

Parish: Borrowby
Ward: Bagby & Thorntons
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Committee date: 12th December 2019
Officer dealing: Mrs Angela Sunley
Target date: 16th December 2019

19/02099/FUL

Construction of part two storey part single storey rear extension. As amended on 11 November 2019

At Highside, Borrowby

For Ms S. Henn

This application is referred to Planning Committee at the request of a Councillor

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is occupied by a two storey terraced dwelling, located to the northern end of the village on the eastern side of the main street. The property is at a higher level to that of the highway and is sited within a diverse arrangement of properties within Borrowby Conservation Area.
- 1.2 The front of the property looks onto a grass embankment which has steps down to the highway and the rear elevation looks onto a good sized garden area which backs onto the narrow Back Lane.
- 1.3 This application seeks planning permission for construction of a part two storey and part single storey rear extension.
- 1.4 Amended plans were received on 11 November 2019. The amendments include lowered eaves and ridge height and reduced projection of the proposed rear extension. The drawings also illustrate the 45 degree code as detailed within Hambleton District Council's Supplementary Guidance (SPD) regarding domestic extensions.
- 1.5 The proposal is to construct a 3m deep two storey extension to the middle of the rear elevation of the property. A small single storey extension approximately 0.8m x 3m would be sited to the north of the two storey element. The proposed materials are natural stone, rubble random coursed to match the existing dwelling and the use of reclaimed brick for the lean-to. The roof is to be covered with clay pantiles and lead for the lean-to.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 No relevant planning history

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 CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009
Emerging Hambleton Local Plan
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – Response date 7 November 2019: The Parish Council do not object to the planning application in principle but are concerned about the effect of the right to light on the neighbours.

4.2 Public comments - 5 responses, 4 neighbour objections and 1 neighbour in support of proposal. The representations are summarised below:

- Conflict with planning policy relating to the impact on the amenity of the occupiers of the immediately adjoining residential dwelling at Mullion Cottage,
- Harmful impact on the character and appearance of the terraced properties
- Harmful impact on the Conservation Area, and consequently local visual amenity
- The development is out of character and unsympathetic to the row of cottages, which currently only have single storey extensions and do not restrict light to neighbouring properties. The proposal sets a precedent for others to follow.
- The 45 degree rule has not been applied appropriately, to the neighbouring properties ground floor and the first floor. The rule has been applied to a window on the ground floor and not the glazed door which delivers light into a lounge area. There is also an error on the code on the upper floor.
- The proposal would cause a loss of light to principle rooms and significant overshadowing within the neighbouring property and garden area.
- The proposed would be overbearing and it would cause a sense of enclosure.
- Overshadowing of neighbouring amenity area.
- Measurements on the application are incorrect and as such the development will have a greater impact than that shown in the application.
- In reality 60% of the light into the rear room of the neighbouring property is via the glazed door which is excluded from the applicant's assessment.

5.0 OBSERVATIONS

5.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on i) Impact on the significance of the Conservation Area and character and appearance of the host building and; ii) Impact on amenity

Design and Impact on the conservation Area

5.2 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."

- 5.3 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space. The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.5 DP28 states; "development within or affecting the feature or its setting should seek to preserve or enhance all aspects that contribute to its character and appearance".
- 5.6 In addition to this the NPPF sets out the following guidance for the assessment of development affecting designated heritage assets: Paragraph 193: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.7 Paragraph 194: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 5.8 Paragraph 196: 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
- 5.9 Paragraph 200: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 5.10 The dwelling is located within the Borrowby Conservation Area. Much of the character in the area derives from its hillside location, wide variety of materials, layout of the settlement and numerous orchards adding significantly to the overall character. The application site is located between Main Street and Back Lane featuring a distinctive road fronting property with a long rear garden. Many of the properties in this area have rear extensions and various outbuildings close to Back Lane which limit views into the site from Back Lane. The proposed extensions would be to the rear of the property within the private domestic curtilage, out of public view within the main part of the Conservation Area. It is considered that the proposed development within this vicinity would have a neutral impact on the character of the Conservation Area.
- 5.11 CP17 and DP32 states all developments must be of the highest quality design and they must take into account local character and settings. The proposed development would be proportionate to the size of the plot and the host dwelling; the proposed enlargement would be of a suitable scale and is sympathetically designed, the

proposed materials match and complement the existing dwelling and surrounding area which has a diverse street scene, with various styles of dwellings.

- 5.12 It is considered that the relevant tests within the NPPF concerning heritage matters, are met and that the development is otherwise in accordance with relevant Local Development Framework policy concerning design.

Impact on Amenity

- 5.13 LDF Policy DP1 and Hambleton District Council's Supplementary Planning guidance on domestic extensions state all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Development of either two or single storey in nature to the rear of properties will, where applicable, be assessed on the 45° code to establish the impact of the proposal on the amenities of neighbouring properties. An extension must not cause any significant loss of light to principal rooms in neighbouring properties, or significant overshadowing to neighbouring gardens. The purpose of this is to ensure that an extension does not take away too much daylight or outlook. It is based on the notion that it is reasonable to expect a certain level of light and unobstructed view from a habitable room (habitable rooms include living rooms, studies, bedrooms and larger kitchens).
- 5.14 The applicant, within the amended plans, has illustrated the 45 degree code. The drawing illustrates the impact that the proposal would have in these terms. Whilst the window of the property is not directly impacted, the glazed door is. It is clear that the property benefits from light from both the window and the door and the proposed development will result in a loss of daylight into this room.
- 5.15 It is also noted that the proposal will lead to overshadowing to a small part of the yard immediately to the rear of the property, currently laid out with table and chairs and plainly used as the primary external amenity space. This area will be overshadowed and will result in a loss of amenity as a result.

Planning Balance

- 5.16 It is considered that the proposal has a neutral impact on the Conservation Area and will preserve the character and appearance of the Conservation Area. The proposed development is considered to have no significant, detrimental impact on the character or appearance of the host building.
- 5.17 The proposed development will have a harmful impact on the residential amenity of the neighbouring property owing to loss of daylight to the rear glazed door and overshadowing of the amenity space immediately to the rear of the property. The proposed development is considered to fail to accord with the Council's supplementary planning guidance on House Extensions and the requirements of Development Policy DP1.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. The proposed development will result in a loss of amenity to the occupiers of the neighbouring property through a loss of daylight to the rear glazed door and through the overshadowing of the amenity space to the rear of the property. The proposed development is considered to fail to accord with the requirements of Development Policy DP1 and the Council's supplementary planning guidance on House Extensions