

**Item Number:** 16  
**Application No:** 14/01077/FUL  
**Parish:** Pickering Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Carl And Mrs Elaine Wood  
**Proposal:** Erection of single storey linking extension, conversion of outbuilding to office/study and change of use and alteration of detached outbuilding to a two bedroom holiday cottage with 2 no. parking spaces (part retrospective application)  
**Location:** 44 Potter Hill Pickering North Yorkshire YO18 8AD

**Registration Date:**  
**8/13 Wk Expiry Date:** 27 November 2014  
**Overall Expiry Date:** 12 November 2014  
**Case Officer:** Rachel Smith **Ext:** 323

#### CONSULTATIONS:

<b>Parish Council</b>	No objection to proposal - concerns regarding increased vehicular movement
<b>Building Conservation Officer</b>	No objection
<b>Highways North Yorkshire</b>	No objection - subject to conditions
<b>Land Use Planning</b>	No comments required from Yorkshire Water

**Neighbour responses:** Patricia Dring,

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#### SITE:

44 Potter Hill is a grade II listed building situated on the northern side of Potter Hill, which lies within Pickering Conservation Area.. There are a number of outbuildings to the rear of the property. There is an existing access to the side of the dwelling from Potter Hill, together with an access to the rear from Lambs Lane to the north. The area is predominantly residential, with dwellings closely abutting the curtilage of the site on the western boundary. It is also noted that the application site 'wraps around' the small rear yard of the adjacent dwelling at 45 potter Hill

#### PROPOSAL:

Permission is sought for;

- (i) The erection of a single storey extension to form a garden room between the existing dwelling and the adjacent outbuilding. It will be constructed from stone under a pantiled roof. The boundary with the yard of 45 Potter Hill will be formed by extending the height of the existing stone wall by approximately 600mm where it abuts the outbuilding and 1.4m adjacent to the main house. Timber bi- fold doors will be inserted in the northern elevation.
- (ii) Conversion of existing outbuilding to form an office/store together with the insertion of a roof light on the northern and southern roofslopes.
- (iii) Conversion of outbuilding to form a two bedroom holiday cottage.

#### HISTORY:

10/1321/FUL - July 4<sup>th</sup> 2011 permission granted for the erection of a single storey extension together with conversion of outbuildings to office/study, and two bedroom holiday cottage.

10/1322/LBC – March 2011. Listed building consent granted for internal and external works to dwelling together with conversion of outbuildings as detailed above.

**POLICY:**

Planning (Listed Buildings and Conservation Areas) Act 1990  
Development Plan

Policy SP 12 Ryedale Plan – Local Plan Strategy  
Policy SP16 Ryedale Plan – Local Plan Strategy  
Policy SP14 Ryedale Plan – Local Plan Strategy  
Policy SP20 Ryedale Plan - Local Plan Strategy

**APPRAISAL:**

Members will note from the history section of this report that permission was granted for much of the proposed development in 2011. That application has expired, and the application has been re submitted to include an amendment to the fenestration on the proposed garden room. The proposed plans also include further detail of the proposed southern elevation of the outbuilding that will form an office/study. This includes a velux window on the southern elevation which was not included in the previously approved application.

It is considered that the principle of the development has been accepted. However the Ryedale Plan – Local Plan strategy has been adopted since the previous application was approved. It is therefore necessary to consider the application in relation to the current development plan, together with an assessment of any amendments to the application. The application has been brought before members because of an objection from a neighbouring owner, and also because of concerns regarding the access which have been raised by the Town Council.

The material considerations are therefore:

- Impact of development on the character of the listed building and Pickering conservation Area.
- Is the design of the proposed development acceptable? And does it reflect local distinctiveness.
- Impact of development on the existing amenities of neighbouring occupiers
- Ecological considerations
- Access considerations

Impact of development on character of listed building, and on Pickering conservation Area

During consideration of the previous applications, the Councils Conservation Officer advised that the proposed extension was appropriate in terms of scale, proportion design and location.

It was not considered that the development would result in the loss of significant historic fabric or harm the character of the listed building. Accordingly, in view of the broad compliance with policy, permission was granted for both planning and listed building consent. In relation to the current application, the Conservation officer has advised that in her opinion the amendments to the previously approved scheme are minor, and that they preserve the special interest of the listed building. In relation to the conservation area, the design of the extension, and alteration of the outbuildings is considered to be appropriate, and it will preserve the character of the conservation area. Accordingly the development complies with the duty imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Appropriateness of design

It is considered that the proposed development has been designed in a manner which respects the character of the existing outbuildings. Indeed the repair and re-use of the buildings is welcomed to preserve their long term retention. The garden room forms a link between the existing dwelling and one of the outbuildings. The proposed bi-fold doors will be constructed from timber, and it is considered that their design is in keeping with the character of the principal listed building. The roof lights to either side of the roof slope to the proposed office/store are traditional in design and scale and will not have a significant adverse impact on the character of the building.

### Impact of development on the existing amenities of neighbouring occupiers

There are a number of dwellings in very close proximity to the southern and western boundaries of the application site. During consideration of the previous application however, it was considered that the development was appropriate, and that it would not result in a significant adverse impact on their existing amenities. The rear wall to the holiday cottage is blank, and any comings and goings associated with it would be away from the boundary with neighbouring occupiers. It was also considered that the change of use of the outbuilding to form a domestic office/study together with the link extension would not have a significant adverse impact on the existing amenity of neighbouring occupiers. A letter has however been received in relation to the current application from the owner of 45 Potter Hill. Her concerns relate to:

- the inclusion of a rooflight on the roof slope of the outbuilding which forms the northern boundary of her property. She expresses concern that if a second floor is inserted in the building, it would enable people to overlook her property
- clarification is requested in relation to materials for the construction of the rear wall of the garden room and details of drainage.

In relation to the rooflight, it is noted that this is positioned approximately 2.8m above the internal floor level of the building. In view of this it will not be possible to look out of the window onto the neighbouring property. The concerns of the neighbouring in relation to the insertion of a floor have however been taken into account. Whilst it is unlikely that there is sufficient head height to create a second floor, it is considered that any approval should be conditioned to prevent a floor being inserted without the submission of a formal application. Given the close relationship between the dwellings in this part of Potter Hill, it is not considered that opening the rooflight will give rise to such additional noise that would warrant refusing the application. It is also considered that the increase in the height of the boundary wall which forms the rear wall of the garden room will reduce some noise transfer between the dwellings.

Additional plans have been received to provide clarification in relation to the neighbouring occupiers concerns regarding the construction of the boundary wall, and method of surface water drainage. The existing stone wall will be increased in height by approximately 1.4m diminishing to 600mm, and will be constructed in matching stone. A rainwater gutter will be erected on the rear of the garden room on the neighbouring occupiers side of the building, which will run to a box gutter on the applicants own land. The applicant has signed certificate A to state that they are the owners of all the land in the application site. In relation to the gutter, whilst it overhangs the rear of the garden room, the applicant has advised that the existing wall is set slightly off the boundary and therefore the gutter will still be within his land ownership.

Accordingly, subject to the implication of the condition referred to above, it is not considered that the development will have a significant adverse impact on the existing amenities of neighbouring occupiers.

### Ecological considerations.

Local Planning authorities have a legal duty under the Habitats Regulations in respect of protected species. They must address the following three tests when deciding whether to grant planning permission;

- the activity must be for imperative reasons of overriding public interest
- there must be no satisfactory alternative and;
- favourable conservation status of the species must be maintained

In this case the buildings are curtilage listed and therefore the repair and re-use of the buildings is in the public interest. Given this, there is no satisfactory alternative to the proposed development. Furthermore, the change of use to holiday accommodation is beneficial to the local economy.

The previous application included an emergence survey in relation to bats. The survey found no evidence of bat habitation at that time. Since then, work commenced on re-roofing the buildings to make them watertight. The applicant has verbally confirmed that this was carried out in accordance with the recommended mitigation contained within the survey. In view of this, the Council's Countryside officer has advised that no further survey work is required. However it is recommended that an informative be applied to any permission advising the applicant of their duties in regard to protected species.

### Access.

In terms of access, it is noted that the Town Council and two neighbours expressed concern regarding the access to the previous application. Nevertheless, it was accepted that there was sufficient room within the site to accommodate five vehicles. Furthermore, the Highway Authority did not object to the application. The Town Council has not objected to the current application. However they have expressed concern that the creation of the holiday cottage would increase vehicular movement between the road and the site. This is of concern because the access runs along a narrow diagonal slope and across a footpath used by children walking to school. The situation has not changed since the previous application was approved. Indeed the Highways Authority has advised that because the proposal involves an existing building, and utilises an existing access onto the public highway they have no objection to the application subject to a condition which is listed as condition 4 on this report.

### Conclusion

It is considered that the principle of the development has already been accepted. The current application has been considered in the light of the policies in the Ryedale Plan – Local Plan Strategy, and the responses to consultation on the application.

### **RECOMMENDATION:                      Approval**

1            The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2            Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed.

Reason:- To ensure that the development hereby approved does not harm the character of the listed building or Conservation Area, and to satisfy the requirements of Policies SP12 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 3 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

Reason:- To ensure that the development hereby approved does not harm the character of the listed building or Conservation Area, and to satisfy the requirements of Policies SP12 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved:

(i) have been constructed in accordance with the submitted drawing (Reference 1:500 block plan)

Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 5 Prior to the commencement of the development, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure an appropriate appearance, and to comply with the requirements of Policy SP12 of the Ryedale Plan - Local Plan Strategy.

- 6 The holiday accommodation hereby approved will be subject to the following conditions:-
- The accommodation shall be occupied for holiday purposes only; and not as a person's sole, or main place of residence; and
  - It shall be available for commercial holiday lets for at least 40 days a year and no let must exceed 31 days; and
  - The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.

Reason:- It is not considered that the building is suitable for independent residential occupancy due to its relationship with 44 Potter Hill and to satisfy the requirements of Policy SP21 of the Ryedale Plan - Local Plan Strategy.

- 7 The holiday cottage hereby approved shall remain in the same ownership as that of 44 Potter Hill, and shall not be sold or let off separately.

Reason:- In the interests of neighbouring amenity and highway safety, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order revoking, re-enacting or amending that Order), no windows, other than those shown on the plans hereby approved, shall be formed in the walls or roof of the dwelling(s) hereby permitted without the prior written consent of the Local Planning Authority following a specific application in that respect.

Reason:- To safeguard the privacy and amenity of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 The office/study shall remain as a single storey building at all times, and no mezzanine or additional floor shall be created within it.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site block plan 1:500  
Site location plan scale 1:1250  
Proposed west elevation 1:50  
Proposed north elevation 1:50  
Outbuildings-east elevation 1:50  
Outbuildings-ground floor plan 1:50  
Outbuildings-first floor plan 1:50  
Proposed extension conversion  
And alterations – south elevation 1:50  
Ground floor plan 1:50

Reason: For the avoidance of doubt and in the interests of proper planning.

#### **INFORMATIVES:**

- 1 The applicant is advised to ensure that all vehicles associated with the property enter and leave in a forward gear, and in addition, do not park on the grass verge to the front of the site.
- 2 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 ( as amended by the Countryside and Rights of Way Act 2000) and are further protected under section 41/42 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 ( as Amended) and applied to whoever carried out the work.  
Contact details: Natural England, 4th Floor, Foss House, Kings Pool, 1 - 2 Peasholme Green, York, YO1 7PX Tel: 0300 060 1911
- 3 You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).

**Background Papers:**

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties