of the dwelling and would partly wrap around the rear of the existing garage. It measures 2.9 metres in height and has a flat roof.
- 1.7 The proposed change to the pitch of the roof of the existing garage would incorporate the rear extension into it, which would extend the existing garage by 3.5 metres in length at the rear. The height of the proposed garage would increase to approximately 6.45 metres, which would match the existing ridge height of the dwelling and would not exceed it.
- 1.8 The proposed change in roof pitch would be built using materials which would match the existing dwelling, consisting of brick with a white render and roof tiles, with the single storey element having a flat felt roof. Windows and doors are stated to match the existing dwelling in appearance and will be constructed using either UPVC or aluminium framing.
- 1.9 It should be noted that a Permitted Development enquiry was submitted for the dwelling under PD/2020/0079 for the increase in ridge height of the garage roof, notwithstanding the extant prior approval. It has been stated that it would be the intention of the applicant to extend the roof height of the existing garage and build the single storey rear extension approved under 2020/0134/HEN separately if this application were to be refused, rather than adjoin them as this application proposes.
- 1.10 It has been stated by the applicant that the objective of the development is to provide further habitable living space within the dwelling.

### **Relevant Planning History**

- 1.10 The following historical application is considered to be relevant to the determination of this application.
  - The erection of the original dwelling was consented under CO/1979/16525, dated 1<sup>st</sup> August 1979
  - A detached annex building with associated parking area was permitted at the site under 2016/1038/HPA, dated 18<sup>th</sup> October 2016. This was not built and the permission has now lapsed
  - A single storey rear extension was permitted under prior approval 2020/0134/HEN, dated 13<sup>th</sup> March 2020

- The erection of a pitched roof over the existing garage was confirmed to comply with Permitted Development criteria under PD/2020/0079, dated 13<sup>th</sup> August 2020

## 2. CONSULTATION AND PUBLICITY

### 2.1 NYCC Highways – Made comments as follows:

- Consulted in the first instance on the application as originally submitted and asked for further information regarding parking on the site, due to the loss of the garage space. Advised that the dwelling needs to have room for 3 cars to park and turn to meet NYCC standards and requested a plan showing this.
- Re-consulted following the amendment of the scheme and confirmed that concerns raised by highways had been addressed due to the setting back of the scheme. No conditions or informatives were requested to be attached to the permission.

### 2.2 Parish Council – Objected to the scheme based on the following:

- Objections submitted by neighbouring occupants including proximity to neighbouring dwellings and the scale of the proposed.
- Overshadowing and loss of light of neighbouring occupants of Wolsey Grange and 27 Broad Lane in particular.
- Feel the proposed would constitute overdevelopment of the original dwelling and would be out of character for the area, overwhelming the plot.

### 2.3 Internal Drainage Board – No comments received.

### 2.4 Yorkshire Water – No objection, no further comment.

### 2.5 Environmental Health - No objection, did not ask for any further conditions to be attached onto the permission.

### 2.6 Neighbours – Were informed of the proposed by letter and by site notice erected on 30/06/20. As a result of this, 10 letters of objection were received and 1 neutral comment was received. In summary the comments made were as follows:-

- Overshadowing and loss of light of neighbouring dwellings, particularly those of Wolsey Grange and 27 Broad Lane
- Comments stating that the separation distance is not significant enough, stating that it has been misrepresented on the plans
- Scale of the proposed is too large
- The proposed will be overbearing and will create a sense of enclosure
- The proposed would constitute overdevelopment and would be out of keeping with the area
- Skylights would allow for overlooking of neighbouring dwellings
- A query regarding drainage on the site

## 3 SITE CONSTRAINTS

### Constraints

### 3.1 The site is located within the Defined Development limits of Cawood, which is identified as a Designated Service Village in the Selby District 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.

- 3.3 The majority of the site is situated within the 100m buffer zone for Cawood Conservation Area. No part of the site is within the Conservation Area.

#### **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
- SP2 - Spatial Development Strategy
- SP15 - Sustainable Development and Climate Change
- SP18 - Protecting and Enhancing the Environment
- 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:

- Principle of the Development
- Design and Impact on the Character and Appearance of The Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Climate Change
- Impact on Heritage Assets
- Drainage
- Other Matters

### **Principle of the Development**

5.2 The application site is located within the defined development limits of Cawood and seeks permission for the erection of a pitched roof over the existing garage which would adjoin a single storey rear 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 area surrounding 29 Broad Lane is predominantly residential except for Cawood Primary School to the north east of the dwelling. The surrounding dwellings consist of a mix of mainly detached dwellings, which are a mix of two-storey and bungalows along Broad Lane itself, which have large front garden areas. This area is described within the Cawood Village Design Statement as having 'no two houses the same' with a mix of styles built throughout the 20<sup>th</sup> Century. Behind Broad Lane is the residential development at Wolsey Grange, which consists of smaller, terraced style houses built in a modern style. Extensions of various sizes can be seen within the streetscene including rear extensions, extensions to the front of dwellings, dormers and detached garages.

5.5 Objectors to the application stated that the extension would not be in keeping with the character of the area and would have an inappropriately large footprint which would constitute overdevelopment.

- 5.6 The proposal as initially submitted included the demolition of the existing garage and subsequent rebuilding to form a large side extension with a new gable facing east. However, amended plans have since been submitted which incorporates the original garage into the proposal, which adds a pitched roof over the existing flat roof and adjoins a previously approved single storey rear extension, which has not been built. The proposal also includes the addition of 2 velux windows facing east and west respectively and alterations to the existing doors and windows, including the addition of glass sliding doors on the north, east and west elevations. The amended proposal is smaller in footprint than the scheme as previously submitted and is considered to be appropriate for the size of the dwelling and the context of the plot in which it sits.
- 5.7 The proposed is to be sited to north and east elevations of the dwelling. The pitched roof element of the application would be fully visible from the public highway as the dwelling fronts the highway however the visual impact of this is reduced by the separation distance between the public highway and the dwelling due to the substantial front garden area. The rear extension would be hidden from public view due to its height at 2.9 metres and its siting on the rear elevation of the dwelling.
- 5.8 The proposed is to be comprised of the flat roofed single storey extension and a dual pitched roof which would cover the existing flat roofed garage. The materials proposed to be used are stated on the application form to be matching the existing dwelling which is considered to be acceptable to allow the proposed to better relate to the host dwelling and cause less visual intrusion into the streetscene.
- 5.9 On balance it is considered that the proposed extensions would not impact on the character or visual amenity of the area to an extent which would warrant refusal of the scheme particularly given that it is noted that the site sits within the 100 metre buffer zone for Cawood Conservation Area which is assessed further on in this report.
- 5.10 As such, having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within Section 12 of the NPPF.

### **Impact on Residential Amenity**

- 5.11 Policy ENV1 of the Selby District Local Plan requires that consideration is given to the impact of a development on residential amenity. Significant weight must be given to these policies as they are broadly consistent with the aims set out within Section 12 of the NPPF, which seeks to create high quality buildings and places.
- 5.12 The key considerations in respect of residential amenity are the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from size, scale and massing of the development proposed.
- 5.13 29 Broad Lane has neighbours to the north and a terrace of houses to the east that have been considered in this assessment. Whilst 29 Broad Lane also has a neighbour to the south, it is not felt that they would feel any adverse affects from the proposed extension due to the siting of the proposed development at the northern end of the dwelling and plot. Objections have been raised by neighbours at 2, 4, 5,

6, 8, 10, 12 and 18 Wolsey Grange, which is the neighbouring residential development to the east of 29 Broad Lane. Objection to the application has also come from 27 Broad Lane, the northern neighbour and a neutral comment was received from 33 Broad Lane to the south.

- 5.14 With respect to a loss of privacy caused by overlooking, objectors to the application raised concerns over the installation of velux windows into the east and west elevations of the proposed pitched garage roof as they felt the separation distance between the dwellings is not large enough to offset the effects of this. Based on O.S map data, it can be seen that the proposed pitched roof would have a minimum separation distance of 13 metres to the rear of number 8 Wolsey Grange, which is the closest house from this terrace to 29 Broad Lane. This is considered to be an acceptable separation distance to ensure that levels of overlooking between the dwellings to the east are not affected by overlooking at unacceptable levels. The neighbouring dwelling to the north, 27 Broad Lane, would not feel increased levels of overlooking as there are no new openings to be inserted into the north elevation.
- 5.15 With regard to overshadowing, objectors to the application made comments stating that it is felt that there would be a significant loss of light caused by the proposed to the northern neighbour, 27 Broad Lane. Although the proposed would stand at 6.45 metres, it is felt that the separation distance between the two dwellings as taken from the siting of the proposed and using OS data is approximately 8 metres, with a boundary fence and hedge in between. Furthermore, it is not felt that the proposed would overshadow 27 Broad Lane due to the orientation of the proposed, which is set back to the rear of the dwelling, so it is felt that the proposed is acceptable in terms of overshadowing of the northern neighbour. With regards to the neighbours to the east and north east, it is felt that the proposed would be sited an acceptable distance from these neighbours to offset any effects of overshadowing. It is also noted that the adjacent dwellings to the east are two storey, whilst the site is a bungalow.
- 5.15 In respect of causing an oppressive effect over its neighbours, objectors to the application stated that the proposed would have a large footprint which would cause a sense of enclosure over neighbours, particularly of those to the east, due to its size. It is felt that on balance, although the proposed would appear large, the scale of the development is appropriate for the size of the dwelling and the ridge height of the proposed would not exceed the height of the existing dwelling and would be 5.3 metres in width. Although the proposed would be fully visible from the rear windows of the dwellings to the east and north east, it is not felt that the proposed would appear unduly oppressive, as the dwellings to the rear of 29 Broad Lane are taller than the 6.45 metre ridge height of the proposed. Therefore, it is not felt that the scale of the proposed is significant enough to cause a sense of enclosure over the neighbouring dwellings to the east. With respect to the dwelling to the north, the proposed would extend the height of the existing garage upwards, which would be visible from the garden area of the neighbouring dwelling. However, it is not felt that this would cause unacceptable levels of oppression due to the existing boundary hedge of number 27 which measures over 2 metres and the separation distance between the dwellings.
- 5.16 Having regard to the above, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

## **Impact on Highway Safety**

- 5.17 North Yorkshire County Council Highways were consulted on this application as originally submitted and stated that further clarification was required regarding the parking arrangements on site, as the application involved the demolition of the garage and erection of a side extension.
- 5.18 Following the amendment of the scheme to include the existing garage and convert it into habitable living space, Highways has confirmed that by setting the scheme back, there is room to park 3 cars which is acceptable by NYCC standards and there is no objection to the proposed. As such, the proposal is considered to accord with Policies ENV1 (2) of the Local Plan and Paragraphs 34, 35 and 39 of the NPPF.

## **Flood Risk**

- 5.19 The application site is located within Flood Zones 2 & 3 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.
- 5.20 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.
- 5.21 A Flood Risk Assessment (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.

## **Impact On Heritage Assets**

- 5.22 It is noted that application site is not located within the Conservation Area but is located within 100 metres of the Cawood Conservation Area. No Heritage Statement has been submitted to the authority in support of the proposal.
- 5.23 Notwithstanding this, it is noted that the proposed development would be sited within a residential area and would not be seen viewed within the context of the Conservation Area due to their separation distance and the existing built form of the surrounding area.
- 5.24 Given all of the above, it is considered that the proposed single storey rear extension is acceptable in terms of its siting, size, scale and design and would not have a significant detrimental impact on the Conservation Area. The proposal is therefore considered acceptable in accordance with Policies ENV1 of the Selby District Local Plan, Policy SP18 and SP19 of Core Strategy, and the advice contained within the NPPF.

## **Other Matters arising from Consultation**

- 5.25 Neighbouring occupants to the application site raised a query concerning the additional water flow caused by the installation of a further bathroom into the garage area. Yorkshire Water have been consulted on this and stated that they would be making no objection to the application based on drainage and water flow. Therefore, it is considered that the scheme is acceptable in terms of the arrangements for drainage and water on site.
- 5.26 Objectors to the application raised concerns regarding the accuracy of the layout plan which it was believed had misrepresented the separation distances between the dwellings and were inaccurate. Further to this, the agent has submitted a subsequent layout plan which the measurements have been taken from OS map data and neighbouring dwellings are shown. This is considered to be acceptable as evidence to the accuracy of the plans.
- 5.27 Comments were received by objectors to the application regarding the noise of the dwellings occupants, with concerns that the proposed would increase these levels. The Environmental Health Department were consulted on this and advised that this would not warrant an objection to the application on these grounds due to the scale of the proposed and residential nature of the scheme.

## **6 CONCLUSION**

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would not have a significant detrimental effect on the character and appearance of the area or on the residential amenity of the occupants of neighbouring properties. The application is therefore considered to be in compliance with Policies ENV1 of the Selby District Local Plan, Policies SP1, SP15 and SP19 of the Core Strategy and the advice contained within the NPPF.

## **7 RECOMMENDATION**

This application is recommended to be GRANTED subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below.

- 05REVC – Proposed Site Plan Received 15<sup>th</sup> September 2020
- 06B – Proposed Floor Plans Received 16<sup>th</sup> June 2020
- 07B – Proposed Elevations A Received 16<sup>th</sup> June 2020
- 08B – Proposed Elevations B Received 16<sup>th</sup> June 2020

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the application form, received by the Local Planning Authority on 15<sup>th</sup> September 2020. Only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan

04. The development shall be carried out in accordance with the flood mitigation measures as set out in the Flood Risk Assessment submitted with the application received by the Local Planning Authority on 16<sup>th</sup> Jun 2020.

Reason:

In the interests of flood risk and flood risk reduction and in order to comply with the advice contained within the NPPF and NPPG.

## **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 2020/0485/HPA and associated documents.

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**Appendices:** None