North Yorkshire Council

Community Development Services

Selby and Ainsty Area Constituency Committee

10TH MAY 2023

2023/0095/HPA - RAISE HEIGHT OF EXISTING ROOF TO CREATE ADDITIONAL ACCOMMODATION, SINGLE DORMER WINDOW TO REAR, ROOF LIGHT TO FRONT AND SINGLE DORMER WINDOW TO THE FRONT

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

1.1 To determine a planning application to raise the roof height of existing property to create additional accommodation in the roofspace, and the erection of 2 dormer windows and a roof light at 26 Merlin Way, Brayton.

1.2 This application has been brought before Planning Committee as the previous application (2022/0941/HPA) for a similar development had previously been requested to committee by the Head of Planning given the level of objection and councillor involvement and was recommended for approval. This was overturned by Members of the Selby District Council Planning Committee on the 11.1.23 and subsequently refused. It is therefore appropriate to return the matter to planning committee as the officer recommendation is for approval.

2.0 SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions.

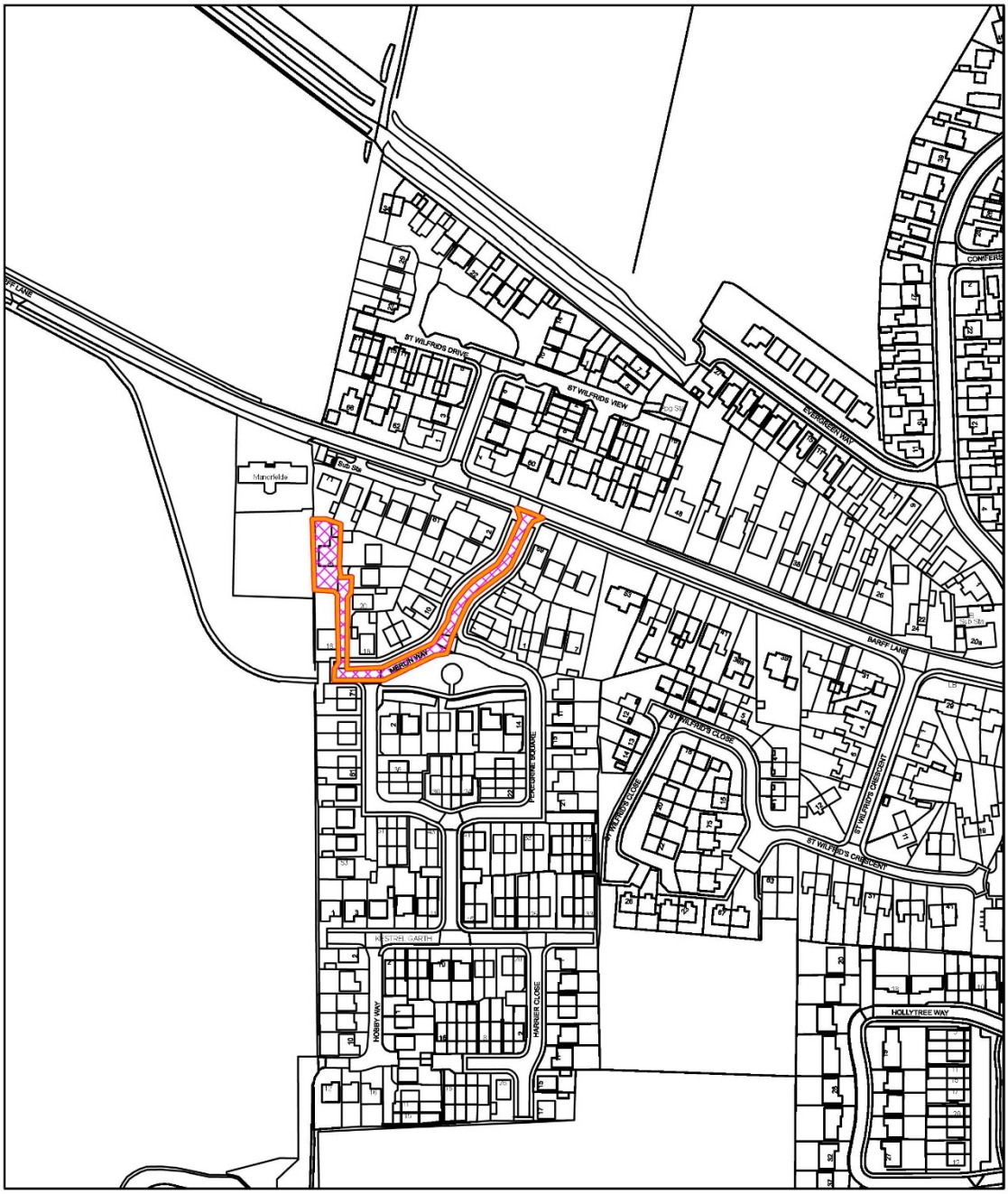
2.1. This householder application is to raise the height of the roof of the existing detached two-storey dwelling to create additional accommodation within the roofspace, including the erection of 2 dormer windows, one to each roof slope, and a roof light to the front roof slope.

2.2. The application dwelling is located within an existing residential development to the western edge of Brayton, at the end of a cul-de-sac and is surrounding by other residential properties on all sides, but with countryside immediately to the west.

2.3. The key pertinent issues are the impact of the scheme on the character and appearance of the area and on residential amenity. The scheme differs from that previously refused in that one of the dormers has been repositioned from the rear to the front to reduce overlooking.

2.4. Whilst objections have been received to the scheme from the local community, the scheme is considered to be acceptable in planning terms and is recommended for approval subject to conditions.

26 Merlin Way, Brayton
2023/0095/HPA



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3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:- 2023/0095/HPA | Raise height of existing roof to create additional accommodation, single dormer window to rear and roof lights to front, and single dormer window to the front | 26 Merlin Way Brayton Selby North Yorkshire YO8 9SB.

3.2. There are 9 relevant planning applications for this application which are detailed in Appendix A. The most pertinent to the current application consideration are applications 2016/0298/FUL and 2022/0941/HPA listed below. The former granted the wider residential development, but removed permitted development rights for certain plots including the application property. The latter relates to a previous application for the site, specifically for alterations to the roof. Three applications have been approved since the January 2023 refusal, which include the retention of the gazebo, an air source heat pump and the retention of a single storey rear extension. These were all permitted under delegated powers.

- 2016/0928/FUL - Section 73 application to amend condition 12 (parking) and condition 34 (drawings) of approval 2015/0367/FUL Proposed development of 125 no. dwellings with associated access from Barff Lane, landscaping, new footpath and drainage pond, at Barff Lane, Brayton, Selby, North Yorkshire. Approved 09-NOV-16

- 2022/0941/HPA - Description: Raise height of existing roof to create additional accommodation, dormer window to rear and roof lights to front, and retrospective erection of gazebo in the rear garden at 26 Merlin Way, Brayton, Selby, North Yorkshire, YO8 9SB. Refused 27-JAN-23 for the following reason:

  The proposed development, in particular the insertion of dormer windows, would lead to increased overlooking of adjacent properties including Manorfelde resulting in a detrimental impact on living conditions and amenity of neighbouring occupants and would be out of character with other properties in the vicinity. The proposal is therefore considered to be contrary to Policy ENV1 of the Selby District Local Plan 2005 and SP19 of the Selby District Core Strategy Local Plan 2013.

4.0 Site and Surroundings

4.1. The application site is known as 26 Merlin Way and the red line boundary extends to 0.14 hectares. 26 Merlin Way is located within an existing residential development to the western edge of Brayton. The site is accessed from Merlin Way to the south of the site. The application site is located outside the defined development limits of Brayton and is therefore in policy terms is within countryside. The dwelling was however granted as part of a wider housing scheme permitted in 2015 that has been built out and forms an extension to Brayton village.

4.2. The application property is a modern 4-bed dwelling with hardstanding and garage for parking cars to the front and an enclosed garden to the rear. It is located within the north-west part of the residential development, at the end of a cul-de-sac and there are residential properties to the north, east, and south of the site, and open countryside to the west of it.

4.3. The surrounding area to 26 Merlin Way comprises a modern residential development consisting of large detached 2 storey houses and semi-detached houses constructed predominantly of brick with white UPVC windows and doors and roof tiles. The boundary treatments within the estate are typically timber fencing with some brick walls.

5.0 Description of Proposal

5.1. This application seeks permission to raise the height of existing roof by 0.6m to create an additional bedroom and en-suite within the roof space with sufficient headroom, including the erection of a single dormer window to the rear roof slope and roof lights to front, and a single dormer window with obscure glazing to the front.

5.2. The two pitched roof dormers would have a width of approximately 2.4 metres, a height to eaves of approximately 1.7 metres, and a maximum height of approximately 2.5 metres. The materials are indicated as being red concrete tiles and white uPVC windows to match the existing.

6.0 Planning Policy and Guidance

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- Selby District Core Strategy Local Plan (SDCS), adopted 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
- Minerals and Waste Joint Plan (MWJP), adopted 2022

Emerging Development Plan – Material Consideration

6.3. The Emerging Development Plan for this site is:

- Selby District Council Local Plan publication version 2022 (Reg 19)

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. 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 (under Regulation 19 of the Town and Country Planning (Local Development)(England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. The responses have been considered and the next stage involves the submission of the plan to the Secretary of State for Examination.

In accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies

contained within the emerging Local Plan can be given weight as a material consideration in decision making.

Guidance - Material Considerations

6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2021
- National Planning Practice Guidance

7.0 Consultation Responses

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Brayton Parish Council:** There have already been several objections submitted by residents and Members wished to support their thoughts and object due to the plans being out of character and out of keeping with other properties in the area.

7.3. **Local Highway Authority:** There are no objections to the proposed development.

Local Representations

7.4. 14 local representations have been received all of which are objecting. A summary of the comments is provided below, however, please see website for full comments.

7.5. Objections:
- Overlooking of property/Loss of privacy
- Overbearing/Oppressive impact
- Overshadowing impacts
- Out of character for area
- Excessive disruption and noise

8.0 Environment Impact Assessment (EIA)

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). As such it is not EIA development and no Environment Statement is required.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:
- Principle of development
- Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Other Matters

10.0 ASSESSMENT

Principle of Development

10.1. The application site is located outside the defined development limits of Brayton and is therefore considered in policy terms to fall within the countryside. The dwelling was however granted as part of a wider housing scheme permitted in 2015 that has been built out and forms an extension to Brayton village.

10.2. Core Strategy (CS) Local Plan Policy SP1 reflects advice in national policy to by taking a positive approach to sustainable development. CS Policy SP2(c) states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the reuse of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances." Saved Local Plan Policy H14 also allows extensions to dwellings within the countryside, as does Policy SP2.

10.3. Emerging Local Plan Policy HG12 supports householder applications subject to certain criteria, including A. extensions being appropriate to their setting including local character. Given the stage of the plan, this policy is attributed limited weight.

10.4. The application is considered to be complaint with Development Plan policies SP1 and SP2 of the Core Strategy and H14 of the Local Plan and there is nothing in the NPPF to identify this type of development as being unsustainable or to preclude in principle development of this type in this location.

Design and Impact on the Character and Appearance of the Area

10.5. Relevant policies in respect to the impact of development on character and appearance of the area are the saved policies ENV1 and H14 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the national policy contained within paragraph 130 of the NPPF.

10.6. Policy SP19 ‘Design Quality’ seeks a good design and that regard is given to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside as well as requiring development to meet the following key requirements:- make the best, most efficient use of land without compromising local distinctiveness, character and form; positively contribute to an area’s identity and heritage in terms of scale, density and layout.

10.7. Local Plan Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings.

10.8. Local Plan Policy H14 (1) requires extension of existing dwellings to be appropriate to its settings and not visually intrusive in the landscape, with H14 (2) requiring the extensions not to result in disproportionate addition over and above the size of the original dwelling and would not visually dominate it, and H14 (3) requiring the design and materials be in keeping with the host dwelling and the surrounding area.

10.9. The surrounding area to 26 Merlin Way, comprises a modern residential development consisting of large detached 2 storey houses and semi-detached houses constructed predominantly of brick, with white UPVC windows and doors and roof tiles. Objections have been received from the local community that the property alterations covered by

the application would be out of character and out of keeping with other properties in the area.

10.10. The proposed 2 pitched roof dormers would be sited on the front and rear of the host dwelling. The dwelling is set back from Barff Lane to the north and largely screened from it by those properties fronting onto it. Whilst the dwelling would be visible in private views, views of it from Barff Lane would be limited to those glimpsed between the frontage properties. The dwelling would be visible from the private drive and properties to the south and east on Merlin Way. The proposal therefore would only have a localised impact. External materials can be controlled through condition.

10.11. The raised roof height would not appear visually intrusive or dominant and the proposed dormers would respect the size, scale, design and proportions of the existing dwelling. It is noted that there is a variation in the roof heights of the properties on the estate, within some of the properties including immediately to the north and south of the application site having a higher roof ridge. Further, not all properties have had their permitted development rights removed so may be able to provide roof additions without the need for planning permission albeit not with an increase in the roof ridge.

10.12. Given the above and subject to the aforementioned condition, it is considered that the proposal would not have any significant adverse impact on the character and appearance of the open countryside and would not result in a disproportionate addition and is therefore in accordance with Policies ENV1, and H14 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the national policy contained within the NPPF.

Impact on Residential Amenity

10.13. Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan, supported by advice in paragraph 130(f) of the NPPF which aims for a high standard of amenity for existing and future users. The key considerations in respect of residential amenity are the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.

10.14. The application property has neighbours to the north, east, and south. It is noted that there have been 14 individual objections received to the application.

10.15. Given the size, scale, siting, design and orientation of the proposed extensions and alterations and its relationship with the neighbouring properties, it is considered that the two pitched roof dormers would not result in any detrimental impacts in terms of overshadowing or oppression of any neighbouring properties. Whilst concerns were raised regarding overbearing structures due to the raising of the roof height and addition of dormers, it is considered that these would not cause a significant impact due to the separation distances between the application property and surrounding properties.

10.16. Whilst there is the potential for additional overlooking into neighbouring properties and their rear gardens causing a reduction of privacy, the north facing dormer to the rear

facing would serve an en-suite and so is proposed to be fitted with obscure glazing, thus removing any overlooking concerns. It is considered that the pitched roof dormer to the front whilst overlooking towards the rear elevation and garden of no.18 Merlin Way would not result in any significant overlooking/reduction in privacy to that which is already be experienced from the first-floor windows of the application property given the separation distances.

10.17. Having taken into account all of the above, it is considered that the proposal would not result in any significant detrimental effects of overshadowing, oppression or overlooking, with the exception of some harm from overlooking to no.18 Merlin Way which would not be significant to the extent to warrant refusal of the application. The application would therefore be in accordance with Policy ENV1 (1) of the Selby District Local Plan and the NPPF.

10.18. It is noted that objections have been received from surrounding residents as set out above. The application has been assessed in terms of the Human Rights Act 1998 and the Convention rights contained therein, in particular the right to private and family life. The amendments to the scheme since the previously refused planning application including the removal of one of the rear dormer windows and the layout of the roof space accommodation with an en-suite with obscure glazing facing towards the properties on Barff Lane, minimises the effects of loss of privacy and balances the interests of the houses on Barff Lane with those of the applicant. There would be no noticeable impact from the increased roof height in terms of over-shadowing or dominance. The separation distance to the property to the south minimises the impact on the Convention rights of these neighbouring residents. Therefore, granting of the application would not result in any breach of convention Rights in the Human Rights Act 1998. The proposal would not breach the rights under Section 149 of the Equality Act 2010 as it would result in a neutral effect on persons with protected characteristics. This consideration fulfils the Council's duties and obligations accordingly.

Other Matters

10.19. The Minerals and Waste Joint Plan is part of the Development Plan, though as the application is for householder development it is exempt from the safeguarding of land for minerals and waste policies and lies within a low-risk coal mining area.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. The proposal is considered to be acceptable in principle as no policies specifically preclude this form of development. The development would respect the size, scale, design and proportions of the existing dwelling and would not result in disproportionate addition over and above the size of the existing dwelling and would not visually dominate it. It is considered that the proposal would not result in any significant detrimental effects on visual or residential amenity.

11.2. As a result, the application would be in accordance with policies SP1, SP2 and SP19 of the Selby District Core Strategy Local Plan (2013) and saved policies ENV1 and H14 of the Selby District Local Plan (2005).

11.3. On balance, it is considered the development is acceptable and it is therefore recommended that permission be granted subject to conditions.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to conditions listed below:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

    Reason:
    In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below.
    - Drawing No. ADP23/P05/01 – Location Plan - Received 27th January 2023
    - Drawing No. ADP23/P05/02 – Proposed Layout Plan - Received 27th January 2023
    - Drawing No. ADP23/P05/05 – Proposed Floor Plans - Received 27th January 2023
    - Drawing No. ADP23/P05/06 – Proposed Elevations - Received 27th January 2023

    Reason:
    For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the application form, received by the Local Planning Authority on 27th January 2023. Only the approved materials shall be utilised.

    Reason:
    In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan

Target Determination Date: 24.03.2023

Case Officer: Jordan Fairclough, Jordan.Fairclough@northyorks.gov.uk

Appendix A – Planning history
Appendix B - Proposed Layout Plan

Appendix A – Planning History

- 2015/0367/FUL - Proposed development of 125 no. dwellings with associated access from Barff Lane, landscaping, new footpath and drainage pond, at Barff Lane, Brayton, Selby, North Yorkshire. Approved 13-NOV-15

- 2016/0928/FUL - Section 73 application to amend condition 12 (parking) and condition 34 (drawings) of approval 2015/0367/FUL Proposed development of 125 no. dwellings with associated access from Barff Lane, landscaping, new footpath and drainage pond, at Barff Lane, Brayton, Selby, North Yorkshire. Approved 09-NOV-16

  Permission removed permitted development rights by condition (condition 18) for Class A (extensions and additions) and Class E (outbuildings) for specific plots, including the plot that 26 Merlin Way occupies, without prior written consent of the LPA and in the interests of residential amenity.

- 2016/1039/DOC - Description: Discharge of condition 02 (Materials), 03 (Landscape Proposals), 04 (Boundary), 15 (Compound Layout), 20 (Main Water Supply) and 29 (Remediation Scheme) of approval 2015/0367/FUL Proposed development of 125 no. dwellings with associated access from Barff Lane, landscaping, new footpath and drainage pond, at Barff Lane, Brayton, Selby, North Yorkshire. Approved 03-NOV-16

- 2020/0423/HPA - Description: Erection of double garage (retrospective), at 26 Merlin Way, Brayton, Selby, North Yorkshire. Approved 16-JUN-20

- 2020/0524/HPA - Description: Conversion of existing integral garage to games/day room, at 26 Merlin Way, Brayton, Selby, North Yorkshire. Approved 16-JUL-20

- 2022/0941/HPA - Description: Raise height of existing roof to create additional accommodation, dormer window to rear and roof lights to front, and retrospective erection of gazebo in the rear garden at 26 Merlin Way, Brayton, Selby, North Yorkshire, YO8 9SB. Refused 27-JAN-23

  Reason: The proposed development, in particular the insertion of dormer windows, would lead to increased overlooking of adjacent properties including Manorfelde resulting in a detrimental impact on living conditions and amenity of neighbouring occupants and would be out of character with other properties in the vicinity. The proposal is therefore considered to be contrary to Policy ENV1 of the Selby District Local Plan 2005 and SP19 of the Selby District Core Strategy Local Plan 2013.

- 2023/0100/HPA - Description: Erection of a built gazebo (retrospective) at 26 Merlin Way, Brayton, Selby, North Yorkshire, YO8 9SB. Approved 27-MAR-23

- 2023/0109/HPA - Description: Installation of an air source heat pump at 26 Merlin Way, Brayton, Selby, North Yorkshire, YO8 9SB. Approved 27-MAR-23

- 2023/0099/HPA – Description: Erection of single storey 4m rear extension with lantern roof light (retrospective) at 26 Merlin Way, Brayton, Selby, North Yorkshire, YO8 9SB. Approved 29-MAR-23

Appendix B – Site Layout Plan