



Report Reference Number 2022/0941/HPA

To: Planning Committee
Date: 11th January 2023
Author: Jordan Fairclough (Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0941/HPA	PARISH:	Brayton Parish Council
APPLICANT:	Mr Mark Oliver	VALID DATE:	19 th August 2022
		EXPIRY DATE:	05 th December 2022
PROPOSAL:	Raise height of existing roof to create additional accommodation, the erection of 2 pitched roof dormer windows to rear and roof lights to front, and the retention of gazebo in the rear garden		
LOCATION:	26 Merlin Way Brayton Selby North Yorkshire YO8 9SB		
RECOMMENDATION:	APPROVE subject to conditions		

This application has been brought before Planning Committee as it has had more than 10 letters of objection and whilst this is a minor application, it has been requested to committee by the Head of Planning given the level of objection and councillor involvement, and as the officer recommends determination contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site relates to an existing dwelling located within an existing residential development to the western edge of Brayton. The modern 4-bed dwelling is located within the north west part of the residential development, at the end of a cul-de-sac and there are residential properties to the north, east, and south of the site, and open countryside to the west of it.

The Proposal

- 1.2 The proposal is for extensions to the existing dwelling involving raising the height of existing roof to create additional accommodation in the roofspace, the erection of 2

pitched roof dormer windows to rear and roof lights to front, and the retention of gazebo in the rear garden. The single storey rear extension shown on the plans would fall within Permitted Development rights and therefore does not need planning permission.

- 1.3 The application has been amended since the original submission to include the gazebo and the flat roof dormer has been amended to two smaller pitched roof dormer windows.

Relevant Planning History

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

- 2015/0367/FUL - Proposed development of 125 no. dwellings with associated access from Barff Lane, landscaping, new footpath and drainage pond, at Barff Lane, Brayton, Selby, North Yorkshire. Approved 13-NOV-15
- 2016/0928/FUL - Section 73 application to amend condition 12 (parking) and condition 34 (drawings) of approval 2015/0367/FUL Proposed development of 125 no. dwellings with associated access from Barff Lane, landscaping, new footpath and drainage pond, at Barff Lane, Brayton, Selby, North Yorkshire. Approved 09-NOV-16
- 2016/1039/DOC - Description: Discharge of condition 02 (Materials), 03 (Landscape Proposals), 04 (Boundary), 15 (Compound Layout), 20 (Main Water Supply) and 29 (Remediation Scheme) of approval 2015/0367/FUL Proposed development of 125 no. dwellings with associated access from Barff Lane, landscaping, new footpath and drainage pond, at Barff Lane, Brayton, Selby, North Yorkshire. Approved 03-NOV-16
- 2020/0423/HPA - Description: Erection of double garage (retrospective), at 26 Merlin Way, Brayton, Selby, North Yorkshire. Approved 16-JUN-20
- 2020/0524/HPA - Description: Conversion of existing integral garage to games/day room, at 26 Merlin Way, Brayton, Selby, North Yorkshire. Approved 16-JUL-20

2. CONSULTATION AND PUBLICITY

- 2.1 **Brayton Parish Council** - The Parish Council is aware of the fact that many residents are opposed to this application and wish to support their views. The Parish Council believes it is out of character and out of keeping with the area.

- 2.2 **Neighbour summary** – The application has been advertised by site notice erected on 9 September 2022 and was readvertised on 28th October 2022 resulting in 12 individual objections being received. These objections are summarised as below:

Dormer

- Overlooking of garden
- Overlooking of property
- Reduction in privacy.
- Noise impacts from building works.

- Overdevelopment
- Side elevation looking into property
- Overbearing due to roof height raising
- Impact on character of area.
- Installation of security cameras

Gazebo

- Drainage issues

3. SITE CONSTRAINTS

- 3.1 The application site is located outside of the defined development limits of Brayton, though within an existing residential 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".

- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. This application has been considered against the 2021 NPPF and, in particular, the sections listed below.

- 4.3 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)."

- 4.4 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans neither of which relate to the site.

- 4.5 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 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being

considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.

- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

Selby District Core Strategy Local Plan 2013

- 4.7 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 2005

- 4.8 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
H14 - Extensions to Dwellings in the Countryside

Minerals and Waste Joint Plan (Adopted by NYCC February 2022)

- 4.9 The relevant Minerals and Waste Local Plan Policies are:

D13 - Consideration of applications in Development High Risk Areas

National Planning Policy Framework (NPPF) 2021

- 4.10 The relevant sections of the NPPF are:

2 - Achieving sustainable development
4 - Decision Making
8 - Promoting healthy and safe communities
12 - Achieving well-designed places
15 - Conserving and enhancing the natural environment
17 - Facilitating the sustainable use of minerals

5. APPRAISAL

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

- The Principle of the Development
- Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Minerals and Waste Local Plan

Principle of the Development

- 5.2 The application site is located outside the defined development limits of Brayton and is therefore in policy terms in open countryside. The dwelling was however granted as part of a wider housing scheme permitted in 2015 that has been built out and forms an extension to Brayton village.
- 5.3 Core Strategy Local Plan Policy SP2(c) states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the reuse of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."
- 5.4 Policy H14 also allows extensions to dwellings within the countryside, as does Policy SP2. The application is therefore compliant with Development Plan policies SP1 and SP2 of the Core Strategy and H14 of the Local Plan and there is nothing in the NPPF to identify this type of development as being unsustainable or to preclude in principle development of this type in this location.

Design and Impact on the Character and Appearance of the Area

- 5.5 Relevant policies in respect to the impact of development on character and appearance of the area are Policies ENV1 and H14 of the Selby District Local Plan, Policy SP18 and SP19 of the Core Strategy and the national policy contained within the NPPF.
- 5.6 Policy SP19 requires that "Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
 - B) Positively contribute to an area's identity and heritage in terms of scale, density and layout.
- 5.7 Selby District Local Plan Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings.
- 5.8 Selby District Local Plan Policy H14 (1) requires extensions of existing dwellings be appropriate to its settings and not visually intrusive in the landscape, with H14 (2) requiring the extensions not to result in disproportionate addition over and above the size of the original dwelling and would not visually dominate it, and H14 (3) requiring the design and materials be in keeping with the host dwelling and the surrounding area.
- 5.9 The surrounding area to 26 Merlin Way comprises a modern residential development consisting of large detached 2 storey houses and semi-detached house constructed predominantly of brick with white UPVC windows and doors and roof tiles. The Parish Council has raised comments that the proposal would be "out of character and out of keeping with the area." Comments were also received from objectors stating that they

believe it is out of character, which preliminary relate to the increase in roof height and dormer windows.

- 5.10 The dwelling which is the subject of this application is a large 4-bed detached dwelling with hardstanding and garage for parking cars to the front and an enclosed garden to the rear. The proposed 2 pitched roof dormers would be sited on the rear of the host dwelling and as such would not be readily visible from the front nor read in the streetscene of Merlin Way. However, they would be seen in private views by those properties backing onto the site to the west and south.
- 5.11 The two pitched roof dormers would have a width of 2.4 metres, a height to eaves of 1.7 metres, and a maximum height of 2.4 metres. The materials are shown as red tile to match the main roof of the dwelling and white upvc windows to match. The dormers would respect the size, scale, design and proportions of the existing dwelling and would not result in disproportionate addition over and above the size of the existing dwelling and would not visually dominate it.
- 5.12 The roof height would be raised by 0.6 metres to allow for an increase in headroom within the roof. Whilst the utilisation of the loft space and increase in height is not characteristic of the wider estate, it would not appear visually intrusive in the landscape, would add very little in terms of massing and would not visually dominate the host dwelling.
- 5.13 The gazebo is a typically sized garden structure and would be 5.21 metres in length, 3.14 metres in width, have a height to the eaves of 2.33 metres and a maximum height of 3.24 metres. It sits close to the boundary. It is considered that given the existing boundary treatments and its hipped roof design this is acceptable. The structure is built from timber and the roof is tiled which is considered appropriate for the area. Having taken into account all of the above, it is considered that the proposed gazebo would not appear visually intrusive in the landscape, would not result in disproportionate addition over and above the size of the existing dwelling and would not visually dominate it.
- 5.14 Given the above and subject to the aforementioned condition, it is considered that the proposal would not have any significant adverse impact on the character and appearance of the open countryside and would not result in a disproportionate addition and is therefore in accordance with Policies ENV1, and H14 of the Selby District Local Plan, Policy SP18 and SP19 of the Core Strategy and the national policy contained within the NPPF.

Impact on Residential Amenity

- 5.15 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan. 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.
- 5.16 The application property has neighbours to the north, east, and south which have been considered in this report. It is noted that there have been 12 individual objections received to the application.

- 5.17 Given the size, scale, siting, design and orientation of the proposed extensions and alterations and its relationship with the neighbouring properties, it is considered that the two pitched roof dormers would not result in any detrimental effects of overshadowing or oppression of any neighbouring properties. Whilst concerns were raised regarding overbearing due to the raising of the roof height, it is considered that these would not cause a significant impact due to the separation distances between the application property and surrounding properties.
- 5.18 Whilst the gazebo has an impact on massing and overshadowing given its proximity to the property boundary, this is considered to be limited given the separation distances to the dwelling to the north and the screening from the outbuilding to the property to the east. The roof also slopes away from both boundaries due to its hipped design. Given the above, the scheme is considered acceptable and the harm is not such to warrant a refusal.
- 5.19 The proposed two pitched roof dormer windows have the potential to cause additional overlooking into neighbouring properties rear gardens causing a reduction of privacy. One of the dormers serves an ensuite, so would have obscure glazing thus removing any overlooking concerns. It is considered that the pitched roof dormers would not result in any significant overlooking/reduction in privacy to what would already be experienced from the first floor rear windows given the separation distances. Therefore, the proposal is considered to be acceptable. Likewise, the gazebo would not result in any significant overlooking due to the boundary treatments and orientation of the structure.
- 5.20 Finally concerns were raised regarding the installation of security cameras on the dwelling which do not have permission. The applicant will have the option of applying for these separately.
- 5.21 Having taken into account all of the above, it is considered that the proposal would not result in any significant detrimental effects of overshadowing, oppression and from overlooking so as to warrant refusal on the residential amenities of any neighbouring properties and would therefore be in accordance with Policy ENV1 (1) of the Selby District Local Plan.

Minerals and waste

- 5.22 The Minerals and Waste Joint Plan is part of the Development Plan, though application is for householder development it is exempt from the safeguarding of land for minerals and waste policies and Policy D13 relating to high risk Coalfield areas.

6. CONCLUSION

- 6.1 This application seeks permission to raise the height of existing roof to create additional accommodation, the erection of two pitched roof dormer windows to rear and roof lights to front, and the retention of gazebo in the rear garden.
- 6.2 The site is located outside of the defined development limits of Brayton, though within an established residential area that sits adjacent to it. National and local planning policy supports extensions to residential properties in principle. The application has been amended during the determination process to include the gazebo and the flat roof dormer has been amended to two smaller pitched roof dormer windows. The development proposed is considered not to harm the character and appearance of

the host dwelling or wider countryside setting, nor would it cause significant harm to the amenity of nearby residents and is not considered as a disproportionate addition.

- 6.3 Other material considerations is considered to be acceptable and in accordance with the Development Plan and national policy contained within the NPPF. The proposal is therefore considered to be acceptable in planning terms and is recommended for approval subject to conditions.

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.

- Drawing No. ADP22/P22/01A – Location Plan - Received 3rd August 2022
- Drawing No. ADP22/P22/02A – Layout Plan - Received 3rd August 2022
- Drawing No. ADP22/P22/05F – Proposed Floor Plans - Received 21st October 2022
- Drawing No. ADP22/P22/06F – Proposed Elevations - Received 21st October 2022
- Drawing No. ADP22/P22/07 – Existing Pergola Floor Plans and Elevations - Received 14th October 2022

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the application form, received by the Local Planning Authority on 3rd August 2022. Only the approved materials shall be utilised.

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 2022/0941/HPA and associated documents.

Contact Officer: Jordan Fairclough (Planning Officer)

Appendices: None