



Report Reference Number 2022/1316/HPA

**To:** Planning Committee  
**Date:** 8 February 2023  
**Author:** Josh Turner  
**Lead Officer:** Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/1316/HPA	PARISH:	Carlton Parish Council
APPLICANT:	Mr & Mrs Ledson	VALID DATE:	9th November 2022
		EXPIRY DATE:	4th January 2023
PROPOSAL:	New pitched roof over existing flat roofed front dormer window		
LOCATION:	8 Broadacres Avenue Carlton Goole North Yorkshire DN14 9NE		
RECOMMENDATION:	<b>REFUSE</b>		

This application has been brought before Planning Committee as it has been called-in by Councillor Jordan on the basis that the application is for a simple alteration in an area where some others have been done similarly.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site lies to the east of Station Road in Carlton within but in relatively close proximity to the settlements development limit boundary. The host dwelling is a semi-detached bungalow with a pitched tiled roof. It presently features a flat roofed dormer window to the front of the host dwelling which adjoins an identical dormer to the front of the attached neighbouring property no.6.
- 1.2 The host dwelling was previously granted permission to be extended to the side with a pitched roof extension and pitched roof dormer to the rear which enlarges the existing rear dormer to span almost the entire width of the dwelling.

### The Proposal

- 1.3 This proposal would introduce a pitched tiled roof to the existing front dormer presently in place. This would be located in a highly prominent location which would be visible from the public domain.
- 1.4 Alongside the proposed plans, an accompanying planning statement was submitted on 09.11.2022 and a further survey was submitted on 22.11.2022. The survey includes a number of questions relating to dormers and dormer design and the responses from respondents.

### **Relevant Planning History**

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

2021/0098/HPA      Erection of two storey side extension, new pitched roof over existing flat roofed dormers and front porch extension. Granted 27 May 2021.

## **2. CONSULTATION AND PUBLICITY**

- 2.1 **NYCC Highways** - No objections to the proposed scheme. A condition has been recommended to be attached to any permission.
- 2.2 **Carlton Parish Council** - No comments received.
- 2.3 **Publicity** - The application was advertised via site notices on 15.12.2022, no letters of comment have been received.

## **3. SITE CONSTRAINTS**

- 3.1 The application site lies within the defined development limits of Carlton, which is defined as a Designated Service Village in the Core Strategy Local Plan (2013).

## **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 none 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  
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  
T1 – Development in relation to the highway network  
T2 – Access to Roads

#### **Minerals and Waste Joint Plan (February 2022)**

- 4.9 The relevant Minerals and Waste Joint Plan Policies are:
- SO1 Minerals Safeguarding  
SO2 Developments proposed within Minerals Safeguarding

#### **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
- 9 Promoting sustainable transport
- 12 Achieving well-designed places
- 17 Facilitating the sustainable use of minerals

Annex 1: Implementation

Annex 2: Glossary

Annex 3: Flood risk vulnerability classification

## 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
- Highways Impact

### **Principle of the development**

5.2 Policy SP1 of the Core Strategy seeks sustainable development. Policy SP2 sets out a spatial strategy for locating development in the District with the majority of new development, referring primarily to residential and small-scale employment growth being directed to the principle towns and more sustainable villages.

5.3 The proposal involves the extension of an existing dwelling within the development limits of a Designated Service Village and is within a predominantly residential area within the village. Therefore, the proposal is considered to be acceptable in principle.

### **Design and Impact on the Character and Appearance of the Area**

5.4 Saved policy ENV1 (1) of the Selby District Local Plan 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. Policy SP19 of the Core Strategy requires that new development should achieve high quality design and have regard to the local character, identity and context of its surroundings.

5.5 Chapter 12 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. At paragraph 130, it states that planning decisions should ensure that developments, inter alia:

5.6 a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

- 5.7 The existing dormer window to the front currently has a flat roof, which adjoins the flat roof dormer of the neighboring semi-detached dwelling.
- 5.8 The proposed pitch roof to the dormer in this location would be highly prominent within the street scene, as there are no other pitch dormer windows to properties on Broadacres Avenue or within the immediate locality. Dwellings on the street are typically semi-detached and either single storey or single storey with flat roof dormer windows, which retain symmetry within the pairs of dwellings.
- 5.9 The proposed dormer to the front would introduce an additional aspect to the host dwellings roof which would be set down only 10mm from the ridge of the host dwellings roof, presenting a large massing which would be clearly visible from Broadacres Avenue and would appear as dominant feature within the roof and clearly unbalanced relative to the existing symmetry provided by the existing smaller scale flat roof dormer to the front.
- 5.10 The character of the dwellings would be harmed by way of disproportionately increasing the massing of number 8. The joining of a pitch roof dormer to an adjacent existing flat roofed dormer is not of a high-quality design and would result in an unusual visual appearance, out of character with the surrounding streetscene and architectural style.
- 5.11 It is noted that examples of similar dormer windows were provided in the submitted planning statement. Given that the bulk of the examples presented are located within Tadcaster, not in the immediate vicinity of the application site on Broadacres Avenue or even surrounding roads within the immediate area. It is not considered that the examples presented would provide any sort of precedent for such a visually impactful addition.
- 5.12 It is further noted that from the existing and proposed floor plans that the proposed dormer would not provide any additional accommodation or impact on the usability of the internal space within the host dwelling, and would be a predominantly cosmetic addition.
- 5.13 Taking all of the above into consideration, the position of the proposed pitch roof to the dormer window on the principal elevation of the dwelling, fronting the highway, is not acceptable and would cause harm to the visual appearance and character of the area. The dwelling is semi-detached and the proposed pitch roof dormer would cause an imbalance in the symmetry to the pair of dwellings which currently share adjoining flat roof dormer windows, causing harm to the character of the host dwelling.
- 5.14 Therefore, the proposal is contrary to paragraph 130 of the NPPF and local Policies ENV1 and SP19.

### **Impact upon 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. In addition to that it is noted that paragraph 127 (f) of the NPPF requires that development creates a high standard of amenity for existing and future users.
- 5.16 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 and loss of light to neighboring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.17 The nearest residential properties are the adjoining dwelling 6 Broadacres Avenue and the dwelling to the side of the host property 10 Broadacres Avenue. The proposed dormer would be of an increased height to the existing dormer window but would not project beyond the existing dormer atop attached neighbor no.6 and as such would not present any potential overshadowing harm to the occupants of no.6. Given the siting of the proposed dormer relative to no.10, there is no potential for an overshadowing impact to be created.
- 5.18 Given that the proposed works would not introduce any new openings to the front of the host dwelling it is considered that it would not alter the host dwellings existing relationship with neighboring properties and would therefore not introduce any potentially harmful impact upon the privacy of the occupants of the host dwelling or neighboring dwellings.
- 5.19 It is considered that the proposal complies with the aforementioned policies and would not present a harmful impact upon residential amenity.

### **Highways Impact**

- 5.20 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.21 Policy T1 advises that development proposals will only be permitted where existing roads have adequate capacity and can safely serve the development. Policy T2 states that development proposals which would result in the creation of a new access or the intensification of the use of an existing access will be permitted provided:
- 1) There would be no detriment to highway safety; and
  - 2) The access can be created in a location and to a standard acceptable to the highway authority.
- 5.22 Given that the proposal would allow for two off-street parking spaces to the front of the host dwelling, it is considered that sufficient off-street parking can be provided at the application site.
- 5.23 The Highway Officer had no objection and recommended a condition be attached relating to access details.
- 4.24 On this basis, the proposal is acceptable in terms of highway matters and therefore complies with paragraph 111 of the NPPF and saved Policies T1 and T2 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 have a significant detrimental effect on the character and appearance of the area by virtue of the impact of the introduction of a pitched roof dormer to the front of the dwelling in an area which is dominated by flat roof dormers, including the visual impact of the connection to the neighbouring flat roof dormer.
- 6.2 Therefore, the application is contrary to Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Selby District Core Strategy and Paragraph 130 of the NPPF which seek to ensure that developments add to the overall quality of the area, are visually attractive and sympathetic to local character.

## **7. RECOMMENDATION**

This application is recommended to be REFUSED for the following reasons:

- 7.1 1. The proposed development would have a significant detrimental effect on the character and appearance of the street scene and the wider area by virtue of the impact of the introduction of a large pitched roof dormer to the front of the dwelling in an area which is dominated by flat roof dormers, along with the visual impact of the connection to the neighbouring flat roof dormer. Therefore, the proposal is contrary to Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Selby District Core Strategy and Paragraph 130 of the NPPF which seek to ensure that developments add to the overall quality of the area, are visually attractive and sympathetic to local character.

## **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 2022/1316/HPA and associated documents.**

**Contact Officer:** Josh Turner

Appendices: None