

Parish: Hutton Rudby
Ward: Hutton Rudby
7

Committee Date: 2 March 2017
Officer dealing: Mrs A Sunley
Target Date: 12 December 2016
Date of extension of time: 6 March 2017

16/02182/FUL

**Two storey and single storey extensions to the rear of the dwellinghouse
At 22 North End, Hutton Rudby
For Mr Kevin Smith**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a two storey terraced dwelling, which lies to the west side of North End, within the Hutton Rudby Conservation Area.
- 1.2 The dwelling has no front garden but looks onto the Green and the highway, the rear of the property has a long narrow garden which is at an elevated position to the dwelling and is accessed by steps from a small patio area at the rear of the property.
- 1.3 The rear garden of this dwelling and the neighbouring gardens are all at an elevated position, so the boundary screening to these properties and their garden areas are all at a higher level than the ground levels immediately behind the dwelling.
- 1.4 The application is for a two-storey and single-storey extension to the rear of the dwellinghouse.
- 1.5 Revised drawings have replaced a flat roofed element of the two storey extension with a pitched roof. Additional information was also provided illustrating application of the 45 degree code in relationship to neighbouring properties.
- 1.6 The application was deferred at Planning Committee in January to allow further consideration of the impact of the development on neighbouring residential amenity, specifically in terms of daylight.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/02329/CAT - Works to Ash Tree; Permitted 30 November 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

National Planning Policy Framework - published 27 March 2012
Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP28 - Conservation
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

4.0 CONSULTATIONS

- 4.1 Public comment - Two objections have been received on the following grounds:

- The flat roof design is inappropriate;
- The extension is too high compared with other dwellings;
- The extension is too close to the boundary; and
- Loss of light entering the windows to the south at number 24, which include the main windows for the kitchen/diner, and the only window for one of the bedrooms and the bathroom.

4.2 Parish Council - Considers the proposal is over-development and requested a site inspection (carried out in January) before the Planning Committee determines the application.

5.0 OBSERVATIONS

5.1 The main planning issues raised by this application are: (i) whether the proposed development would have any adverse impact on the appearance of the host building and visual amenities of the surrounding area; (ii) whether the development would preserve and enhance the character and appearance of the Conservation Area; and (iii) whether the proposed development would have a detrimental impact on the residential amenities of nearby properties.

Appearance of the building

5.2 The proposed development would remove the rear dormer windows from the two storey elevation of the dwelling and extend this two storey element by approximately 1300mm into the rear garden and replace the roof with a pitched design. This new addition would encompass existing living areas to create larger bedroom facilities for the dwelling, at present these amenities are relatively small.

5.3 A single storey extension would be sited to the rear of the new two storey extension; the structure would be approximately 1500mm with a pitched roof design and would accommodate a kitchen-dining room. Due to the boundary screening the single storey extension would have no significant impact upon neighbouring properties.

5.4 The Parish Council observations in regard to over-development of the site have been noted. The dwelling is a small, terraced property and the extensions are relatively large. However, taking into consideration the size of the rear garden, the design of the proposal and the site context, along with the precedent set by the existing rear extensions within this terrace of properties, the proposed development is considered reasonable and in keeping in terms of design and form.

Character and Appearance of the Conservation Area

5.5 The proposed development would not be directly visible from any public space within the Conservation Area. However, the originally submitted flat roofed design was considered to fail to preserve or enhance the character and appearance of the Conservation Area. The design has since been amended to a more traditional pitched roofed form. The overall changes to the building are considered to be an improvement and are considered to contribute positively to the character and appearance of the Conservation Area.

Residential amenity: (a) 24 North End

5.6 The occupants of a neighbouring property, number 24, have raised concerns directly and through a surveyor regarding the proposed new extension and the detrimental impact it could have on light reaching windows of their property. Following these concerns being raised, a further site inspection was undertaken to establish the

internal layout of the objector's property and how this relates to the external windows facing the application site.

- 5.7 The four windows on the southern elevation of number 24 have obscured glass. The two windows at first floor level serve a bathroom and a cloak room, and the two windows on the ground floor level serve the kitchen area, which includes a small breakfast bar. The kitchen area has an additional plain glass window on the northern elevation which has an outlook onto number 24's garden. The property also has a separate dining room area, which is to the rear of the property on the western elevation. This room looks onto the rear garden area. The two small windows on the western elevation, looking onto the application site, serve a bathroom at first floor level and a bedroom at ground floor level.
- 5.8 It is considered that the proposed extension at number 22 would have an impact on diffuse daylight to the windows on the southern elevation of number 24 that faces the application site but two windows (the cloak room and a kitchen window) of the four windows on this elevation are already overshadowed by the built form of number 22. The other two windows would be impacted by the proposed development. Hambleton District Council's Supplementary Planning Document (SPD) for Domestic Extensions states "an extension must not cause any significant loss of light to principal rooms in neighbouring properties".
- 5.9 The SPD does not define a principal room but elsewhere refers to habitable rooms and states that these include "living rooms, studies, bedrooms and larger kitchens". The SPD also states that a kitchen window is a "habitable room window" if it provides the main source of light to a dining area. In this case, light reaching the breakfast bar is already restricted by kitchen units that stand between it and the windows and it is not considered that the kitchen window facing the application site is a habitable room window because it is questionable whether the breakfast bar constitutes a dining area in the broadest sense of the phrase. In any event, the kitchen has alternative sources of daylight. Furthermore, it is evident that the guidance within the SPD referred to above is directed towards rear facing windows, not side facing ones.
- 5.10 The bathroom and cloakroom are not habitable rooms so there is no requirement to assess the daylight reaching them under the SPD.
- 5.11 The existing dwelling at number 22 already crosses a 45 degree line drawn from the centre of the nearest windows in the western (rear facing) elevation of number 24 and as such the SPD is not considered to be relevant in terms of the 45 degree code as the impact on these windows already exists.
- 5.12 Taking all of this into account, it is considered that the proposed development would not be in contravention of the SPD to a degree that would cause a significant loss of amenity to the occupiers of the property.
- 5.13 When the application was presented to the Planning Committee in January, a Manchester based surveyor representing the occupiers of number 24 wrote suggesting that the development could fail to maintain standards of daylight and sunlight that the Building Research Establishment (BRE) guidance "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice – Second Edition" advocates. The surveyor confirmed that he had not carried out a detailed assessment but had undertaken a desktop assessment, so it would appear that he had not inspected the site and his client's windows before expressing his view, not least as the Council's subsequent internal inspection of number 24 suggests that the letter contained inaccuracies about the nature of some of the rooms concerned. No detailed assessment has since been submitted to the Council.

- 5.14 The BRE guidance does not constitute policy and has not been adopted by the Council. In the absence of a detailed assessment from the neighbour's surveyor and considering the above analysis of the nature of the affected windows and consideration of the proposal against the Council's adopted policy it is not considered necessary to refer to the BRE guidance.

Residential amenity: (b) 18-20 North End

- 5.15 The occupier of the neighbouring property at number 18-20 states that the proposal would dominate their dwelling, due to the design, the size of the footprint and height of the extension. The neighbouring property on the other side at number 16 also has a rear projecting extension and the occupier of number 18-20 is concerned that the proposed additional two storey extension at number 22 might result in over-shadowing and create an unacceptable sense of enclosure within the curtilage of number 18-20.
- 5.16 The applicant has submitted a drawing illustrating application of the 45 degree code from the Council's SPD, which shows that only one window of the two windows within the kitchen area of the dwelling of 18-20 would be infringed under the code. In this case it is considered that the adjacent remaining window would be able to provide sufficient daylight into the kitchen area to maintain appropriate amenity for this space.
- 5.17 Number 18-20 has also previously been extended to the rear to incorporate a two storey, a single storey and a conservatory extension. The garden area to the rear of this dwelling is at an elevated position but is much wider compared with the application site. There is an existing sense of enclosure within this area of terraced properties due to the current built form, trees, flora and boundary screening. The development would result in an additional projection of approximately 1300mm from the proposed two storey extension and it is considered that this added depth would have only a minor impact on the amenity of the occupiers of number 18-20, and not sufficient to warrant a recommendation of refusal in this case.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **approved**, 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 drawings numbered: W/572/01 Rev A and W/572/SP Rev C; received by Hambleton District Council on 23 November 2016; unless otherwise approved in writing by the Local Planning Authority.
 3. The development hereby approved shall not be formed of materials other than those detailed within the application form received by Hambleton District Council on 29 September 2016; unless otherwise agreed in writing by the Local Planning Authority.

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 CP1, DP1, CP17, DP32, CP16, NPPF - National Planning Policy Framework and DOMEX - Domestic Extensions SPD Dec 2009

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.