



Report Reference Number 2017/0233/HPA (8/17/364/PA)

Agenda Item No: 6.3

To: Planning Committee
Date: 9 May 2018
Author: Mr Keith Thompson (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/0233/HPA	PARISH:	Cliffe Parish Council
APPLICANT:	Mr Peter Beck	VALID DATE:	25 April 2017
		EXPIRY DATE:	20 June 2017
PROPOSAL:	Proposed erection of 2 storey extension to include swimming pool to ground floor and bedroom with en-suite to first floor		
LOCATION:	1 Waterside Lodge Oakwood Park Market Weighton Road North Duffield Selby North Yorkshire YO8 5DB		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as a result of a call in by Cllr Deans.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises a two storey building that was granted permission as part of a holiday lodge site called Oakwood Lodges. The site has been used for residential use for some time and includes spacious garden land and a pond situated around the building.
- 1.2 The site lies outside development limits, in the countryside. Vehicle access to the site is taken off Market Weighton Road via a long access track.

The proposal

- 1.3 The proposed development is for the erection of a two storey extension to a dwellinghouse. The layout would include a swimming pool on the ground floor and en-suite bedroom and living area above with a balcony.

Relevant Planning History

- 1.4 2018/0177/CPE – Pending consideration (Application for a lawful development certificate for the existing use of land, for self-catering holiday lodges open all year and for use as dwellings C3 (lawful not to comply with any condition or limitation).
- 1.5 2018/0125/DOC – Pending consideration (Discharge of conditions 01 (materials), 02 (plans), 03 (site enclosure), 04 (landscaping), 05 (occupancy), 06 (occupancy), 07 (drainage), 08 (access), 09 (access), 10 (visibility splays), 11 (access, parking & manoeuvring), 12 (parking), 13 (highways), 14 (lighting), 15 (plans), 16 (access) of approval 2017/0229/FUL Section 73 to vary/remove conditions 05 (access), 10 (access) and 17 (access) of approval 2006/1531/FUL for resubmission of refusal 8/17/37C/PA for the erection of fourteen holiday cabins, community building and associated works)
- 1.6 2006/1531/FUL – Permitted 02.02.2007 (Resubmission of refusal 8/17/37C/PA for the erection of fourteen holiday cabins, community building and associated works).

2.0 CONSULTATION AND PUBLICITY

The application was advertised by site notice and a neighbour notification letter with one comment received from Councillor Deans calling the application into committee citing the following points:

- Committee should consider if the proposal is out of scale with its surroundings and not in keeping with the nature of the surrounding properties on the site.

2.1 Internal Drainage Board

No objection subject to surface water condition.

2.2 Cliffe Parish Council

No comment received on the application.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site lies outside development limits in the open countryside and is situated within flood zone 1.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.2 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a

presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.

- 3.3 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. 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.

Selby District Core Strategy Local Plan

- 3.4 The relevant Core Strategy Policies are:

SP1 Presumption in Favour of Sustainable Development
SP2 Spatial Development Strategy
SP15 Sustainable Development and Climate Change
SP19 Design Quality

Selby District Local Plan

- 3.5 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans 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)".

The relevant Selby District Local Plan Policies are:

ENV1 Control of Development
H14 Extensions to Dwellings in the Countryside

4.0 APPRAISAL

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

1. Principle of Development
2. Character and Form
3. Residential amenity
4. Ecology

4.2 Principle of Development

- 4.2.1 Relevant policies in respect to the presumption in favour of sustainable development and reducing carbon emissions and the effect of climate change includes Policies SP1 and SP15 (B) of the Core Strategy and Paragraph 14 of the NPPF.
- 4.2.2 Policy SP1 of the Selby District Core Strategy Local Plan (2013) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 4.2.3 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria SP15 (B) of the Core Strategy.
- 4.2.4 Therefore having regard to policy SP15 (B) it is considered that the proposal is acceptable.
- 4.2.5 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 4.2.6 The proposal is for the erection of an extension to a dwellinghouse. There is nothing within the Development Plan or the NPPF to identify this type of development as being unsustainable, or preclude in principle, development of this type in this location.

5.0 Character and Form

- 5.1 The proposed extension would be erected on the east facing elevation of the building and measure circa 12m long at two storey with a 1.9m long balcony. The eaves height would be circa 3.8m and the ridge height 7m. The extension would have a pitched roof and the external materials would match the existing building which includes timber frame walls, concrete roof tiles and windows and doors dark grey upvc.
- 5.2 The existing building measures circa 19.2m x 9.5m and has a pitched roof which is circa 7.5m high.
- 5.3 Policy H14 of Selby District Local Plan states that extensions to dwellings in the countryside will be subject to 3 criteria. These include:
- 1) The proposal would be appropriate to its settings and not visually intrusive in the landscape;
 - 2) The proposal would not result in a disproportionate addition over and above the size of the original dwelling and would not dominate it visually; and

3) The design and materials of the proposed extension would be in keeping with the character and appearance of the dwelling and, where appropriate, other buildings in the area.

5.4 The extension would be erected on land that lies to the east of the dwelling. There is some boundary planting on the eastern perimeter of the site and along the northern and southern boundary. Beyond the site boundaries there are agricultural fields. The proposal would not extend outside the boundaries of the site and would not appear visually intrusive in the landscape due to the screening on site.

5.5 The term 'disproportionate' is not defined within either the NPPF or the Local Plan. On the basis of planning appeal decisions and case law it is normally considered that extensions exceeding 50% of the volume of the original building, taken either singularly or cumulatively with other extensions, constitute a disproportionate addition. Notwithstanding this the 50% volume addition of the original building 'criterion' should only be used as a guide and not a definitive rule and even additions of 40% could appear to be disproportionate dependent upon the size, scale and design of the extension and host property. It is also important that regard is given to cumulative impacts of successive extensions to avoid incremental additions resulting in disproportionate additions over time. In such cases a particular extension, in itself may appear small, but when considered together with other extensions may be considered to constitute a disproportionate addition.

5.6 The existing building measures circa 1110m³ and the proposed extension measures circa 475m³. This would equate to some 42% increase in the volume of the building. The existing ground floor area equates to circa 194m² and the proposed ground floor area would be circa 88m². This equates to some 45% increase in ground floor area.

5.7 The volume and ground floor area increase on their own are not considered to result in disproportionate addition over and above the size of the original dwelling.

5.8 In terms of design and the proposed materials, the extension would be set down by 500mm from the ridge height of the dwelling and the site and dwelling can absorb an extension of this nature. As a result, the proposal would not appear out of keeping on this site or indeed the wider area and would not appear visually dominate.

5.9 The proposal materials are to match the dwelling and this can be secured by condition to ensure that the proposal ameliorates with its surroundings.

5.10 As such, the proposal is considered to accord with Policies ENV1 and H14 of Selby District Local Plan and Policy SP19 of Selby District Core Strategy.

6.0 Residential amenity

6.1 A planning matter for consideration is whether the proposed development would materially harm the residential amenities enjoyed by the occupiers of neighbouring dwellings either through overlooking, overshadowing or having an overbearing impact.

- 6.2 Relevant policies in respect to residential amenity are Policy ENV1 (1) of the Selby District Local Plan. In respect to the NPPF it is noted that one of the Core Principles of the framework is to always seek to ensure a good standard of amenity.
- 6.3 The site is situated in a relatively remote location from residential properties. There is a dwelling located on the western perimeter of the site, but there are no houses on the eastern perimeter.
- 6.4 As such, there is no likelihood of the proposal overlooking, overshadowing or appearing overbearing on any neighbours. The proposal would thereby accord with Policy ENV1 of Selby District Local Plan.

7.0 Ecology

- 7.1 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 109 to 125 of the NPP and accompanying PPG in addition to the Habitat Regulations and Bat Mitigation Guidelines published by Natural England.
- 7.2 In respect to impacts of development proposals on protected species planning policy and guidance is provided by the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010 and the NPPF. The presence of a protected species is a material planning consideration. In addition Policy ENV1 (5) require proposals not to harm acknowledged nature conservation interests.
- 7.3 There is a pond that lies within the site and in close proximity of the proposed extension. An ecology appraisal accompanies the application and advises that the proposal would result in the loss of an area of well-maintained grassland and paving of relatively low value to great crested newts.
- 7.4 The appraisal notes that the study returned no records of protected or notable species from within the site. The pond is in a poor condition, with evident waterfowl damage and limited invertebrate life.
- 7.5 As such, having had regard to the appraisal, it is concluded that the proposal is acceptable and in accordance with Policy SP18 of the Core Strategy and ENV1(5) of the Local Plan and the NPPF.

Legal Issues

- 8.0 Planning Acts
This application has been determined in accordance with the relevant planning acts.
- 8.1 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.
- 8.2 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.

Financial Issues

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

9.0 CONCLUSION

9.1 The proposed extension is considered not to be a disproportionate addition to the dwelling and would be a visually acceptable scale of development in this location. The proposal is thereby in accordance with Policies ENV1 and H14 of Selby District Local Plan.

9.2 The proposal is considered to raise no adverse planning issues with regards to residential amenity and ecology and thereby according with Policies ENV1 of Selby District Local Plan and Policy SP19 of Selby District Core Strategy.

10.0 RECOMMENDATION

This application is recommended to be APPROVED 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 following approved plans:

Revised section AA & BB drawing

Revised site layout

Revised rear (east) elevation & section AA drawing no. 6

Revised south elevation & section BB drawing no. 7

Revised ground floor plan drawing no. 4

Revised first floor plan drawing no. 5

Existing ground floor plan & elevation drawing no. 1

Existing first floor & elevation drawing no. 2

Existing front & rear elevations drawing no. 3

Reason:

For the avoidance of doubt.

03. The external walls and roofing materials of the extension hereby approved shall in all respects match those used in the construction of the existing building.

Reason:

In the interests of visual amenity in accordance with Policy ENV1 of Selby District Local Plan and Policy SP19 of Selby District Core Strategy.

04. Development shall not commence until a scheme detailing surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Principles of sustainable urban drainage shall be employed wherever possible. No part of the development shall be brought into use until the drainage works approved have been completed.

Reason:

To ensure the provision of adequate and sustainable means of drainage in the interests of amenity, in accordance Policy SP15 of Selby District Core Strategy.

Contact Officer: Yvonne Naylor, Principal Planning Officer or Fiona Ellwood, Principal Planning Officer

Appendices: None