

Parish: Northallerton

Ward: Northallerton North & Brompton

9

Committee Date: 7th April 2022

Officer dealing: Mrs Tracy Price

Target Date: Extension of time 7th April 2022

21/02947/FUL

Alteration and extension to existing garage to create an annex to provide disabled accessible facilities. Extension and alterations to main dwelling and reconfiguration of parking arrangements

At: 23 Brompton Road, Northallerton

For: H Hutchinson

This application is reported to Planning Committee at the request of a Member of the Council.

1.0 Site, Context and Proposal

- 1.1 Planning permission is sought for alterations and an extension to the existing garage to create an annex to provide disabled accessible facilities. Permission is also sought for an extension and alterations to the main dwelling including the reconfiguration of parking arrangements at 23 Brompton Road in Northallerton.
- 1.2 23 Brompton Road is a semi-detached property located within a predominately residential area. Parking is located at the front of the property with a garage at the far rear accessed from a private road to the north.
- 1.3 Planning permission is sought for alterations to the main house which are to include a replacement window with a bay window at the east first floor with a pitched roof, stepped down from the main roofline. A single ground floor window, bi fold doors and three solar panels at the west elevation, three solar panels at the south side elevation and six solar panels at the east front elevation.
- 1.3 An existing shed and garage is located at the west, rear elevation with access off a private road to the north (off Brompton Road) and pedestrian access to the side. The shed is to be removed and the garage is to be extended to the south elevation with a pitched roof continuing the roofline. The garage is to be converted into an annex with a livingroom, kitchen, shower room and bedroom. Bi-fold doors and a single window are to be located at the east elevation, the garage door is to be blocked up and a single window installed at the north elevation and eight solar panels and two velux rooflights to the west elevation.
- 1.4 Materials are to match that of the main dwelling with facing brickwork, concrete rooftiles and upvc fenestration.
- 1.5 The low wall in the front garden is to be removed and the garden area is to be replaced with tarmac to create two off road car parking spaces.

- 1.6 Amended plans were received on the 18th February & 7th March 2022 altering the roof structure of the annex extension so that the roof slopes down towards the boundary rather than from a gable end. The garage shows internal dimensions and an external height to demonstrate that the proposed ridge is the same height as the existing. The roof to the proposed bay window to the eastern elevation of the main dwelling has been changed to a flat roof to allow for the installation of solar panels to the principle entrance of the dwelling. Details relating to the wheelchair size and access width down the side of the existing house has been provided which demonstrates that the applicant's daughter can have independent access from the front of the dwelling to the rear.
- 1.7 The applicant confirmed on the 7th March 2022 that (via their deeds) they enjoy full rights of access to the rear of their property from the side lane and a land registry plan outlining the area of ownership was provided.
- 1.8 Amended plans were received on the 16th March 2022 removing the solar panels from the annex at the south elevation.

2.0 Relevant Planning History

- 2.1 06/02723/FUL, Single storey extension to existing dwelling, approved 2007

3.0 Relevant Planning Policies

- 3.1 The relevant policies are:

S1: Sustainable Development Principles
S3: Spatial Distribution
E1: Design
E2: Amenity
IC2: Transport and Accessibility

4.0 Consultations

- 4.1 Town Council – No observations
- 4.2 NYCC Highways – Note to the Planning Officer:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

As the application contains an annexe rather than a new separate dwelling the County Council's residential car parking standard for the site as a whole is two off-street car parking spaces, which is satisfied by the application material. It is understood that the use of the private lane to the north is disputed, but this is considered a civil matter and not a matter for the local highway authority.

Consequently, the Local Highway Authority recommends approval, subject to conditions.

4.3 Site Notice and Neighbour Notification expires 7th February & 17th March 2022 (from the amended plans), 11 representations have been received which include further comments on the amended plans and can be briefly summarised below;

- When completed the new building will significantly increase the current footprint.
- The gable end of the extension will sit directly on the common boundary between two properties.
- Noise issues.
- Could be used as an independent dwelling
- Concerned that the lane will be used for excessive parking
- The private road is for the sole use of properties on Quaker Lane.
- Ownership issues
- Concern access will be blocked from Brompton Road.
- Overdevelopment of a small site
- Boundary dispute between 21 & 23 fence sits on neighbouring land.
- Loss of light and overshadowing.
- Overbearing development
- Ridge height increased
- Light pollution

5.0 Analysis

5.1 The main planning issues raised by this application are

- Whether the principle of the proposed development is acceptable,
- The design of the proposed development,
- Impact upon neighbours
- Any highway issues
- Access and ownership issues

Principle of development

5.2 The application site is located within the settlement of Northallerton and the garage is situated within the domestic curtilage of the property. As a result, the principle of the provision of ancillary residential accommodation satisfies the requirements of the Hambleton Local Plan. It is noted from the submission that the annexe would be occupied by a family member and this can be controlled through the imposition of a suitably worded condition.

Design

5.3 Policy E1 requires the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, respect local identity and distinctiveness and are appropriate in terms of use, movement, form and space. The policy requires development to pay regard to traditional design and forms of construction, to avoid the use of inappropriate details, and to pay particular attention to appropriately designed elements. Proposals must respect local character and distinctiveness, scale form and massing and should respect the built form and enhance local context.

- 5.4 The proposal to form ancillary residential accommodation involves the alteration of the existing external appearance of the garage by removing the adjoining shed and creating a single storey extension to create an 'L' shaped building to match the roof form and height. The nature of the proposal, its rear location and single storey scale would ensure the development would not appear significantly prominent and would achieve a satisfactory relationship given the presence of the existing garage and boundary treatment.
- 5.5 On the basis of the above the siting, scale and design of the proposal is considered to be appropriate within its context and would preserve the character and appearance of this part of an already built-up environment with a limited outlook. The proposed brickwork and tiles should also satisfactorily respect those existing and as such the overall design and appearance of the development is considered acceptable meeting the requirements of Policy E1.
- 5.6 The proposed works to the main dwelling, including the solar panels are of a simple design and appearance and satisfactorily respect the design of the original property. The works are not an uncommon feature within the locality, similar house designs can be seen on Brompton Road. The proposed materials also satisfactorily respect those existing and as such the overall design and appearance of the development is considered acceptable, meeting the requirements of policy E1.

Impact on neighbours

- 5.7 Eleven neighbour representations have been received. Policy E2 requires that all development proposals must adequately protect amenity. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development. The occupants to the south of the application site are most likely to be affected by the proposed development.
- 5.8 The development will be limited to an area that is already covered by the existing garage and shed with a close boarded fence on the boundary. Owing to the presence of the existing building and form of neighbouring development to rear gardens, the impact on neighbouring occupiers is considered acceptable. There are no immediate amenity concerns to any other neighbours and the proposal is considered to afford an acceptable level of amenity to its occupants. Noise and light pollution has been highlighted as a concern but given the domestic internal use, it is considered that unacceptable noise and use of domestic lighting would not intensify the use to a point resulting in a loss of neighbour amenity.
- 5.9 For occupiers of the new annex, whilst it is a modest scale there is sufficient internal floor space for its use. There will be sufficient internal light and private space by way of shared private garden. Given that the structure is providing only annexe accommodation there is no requirement for full compliance with the Nationally Described Space Standards.

Highways

- 5.10 The Highway Authority had no objections to the application subject to appropriate conditions relating to parking and access. Highways have highlighted that it is understood that the use of the private lane to the north is disputed, but this is considered a civil matter and not a matter for the local highway authority. It is considered that the proposals result in no harmful impact on road safety.

Access and ownership issues

- 5.11 Concern has been raised by neighbouring properties with regard to access issues of the private lane and boundary line disputes, the applicant confirmed on the 7th March 2022 that (via their deeds) they enjoy full rights of access to the rear of their property from the side lane. The ownership and right of land is otherwise considered a civil issue between the neighbours and the applicant.

Planning Balance

- 5.12 The proposed development will not be of detriment to the character and appearance of the area and is acceptable in terms of siting, design, materials and landscaping. Whilst matters of ownership and access rights have been considered these are matters that are not considered significant to the determination of the application.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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 HDC01, 2021:40/01REVA, 02REVF, 03REVD, 04REVG, 05REVA received on the 14th December 2021 & 18th January & 1st & 18th February & 7th & 16th March 2022 unless otherwise approved in writing by the Local Planning Authority.
3. The accommodation hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling known as 23 Brompton Road shall form and shall remain part of the curtilage of the main dwelling as a single planning unit; and shall be used as living accommodation only by members of the family, or the occupiers of the main dwelling.
4. The development must not be brought into use until the crossing of the highway verge and/or footway has been constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements:

Any gates or barriers must be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.

Provision to prevent surface water from the site/plot discharging onto the existing highway must be constructed and maintained thereafter to prevent such discharges.

The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

5. The development must not be brought into use until the related parking facilities have been constructed in accordance with the details contained in Drawing 2021:40/04 Rev G approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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. 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 Plan E1.
3. In order to ensure that the accommodation remains as an annex to the dwelling so as not to breach the provision of the Hambleton Local Plan.
4. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
5. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

Informative

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site.