

## North York Moors National Park Authority

<b>Scarborough Borough Council (North)</b> <b>Parish: Aislaby</b>	<b>App No. NYM/2018/0720/FL</b>
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**Proposal:** demolition of garage and construction of two storey side and single storey rear extensions together with replacement porch

**Location:** 76 Main Road, Aislaby

**Applicant:** Mr Brian Senior, 76 Main Road, Aislaby, Whitby, North Yorkshire YO21 1SP

**Date for Decision:** 03 January 2019

**Grid Ref:** 485702 508653

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

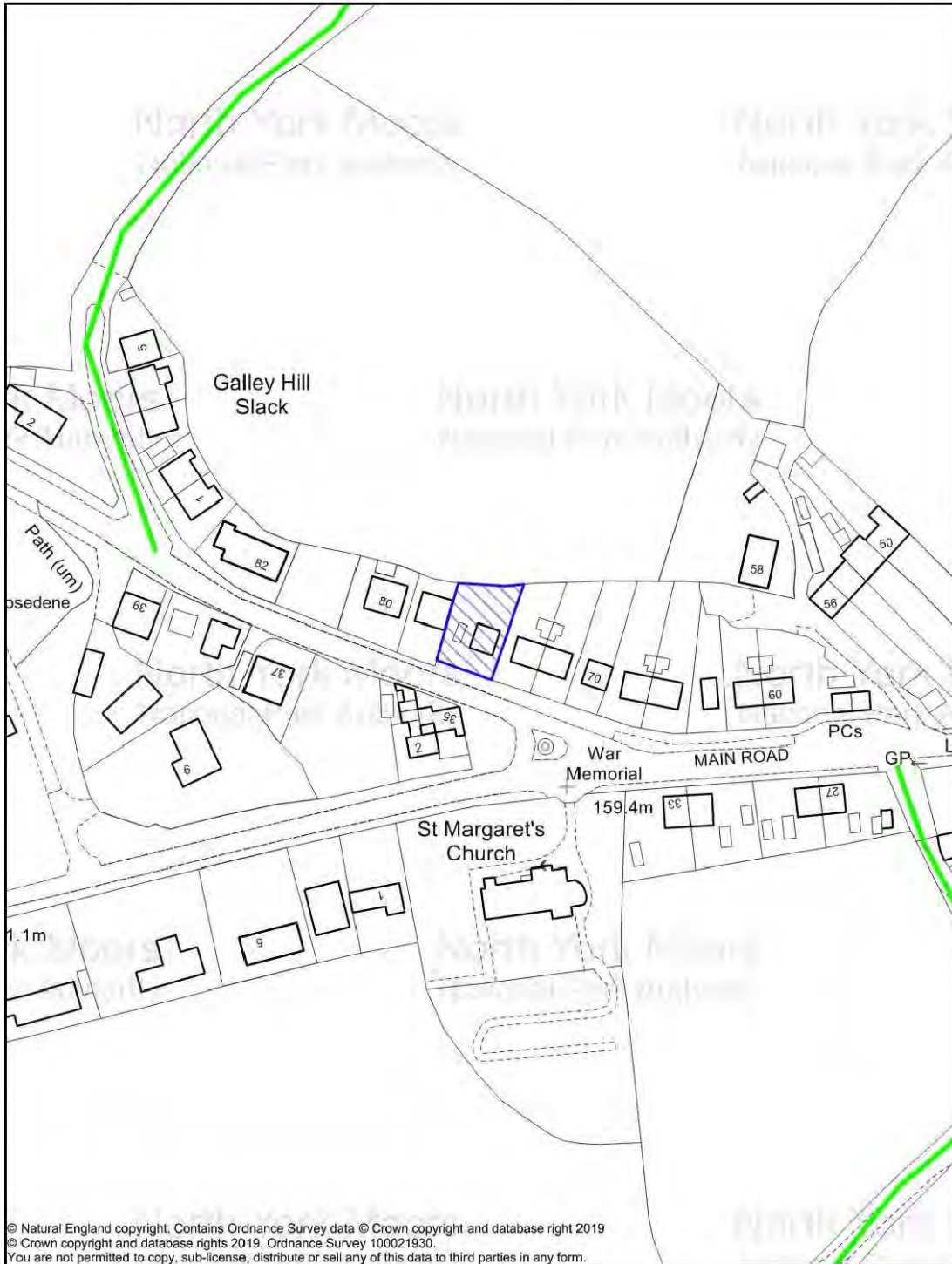
1.	Standard Three Year Commencement Date
2.	Strict Accordance With the Documentation Submitted or Minor Variations - Document No's Specified
3.	Render Details
4.	Roof Tiles to Match Existing
5.	The new garage doors hereby approved shall be of a vertical boarded, ledged, braced (and framed) timber design and side hung. Within six months of the date of their installation they shall be coloured a dark colour which has previously been agreed in writing with the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
6.	There shall be no commercial use of the garage hereby permitted and it shall be used only for hobby/domestic purposes ancillary to the occupation of the property known as 76 Main Road Aislaby and for no other purpose unless a separate grant of planning permission has first been obtained from the Local Planning Authority.



North York Moors National Park  
Authority  
The Old Vicarage  
Bondgate  
Helmsley YO62 5BP  
01439 772700

Application Number: NYM/2018/0720/FL

Scale: 1:1250



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### **Consultations**

**Parish** – Object with following comments - Overdevelopment of site, no accurate dimensions, inaccuracy of relationship to boundary, adverse impact of residential amenity of neighbours, contrary to Development Policy 19 and Design Guide"

**Highways** – The design is to change the dwelling from a three bedroomed house to a four bedroomed house. Both the existing and proposed dwelling have two parking spaces, including one garage space. The application form states that there are no proposals to alter the vehicle access. A three bedroomed house in this area would typically have two cars in the ownership of the household, therefore, matching the two spaces that are provided. A four bedroomed dwelling would typically have three cars, meaning that a vehicle would be parked outside the property on the side of the highway. The Local Highways Authority is not aware of any issues that would occur if one additional vehicle was parked on the highway in this vicinity. Consequently there are no local highway authority objections to the proposed development

**Natural England** –

**Forestry Commission** –

**Site Notice Expiry Date – 24 December 2018**

**Others – Mr & Mrs D & M Wilson, School Farm, 17 Main Road Aislaby**

**Original proposal** – We have grave reservations for the new extension to the property. All houses in Aislaby have an expected space between them. This extension appears to be really tight to the wooden fence at No.78. The difference in levels between the two properties will require a retaining wall. This would in turn mean excavations that would affect the existing fence and possibly the foundations of No.78. A smaller extension would be in keeping and not spoil the aspect of Aislaby which is a lovely village. We have a wonderful

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Others continued

open field space in the centre of the village and feel this oversized extension would appear really out of character. We therefore cannot support the application.

**G Noel Barrett LLB (Hons) Lawyer on behalf of Mr & Mrs G Henderson, 78 Main Road, Aislaby** –Original proposal – We are instructed to object to the above application, on the grounds of its scale, size and situation. Our client's property is situated immediately to the west of the application property.

The block plan provided with the application appears to be misleading; in giving the impression that the extension is much further away from the western boundary of our Client's property than is in truth the case, when comparing the block plan with the proposed plan.

The block plan shows the proposed extension superimposed and "sitting" within the site of the existing house and garage. As existing there is a 1.2 metre "gap". But the proposed plan shows the extension extending a further 1.2 metres west right up to the boundary, at the south west corner.

The existing and proposed plans show a diagonal line to the west, which having scaled off the proposed plan "on the ground" is the boundary line between numbers 76 and 78 Main Road. The proximity of the proposed extension to the boundary is self-evident from the proposed plan.

As this is the case, then the south- western corner of the proposed extension actually "sits" on the boundary between the two properties and the western wall of the extension as it runs north, virtually follows the western boundary line only slightly tapering away from it by about 0.75metre by the time the proposed double storey extension becomes single storey.

The close proximity of the proposed extension to the boundary line, given the fact that the ground level rises as between numbers 76 and 78 Main Road gives rise to the following:

- The "gap" between our client's property and the double height extension, as can be seen from the attached photographs and plan will only be 0.75 metres from their house this "gap" as we have said being on our client's land.
- The front wall of the proposed extension whilst inset slightly will still be forward of our client's property building line.
- This will give rise to an overbearing appearance as the extension will "dwarf" our client's modest dormer house.
- Any scaffolding required will almost certainly have to be placed on our client's property, for which the applicants have no legal right.
- The eaves/guttering will overhang our client's property, again there is no legal right for this in the deeds.
- The proposed extension could not actually be built without encroaching or trespassing on our clients' property in terms of both the foundations for the same and the actual construction above ground. There is again no legal right for this.
- Given the close proximity of the extension to the boundary of number 78 Party Walls structural matters will also need to be addressed.
- The proposal involves the lowering/excavation of approximately 0.4 metres of ground on which the garage sits and the removal of the existing rockery, which has a height of approximately 1.1 metres and is level with the surface of our client's land. This results in a 1.5 metre drop right on the boundary between the two properties

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plus whatever further excavations below this are required for the foundations of the proposed extension.

- The rising ground levels between numbers 76 and 78 and the excavations required for the foundations for the proposed extension could well undermine the foundations for number 78 and in any event a structural boundary wall will need to be built to retain the 1.5 metre higher ground levels between the two properties. There is however no room for any such wall to be built because of the close proximity of the western wall of the extension, to the boundary.

The size both in height and width of the proposed extension, is over-bearing and incongruous in regard to the street scene, containing as it does modest former local authority housing, mixed with both newer and more traditional modestly sized houses and dormer houses.

- The street scene in Aislaby is one of ribbon development set back from the roadside, with little if any “in fill” development of any significant depth
- The street scene also features reasonable sized “gaps” either side of and between detached properties which provide open views towards the rising open countryside to the north.
- The proposed extension will increase the volume of the property by nearly 90% overall and will create a very large house in comparison with the more modest neighbouring properties.
- The proposed extension dominates, rather than being subservient to the original building.
- The line of the hip extension will be forward of the building line to the properties to the west, which building line is not at present compromised by the small single storey sectional separate garage, which has plenty of views to the open countryside to the rear around it.
- The brick and tiled roof extension to the rear extends a further metre out in depth and has a steeper pitch to an additional 0.75 metres in height, where it adjoins the existing house beyond the existing light weight UPVC porch. This will give a much more overbearing and blocked in appearance to the rear elevation.
- The Juliet balcony to the rear will be intrusive as it will cause a loss of privacy to our clients as it will give “sideways” views above and into their conservatory and rear patio.
- The proposal also extends the original front lean-to existing light weight uPVC porch with a much more solid brick and rendered and larger frontal extension which moves the building line forward and again give a much more overbearing and blocked in appearance to the front elevation.

The opposite side of the road to the subject property is a Conservation Area.

Referring to the Design and Access Statement, the applicants have only very recently acquired the property as such they should have been well aware of their accommodation needs before purchasing the same. None of the other former local authority properties in the row have extensions at the front of the size and mass of this proposed extension.

The proposed extension does not comply with the following planning policies: Core Policies A, Development Policies 3, 19, and 20 of the Design Guide.

The application property is subject to a restrictive covenant preventing any building without the local authority's consent. In summary therefore the proposed extension is:-

- “Too greedy” in terms of its size, volume and location.
- Cannot be built without trespassing on our client's property

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- Is likely to undermine our client's foundations
- Breaches a number of planning policies – as above
- Planning permission should not be granted for something which it is not possible practically or legally to build.

**P Dowson, 58 Main Road, Aislaby** – Original proposal – The block plan indicated that the development is situated in the middle of the plot however the proposed plan covers a greater area. The scale and height of the proposal appears overbearing and will have a detrimental effect on the surrounding properties and area, the cottage opposite, which is a Listed Building, having been tastefully restored in accordance with the North York Moors Planning requirements.

Additionally, in view of the proposed developments close proximity to the neighbouring property it will result in a complete loss of open space between properties which is a character of the area on Main Road.

**T & D Harrison, 3 Egton Road, Aislaby** –

Original proposal – My wife and I wish to inform you of our objections to the proposed extensions to the above property for the following reasons:

- The red line shown on the submitted site location plan and block plan appears to be misleading because the boundary to the west is shown as being in line with the gable of No 78 Main Road, Aislaby, whereas actually it is around 1metre or more away from No 78 Main Road Aislaby and therefore closer to the existing garage of No 76 than shown. This then may lead to some further confusion regarding the position and proximity of the proposed two storey side extension in relation to both No 76 and No78. We would suggest that this requires clarification.
- The size, scale, height and form of the two storey side extension is so large and so dominant that it is contrary to Development Policy 19 (1).
- The total area of the proposed ground floor extensions plus the porch are such that they far exceed the existing floor area of the existing house itself and appear to equate to an approximate increase in area of 120% which is considered excessive for the host building and in this location.
- The two storey side extension is shown as being constructed on the boundary line to the west and is so large and high that it will have a detrimental impact on the residential amenity of the neighbouring property No 78 to the west, as well as Holly Cottage, No 35 Main Road to the south and the rear of Rose Cottage No 2 Egton Road, Aislaby in contravention of Development Policy 19 (2).
- The side extension is shown significantly in front of No 78 Main Road and will therefore over shadow this property and its front garden.
- The size, height and design of the two storey extension is such that it does not meet the requirements of the Design Guide Part 2 Extensions and alterations to Dwellings. in particular Part 3.1 Side Extensions and the recommended design of side extensions.
- The eaves level is not shown any lower than the main building which further compounds the appearance of height and mass and is contrary to the Design Guide.
- The size, height and mass of the proposed side extension which is to extend to the western boundary will completely fill the existing visual gap between the existing house and No. 78 which will affect the character of this part of the village and the

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street scene with the open views between houses of the rising fields to the moorland above and therefore be contrary to Development Policy 19 paragraph 9.22.

- The practicalities of building the two storey extension, should it be approved, would be significant and difficult because of it being on the western boundary line, and this would result in the need for compliance with the Party Wall Act and also make the rendering of the outer face of the wall virtually impossible without access onto the neighbours land at No 78. This would then contravene Development Policy 19 (3) by causing harm to the amenities of the adjoining occupiers by reason of adverse impact.
- Paragraph 9.22 of Development Policy 19 states that “Extensions should not adversely affect the character of the host building or wider landscape or the amenities of neighbouring residents ” it is our opinion that unfortunately the proposed side extension to No 76 fails on all of these criteria and hence our objection.

However we would wish to point out that we have no objection to an appropriate single storey rear extension or perhaps a single storey side extension to replace the existing detached garage.

Amended Plans -Whilst the removal of the first floor bedroom above the garage and reduction in width to leave a footpath around the side of the garage are major improvements the following matters still cause significant concern:

- The height and mass of the gable wall of the proposed garage and utility room.
- The ridge level is shown on the proposed side elevation to the west as being virtually level with the eaves level of the main house which is very high indeed for a single storey extension.
- The height of the front and rear walls above the garage door and rear utility door and window are excessive and beyond the norm which would either be at door or window head height or lintel height above them.
- This increase in height at eaves combined with the width of the side extension results in the excessive ridge height.
- This in turn makes the extension visually unattractive and out of keeping with neighbouring properties and conflicts with the NYMNPA Design Guide Part 3 Item 3.1 Side Extensions.
- If the roof design followed the NYMNPA Design Guide then a mono-pitch roof as shown at the bottom of Page 9 would be far more appropriate and remove the issue of mass and height.
- A parapet wall dividing the side extension from the rear extension would then resolve the junction between the two elements.
- This mass and height of the side extension as submitted will have an unacceptable impact on the amenities of the neighbours at No 78 Main Road in terms of over-shadowing the lounge window and front garden as it is located significantly forward of No 78.
- Therefore for these reasons the size and mass of the extension, albeit reduced , still conflicts with Development Policy 19 Householder Development.

For these reasons I would still wish to object to the proposed amended design.

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**Mr J Dent, 72 Main Road, Aislaby** – Original proposal – I would like to register my disagreement with the proposed extensions. The side extension will block a lot of light from properties especially the property next door above as it is set back from the applicant's property and will have much of the light into the front windows blocked. The proposal for the side of the building is not in keeping with the village as a whole although the rear single story extension is fair. I do feel that the house has just been purchased and the applicants must have been aware of the size of house they required and should have purchased accordingly in the first place. It is possible that the building, if planning is granted may be used to run a business although I have no concrete evidence of this.

Amended Plans — I have looked at the revised plans and have the following objections: The side extension although now smaller has the roof up to just under the eaves of the main house and will still block out the light and view of next door at no 78 which is set somewhat back from the front of no 74. The rear extension, I have been told is now within the requirements of area used however the height will restrict the views of neighbours on both sides onto the green belt land at the rear of the properties which is a marketable asset of all the properties in the row and could seriously impact on the resale value of the neighbours houses which is intolerable.

It is for these reasons that I feel I must object to the application above and would like my objection to be recorded.

**Patrick and Jean Brady, Little Orchard, Back Lane, Sicklinghall, Wetherby - Owner of Rose Cottage, 2 Egton Road, Aislaby** – Original proposal – Rose Cottage and Holly Tree Cottage are Grade II Listed Buildings and are situated in the Conservation Area. Both cottages overlook the subject property. We do not object to the principle of additional development, due however to the scale and over dominant nature of the proposals, and having read through the Core Strategy we wish to object on the following grounds:

The scale of the proposed extension is too large and over dominant in relation to the other properties on Main Road. The extension represents an increase of approximately 88% of the existing floor space in respect of the existing house. This will have an unacceptable impact upon the existing street scene, both in terms of its close proximity to neighbouring properties and also that it will create a 'terrace' effect along Main Road. Furthermore, the front elevation of 78 Main Road overlooks the Conservation Area, incorporating the two Grade II Listed cottages (referred to above), which have been carefully refurbished. The scale and overwhelming nature of the extension will have a detrimental and insensitive effect upon the historic and architectural features the respective consents are designed to protect and preserve.

The proposals in their existing form would restrict views in and out of the site to the fields beyond and would restrict spaces about and between the adjacent properties.

The scale and over dominant nature of the proposed extension does not take account of, and is at variance with the rural character of the locality and the village, creating a suburban effect contrary to the objectives of the National Park status.



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**Background**

76 Main Road Aislaby is a detached ex-local Authority property located at the edge of the Aislaby Conservation Area close to the junction at the west end of Aislaby. The property has its gable facing the road and is constructed with pebble dashed render and a concrete pantile roof. To the side of the property there is a small detached timber garage which is proposed to be removed to make way for the proposed extension.

Under this application permission is sought for the construction of a single storey side and rear extension set back 0.5m from the front elevation of the property and also a replacement porch. The side extension which will accommodate the garage will be a gable extension which will run perpendicular to the ridge of the main house and extend out 3.8m, leaving a further 0.9m to the boundary with the neighbour. The eaves level on the front of the property is 2.6m in height and the gable is 9.8m wide to allow the rear lean-to extension to tie in with the side extension. To the rear the dining room element of the extension would be considered to be permitted development as it only extends 3.5m from the rear of the property. The proposed side extension would not be as close to the neighbour as the existing garage.

The neighbouring property is part of a different development and is a dormer style two storey property which is set back 2m from the front of the application property.

During the processing of this application the proposal has been significantly altered from how it was first submitted where a two storey hipped roof extension was proposed.

Under the application it is proposed to render and paint the extension and then also paint the existing house to match. The final colour is still to be provided.

**Main Issues****Policy Consideration**

Development Policy 19 of the NYM Local Development Framework states that proposals for extensions or alterations to dwellings, or other development within the domestic curtilage will only be supported where the scale, height, form, position and design does not detract from the character of the original dwelling and its setting, and the development does not adversely affect the amenities of neighbouring occupiers, or that of the existing dwelling.

Due to the setting of the property being located across the road from the boundary of the Aislaby Conservation Area, Development Policy 4 will also apply. This policy seeks to ensure that development within or immediately adjacent to a Conservation Area either preserves or enhances the character and appearance or setting of the area and that the scale, proportions, design and materials respect the existing architectural and historic context with particular reference to traditional buildings, street patterns, the relationship between buildings and spaces and views into and out of the area.

The Authority's Supplementary Planning Document: Design Guide Part 2: Extensions and Alterations to Dwellings also helps to explain the reasoning as to why it is important to ensure that the design of any extension to a property should be subservient to the main property.

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**Negotiations**

The proposal as originally submitted as a two storey extension with a hipped roof was considered to be too big in relation to the host property which resulted in a detrimental impact on the setting, the host property and the neighbour's amenity.

Through Officer negotiations with the applicant a more favourable design has been achieved, reducing the two storey extension to a single storey gable extension. The width of the extension has been reduced, thereby pulling it off the neighbour's boundary by 0.9m. Although a deeper set back from the front elevation was requested, now that the extension has been reduced to single storey this has significantly reduced the impact of the proposal on the neighbouring property which is set 2 metres behind the building line and at a higher ground level.

The side gable will be wide, however it is in a location where it will not be prominent or seen, located within 1-2m from the neighbouring property's blank gable wall. As numbers 78 and 76 are of a different design and are not constructed on the same building line, number 78 extends beyond 76 to the rear and also has a full glazed conservatory located on the boundary of the application property. The proposed extension will come closer to the conservatory than the existing building, however it will in no way affect the views out of this to the south (across the applicant's garden).

Other residents have also raised concerns with the impact of impact of the proposal on the setting of the Conservation Area and also Listed Buildings on the opposite side of the road, as well as the loss of the view between the existing properties. Although there is a pleasant view between the properties to the rising field beyond this is not protected in any way and now that the design has been improved in relation to the host property and also its wider setting within the street, it is not considered that this is a reason for refusal. The proposal is not considered to have a detrimental impact on the Conservation Area setting or that of the Listed Building, any more so that the existing ex-local authority houses already do and therefore approval is recommended by Officers.

Notification of the amended plans have been sent out to those who commented previously and Members will be updated at the Meeting of any updated comments.

No adverse comments have been raised in connection with the front porch and rear extension and Officers are also satisfied with these areas of the proposal.

**Conclusion**

The application is before the Planning Committee for determination due to the level of objections received in relation to the plans as originally submitted. The applicant has taken on board the comments raised and has significantly reduced the size of the proposal to a level which is now considered to be acceptable and therefore Officers are recommending approval to the proposed scheme which is considered to accord with the requirements of Development Policy 19.

**Contribution to Management Plan Objectives**

Approval is considered likely to help meet Policy C10 of the Management Plan which seeks to ensure that all new development will be of a high quality and will conserve and enhance the built heritage.

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**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal to improve the scale and massing of the proposed extensions, so as to deliver sustainable development.