

D3.

Agenda Item No.

EAST RIDING OF YORKSHIRE COUNCIL

Report to:

Application determined by officer under delegated powers

WARDS: Howdenshire

Application for Variation of Condition 3 (Materials) and Condition 4 (Approved Plans) of planning permission 12/04216/PLF - Erection of a replacement dwelling - Amended scheme to provide for additional accommodation in the roofspace

At Mafeking View 6 Wallingfen Lane Newport East Riding Of Yorkshire HU15 2RF by Mr And Mrs Tony Curtis

Application Number: 15/03725/VAR

Report of the Director of Planning and Economic Regeneration

A. Executive Summary

Application reference 15/03725/VAR is determined by officer under delegated powers.

B. Corporate Priorities

Valuing our environment

C. Application Type

Variation of Condition(s)

D. Parish

Newport Parish Council

E. Applicant

Mr And Mrs Tony Curtis

F. Target Date



Impact on the street scene of Wallingfen Lane.

9. OFFICER COMMENTS

Policy Context

Applications are to be determined in accordance with the policies in the Development Plan in this case the saved policies of the Joint Structure Plan (JSP) and the East Yorkshire Borough Wide Local Plan (EYBWLP) and the Bridlington Area Action Plan (AAP) unless there are material considerations which indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration. Relevant NPPF guidance is explained below and the extent to which development plan policy is consistent with the NPPF and the weight to be given to that policy. Development Plan policies can be given due weight according to their degree of consistency with the paragraph 215 of the NPPF.

The emerging East Riding Local Plan (ERLP) is a material consideration, with weight given in accordance with the guidance in paragraph 216 of the NPPF.

Current Planning Policy Position

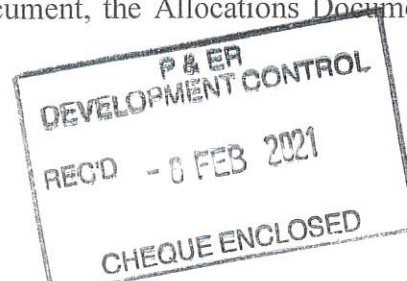
Paragraph 14 of the NPPF provides for a presumption in favour of sustainable development. Proposals that accord with the Development Plan should be approved without delay and where it is silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, or specific policies within the NPPF indicate development should be restricted.

Policy EN10 of the BBLP identifies that planning permission for replacement dwellings in the open countryside will only be allowed subject to certain criteria. One of the criteria is that the volume of the replacement dwelling should not exceed that of the dwelling to be replaced by more than 50% and is not substantially higher or more prominent. This policy is in-line with the NPPF and can be given significant weight in decision making.

Emerging Planning Policy Position

Paragraph 216 of the NPPF identifies that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and the degree of consistency of such policies with the NPF.

The JSP and the EYBWLP will be replaced in due course by the emerging ERLP. It will comprise three documents:- the Strategy Document, the Allocations Document



and the Bridlington Town Centre Area Action Plan. The Submission Strategy Document (“the SSD”), Submission Allocations Document (“the SAD”) and Policies Maps were published for consultation last year. These, together with a schedule of proposed changes and all responses received to the consultation, were submitted to the Secretary of State and public hearing sessions have finished.

Policy S4 of the submitted ERLP supports replacement dwellings in the countryside. The supporting text to this policy states that it should not result in an increase of the usable floor area of the original building by 50%. . This policy is consistent with the NPPF however there are unresolved objections as part of the Local Plan preparation therefore it can be afforded limited weight in accordance with paragraph 216 of the Local Plan.

Policy ENV1 of the submitted ERLP seeks to integrate high quality design; this states that all development will contribute to safeguarding and respecting the diverse character and appearance of the area through their design, layout, construction and use. Part B of this policy states that new development should have regard of the specific characteristics of the sites wider context and the character of the area, be of an appropriate scale and density, massing and height and have regard to the amenities of existing and proposed properties. This policy is consistent with the NPPF and there are no unresolved objections as part of the Local Plan preparation therefore it can be afforded significant weight in accordance with paragraph 216 of the Local Plan.

Principle of Development

The application is for the variation of condition of the approved plans. The principle of a dwelling in this location has therefore already been accepted.

Policy EN10 of the BBLP allows for replacement dwellings to be erected in the open countryside subject to the dwelling not exceeding the volume of the original dwelling by 50%. Policy S4 of the submitted ERLP also allows for replacement dwellings in the countryside subject to the usable floor area being no more than a 50% increase of the original dwelling.

The proposal would be an increase in height of 0.25m. The existing dwelling has a footprint of 77.4sqm, resulting in part (d) of policy EN10 allowing up to 116.1sqm (with a 50% increase). The foot print of the proposal would remain the same and the increase in height would allow for a first floor. This would result in a usable floor area of 144sqm which would take the proposal above the 50% set out in policy EN10 of the BBLP and policy S4 of the submitted ERLP. The previous wood chalet was of a very small size and, whilst the proposal would take the property over the 50% increase, it would be of a size that would be in-keeping with the existing bungalows on Wallingfen Lane and overall would still be a modest size and would not look out of place in the street. It is therefore considered to be acceptable in this case.

Impact on street scene



The proposal would result in the height of the roof being higher by 0.265m. This is a small amount that would not cause harm to the street scene of Wallingfen Lane and would be likely to be unnoticeable when travelling along Wallingfen Lane. There are a variety of heights along Wallingfen Lane and the proposal would still be lower than some of the existing roof heights.

The proposal also includes a dormer at the rear. Part of the sides of the dormer would be partially visible from Wallingfen Lane. Permitted development rights were not restricted on the original planning permission. It is therefore considered that the installation of the dormer would be likely to be permitted development.

There are no residential properties to the rear, therefore the dormer would not cause overlooking or loss of privacy. It is therefore considered that the proposal complies with policy ENV1 of the submitted ERLP and policy EN2 of the BBLP.

Other Matters

The application for variation of condition allows the opportunity to look at the original conditions to see if they are still relevant. Most of the conditions are still relevant and will be added to this permission. Condition 3 requested details of the materials to be submitted. Details of the materials have been included with this application. The bricks would be Hansons clumber red mix, Redland plain red concrete pantiles and white upvc windows, doors and rainwater goods. There are a variety of brick types along Wallingfen Lane and the materials would complement the existing mix and are considered to be acceptable.

10. CONCLUSION

In summary the increase in roof height and rear dormer would have an acceptable effect on the street scene of Wallingfen Lane. The proposal is considered to comply with policies S4 and ENV1 of the submitted ERLP and EN2 and EN10 of the BBLP.

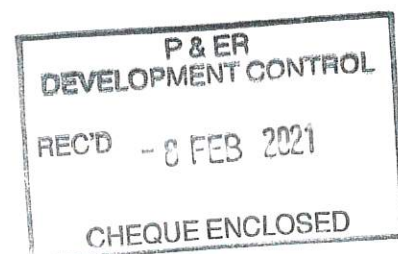
11. HUMAN RIGHTS

It is considered that a decision made in accordance with this recommendation would not result in any breach of Convention rights.

12. RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.



This condition is imposed in order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) September 2012/800/214/ARP Associates and the following mitigation measures detailed within the Flood Risk Assessment:
 1. Limiting the surface water run-off generated by the development so that it will not exceed the run-off from the existing site and not increase the risk of flooding off-site.
 2. Identification and provision of a place of safety a minimum of 5m AOD.
 3. Flood proofing measures are a minimum of 300mm above the finished floor level. The mitigation measures as outlined in Section 6.25 must be incorporated into the development.
 4. Finished floor levels are set no lower than 600mm above the existing ground level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

This condition is imposed to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the reliance on the emergency services in the event of a flood, to reduce the impact of flooding to the proposed development and future occupants and to reduce the risk of flooding to the proposed development and future occupants.

3. The materials to be used in the construction of the external surfaces of the proposed dwelling hereby permitted shall be Hansons clumber red mix for the bricks and Redland plain red concrete pantiles.

This condition is imposed in the interests of visual amenity.

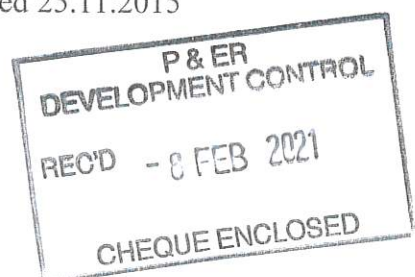
4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan received 25.11.2015

Site Plan received 25.11.2015

L428/1- Proposed floor plans and elevations received 25.11.2015

L428/2 – Proposed elevations received 25.11.2015



L428/3 – Roof heights – received 25.11.2015
AD (00) 118 - Proposed garage/bin store/fence received 05.10.12

Alan Menzies
Director of Planning and Economic Regeneration.

Contact Officer

Miss Catherine Dixon

Background Papers

