

**Parish: Hutton Rudby**  
Ward: Hutton Rudby  
**9**

Committee Date: 18 August 2016  
Officer dealing: Mrs B Robinson  
Target Date: 15 August 2016  
Date of extension of time (if agreed): 19 August 2016

**16/01422/FUL**

**Alterations and two storey extension to the rear of the dwellinghouse  
at 5 East Side, Hutton Rudby  
for Mr M Hill**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site includes a two storey brick house with white painted elevation facing onto East Side, where the property fronts the corner of a small grassed area. At the rear there is a flat roofed two storey extension approximately 2m in depth and a single storey rear wing enclosing a small courtyard. The house has a flying freehold over the adjacent premises to the west, where there is a garage serving 4 East Side on the ground floor.
- 1.2 To the west, 4 East Side is on a corner with rear windows facing the application site across a small courtyard. Number 4 is listed Grade II. To the east of the application site, the adjoining building is empty. The land to the east of the application site is associated with Tower House, 2 East Side.
- 1.3 The site is within the Hutton Rudby Conservation Area.
- 1.4 The proposal is a single storey extension, dimensions 5 x 5 metres, and a first floor extension 2.5 metres deep x 5 metres wide. The first floor extension roof is partly flat, with a half hip to the outer edges, continuing outwards down to the single storey extension. Part of the east side of the roof is open to a small terrace area at first floor level with dimensions of approximately 2.7 x 1.6 metres. The proposed materials are brick, with clay pantiles on the roof.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/02577/FUL - Alterations and two storey extension to the rear of the dwellinghouse; Withdrawn 14 January 2016.

**3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP28 – Conservation  
National Planning Policy Framework

**4.0 CONSULTATIONS**

- 4.1 Parish Council -The Council has concerns about windows overlooking the neighbour's property. It is over development of the plot. The Council requests a site inspection.

4.2 Public comment – objections have been received on the following grounds:

- Loss of privacy due to overlooking (towards 2 East Side) from balcony;
- Contrary to advice in Domestic Extensions SPD that balconies in urban situations are often problematic;
- Bathroom window should be obscure glazed, for perpetuity; and
- Attention should be paid to 45 degree rule.

## 5.0 OBSERVATIONS

5.1 The main issues are (i) design and whether the proposed extension is appropriate to the character of the existing house and the Conservation Area; and (ii) whether there would be any unacceptable harmful effects on the amenities of neighbouring occupiers.

### Design

5.2 The design incorporates a partly flat roof which is not a feature of the original house (although is found in the existing extension) nor the wider conservation area surroundings. However, due to the tiled half hip, the extension is more sympathetic to the original house than the existing flat roofed extension, and subject to the use of clay pantiles as proposed, it would in this instance be an acceptable feature within the Conservation Area and would not be harmful to the character or appearance of the host building.

5.3 The proposed balcony is incorporated within the proposed roof and in terms of its visual impact will be relatively unobtrusive on the building, subject to use of brick materials on the rear wall to ensure that it remains inconspicuous.

### Amenity

5.4 From 4 East Side, to the west, windows directly facing the proposed extension serve a staircase and landing, and a small window facing the development at ground floor level serves a WC (based on information held by the Council). Other windows on the facing elevation at number 4 would face towards the existing high courtyard wall and part of the single storey extension. 4 East Side would continue to benefit from southerly light into the courtyard area. Overall the development would not have an unacceptable harmful effect on amenities at 4 East Side.

5.5 The proposed balcony would have some oversight towards the small enclosed garden at 3 East Side. The balcony is small and does not lend itself to long periods of occupation. The applicant has previously expressed willingness to agree to a condition that no paraphernalia of any sort be positioned on the balcony, further reducing the scope for using the balcony for other than very short periods. The extent of overlooking would not be significantly greater than might normally be the case from first floor windows towards the neighbouring property and the distance is considered sufficient to protect amenity.

5.6 The land associated with 2 East Side overlaps this site. The part of the land overlooked from the balcony towards the east is a rough garden screened from the main house garden by a line of leylandii type trees and is not cultivated as domestic garden. Overlooking in this direction will not therefore be harmful to the amenity of occupiers. The view southward from the balcony toward the main garden at number 2 is limited by the intervening distance and general garden planting and is not considered significantly more onerous than the mutual overlooking towards neighbouring gardens that is commonplace from first floor windows in built up residential areas.

- 5.7 An approval for use of the building east of the application site for an annexe or holiday cottage (13/00235/FUL) has now lapsed and therefore the amenities of potential users are not taken into consideration.

## 6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED**, subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 1620/2D received by Hambleton District Council on 20 June 2016 unless otherwise approved in writing by the Local Planning Authority.
  3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
  4. Unless otherwise agreed in writing with the Local Planning Authority, at no time shall any domestic paraphernalia be placed on the balcony area hereby approved.
  5. Unless otherwise agreed in writing with the Local Planning Authority, brickwork above ground floor shall be left in its natural finish.
  6. Unless otherwise agreed in writing by the Local Planning Authority, south facing first floor windows shall at all times be obscure glazed.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In the interests of the amenities of neighbouring occupiers in accordance with Local Development Framework Policy CP1 and DP1.
5. In the interests of the amenities of the surroundings, in accordance with Local Development Framework Policy CP1, DP1 CP17 and DP32.
6. In the interests of the amenities of neighbouring occupiers in accordance with Local Development Framework Policy CP1 and DP1.