

Item Number: 17
Application No: 14/01081/OUT
Parish: Kirkbymoorside Town Council
Appn. Type: Outline Application
Applicant: Mr Paul Strickland
Proposal: Erection of dwelling with detached garage (site area 0.1ha)
Location: Land At Piercy End Kirkbymoorside

Registration Date:
8/13 Wk Expiry Date: 1 December 2014
Overall Expiry Date: 3 December 2014
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Parish Council	No views received to date
Highways North Yorkshire	No views received to date
Building Conservation Officer	No objection
Environmental Health Officer	No views received to date

Neighbour responses: J Cossins,

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SITE:

The site is situated in Kirkbymoorside Conservation Area to the rear of 51-55 Piercy End. The access to the site is situated between the existing dwellings, which also provides access to a block of six garages. The Catholic Church and vicarage is situated to the immediate south of the site. The applicant has advised that the land is currently used as an allotment and is not a private garden, it is approximately 800 square metres and is bounded to the west by the garage block, with hedges around the other boundaries. The adjacent dwelling, 53 Piercy End, is a grade II listed building.

PROPOSAL:

Outline planning permission is sought for the erection of a single-storey dwelling and detached garage, with all matters reserved. An illustrative plan has been submitted to demonstrate how a dwelling and garage could be accommodated on the site. Vehicles and pedestrians would use the existing access to the garages. The application is accompanied by detailed information relating to the personal needs of the applicant. The applicants have a daughter with a progressive neurological disorder who has to use a wheelchair or walking frame. The family currently live in a two-storey house approximately 1 mile from the centre of Kirkbymoorside. The application site is within their ownership. Letters in support of the application have been submitted from the following people:

- Consultant Paediatrician
- Consultant Paediatric Cardiologist
- Occupational Therapist - York Teaching Hospital
- Occupational Therapist - NYCC Social Services
- Head Teacher, Kirkbymoorside Primary School
- Chief Officer, Ryedale Special Families
- The applicant's personal statement

A letter of support has also been received by a Kirkbymoorside Town Councillor.

HISTORY:

There is no recent history on the application site itself. The following history is pertinent to the adjacent Catholic Church:

00/00553/FUL - Permission granted for the change of use of 1st floor to office together with formation of car parking area

08/001037/FUL - Permission granted for extension to church to form toilets

POLICY:

Primary Legislation

The Planning and Compulsory Purchase Act 2004 (as amended)
Planning (Listed Buildings and Conservation Area Act) 1990

National Planning Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy SP11 - Community Facilities and Services (relates to Public open space Contributions)
Policy SP12 - Heritage
Policy SP16 - Design
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
Policy SP21 - Occupancy Conditions

APPRAISAL:

The main issues in the consideration of the application are:

- Principle of residential development
- Heritage assessment
- Design
- Neighbour impact
- Access considerations
- Contributions

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Ryedale Plan - Local Plan Strategy directs most development to the market towns, with Malton and Norton supported as Ryedale's principal town and Pickering, Kirkbymoorside and Helmsley as local service centres. Limited small-scale growth will be directed to service villages. Housing in other villages is justified only in exceptional circumstances. Policy SP2 states that the sources of new housing that will contribute to the supply of new homes across the District area as follows:

- Housing Land Allocations in and adjacent to the built up area
- Conversion and redevelopment of Previously Developed Land and buildings within Development Limits
- Replacement dwellings
- Sub-division of existing dwellings
- Infill development (small open sites in an otherwise continually built up frontage)
- 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3
- Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate.

Policy in the development plan therefore supports new development in Kirkbymoorside in principle. A key requirement of Policy SP2, however, is that such development is limited to ‘infill only’. The proposed site is located in a backland location which is not classed as ‘a small gap site in an otherwise built up frontage’. As such, the development would not be supported by Policy SP2. Furthermore the site is situated within a sensitive area location. It is within Kirkbymoorside Conservation Area, and within the setting of a grade II listed building. Accordingly the *acceptability of development* in this location is inextricably linked to the impact of the development on designated heritage assets. The Council’s Conservation Officer has objected to the development for the following reason:-

“This application lies within the Kirkbymoorside Conservation Area and as such, under the Planning (Listed Building and Conservation Areas) Act 1990, Ryedale District Council has a duty to have special regard to the preservation of the character of the area. In addition, a Grade II listed building neighbours the development site to the north and in my view this application would have an impact on the setting of the listed building. Under Section 66 of the above Act, Ryedale District Council also has a duty to pay special regard to the preservation of the special interest of the listed building or its setting.

The character of the conservation area at this point is on the cusp between strong linear burgage plot development to the north of the proposed site and more varied development to the south including the 19th Century Roman Catholic church and vicarage and a mid-late 20th century house set back at a canted angle. A block of mid 20th Century garages lies behind the frontage buildings visible through and accessed by a vehicular access off Piercy End.

The above outline application proposes a ‘Single Storey Dwelling’. A detached building presumed to be a garage is also shown on the block plan however no details of this are provided with the application. In my opinion as this application is within the conservation area and affecting the setting of a listed building, an outline application is not appropriate and detailed drawings should be provided.

The development site uses the existing vehicular access and is positioned behind the existing garage block. Views of the dwelling from the road, would be screened by the garage block. The pre-application proposes a single storey ‘L’ shaped dwelling to the western boundary.

I consider that the principle of developing this site is unacceptable. In my opinion the character of the conservation area which is desirable to preserve is the burgage plot arrangement that consists of undeveloped gardens behind frontage buildings. This development does not follow that historic form and would position a bungalow style dwelling in a backland location roughly centred within the plot. Although I acknowledge that there is a vicarage behind the church at roughly the same location as the proposed building, I am of the opinion that this is an anomalous form of development within the conservation area and does not reflect the predominant character.

I also have concerns regarding the development of this plot and its harmful effect on the setting of the neighbouring Grade II listed building sharing a boundary with the plot to the north of the site. At present, the setting of the listed building includes undeveloped tranquil back gardens which maintains and strengthens the historic burgage plot character. The significance of the listed building in this context can be described as a vernacular cottage set within a domestic street setting. The domestic curtilage including neighbouring gardens forms the setting to the listed building and these all contribute to its significance as they emphasise a historic cottage set within a traditional burgage plot arrangement. I am of the opinion that a dwelling on this site would undermine this character and cause harm to the setting of the listed building”.

Prior to the submission of this application, the applicant submitted a pre-application request, and was advised that on the basis of the fundamental concerns regarding the backland location of the site, and the concerns of the Council’s Conservation Officer, an application for the development of the site was unlikely to be considered favourably.

The applicant has, nevertheless, resolved to pursue an application for the development of the site, and accompanied it with a supporting statement. The full statement is appended, however the agent disputes that this site was ever a garden because it was originally located behind a foundry. Furthermore he argues that the location is marginal between the burgage plots which are found to the north and the developed area of the Catholic Church and Petch Croft to the south. He also refers to comments made by the Conservation Officer that the site is “*only on the cusp*” between these areas.

In relation to the impact of the development on the setting of the listed building he states:

The traditional house on the street frontage is important in its own right and contributes to the character and appearance of the conservation area. However behind, apart from the traditional brick and stone outbuilding, there are also three further, unsightly, outbuildings of plastic sheeting and roofing felt.

The proposed house would be some 40m away from the traditional outbuilding, separated from it by the hedge. The unsightly outbuildings define much of the setting of the listed building.

The applicant sums up this section of his statement by the following paragraph;

26. Policy SPI2 of the Ryedale Plan, Heritage, rightly states that designated heritage assets will be conserved. It also says that proposals resulting in ‘less than substantial harm’ will only be agreed where there is public benefit outweighing any harm. In my judgement there is no harm, but if it is considered that there was it would not be substantial and the benefit to the applicants is a compelling reason to approve the proposal.

The Conservation Officer has taken account of the applicant’s statement, and acknowledges that the site is on the cusp between two zones. Nevertheless she advises that the site falls more within a zone where green space to the rear of the plots contributes to the character of the conservation area. Historic mapping also shows the site as being largely undeveloped and open. As such, she advises that in her opinion, harm would be caused by the development which would not preserve or enhance the character of the designated Conservation Area.

Paragraph 134 of the development plan states:-

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

Officers have taken account of the detailed personal statement submitted by the applicant together with the submitted letters of support. Officers accept that there is a functional reason why the applicants would benefit from living in a market town where there is good access to facilities. It is also accepted that there are few single storey properties on the market which are within a short distance of the town centre. Nevertheless, personal circumstances are not a public benefit, and carry little weight as a material planning consideration. The agent has made reference to para 50 of the NPPF which requires Local Planning Authorities to plan for a mix of housing based on the needs of different groups in the community, including people with disabilities. It is considered however, that this paragraph is intended to be taken into account when forming policies in development plans, and by requiring developers of large housing sites to provide a mix of house types. It is not intended to relate to the personal requirements of applicants.

In view of this it is considered that the development fails the duty under the act, and is contrary to the requirements of policy SP12 of the Ryedale Plan and Section 12 of the NPPF.

Design

The application is in outline with all matters reserved. A plan has been submitted for illustrative purposes, but is not binding on the outline application. Nevertheless it is an indication of the proposed development and shows an 'L' shaped dwelling and double garage. The application form states that the dwelling would be brick walling with red clay pantiles to the roof. Officers consider that, notwithstanding the officer recommendation, if it is accepted that a single storey dwelling would be acceptable in this location, it should better enhance the form of the burgage plots, such as a simple linear dwelling. The agent has advised that this would not be possible without increasing the width of the dwelling with a corresponding increase in ridge height. Officers accept that circulation space would be an essential feature of any dwelling. Nevertheless, it is still considered that a more sympathetic plan form could be achieved. It is also considered that the form and location of the garage is inappropriate and diminishes the burgage plots.

Neighbour considerations

The access to the site lies between two existing dwellings. Given that this is already used to serve six garages, it is not considered that the use of the access for one further dwelling would result in a significant adverse impact on the existing amenities of neighbouring occupiers. Nor is it considered that the dwelling would result in an adverse impact on their amenities by virtue of overlooking or overshadowing. The vicarage to the rear of the Catholic Church is, however, sited in close proximity to the southern boundary of the site, with windows overlooking it. In the absence of the submission of detailed plans, it is not possible to fully assess the impact of a dwelling on the existing amenities. Nevertheless it is considered that it would be possible to mitigate any significant impact on their existing amenities by an appropriate design.

Access.

The views of the Highways Authority are awaited. However, it is accepted that the site is served by an existing access which already provides access to six garages.

Conclusion

Officers have taken account of the particular personal circumstances regarding the submission of this application, and have sympathy with the applicant's need to be situated with easy access to facilities, together with family and friends. It is also accepted that there are few single storey dwellings currently available on the market in close proximity to the centre of the town. Nevertheless, it can not be demonstrated that the development preserves or enhances the character of the conservation area. It will result in harm to the setting of the listed building and the character of the conservation area. Furthermore the illustrative plan and elevation accompanying the application fails to respect the character of the burgage plots. Accordingly, the recommendation is one of refusal.

RECOMMENDATION: Refusal

- 1 The proposed dwelling is in a backland location which does not constitute infill development. As such, the development is contrary to the principles of Policy SP2 of the Ryedale Plan – Local Plan Strategy.
- 2 The proposed development fails to preserve or enhance the character of the Conservation Area, by virtue of the harm to the burgage plot arrangement that consists of undeveloped land behind frontage buildings. As such, it is contrary to the principles of Policy SP12 of the Ryedale Plan - Local Plan Strategy, and Section 12 of the National Planning Policy Framework.
- 3 The development would harm the setting of the neighbouring Grade II listed building which shares a boundary with the application site. As such, it is contrary to the principles of Policy SP12 of the Ryedale Plan - Local Plan Strategy, and Section 12 of the National Planning Policy Framework.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties