

Report Reference Number: 2021/0770/HPA

To: Planning Committee
Date: 1 June 2022
Author: Josh Turner (Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

| | | | |
|---------------------|--|-----------------------------|---------------------------------------|
| APPLICATION NUMBER: | 2021/0770/HPA | PARISH: | Selby Town Council |
| APPLICANT: | Mrs Lisa Nicholson | VALID DATE: EXPIRY DATE: | 26th July 2021 20th September 2021 |
| PROPOSAL: | Raised paving area with step edged in treated timber sleepers and gazebo (retrospective) | | |
| LOCATION: | 32 Abbots Mews Selby North Yorkshire YO8 8RS | | |
| RECOMMENDATION: | GRANT | | |

This application has been brought before Planning Committee because the applicant is an employee of the Council within the Leadership Support Team.

1. INTRODUCTION AND BACKGROUND

Site

- 1.1 The application site is located within the defined development limits of Selby. It is situated within the Staynor Hall housing development south of Selby and comprises a semi-detached property with gardens to three sides positioned at the end of a cul-de-sac. The attached semi is to the west, a detached house is located to the north, and an end terrace and play area serving the residential development to the east.

The Proposal

- 1.2 The proposal is for retrospective permission for a raised paving area with step edged in treated timber sleepers, and a pitched roof wooden gazebo. The patio is located at the end of the garden adjacent to the property's northern site boundary

and the gazebo is positioned on the raised patio adjacent to the eastern boundary with the end terrace property, no.26.

Relevant Planning History

- 1.3 There is no planning history relevant to the works as proposed.

2. CONSULTATION AND PUBLICITY

2.2 NYCC Highways Canal Rd

There are no local highway authority objections to the proposals.

2.3 Selby Town Council

The Town Council objects to the proposed works on the basis that planning permission should have been sought prior to the erection of the proposed gazebo and raised paving area.

2.4 Publicity

The application was publicised through the posting of site notices. No responses have been received as a result.

3 SITE CONSTRAINTS

- 3.1 The site is located within the Principal Town of Selby as identified in the Core Strategy Local Plan 2013 and within Flood Zone1.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that *"...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
SP2 – Spatial Development Strategy
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

National Planning Policy Framework

- 4.8 The relevant chapters of the NPPF are material:

2 – Achieving sustainable development
12 – Achieving well-designed places

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
- Impact on Highway Safety

Principle of Development

- 5.2 The application site is located within the defined development limits of the Principal Town of Selby. Core Strategy Policy SP2 directs the majority of new development to the District’s towns, including Selby as its Principal Town, in order to deliver sustainable development.
- 5.3 This retrospective application relates to an existing residential property and garden structures within its rear amenity space. There is nothing in 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.

Design and Impact on the Character and Appearance of the Area

- 5.4 The application site comprises of a semi-detached townhouse located at the end of a cul-de-sac within the Staynor Hall development to the south of Selby. Off street parking and access to the property's integral garage are provided to the front of the dwelling, with access to the private rear amenity space provided to the side of the dwelling. The rear amenity space features a slight slope upwards towards the sites rear boundary. The surrounding area is comprised of a mixture of two and three storey dwellings with a consistent visual appearance.
- 5.5 The gazebo has a pitched roof and measures approximately 3.8m in width and 3.9m in depth with a maximum height of approximately 2.65m. It is sited on top of a raised patio to the rear of the garden measuring a maximum height of approximately 0.35m. The patio spans the width of the dwelling's rear amenity space and is directly adjacent to its rear boundary.
- 5.6 The gazebo and raised patio are located at the highest point of the garden, directly adjacent to two fences to the rear of the site. It was confirmed by the applicant that both fences were located within the application site meaning that the gazebo does not overhang beyond the site boundary to the rear of the property.
- 5.7 There would be limited views from the public domain given the siting of the gazebo and raised patio to the rear of the host dwelling and its relatively small scale. As such, it is considered that it does not result in a harmful impact upon the visual amenity of the host dwelling, the street scene or the surrounding area.
- 5.8 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 the NPPF at paragraph 130.

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 neighboring properties, overshadowing of neighboring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.10 With regards to overlooking, the raised patio is located to the rear of the host dwellings amenity space bounding the rear amenity space of no.38 Abbots Mews to the north, attached no.34 to the west and the side elevation of no.26 Hornbeam Close to the east. Given the nature of the site and the lack of openings along its side elevation on the ground floor level, the patio and gazebo do not present any potentially harmful impact upon the occupants of neighboring no.26. Site levels raise to the rear of the host dwellings amenity space, which is now occupied by the patio, which allows for a greater view over the fences of the neighboring properties. Despite this, given the nature of the surrounding area and the boundary treatment presently in place, coupled with the fact that the patio would appear to be predominantly utilised as a seating area, it is considered that it would not reduce

privacy to the occupants of neighboring no's 34 and 38 Abbots Mews to such an extent as to warrant refusal.

- 5.11 With regards to overshadowing, the proposal would not result in any undue impact given the siting of the gazebo, set a considerable distance away from the ground floor openings of neighboring dwellings, coupled with its scale and light weight appearance with a lack of solid walls.
- 5.12 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 at paragraph 130f.

Impact on Highway Safety

- 5.13 The application relates to structures within the rear garden of an existing dwelling and as such there is unlikely to be any impact on parking provision, access arrangements or highway safety. NYCC Highways have raised no objections to the application, nor have they requested any conditions be added to the consent. As the proposal would not lead to adverse highway conditions in this locality, it is considered to accord with Policies ENV1 (2) of the Local Plan and paragraphs 110 and 111 of the NPPF.

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 development would not have a significant detrimental effect on the character and appearance of the area, the residential amenity of neighbouring occupants or highway safety. The application is therefore considered to be in compliance with Policy ENV1 of the Selby District Local Plan, Policies SP1, SP2, 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 hereby permitted shall be carried out in accordance with the plans/drawings listed below:

| | |
|---|------------------|
| Drawing No. LOC01 Location Plan | Dated 26/07/2021 |
| Drawing No. 02 Floor Plans and Elevations | Dated 16/07/2021 |
| Drawing No. 03 Floor Plans and Elevations | Dated 18/06/2021 |

Reason:
For the avoidance of doubt.

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 2021/0770/HPA and associated documents.

Contact Officer: Josh Turner, Planning Officer
jturner@selby.gov.uk

Appendices: None