



Report Reference Number: 2021/1463/HPA

To: Planning Committee
Date: 9 March 2022
Author: Gareth Stent (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2021/1463/HPA	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Mrs Irma Sinkeviciene	VALID DATE: EXPIRY DATE:	2nd December 2021 27th January 2022
PROPOSAL:	Two storey side extension to provide additional living accommodation plus detached outbuilding		
LOCATION:	31 Brunswick Crescent Sherburn In Elmet Selby North Yorkshire LS25 6GE		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as the applicant is an employee of Selby District Council within the planning service.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site lies within a modern housing estate, situated towards the southern end of the settlement and was constructed in 2016. The wider estate is a typical high-density development, with a mixture of house types, a series main estate roads and housing courts.
- 1.2 This particular dwelling, is a 2-bed end terrace within a row of 3 similar dwellings. No.31 Brunswick Crescent lies to the northern end of the row and is accessed via a private drive and has a large side garden to the north. The applicant's ownership also extends to the site frontage and runs alongside a footpath that is intended to be opened up to link Brunswick Crescent with The Fairway to the north.

- 1.3 To the north of the site are the detached dwellings of No.10 and No.12 The Fairway, to the west is the rear garden of No.23 Brunswick Crescent, to the south and adjoining is No.29. To the east is No.33-35, which replicates the character and form of the application site.

The Proposal

- 1.4 The proposal has been submitted as a householder application for the erection of a two-storey side extension to provide additional living accommodation (lounge, study utility area at ground floor and bathroom and bedroom at first floor), and the erection of a detached outbuilding on the site frontage.
- 1.5 The application has also been amended since the original submission. The previously shown garage has been reduced in length so it's now more of an outbuilding, as its incapable of accommodating a car. The roof pitch has also been changed and reduced in height. Changes have also been made to the parking layout and turning area.

Relevant Planning History

- 1.6 The wider residential estate has a detailed planning history, but the two main consents are listed below: the actual property in question has no recent planning history.
- 2012/0400/EIA - Outline planning application (accompanied by an Environmental Statement) for the construction of 498 dwellings to include access on Phase 2 land on land between Moor Lane and Low Street. Approved 21-OCT-13.
 - 2014/0321/REM - Reserved matters application for the erection of 249No. dwellings following outline approval 2012/0400/EIA (8/58/675Y/PA) on Phase 2 land on land between Moor Lane and Low Street. Approved 12-JUN-14.

2. CONSULTATION AND PUBLICITY

- 2.1 NYCC Highways Canal Rd – 23.12.21 - The principle of the development is acceptable to the Highway Authority. However, the car parking space adjacent to the garage will not be able to turn on site and it will block the garage preventing a vehicle leaving the garage without firstly moving the vehicle in the car parking space adjacent. I would therefore recommend that the applicant looks at the parking situation again and provides parking spaces which allow vehicles to proceed to the junction of Brunswick Crescent in a forward gear. The existing car parking space is fine. It is possible that the applicant could consider locating another space next to the existing car parking space.
- 2.2 Highways 2nd response:

(11.1.21) The applicant provided some additional justification about the current vehicle turning arrangements. The Highways Officer states:

‘Given that vehicle movements associated with the site have to currently reverse onto the highway, I have no objections to this remaining the case. As the applicant has indicated the level of off-street parking proposed is compliant with NYCC’s Parking Standards, therefore no Local Highway Authority objections are raised to

the proposed development. It is however recommended that the following condition is applied to any planning permission granted:

“No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Brunswick Crescent have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.”

- 2.3 Highways 3rd response (21.1.22) – The Highway Authority has no objections and would recommend the same condition originally requested which is as follows:

MHC-09B - Provision of Approved Access, Turning and Parking Areas at 31 Brunswick Crescent

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at 31 Brunswick Crescent have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 2.4 Parish Council – No comments.

- 2.5 Publicity- the application was publicised by means of 2 site notices. 1 letter of representation was received from No.10 The Fairway to the north of the application site. The comments related to residential amenity and were as follows:

- Will the side extension effect the sun light coming into any gardens in the surrounding area, either on Brunswick Crescent or properties on The Fairway? Will the new extension look overpowering to the surrounding neighbours?

3 SITE CONSTRAINTS

Constraints

- 3.1 The site lies within development limits following its allocation as a residential allocation SHB/1, within a low-risk coal area and within flood risk zone 1.

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:

- The principle of the development
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Access, parking and turning

The Principle of the Development

- 5.2 The application site is located within the defined development limits of Sherburn and seeks permission for the erection of two-storey side extension and a detached single garage to the frontage. 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 The application site comprises of a two-storey end terrace, which has garden areas to the front, side and rear. The dwelling is approximately 5 years old and is modern in its appearance and reflects the character and form of the wider estate.
- 5.4 The host dwelling has a limited footprint, being a small 2-bed end terrace, however it is set within a generous plot and has a large side garden that is proposed to accommodate the extension. The current dwelling has a gable end facing north with eaves to a maximum height of 5 metres and ridge to a maximum height of 7.6 metres from ground level.
- 5.5 The proposed 2 storey extension would project out from the side elevation by 4.3 metres and span the full depth of the dwelling. The extension would have a gable roof with eaves to match the host dwelling. The extension would sit flush with the main frontage and ridge line would continue through. The extension will be set in from the northern boundary, which provides rear access for No.29.
- 5.6 In terms of the scale and massing, the extension is quite sizeable, when compared with the footprint of the host dwelling, and the proposal in effect doubles the size of the dwelling. Therefore, whilst not being subservient, in this instance the space and relationship with surrounding dwellings and the street scene means that it is capable of being supported. Visually it would give the appearance of the continuation of the terrace, except for the lack of a front door. The design, detailing, window size and positioning, all replicate that of the existing row and little visual benefit would be gained from stepping the ridge line down or recessing the frontage, which is normally encouraged.
- 5.7 The extension is off a small private drive and visually the extension will have no material harm to the overall street scene, particularly as this is so varied. The dwelling can be viewed from limited public vantage points currently, however this will be increased when the public footpath from Brunswick Crescent to Fairway to the north opens.
- 5.8 In terms of the outbuilding (3.8m x 3.2m), this is positioned in the privately owned land at the head of the private drive. This area has a relatively open character, and the construction of a garage will interrupt this. The building however is positioned right up to the northern boundary and tucked up against the fence. The garage faces east-west meaning only the 3.2m (width) end gable wall faces the footpath, which doesn't significantly increase the sense of enclosure on the public route. The design of the building has also changed from the original submission, being reduced in length from 5.2m to 3.8m to operate more of a garden store than garage, as its incapable of accommodating a car due to its length. The design has also changed with the ridge now running east west and being reduced in height to make it less dominating of the open frontage.

- 5.9 Furthermore, the proposed extensions and garage would use materials that were compatible with the of the main dwelling. Both elements are considered to have a neutral impact on the character of the local 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

- 5.10 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.
- 5.11 With regards to overlooking, the proposed extensions would include 1no. window and 1 roof light at first-floor level to the rear elevation and 2no. window at first-floor level to the front elevation. The 2no. windows to the rear elevation would face out into the garden of the host dwelling. Beyond this is the garden of No.23, however this is over 9.7m away and the window will cause no more overlooking than currently exists. Also, no representations have been received from this neighbouring resident. To the frontage, the two new windows will be obscure glazed, as they serve a bathroom and dressing room and face onto the applicant's frontage garden, therefore no overlooking will occur. The northern gable is blank therefore no windows face the dwellings on The Fairway. Some oblique views may be possible from the rear first floor windows of the extension towards No.10, however this would not be to a level that warrants a refusal.
- 5.12 With regards to dominance and outlook, the proposed extension would bring the massing closer to the northern boundary, which it shares with No.10 & 12 The Fairway. The extension would be set in from the boundary and be set in 15 m from the rear aspect of No.10 and 19 m from No.12. This 15m from No 10 is due to No.10 having a single storey rear extension which has recently been permitted to extend at first floor under (2021/0513/HPA). This separation distance is considered suitable, particularly as most modern developments require an 11m rear to side gable relationship as a minimum. Likewise due to the position, scale and design of the outbuilding, no concerns have been raised in respect of dominance.
- 5.13 In terms of overshadowing concern was raised by No.10 in terms of sunlight coming into the rear garden. The proposed extension would be sited to the northern boundary of the application site, meaning the south facing gardens of No.10-12 will be affected to some degree. The sun passage means that the shadow caused by No.31 will stretch deeper into the gardens of the adjacent properties as the massing is closer to the boundary, however this will be periodic and will be less apparent once the sun moves west. In the absence of a sun path analysis officers are satisfied that the level of overshadowing will not be to a degree that makes the adjoining gardens unusable, and these will not be cast in full show as a result of the proposal. As such, potential for overshadowing would not be considered to be significant. Likewise due to the single storey nature of the garage no overshadowing will occur of neighbouring gardens.
- 5.14 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.

Access, parking and turning

- 5.15 The scheme as originally submitted included the creation of a new garage and parking area. The proposal also increases the number of bedrooms at the dwelling from 2 to 3. The County Council Highways Officer was consulted on the proposed scheme and raised concern over the need for vehicles using the second vehicle space to reversing back from the private drive to the highway. It was explained by the applicant that this already occurs. The plans however were amended to create a 2nd more accessible parking space adjacent to the current space, and the turning area was extended to allow vehicles to leave the private drive in a forward gear.
- 5.16 The garage was also reduced in length making it incapable of accommodating a car and redescribed as an outbuilding. The scheme isn't reliant on the former garage being a third space as NYCC parking standards require 2 spaces per 3-bed dwelling, which this scheme shows. On this basis the highway officer raised no objection to the scheme subject to a condition requiring that the additional parking space and enhanced turning area is constructed before the extension is brought into use, and thereafter retained. The proposals are therefore considered to be acceptable as they would not result in any impact on highway safety and are in accordance with Policies ENV1 and T1 of the 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, on the residential amenity of the occupants of neighbouring properties or on highway safety. The application is therefore considered to be in compliance with Policies ENV1 and T1 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.

Site Block Plan DRG No.31BC.1.2A
Plans Sections & Elevations 31BC.1.1A

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the extension and garage 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.

04. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at 31 Brunswick Crescent have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

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 2021/1463/HPA and associated documents.

Contact Officer: Gareth Stent, Principal Planning Officer
gstent@selby.gov.uk

Appendices: None