



Report Reference Number 2022/1445/HPA

To: Planning Committee
Date: 15th March 2023
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Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/1445/HPA	PARISH:	Hemingbrough Parish Council
APPLICANT:	Mr & Mrs David Hedderwick	VALID DATE:	12th December 2022
		EXPIRY DATE:	6th February 2023
PROPOSAL:	Demolition of attached rear single storey porch and workshop to be replaced with new single storey extension to form new kitchen and garden room		
LOCATION:	Garth House Landing Lane Hemingbrough Selby North Yorkshire YO8 6RA		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee at the request of the Ward Councillor Karl Arthur, should Officers be minded to refuse the application. The reasons provided for the application being called to committee are as follows:

1. A Heritage survey has been carried out which states that this proposal has no detrimental effect on the conservation of the area and that therefore has no adverse impact on the character and appearance of the area;
2. The nature and scale of the proposal and its location ensure that there is no impact on the existing residential amenity of the host property or adjacent properties. It therefore comprises sustainable development and is consistent with the development policies in the development plan and the NPPF;
3. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises of sustainable development and is consistent with the policies in the development plan and the NPPF.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site features a detached brick-built dwelling with a pitched tiled roof, within the Hemingbrough Conservation Area. To the front of the site there is a small area of private amenity space along with an area of off-street parking accessed to the side of the host dwelling. Access to the rear of the site is provided to the side of the host dwelling. To the rear of the property is an area of private amenity space bounded by fencing. The dwelling sits in a prominent position within the streetscene, with views to the rear of the dwelling apparent from the south.
- 1.2 This is a re-submission of a recent approval of application ref: 2022/0564/HPA. This application was granted after multiple amendments to reduce the size and scale of the proposed extension and alter the design of the extension in order to make it less visually dominant and clearly subordinate to the host dwelling. The applicant now seeks to return to the original design via this application.

The Proposal

- 1.3 The application is for the demolition of attached rear single storey porch and workshop to be replaced with new single storey extension to form new kitchen and garden room. The application is sought as an alternative to the recently permitted (2022/0564/HPA).

Relevant Planning History

- 1.4 The following historical application is considered to be relevant to the determination of this application.
2022/0564/HPA - Demolition of single storey porch and workshop and erection of single storey extension, Address: Garth House, Landing Lane, Hemingbrough, Selby, North Yorkshire, YO8 6RA. Approved 09-DEC-22

2. CONSULTATION AND PUBLICITY

2.1 Hemingbrough Parish Council

Request that the brickwork should be the same as the existing building, as the property is situated within the Conservation Area.

2.2 Conservation Officer

The Conservation Officer opposes the proposal as the extension is overly large, it has an irregular footprint, and the form and design of the extension does not reflect the traditional characteristics of buildings found within Hemingbrough Conservation area. Overall, the awkward design of the extension would fail to preserve or enhance the character or appearance of the conservation area. The extension is not subservient to the main house, the building footprint of the proposed extension is the same width as the main house.

In addition to this, a substantial external chimney breast has been proposed for the extension which is not a typical feature for an extension or an outbuilding. Other design concerns relate to the roof pitch of the extension which is shown to be steeper than the roof pitch of the main house (resulting in a taller extension) and its

orientation does not follow the prevailing orientation of outbuilding within the conservation area.

Advice has previously been provided to the agent which suggests ways to improve the design of the extension and ensure that it meets the requirements of the local and national policies under application 2022/0564/HPA which was granted permission for the amended plans.

The development cannot be supported from the conservation or design perspective, and it is advised that the application is refused in its current form. The application is contrary to Local Plan Policy ENV 25 and ENV 1, Policy SP18 of the Selby Core Strategy and chapter 16 of the NPPF.

2.3 **Publicity**

The application has been advertised by site notice posted on 11th January 2023. The consultation period expired on 1st February 2023. No comments were received as a result of the publicity.

3. **SITE CONSTRAINTS**

Constraints

- 3.1 The application site lies within the defined development limits of the settlement of Hemingbrough, which is identified as a Designated Service Village in the Selby District Core Strategy.
- 3.2 The application site is located within the setting of Hemingbrough Conservation Area and within land designated as Flood Zone 3 as defined by the Environment Agency.

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
SP2 – Spatial Development Strategy
SP15 - Sustainable Development and Climate Change
SP18 – Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan (2005)

- 4.8 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
ENV25 - Development in Conservation Areas

Minerals and Waste Joint Plan (February 2022)

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

S01 – Safeguarding mineral resources
S02 – Development proposed within Minerals Safeguarding Areas
S07 – Consideration of applications within Consultation Areas
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
- 14. meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

Other supplementary documents

4.11 Hemingbrough Conservation Area Appraisal (June 2021), adopted Sept 2022:

- Section 3 – Architectural and built character;
- Section 4 – Landscape character;
- Section 5 – Views.

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 the character and appearance of the Conservation Area
- Impact on Residential Amenity
- Flood risk
- Minerals and Waste

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 Relevant policies are saved policies ENV1 of the Selby District Local Plan and SP19 of the Core Strategy. Policy ENV1 states: "Proposals for development will be permitted provided a good quality of development would be achieved. In considering proposals the District Council will take account of: 1) The effect upon the character of the area or the amenity of adjoining occupiers... 4) The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping...8) Any other material considerations." Policy SP19 relates to Design Quality and requires proposals to contribute to local character,

identity and context including historic townscapes and settlement patterns including scale, density and layout.

- 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: function well and add to the overall quality of the area; are visually attractive as a result of good architecture and layout; are sympathetic to local character and history, including the surrounding built environment.
- 5.6 The proposed single storey rear extension would replace the existing rear single storey porch and workshop that projects out into the rear curtilage at an angle to the host dwelling taking account of the dog-leg form of the northern site boundary. This is narrow in width being approximately half that of the main dwelling and single storey with a low mono-pitched roof. In contrast, the proposed extension would project a similar distance from the host dwelling, and would comprise a narrow element (approx. 4.4m width) leading to an approx. 7m wide, taller dual pitched roof structure set at an angle to the main dwelling; it would have a maximum ridge height of approximately 5.4 metres and eaves height of approximately 2.6 metres. The form of the extension would result in different dual-pitched roof angles and the higher element of the extension would have a steeper roof pitch than the existing house. The materials are shown to be brick and tile to match the existing dwelling. There is a chimney proposed on the south facing elevation.
- 5.7 The proposed extension would be a significant structure to the rear of the dwelling with an unusual and uncharacteristic form and design to that of the host dwelling that would not be sympathetic to it, including a mixture of roof orientations and a steeper roof pitch. It would extend the built form into the plot to a greater extent than the current addition as a result of its increased width. Given the forward position of the host dwelling compared to the house to the south, River View, the extension would be visible from Landing Lane to the south. Attention would be drawn to the extension by its angled position, the steeper roof pitch and presence of the gable chimney feature. The extension does however sit in the context of other larger dwellings and is single storey albeit with a high roof ridge (similar to the eaves of the host dwelling) that would be viewed against the backdrop of the dwelling to the north, Derwent House. As such, the proposed extension would not be in-keeping with the host dwelling in terms of form, layout and design, and would positively contribute to the area.
- 5.8 Therefore, taking all of the above into account, the proposal is considered to be unacceptable in terms of character and appearance and is contrary to policies ENV1 of the Local Plan and SP19 of the Core Strategy and paragraph 130 of the NPPF.

Impact on the character and appearance of the Conservation Area

- 5.9 When considering proposals for buildings or other land which affect Conservation Areas, regard is to be made to S72 (1) of the Town & Country Planning (Listed Building and Conservation Area) Act 1990 requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Further advice of how to assess planning applications affecting

designated heritage assets such as conservation areas is contained in the NPPF at Chapter 16.

- 5.10 Relevant Local Plan policies in respect to the impact of the development on the Hemingbrough Conservation Area are Policies ENV1 (5) and ENV25 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy.
- 5.11 The key requirement from Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, is reflected within the Local Plan Policy ENV25 which states: "Development within or affecting a conservation area will be permitted provided the proposal would preserve or enhance the character or appearance of the conservation area, and in particular: 1) The scale, form, position, design and materials of new buildings are appropriate to the historic context...4) The proposed use, external site works and boundary treatment are compatible with the character and appearance of the area."
- 5.12 Core Strategy Policy SP18 seeks to sustain the high quality and local distinctiveness of the man-made environment by conservating those historic assets which contribute most to the distinct character of the district.
- 5.13 The Hemingbrough Conservation Area Appraisal (June 2021, adopted by the Council in September 2022) places Garth House to the southern extent of the Conservation Area boundary. It describes Hemingbrough as a linear village set around a single street (Main Street/Town Street) with clear historic boundaries to the west marked by Oldways Lane. At section 3.1, the appraisal highlights some key positive characteristics of the Conservation Area as the strong survival of medieval toft and croft boundaries between Main Street and Oldways Lane and the significant number of older properties retaining their original substantial garden plots, which makes a substantial contribution to the character and appearance of the conservation area.
- 5.14 Additionally, the Hemingbrough Conservation Area Appraisal states in section 3.6 that all unlisted buildings contribute to the special character and appearance of the Conservation Area. The extent of the contribution made by a building is not limited to its street elevations but also depends on its integrity as an historic structure and the impact it has in three dimensions. Rear elevations can be important, as can side views from alleys and yards. Section 5.0 highlights how Hemingbrough views are dominated by views along the High Street and across the toft and croft boundaries. The proposed rear extension would be partially visible from the street elevation as the stepped back nature of neighbouring properties to the north and south and the existing driveway to the south side increases visibility from Landing Lane.
- 5.15 The application site comprises an attractive historic brick building located within the Hemingbrough Conservation Area. It is a double fronted two storey brick house of simple form facing onto Landing Lane. Historically the plot is likely to have been a burgage plot, it is long and linear. The outbuilding to the rear is single storey and extends in a linear form from the rear of the property. This outbuilding form is common throughout the conservation area. There is a kink in the footprint shape of the rear buildings due to the angle of Landing Lane and the shape of the plot.
- 5.16 The Council's Conservation Officer has raised an objection to the proposed scheme. The main concerns were that the extension is overly large with an irregular footprint, and its form and design does not reflect the traditional characteristics of buildings found within Hemingbrough Conservation Area. The design overall is

considered to be awkward and would fail to preserve or enhance the character or appearance of the conservation area.

- 5.17 The design concerns that have been raised means that the proposed development does not comply with the Development Plan policies. Awkward roof pitches and detailing, non-traditional building footprint contributes to the development failing to be in-keeping with or sympathetic to the simple and traditional form of the host dwelling. The orientation would not follow the prevailing orientation of outbuildings within the conservation area.
- 5.18 Advice has previously been provided to the agent under the consideration of application 2022/0564/HPA, which suggested ways to improve the design of the extension and ensure that it meets the requirements of the local and national policies. This was to reduce the footprint of the proposed extension, ensuring that, as an extension which connects to the main house at 90 degrees, the extension is significantly narrower than the width of the main house. The roof form should also reflect the pitch of the main house and be continuous through the entire rear extension rather than having different roof heights and pitches. By simplifying and reducing the scale of the development, this would remove awkward design elements and be more in-keeping with the local narrative of rear extensions and outbuildings within Hemingbrough. The removal of the substantial external chimney breast would also reduce the dominance of this new extension.
- 5.19 The above advice was followed through negotiation in achieving a successful planning permission for 2022/0564/HPA, and officers once again maintain this position. The current scheme which reverts back to an earlier design would result in harm to the significance of the designated heritage asset. Officers consider that there is no justification for this style or form of extension and no public benefits that would arise from its development (only private). The NPPF paragraph 202 states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".
- 5.20 Having regard to the above, it is considered that the proposal would not preserve or enhance the character and appearance of Hemingbrough Conservation Area and therefore does not accord with the statutory requirement of S72(1) of the Planning (Listed Building and Conservation Area) Act 1990, and would conflict with Policy ENV25 of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.21 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.
- 5.22 The key considerations in respect of residential amenity are 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.

- 5.23 The proposed single storey rear extension, runs along the northern boundary and adjacent to the southern elevation of Derwent House. Derwent House has 2 first floor windows on the south elevation that may be periodically affected in terms of loss of light from the extension, particularly due to its increased height. The windows are however small and positioned high in the gable and unlikely to be high occupancy rooms and therefore there is unlikely to be a significant impact caused by the extension. The application has also received no third-party objections. In terms of the dwelling to the south, 'River View', whilst the majority of the new openings face south, these are mitigated by the existing boundary screening and if removed this could be mitigated by fence. Also, the existing dwelling has openings in the extension facing south and the windows face on the side gable and front garden of River View, thus ensuring privacy is maintained.
- 5.24 The proposed works would not alter the number of bedrooms at the property. As such, the existing parking arrangements are considered to be sufficient.
- 5.25 Therefore, 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.

Flood Risk

- 5.26 Core Strategy Policy SP15 (Sustainable Development and Climate Change) and Paragraph 159 (Planning and Flood Risk) of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where necessary in such areas, the development should be made safe for a lifetime without increasing flood risk elsewhere.
- 5.27 The location of the proposed extension sits within Flood Zone 3 as defined by the Environment Agency Flood Maps for Planning. The submitted Flood Risk Assessment confirms that the finished floor levels of the proposed extensions would be no lower than the existing floor level, and that the floors will be of solid construction.
- 5.28 The proposal is not considered to have a detrimental impact on flood risk and complies with Policy SP15 of the Core Strategy and Paragraph 159 of the NPPF.

Minerals and Waste

- 5.29 The application site is located within a Surface Minerals Safeguarding Area. However, as the application is a householder application, it constitutes 'exempt development' and no further consideration of this matter is required. Further, the site is within a low risk coal area as identified on the Coal Authority's Interactive Map. An informative is recommended to draw the applicant's attention to the location of the site in a coal mining area. The proposal complies with Policies S01, S02, S07, and D13 of the Minerals and Waste Joint Plan.

6. CONCLUSION

- 6.1 The application seeks the erection of a single storey extension to the rear of an existing dwelling within the village of Hemingbrough and falling within the

Hemingbrough Conservation Area. Whilst no harm arises in principle to the proposal, to residential amenity, flood risk or safeguarding of minerals, the proposed single storey rear extension would result in harm to the character and appearance of the Hemingbrough Conservation Area and the surrounding area. There is considered to be no justification for this style or form of extension and no public benefits that would arise from the development. The proposal is therefore considered to be contrary to Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990, policies ENV1 and ENV25 of the Selby District Local Plan, policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF at Chapters 12 and 16.

7. RECOMMENDATION

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

1. The proposed development, on account of its scale, form and detailing, would fail to preserve or enhance the character and appearance of the Hemingbrough Conservation Area and would result in harm to the significance of the designated heritage asset and the character and appearance of the host dwelling and surrounding area. It is, therefore, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies ENV1 and ENV25 of the Selby District Local Plan and Policies SP18 and SP19 of the Selby District Core Strategy Local Plan, and the advice contained within the NPPF.

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 2022/1445/HPA and associated documents.

Contact Officer: Esther Pask

Appendices: None