



**Report Reference Number:** 2021/1308/HPA

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

APPLICATION NUMBER:	2021/1308/HPA	PARISH:	North Duffield Parish Council
APPLICANT:	Mr A Knowles	VALID DATE: EXPIRY DATE:	21st October 2021 16th December 2021
PROPOSAL:	Erection of rear single storey extension and realignment of garden fence to eastern boundary		
LOCATION:	Beal House 1 Broadmanor North Duffield Selby North Yorkshire YO8 5RZ		
RECOMMENDATION:	GRANT		

This application has been requested to be heard by the committee by Cllr Arthur on behalf of North Duffield Parish Council for the following reasons: (1) The adverse visual impact on neighbouring properties of the proposed 2.3m high fence; (2) The siting of the proposed fence outside of the property boundaries and encroaching onto highway land at the junction of Broadmanor and Main Street; and (3) Inaccuracies and errors in the submitted application form.

## 1. INTRODUCTION AND BACKGROUND

### The Site and Context

- 1.1 The application site lies within the defined development limits of North Duffield. The application site features a brick and render finished detached dwelling with a pitched tiled roof. The application site lies on the corner of Broadmanor and Main Street. To the front of the site there is an area of hardstanding providing off street parking and access to the dwellings existing integral garage. Access to the rear of

the dwelling is provided to the side of the host dwelling. To the rear of the property there is an area of grassy private amenity space bounded by fencing. At present there is also an existing single storey extension to the rear of the property.

## **The Proposal**

- 1.2 The proposal is for the erection of a rear single storey extension measuring approximately 3.7m in height, with an eaves height of 2.4m, a width of 3.6m and a depth of 2.6m in the gap created between the rear wall of the dwelling and the end elevation of the existing rear single storey projection. The proposal also relates to the erection of 2m high timber fence along the eastern site boundary measuring approximately 20.8m in length.
- 1.3 The application has been amended since first submission and revised plans now show the existing fence being re-aligned to the proposed position closer to the host dwelling with a maximum height of 2m and no longer on the grassed verge that is Highway Maintainable at the Public Expense.

## **Relevant Planning History**

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

Application 2018/0093/HPA for the proposed demolition of existing ground floor side extension, garage and porch and erection of a two-storey side extension, ground floor rear extension and front porch was permitted on 27 March 2018.

## **2. CONSULTATION AND PUBLICITY**

### **2.1 NYCC Highways**

Provided comment on the basis of the initial plans (101 rev.A), which showed the fence line on the adjacent grassed area. Highways commented that the fence would be relocated to land that is Highway Maintainable at Public Expense (HM@PE) and therefore, it will be necessary to "stop up" that area of land. The applicant should pursue this through Section 247 of the Town and Country Planning Act prior to commencement of the development and ensure that they have title to the area of land once stopped up.

### **2.2 North Duffield Parish Council**

Objections on following grounds:

- Concerns surrounding the need for the applicant to apply under Section 247 of the TCPA to "stop up the land".
- Objection to the erection of a fence on highways land.
- Concerns regarding alleged inaccuracies within the submitted application form.
- Concerns regarding the proposed height of the fence.

Officer note: It has been noted that the primary objections of the Parish Council relate to the existing fence and its current location on highway land as this was erected without permission.

## 2.3 **Publicity**

The application has been publicised by site notice. Two letters of objection have been received from local residents raising objections related to the description of the proposed works, proposed materials, Trees and Hedges, Vehicle Access and pre-application advice sections of the submitted application form along with supporting images of the fence and hedgerow which was removed.

## 3. **SITE CONSTRAINTS**

- 3.1 The site is located within the defined settlement limits of North Duffield, which is defined as a Designated Service Village in the Core Strategy Local Plan (2013) and within flood zone 1 (low probability).

## 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

## **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
- Other Issues

### **Principle of Development**

5.2 The application site is located within the defined development limits of the Designated Service Village of North Duffield and relates to an existing residential property within a predominantly built-up residential area. Policy SP2 of the Core Strategy directs the majority of new development to the District's towns and more sustainable villages, in order to deliver sustainable development.

5.3 The application seeks permission for the erection of a single storey extension to the rear elevation of the host dwelling and the erection of a replacement fence to the eastern boundary. 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**

5.4 The proposed rear extension would be of a lean to pitched roof design and would be attached to an existing extension of a similar appearance clad in light grey PVC cladding. It would be sited to the rear of the host dwelling. It would have a maximum height of approx. 3.7m, a maximum eaves height of approximately 2.4m, a maximum width of approx. 3.5m and a maximum depth of approx. 2.5m. It would be set in 0.1m from the host dwellings side elevation.

5.5 The proposed rear extension would enlarge the existing single storey rear extension, spanning the entire width of the host dwelling. However, given its pitched roof design, matching materials to the existing extension, its siting and the proposed fence which would screen it from view, it is considered that it would not have a harmful impact upon the character or visual amenity of the host dwelling or the surrounding area.

- 5.6 The proposed re-aligned boundary fence would be constructed of 2m high timber close board fence panels with concrete posts and would replace an existing close board wooden fence that is presently erected on highways land to the eastern side of the application site.
- 5.7 Prior to the present fence, a large mature hedge was in place along the side of the application site and appeared to encroach onto highways land. The proposed fence would be sited in a highly prominent location on the corner of Main Street and Road and Broadmanor.
- 5.8 Despite its highly prominent location on the highway junction, it is noted that other fences of a similar appearance are already in place in the surrounding area, including directly to the north of the application site surrounding no.2 Broadmanor, and the area as a whole does not have visually consistent boundary treatments fronting Main Street.
- 5.9 It is further noted that the proposed fence would not appear unduly large nor dissimilar in scale to the former hedge which it would replace. Ideally, the front section of the fence adjacent to Broadmanor should be reduce in height to improve its relationship with the surrounding area. However, the presence of a similar height fence at 2 Broadmanor is noted. The fence at no.2 is colour finished in a dark brown and it is recommended that the proposed fence is finished in a recessive colour (dark brown or green) in order to reduce its visual impact and tie in with the other boundaries enclosures prominent in the vicinity.
- 5.10 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.

### **Impact on Residential Amenity**

- 5.11 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.
- 5.12 The proposed extension would introduce new openings to the rear of the host dwelling and the proposed glass sliding doors to the rear would provide outlook over the host dwellings rear amenity space. Given the siting of the proposed openings relative to neighbouring dwellings coupled with the boundary treatment in place to the rear of the application site it is not considered that they would result in any harmful privacy impact.
- 5.13 Given the siting and scale of the proposed rear extension it is not considered that it would lead to any potentially harmful overshadowing impact upon the occupants of neighbouring dwellings.
- 5.14 The proposed realigned fence would alter the present line of the boundary fence, preventing it from occupying highways land to the east of the host dwelling and bringing it in line with the site's eastern boundary. The objection comments received regarding the proposed fence appear relate to the existing fence which extends

beyond the site's boundary and onto highways land. The proposed fence would replace this existing fence and would appear to alleviate issues raised with regards to the siting and height of the fence.

- 5.15 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.

### **Impact on Highway Safety**

- 5.16 NYCC Highways initially commented on the basis that the land where the existing has been erected is on land that is Highway Maintainable at Public Expense (HM@PE) and therefore it would be necessary to 'stop up' the area of land under Section 247 of the Town and Country Planning Act. However, the scheme has been amended so that the fence is now proposed to be re-sited to the boundary between the applicant's land and the grassed area, which would avoid the need for a Section 247 order. No objections were raised by the Local Highway Authority about impact on highway safety and therefore the revised scheme accords 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 proposed development would not have a significant 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 of the Selby District Local Plan, Policies SP1, SP2, 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:

Location, Layout, Existing Floor Plans and Elevations ref: 21072 - F101 C Dated: 11.03.2022

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 be as set out in the submitted application form received: 20.10.2021.

Reason:

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

04. The fencing hereby approved shall be finished in a recessive colour (dark brown or green) and shall be retained as such thereafter.

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 2021/1308/HPA and associated documents.

**Contact Officer:** Josh Turner, Planning Officer  
[jturner@selby.gov.uk](mailto:jturner@selby.gov.uk)

**Appendices:** None