

**Item Number:** 9  
**Application No:** 15/00365/FUL  
**Parish:** Pickering Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr And Mrs Gilbank  
**Proposal:** Erection of a 2 bedroom detached dwelling together with formation of an additional 2no. parking spaces.  
**Location:** Land At Westfield House Firthland Road Pickering North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 25 May 2015  
**Overall Expiry Date:** 8 May 2015  
**Case Officer:** Rachel May **Ext:** 329

#### CONSULTATIONS:

<b>Highways North Yorkshire</b>	Recommend Conditions
<b>Parish Council</b>	No objection
<b>Land Use Planning</b>	

**Neighbour responses:** Mr Joseph Anderson,

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#### SITE:

The application site is located within the curtilage of 'Westfield House' on Firthland Road. The site historically would be likely to have been used for a vegetable garden. More recently the site has been used as general utility space and parking. The site is within Pickering Development Limits and adjacent to the designated Conservation Area.

#### PROPOSAL:

Full planning permission is sought to erect a two bedroom detached dwelling together with the formation of two parking spaces.

The proposed dwelling will have a footprint area of 86.5m<sup>2</sup>, an eaves height of 2.4 metres and due to its narrow span, a ridge height of 4.4 metres.

The proposed dwelling will be constructed of stone, under a slate roof with timber windows and doors.

#### HISTORY:

14/01296/PREAPP - Advice was sought on one single storey dwelling. It was considered that the principle of a limited form of residential development could be supported. However, there were site specific concerns that needed to be addressed prior to the submission of a full application. An application could only be supported when it is considered that the site can satisfactorily demonstrate that it can accommodate a dwelling together with acceptable levels of private amenity space for future occupiers, whilst not having a material adverse impact upon neighbouring properties.

#### POLICIES:

National Policy

The Ryedale Plan - Local Plan Strategy

SP1 - General Location of Development and Settlement Hierarchy  
SP2 - Delivery and Distribution of New Housing  
SP12 - Heritage  
SP16 - Design  
SP19 - Presumption in Favour of Sustainable Development  
SP20 - Generic Development Management Issues

**APPRAISAL:**

The main considerations when assessing this application are;

- a. Principle
- b. Character and Form
- c. Impact Upon Conservation Area
- d. Impact upon neighbouring amenity
- e. Highway Safety

- a. Principle

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

Policy SP1 General Location of Development and Settlement Hierarchy of the adopted Ryedale Plan - Local Plan Strategy ensures development is delivered in line with the hierarchy of settlements. Most development is directed to the market towns, with Malton and Norton supported as Ryedale's principal town and Pickering, Kirkbymoorside and Helmsley as local service centres. Therefore Pickering is a secondary focus for growth.

In addition, Policy SP2 Delivery and Distribution of New Housing sets out the sources of new housing that will contribute to the supply of new homes across the District. Policy SP2 supports the conversion of previously developed land within Pickering. As such, it is considered there are no policy constraints to the principle of the development.

- b. Character and Form

The proposed dwelling is of a single storey form with a gable to the rear. The proposed dwelling will be of simple architectural detailing. It has been designed to replicate the form of a traditional outbuilding, whilst the projecting gable is intended to be representative of a greenhouse type structure.

The proposed dwelling will have a relatively low profile with a low eaves and apex height. It is considered that this is in keeping with the surrounding area and that it will be well integrated into the immediate setting. As such it is considered the proposal complies with Policy SP16 Design of the adopted Ryedale Plan - Local Plan Strategy.

The proposed building will be constructed of stone under a slate roof. The proposed materials are considered acceptable as they reflect those surrounding the application site. Nevertheless, conditions will be attached to ensure the proposed materials and new window/door openings are appropriate for the surrounding context.

- c. Impact Upon Conservation Area

Although the application does not fall within Pickering's designated Conservation Area, it is sited adjacent to it and therefore the impact on the character and appearance of the Conservation Area has been considered.

The proposed dwelling will be set slightly back from the highway, and within the existing high boundary walls. It is considered this will mitigate its impact upon the Conservation Area so that it will not have a detrimental impact. The character of the Conservation Area is considered to be preserved and the duty under Section 72 of The Planning (Listed Buildings & Conservation Areas) Act 1990 is satisfied.

d. Impact upon Neighbouring Amenity

The proposed building will be set an area of land enclosed by high boundary walls. The applicant lives at '1 Westfield House' which is to the north of the application site. The other property that is enclosed within the boundary walls is 'Danby Cottage, 1A Firthland Road', to the north west of the application site. The application has been subject to an objection from the occupiers of 'Danby Cottage, 1A Firthland Road'. A summary of their objections includes the following points;

- The proposed dwelling would detract from the uniquely situated and historical interest of the existing dwellings;
- There will be an increase in noise, disturbance and ascetic impact on the neighbouring property;
- A dwelling in close proximity to the neighbouring property would detract from the overall appearance of the immediate surroundings.
- The neighbouring property is already overlooked, and an additional dwelling would create further overlooking.

The relevant material planning considerations above have been considered.

Whilst it is noted that the proposal will increase the density of development within a relatively restricted site area, it is considered the proposal will not have a detrimental impact upon the existing amenity of the neighbouring property. This is due to the orientation of the dwelling, together with the small, low profile nature of the development. It is not considered that the proposal would result in any additional overlooking of the neighbouring property.

It should also be noted that the existing dilapidated structure on site projects closer to the neighbouring boundary than the proposed new dwelling.

e. Highway Safety

The proposed dwelling will be accessed by the existing opening in the boundary wall, which is served via the existing no through road to the east of the property. Two parking spaces will be created to serve the proposed dwelling.

It is also proposed to create a new parking area for 'Westfield House' by removing a 6 metre section of east boundary walling. This will allow for the formation of a hard surface area for two parking spaces. A new 1.8 metre high wall is also proposed to separate the new parking area from the existing garden.

The highway safety aspect of the application has been considered by the Local Highway Authority. No objections have been raised, however conditions have been recommended.

**CONCLUSION:**

Pickering Town Council has raised no objection. The Highway Authority has raised no objection but recommended conditions. The occupiers of the neighbouring property, 'Danby Cottage, 1A Firthland Road' have objected to the application. No comments have been received from Land Use Planning or as a result of the site notice.

In light of the above assessment, it is considered that the proposal is acceptable and that it complies with Policies SP1 General Location of Development and Settlement Hierarchy, SP2 Delivery and Distribution of New Housing, SP12 Heritage, SP16 Design, SP19 Presumption in Favour of Sustainable Development and SP20 Generic Development Management Issues of the adopted Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. Therefore the recommendation is one of conditional approval.

**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            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 a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

3            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 on the exterior of the building the subject of this permission. The panel shall show the type of stone and method of pointing to be used. The panel so constructed shall be retained until the development has been completed

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

4            Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details of all external joinery including windows, doors and roof lights, including means of opening, depth of reveal and external finish (1:10 scale) 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 Policies SP12 and SP16 of the Ryedale Plan - Local Plan Strategy.

5            Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

Class G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating

Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

Reason:- To ensure that the amenity of the neighbouring properties is not adversely effected given the restricted nature of the site, and to satisfy the requirements of Policies SP12 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(ii)(c) The crossing of the highway verge and/or footway (tie - in to existing carriageway edge) shall be constructed in accordance with the approved details and/or Standard Detail number E6.

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the approved details that shall be submitted, and agreed in advance, of the commencement of the development and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 7 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 240 315 1. Once created, these parking 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 adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 8 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of

highway safety.

- 9 Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the development hereby approved, parking for the existing house known as '1 Westfield House' as shown on drawing number 240 315 1 shall be created and brought into use in accordance with the submitted details. Thereafter the parking area shall be retained in accordance with the approved plans.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off - street accommodation for vehicles in the interest of safety and the general amenity of the development.

- 10 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, the external finish and colour of the flue 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 the fixings can be agreed and the requirements of the condition discharged)

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 11 Unless otherwise agreed in writing, the hedge and boundary wall to the west of the applicatio site, as shown on plan number 240 315 1 shall be retained.

Reason:- To ensure that the amenity of the neighbouring properties is not adversely effected given the restricted nature of the site, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

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

Site Location Plan, Plans (drawing number: 240 315 1) and Elevations (drawing number: 240 315 2).

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

#### **INFORMATIVE:**

- 1 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

#### **Background Papers:**

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