

# Planning Statement

Ivy Dene, Main Street  
Deighton  
York



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Revision Record					
Rev	Description	Date	Author	Checked	Approved
2		13/12/21	FB	KA	

# 1. Introduction

## Purpose of Statement

- 1.1 This statement has been prepared by ELG Planning in support of an application by the client Mr S Hardcastle for a domestic swimming pool extension at the residential property Ivy Dene, Main Street, Deighton.
- 1.2 The application seeks planning permission for an indoor swimming pool extension with associated facilities to the north elevation of the property within the existing garden area.
- 1.3 The application site lies within the defined Green Belt and this statement will provide the planning policy justification for this proposal, clearly demonstrating its compliance with the adopted Development Plan and key material planning considerations. A fundamental consideration in this respect will be the presumption in favour of sustainable development enshrined within the National Planning Policy Framework (NPPF) and an assessment of the proposals on that clear basis.

## Structure of Statement

- 1.4 This statement is structured as follows:

**Section 2** provides a description of the site and surrounding area.

**Section 3** sets out the planning history of the site

**Section 4** outlines the relevant planning policy context.

**Section 5:** contains an overview of the development proposals

**Section 6:** Assesses the proposals in the context of the relevant policies of the adopted Development Plan and other material considerations.

**Section 7:** Conclusion

## 2. Site Context

### Local Context

2.1 The application site consists of a two-story detached dwelling Ivy Dene located on Main Street, within the village of Deighton within the Green Belt of York. The village of Deighton is located 5 miles south of York City Centre. The village is located just off the A19, with Main Street running parallel with it, providing convenient access to the A64 to the north as well as giving access to the M62 to the south.

2.2 The dwelling is set back from the highway and incorporates an attached single storey section which is forward of the two storey element forming an "L" shape.

2.3 The property has extensive garden areas laid to grass to the north and west. Beyond the site boundary Deighton is surrounded by low lying flat arable land, with small amounts of pasture.

2.4 The property is constructed in red brick with clay pantile and has an existing double garage and parking forecourt to the front of the main house.

Figure 1.1: Location Plan



### 3. Planning History

- 3.1 The applicant was successful in securing a certificate of lawful development (application reference **21/00144/CPD**) in respect of a proposed single storey indoor swimming pool extension to the side of the single storey part of the house (north) in April 2021. In approving the certificate, the Local Planning Authority confirmed that the proposed extension with a footprint of 17m by 9.5m (approximately), eaves height of 2.3m and a ridge height of 4m was permitted development.
- 3.2 Class A of Part 1, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), as amended, outlines the parameters within which a proposed development within the curtilage of the dwelling house can be considered to be permitted development. Paragraph A1 (e) of the GPDO states that a development is not permitted by Class A if the enlarged part of the dwelling house would extend beyond a wall which forms the principal elevation of the original dwelling house.
- 3.3 The key issue in establishing if the extension would be permitted development was to determine which element of the dwelling was considered as the principal elevation. The Government has also produced Technical Guidance (2019) to assist in the interpretation of the GPDO. By virtue of the site circumstances, with the property being an L shaped house, it was considered that the proposal would comply with Paragraph A1 (e) of the GPDO.
- 3.4 Having established that the siting and position of the extension would be attached to the side wall of an original single storey section which is not forward of a principal elevation, it was considered that the granting of the Certificate was justified, and the proposed

development was permitted development. Thus, the proposed extension would be permitted development and would not require an application for planning permission.

- 3.5 The applicant therefore has a lawful development certificate issued which allows the construction of a swimming pool building by virtue of the provisions of Part A, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and the supporting Technical Guidance (2019), that the extension (see appendix 1) would constitute permitted development and could be undertaken without the need for planning permission.
- 3.6 The applicant wishes to make design changes to the scheme to ensure the proposed extension is attractive and well designed and fits neatly within the site as if it were part of the original building design rather than being driven by the parameters of permitted development.

## 4. Planning Policy Context

- 4.1 There is currently no locally adopted Development Plan for the City of York, although the LPA have used the City of York Draft Local Plan (CYDLP) for development management purposes following approval by Full Cabinet on 12th April 2005. Whilst there is currently no locally adopted Development Plan for the City of York, it is noted that Inspectors have previously found that some weight can be afforded to the CYDLP to the extent that its policy provisions accord with national planning policy.
- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be, made in accordance with the plan unless material considerations indicate otherwise".
- 4.3 The National Planning Policy Framework (July 2021) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

### Local Planning Policy Context



- 4.4 The City of York Draft Local Plan incorporating the 4th set of changes Development Control Local Plan April 2005. This plan is not adopted policy but was approved for Development Management purposes. Policies in the DCLP carry very little weight but are capable of being material considerations in the determination of planning applications where these are consistent with those in the NPPF.
- 4.5 The relevant policies are:-
- GB1 Development in the Green Belt
  - GB2 Development in Settlements “Washed Over” by the Green Belt
  - GB4 Extensions to Existing Dwellings
  - GP1 Design

### **Emerging Planning Policy**

- 4.6 The City of York Publication Draft Local Plan (2018) The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given), the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).
- 4.7 A phase 1 examination of the local plan was held in December 2019 and the Inspectors responded in June 2020 with concerns regarding the evidence underpinning the approach

taken by the Council to the Green Belt. However, in the meantime, the evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

4.8 The relevant policies are:-

- Policy DP2 (Sustainable Development)
- Policy DP4 (Approach to Development Management)
- Policy D1 (Placemaking)
- Policy D2 Landscape and setting

## 5. Development Proposals

- 5.1 The application seeks planning permission for erection of an indoor domestic swimming pool building with associated facilities on the site of that already subject to the certificate of lawful use.
- 5.2 The host dwelling is an “L” shaped two storey detached dwelling comprising of a single storey section which sits forward of the two-storey elevation. The proposed extension would be attached to the northern side wall of this existing single storey front section of the dwelling, which in part serves a double garage. The main vehicular entrance and openings into this section of the dwelling face towards the driveway on the east elevation, whereas the extension would be situated on the northern side elevation within the garden curtilage.
- 5.3 The proposed extension will have an overall footprint of 16.2m by 8.5m, an eaves height of 2.7m and a ridge height of 4.8m (approximately) . The roof will be double pitched with a central valley gutter running the length of the pool. The design and form of the extension reflects the form, scale and architectural detailing of the main house. With the new gables of the extension set back from the existing garage following a similar scale and alignment to this existing single storey element.
- 5.4 In this instance the applicant proposes design amendments to the scheme approved under the certificate for lawful development, to create a development that is proportionally and detailed in a more appropriate design, to fit with the main house and the amenities of the wider area by reducing the bulk of the roof of the extension into two smaller gables.

- 5.5 In doing so the resulting roof pitch and amended design slightly increases the overall height of the proposed extension (albeit reduces the overall bulk of the roof), which then takes the proposal over the allowed permitted development rights that would be conferred for such an extension, as the extension would now exceed 4m in height.
  
- 5.6 Planning permission is therefore sought for the revised design as indicated in the visualisations below:

Image 1: Visualisation as approved



Image 2: Visualisation as now proposed



## 6. Planning Assessment

### Principle of the proposed development in the Green Belt

- 6.1 Whilst the Regional Spatial Strategy (RSS) has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram, which illustrates the general extent of the Green Belt around York. These policies comprise the Development Plan for York. The policies in the RSS state that the detailed inner and rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York.
- 6.2 The Key Diagram of the RSS and the 2005 Draft Local Plan proposals map identify the site within the general extent of Green Belt. The site is considered as having Green Belt status when assessing the merits of the proposed development against the National Planning Policy Framework and Guidance, relevant local plan policies and other material considerations. In accordance with footnote 6 to paragraph 11 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply in Green Belt locations. Instead, the more restrictive policies in section 13 of the NPPF apply.

### Green Belt Policy

- 6.3 Paragraph 137 of the NPPF confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, thereby preserving the essential characteristics of Green Belt - openness and permanence.

6.4 'Openness' is considered as meaning an absence of built development. Paragraph 138 sets out the five purposes of Green Belt, which are:

- to check unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- to assist in urban regeneration, by encouraging recycling of derelict and urban land.

6.5 NPPF **paragraph 147** states that Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6.6 Furthermore **paragraph 148 states that** when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.7 A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

(e) limited infilling in villages;

(f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

6.8 Therefore, In terms of the Green Belt status of the site, the main considerations are: - whether the proposal constitutes inappropriate development in the Green Belt; - its effect on the openness of the Green Belt and the purposes of including land within it; - if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

6.9 Paragraph 149 c of the NPPF states that development within Green Belts may be justified where they comprise “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”.

6.10 In this instance the proposed development in respect of general siting, scale and footprint is achievable through permitted development rights. It is therefore reasonable that the

resulting scale and form of the proposal would not be disproportionate to the size of the original building as permitted development rights allow for such an extension. It is therefore considered that the proposal would comply with paragraph 14.9c.

- 6.11 The only marked alteration to that permissible is the increase in roof height and general form of the roof structure. The proposed extension here would remain in keeping with the scale and form of the host dwelling. With the scale of the main house and the overall roof height much taller than that proposed by the single storey extensions.
- 6.12 Furthermore policy GB4 of the local plan states that the extension and alteration of dwellings in the Green Belt and open countryside will be permitted providing the proposal:
- a) would not cause undue visual intrusion; and
  - b) is appropriate in terms of design and materials; and
  - c) is small scale compared to the original dwelling
- 6.13 Whilst the extension would be taller than that already permitted through the certificate of lawfulness, due to the architectural form and scale of the host dwelling, this would not constitute an incongruous feature. On the contrary, it would be a much improved form of design which sits more comfortably in the street scene and the main dwelling. Consequently, the proposal would not cause undue visual intrusion being closely related to the existing house. The proposed development is constructed of similar design and materials to the main house and is a small scale addition to the existing property.
- 6.14 The applicant has a genuine and legitimate fallback position that would allow the construction of a swimming pool extension in the same siting at the property through the approved LDC.



- 6.15 It is our clients position that the proposed development which now requires planning permission is undoubtedly an improvement in scale and design to that allowed under permitted development regulations.
- 6.16 Whilst the restrictive policies of the Green Belt are fully acknowledged. In this instance it is not considered that the proposal would conflict with these policies due to the fallback position.
- 6.17 Furthermore, the overarching aims of the Green Belt policies in respect of ensuring the openness of the Green Belt is retained and that inappropriate development is avoided, would not be breached in this instance. With the proposed extension being closely connected to an existing residential property with permitted development rights in situ in the existing village envelope and established building line.
- 6.18 We would therefore assume that the local planning authority would take a pragmatic approach in this regard and grant consent for a development that is more aligned to established local plan policies and is an improvement in design and resulting visual impact on the street scene and to neighbours.
- 6.19 In respect of other detailed relevant policy considerations:

### **Residential Amenity**

- 6.20 Paragraph 130 of NPPF requires that developments create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users.

- 6.21 The City of York Local Plan 2005 Policy GP1 (Design) requires that developments provide and protect amenity space, provide space for waste storage, ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over dominant structures. It is considered that the development by nature of the siting, scale and design will not adversely impact on the privacy or amenity of neighbouring properties.
- 6.22 In the case of the proposed extension, it will be located to the north of the property. The nearest residential properties are located over 60m to the north beyond the garden area. To the east the neighbour is located at a distance of approximately 30m, with properties and garden areas off set to prevent any overlooking or adverse impacts in respect of privacy or any overbearing impacts to the dwellings to the east.
- 6.23 It is considered that due to the separation distances in place, the arrange of fenestration and the orientation to neighbours that the proposal will not result in any adverse impacts in respect of privacy or amenity to the neighbouring properties.

### **Design and Appearance**

- 6.24 Chapter 12 of the NPPF also gives advice on design, placing great importance to the design of the built environment, which is replicated in Draft Local Plan 2005 Policy GP1 (Design) in that it requires new development to be appropriate in scale, mass and design.
- 6.25 The proposed development is considered to be of a scale, design and form that is in keeping with the host property. The use of traditional materials including brick and pantile and architectural detailing employed on the main property will ensure the external appearance of the extension blends with the existing host dwelling and does not appear as an incongruous addition.

- 6.26 The use of a dual pitch reduces the overall bulk of the extensions from Main Street and is in keeping with the scale and form of the existing garage unit. It is considered that the resulting impact on the street scene is an acceptable addition and will not appear as an inappropriate addition.
- 6.27 The applicant has prepared a number of CGI's which demonstrate the change in design from the proposals that could be constructed under permitted development regulations to the current scheme.
- 6.28 These clearly demonstrate that whilst planning permission is now required due to the change in design, that the resulting design amendments predominantly due to the change in treatment to the bulk and massing of the roofscape are a marked visual improvement in respect of resulting impact on the character of the host property and the wider amenities of the area.

### **Landscaping and trees**

- 6.29 The site has an extensive garden area and it is considered that there will remain a significant amount of useable external garden amenity space for the dwelling following construction of the proposed extensions.

### **Drainage**

- 6.30 Drainage connections are proposed to the existing main drainage system. The applicant is using an approved building inspector who has advised that suitable connections can be achieved.

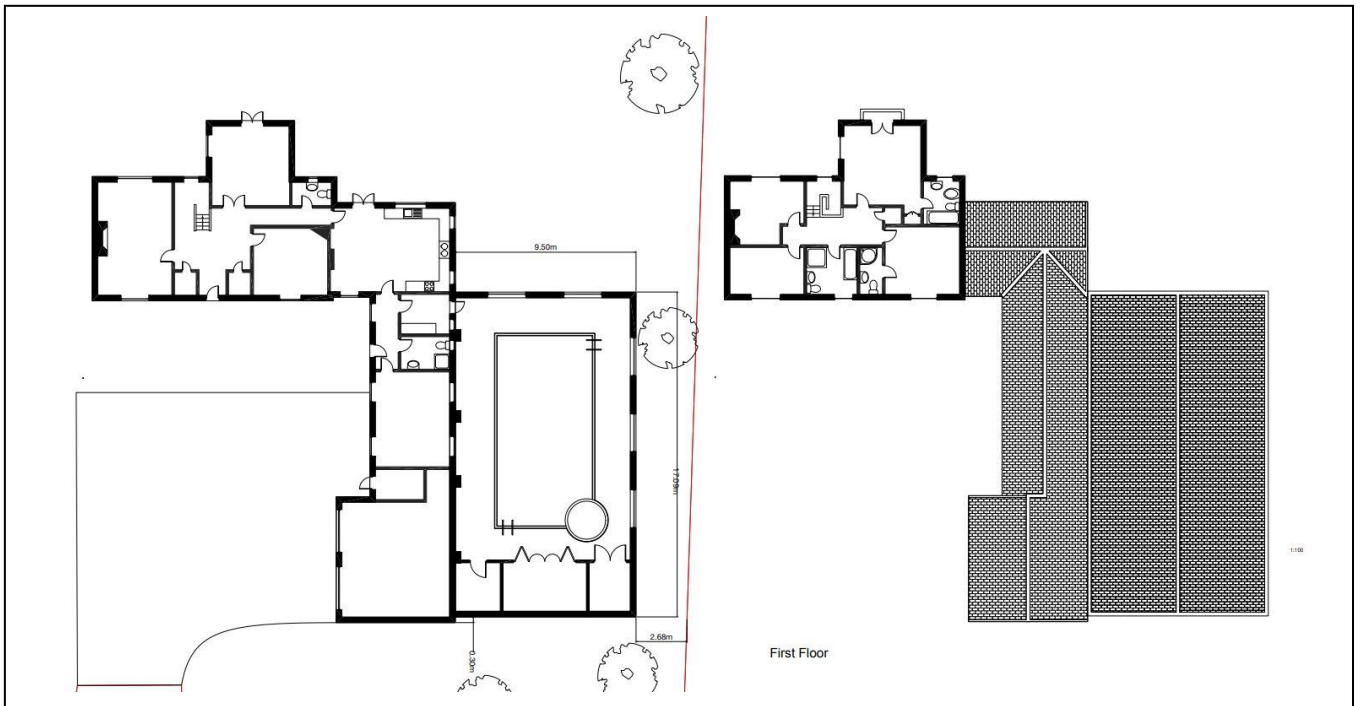
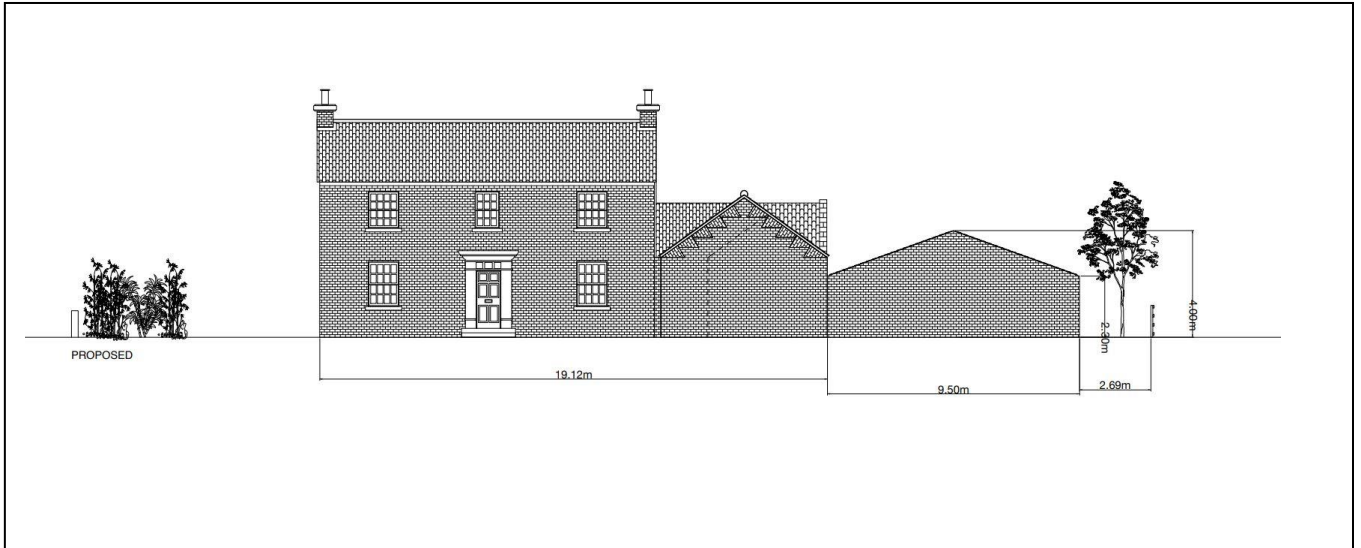
6.31 It is therefore not considered that the proposal will raise any adverse issues in respect of drainage.

## 7. Conclusion

- 7.1 It is considered that the proposed development is entirely appropriate in respect of siting, design, impact on neighbours and intrinsically the impacts on the established Green Belt policies for the reasons set out above. Furthermore, the applicant has a genuine fallback position which allows for the construction of a swimming pool extension in this existing location, which must be awarded significant weight.
- 7.2 The proposal is considered to comply with established national and local planning policy and guidance as set out in the above statement.
- 7.3 We therefore respectfully request that the authority views the proposals favourably and that planning permission is granted at the earliest opportunity.

# Appendix 1: Approved plans of certificate lawfulness

## application 21/00144/CPD



## Appendix 2: Proposed Plans

Proposed elevations



Proposed East Street Elevation

Proposed floor plans



## Appendix 3: Proposed Visualisations

