

Report Reference Number: 2021/0860/HPA

To: Planning Committee
Date: 10 November 2021
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APPLICATION NUMBER:	2021/0860/HPA	PARISH:	Escrick Parish Council
APPLICANT:	Mr Neil Reader	VALID DATE:	23rd July 2021
		EXPIRY DATE:	17th September 2021
PROPOSAL:	Erection of a new first floor annexe over the existing garage		
LOCATION:	19 Dower Chase Escrick Selby North Yorkshire YO19 6JF		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as the applicant is a Ward Councillor.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the development limits of the settlement of Escrick.
- 1.2 The application site comprises of a two-storey detached dwelling, which has a driveway to the front of the property and garden areas to the front and rear. The host dwelling benefits from an integrated garage, which is attached to the side elevation. The dwelling is located on Dower Chase, which is residential in nature.

The Proposal

- 1.3 The application is seeking permission for the erection of a first-floor side extension, which would form a self-contained annexe. During the application process, amended plans were sought as concerns were raised over the creation of a balcony to the rear elevation, which would lead to potential overlooking towards the private amenity space of the neighbouring dwelling (no.21 Dower Chase). The revisions to

the scheme show that a privacy screen would be installed on the side elevation of the balcony, which would limit any significant potential for overlooking.

Relevant Planning History

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

2014/0097/HPA (PER – 19/03/2014) Single storey rear extension and balcony.

2. CONSULTATION AND PUBLICITY

- 2.1 **Neighbour Comments** – This application has been advertised by site notice resulting in no letters of representation being received.

- 2.2 **Parish Council** - Whilst there is no objection to the design and scale of the development proposed, there are concerns that the proposed first floor apartment is for a separate unit of accommodation.

Within a quiet cul de sac within the village, it would not be appropriate for a separate dwelling to be developed with no parking or amenity space, and its use as tourist accommodation (for example) would have amenity impact for neighbours. The applicant has advised that the 1st floor apartment is provide independent accommodation for an elderly parent in the future. As planning runs with the property, a condition must be imposed to ensure that it is not used as b + b or other let accommodation in the future, with potential amenity impact on surrounding neighbours with visitors coming and going at unsociable hours. A standard condition restricting the use of the new accommodation 'only by and in association with members of the family of the occupiers of the main dwelling' is required to achieve the protection of the amenity of surrounding neighbours.

Furthermore, there is only sufficient on-plot parking so long as used by the same household. This is satisfactory so long as the requested occupancy condition is imposed.

EPC has previously expressed concerns and objected to the installation of balconies at 1st floor level where there are potential overlooking and loss of amenity issues for neighbours. There is already an existing balcony to the master bedroom; this 2nd smaller one appears to have its views screened by the neighbouring property's gable wall, but we would ask the planning officer to satisfy him/herself that the amenity of neighbours will not be adversely affected.

Subject to the above, EPC has no objection to this application so long as the following condition is imposed as the proposed new living accommodation has a separate entrance and will be used as a separate independent unit of accommodation:

'The accommodation hereby permitted shall be, and shall remain, ancillary to the use of the dwelling known as 19 Dower Chase. It shall not be sold or let off separately and shall be used only by and in association with members of the family of the occupiers of that dwelling.'

- 2.3 **NYCC Highways** – No objections to the proposal.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located within the defined development limits of Escrick, which is a Designated Service Village with defined Development Limits as identified in the Core Strategy.
- 3.2 The application site is located within the setting of Escrick Conservation Area, which lies approximately 80 metres to the west of the proposed development.

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 took place early in 2020. Consultation on preferred options took place in early 2021. 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 (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"219...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:

- 1) The principle of the development.
- 2) Design and impact on the character and appearance of the area.
- 3) Impact on residential amenity.

The Principle of the Development

5.2 The application site is located within the defined development limits of Escrick and the application is seeking consent for the erection of a first-storey side extension to form an annexe. 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.

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 130 to 136.
- 5.4 The host dwelling has a pitched roof with eaves to a maximum height of 5.4 metres and ridge to a height of 7.4 metres from ground level. The host dwelling benefits from a pitched-roofed garage, which has a ridge height of 5 metres and eaves to 2.4 metres. The garage projects out from the side elevation of the main dwelling by 7.2 metres. The host dwelling has also benefitted from a single storey extension to the rear, which has a balcony above.
- 5.5 The proposed development would include the erection of a first-floor extension, which would sit above the existing garage. The proposed extension would have a hipped roof with eaves to a maximum height of 5.2 metres and ridge to a height of 7.1 metres from ground level. The proposal would include the installation of a balcony to the rear elevation.
- 5.6 In considering the impact the proposed development would have on the character of the local area, the proposed extension would be to the side elevation of the host dwelling and would be clearly visible within the street scene. The extension is significant in its scale, however, it is noted that similar extensions have been approved in the vicinity and the extension would have a ridge height lower than the host dwelling and is set back from the main frontage, which would give extension

some sense of appearing subordinate to the host dwelling. Furthermore, the proposed materials and design is similar to that of the existing dwelling.

- 5.7 Having regard to the above, it is considered that the proposals are of an appropriate design and given their size and siting would not have a significant impact on the character and appearance of the area. The proposals are therefore in compliance 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

- 5.8 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 of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.9 With regards to overlooking, the proposed development would introduce several additional openings at first floor level and the installation of a balcony. With regards to the windows, these would include 3no. windows to the front elevation, 1no. window to the side elevation and 1no. window to the rear elevation. The windows to the front would face out towards the driveway and the public highway and would have limited impact on overlooking, the window to the side elevation would face the blank elevation of the neighbouring dwelling (no.21 Dower Chase) and the 1no. window to the rear elevation would face out into the rear garden of the dwelling and would only provide limited potential for overlooking due to the existing screening from the mature planting and shared boundary treatments, which include a 1.8 metre high timber fence.
- 5.10 The proposal would also include a balcony and a set of patio doors to the rear elevation. The balcony would be installed close to the shared boundary with no. 21 Dower Chase. Amendments were sought to include a privacy screen to the side of the balcony to help mitigate against excessive overlooking towards the neighbouring dwelling. It is also noted that the neighbouring dwelling (No.21) has benefitted from a single storey extension to the rear elevation, which isn't shown on the site plan and would help obscure views towards the private amenity space of the neighbouring dwelling from the balcony. Furthermore, no objections from the occupiers of the neighbouring dwelling have been received. As such, it is not considered that the proposed balcony would result in significant overlooking.
- 5.11 With regards to overshadowing and oppression, the proposed extension would be erected directly above the existing garage. The proposed ridge height would increase by 2.7 metres and the proposed extension would project slightly forward of No.21. However, it is not considered that the proposed development would be enough to cause any oppression or loss of outlook from the neighbouring first floor window (No.21) and the proposed extension would be erected along the blank elevation of the neighbouring dwelling. As such, overshadowing would be limited.
- 5.11 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.

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 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.

Y-BSP-08651-20-10	Location Plan	Dated 12/07/2021
Y-BSP-08651-20-14 Rev A	Proposed Plans	Dated 08/10/2021
Y-BSP-08651-20-15 Rev A	Proposed Elevations	Dated 08/10/2021
Y-BSP-08651-20-18 Rev A	Proposed Block Plan	Dated 23/07/2021

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those of the existing building in colour and texture.

Reason:

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

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 **2021/0860/HPA** and associated documents.

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Appendices: None