

Item Number: 12
Application No: 15/01467/73A
Parish: Pickering Town Council
Appn. Type: Non Compliance with Conditions
Applicant: Maria Bennett
Proposal: Variation of Condition 04 of approval 11/00943/HOUSE dated 16.11.2011 to replace Drawings 'Site and Floor Plan', 'East Elevation', 'West Elevation' and 'North and South Elevation' with Drawing no. 081 215 1 A - revised garage details (retrospective).
Location: 20 Eastgate Pickering North Yorkshire YO18 7DU

Registration Date:
8/13 Wk Expiry Date: 4 February 2016
Overall Expiry Date: 23 February 2016
Case Officer: Tim Goodall **Ext:** 332

CONSULTATIONS:

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|--------------------------------------|--------------|
| Parish Council | Concerns |
| Building Conservation Officer | No objection |
| Environmental Health Officer | |
| Highways North Yorkshire | No objection |
| Parish Council | Concerns |

Neighbour responses: Sue Ridley,

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SITE:

The application site is occupied by a mid terraced dwelling located on Eastgate, Pickering. The dwelling has an 50m long rear garden to the north east of the dwelling, with a separate gated vehicular access onto Hawthorn Close.

The main dwelling was constructed in the eighteenth century and is Grade II listed. The site is also located within the Pickering (Town Centre) conservation area.

PROPOSAL:

The current planning application is retrospective and proposes the variation to the wording of condition 4 of planning permission 11/00943/HOUSE, granted 16.11.2011. Condition 4 was worded as follows:

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

- Site and Floor Plan (Scale 1:200) date stamped 7 Sep. 2011
- East Elevation (Scale 1:50) date stamped 7 Sep. 2011
- West Elevation (Scale 1:50) date stamped 7 Sep. 2011
- North and South Elevation (Scale 1:50) date stamped 7 Sep. 2011

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

The garage which was approved in 2011 had a dual pitched roof measuring 4.9 metres in height at its apex, 6.0 metres deep and 8.05 metres wide. The garage was to be set in 0.3 metres from the east elevation boundary of the garden.

The revised drawing numbered 081 215 1A is intended to supersede the previously approved drawings.

The revised proposal shows the garage at 5.5 metres in height at apex, 5.7 metres in width and 6.2 metres deep. The garage is set in approximately 2.0 metres from the east boundary.

The previously approved scheme proposed a dual pitched roof clad with pantiles and the walls to be timber clad. The garage that has been constructed has been of the correct materials. However the timber cladding had not been installed to the side elevations.

Plans and elevations of the previously approved scheme and those currently proposed are appended to this report.

CONSULTATION RESPONSES:

One objection was received from the occupier at 1 Hawthorn Close, a property which is located to the east of the site. In summary the objection raises the following points:

- Concern that it is not a double garage.
- Concern over the height of the building and that combined with the trees, there is a loss of light
- An internal staircase and woodburner have been installed
- The timber panelling has not been completed to the side elevation

Pickering Town Council responded to the public consultation to query why there is a wood burning stove in the garage. There is concern that the vapour from garaged vehicles would create a fire hazard. A site visit by officers was recommended to confirm the use.

As a result of the objections to the proposal, under the Council's scheme of delegation, the application is brought to Planning Committee to be determined by Members.

HISTORY:

10/00622/FUL - Approved - Change of use, alteration and extension of outbuilding to form a one bedroom self contained residential annex to include erection of lean-to extension and section of wall with gate

10/00623/LBC - Approved - Conversion, alteration and extension of outbuilding to form a one bedroom self-contained residential annex to include erection of lean-to extension, section of wall with gate, glazed door to replace garage door and installation of 2no. conservation rooflights

11/00943/HOUSE - Approved - Erection of detached double garage to the rear

POLICY:

Ryedale Plan - Local Plan Strategy

SP12 - Heritage

SP16- Design

SP19 - Presumption in Favour of Sustainable Development

SP20 - Generic Development Management Issues

National Planning Policy Framework

APPRAISAL:

Planning permission was granted in 2011 for the erection of a detached double garage. A complaint was received that the garage had not been constructed in accordance with the approved plans. Following a visit to the site by Council officers, this application was submitted to vary the approved plans in an attempt to regularise the breach of planning control.

Subsequent to the determination of the 2011 application, national and local planning policies have been amended with the publication of the National Planning Policy Framework (2012), National Planning Practice Guidance (2014) and the Ryedale Plan - Local Plan Strategy (2013).

The Local Planning Authority is required to consider whether the revisions to the garage are acceptable and whether they accord with the updated national and local planning policy.

When planning permission was granted in 2011, the following planning issues had been considered:

- i. Character and Form
 - ii. Impact on Residential Amenity
 - iii. Impact on the Listed Building and the Pickering Conservation Area
 - iv. Other Matters
 - v. Conclusion
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- i. Character and Form

To accord with Policies SP16 (Design) and SP20 (Generic Development Management Issues) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Attention should be paid to the grain of settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings. Consideration must also be given to the type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

The revised scheme is located within the rear garden of the dwellinghouse and is set well back from the rear elevation. The garage has a dual pitched roof in keeping with the prevailing architecture of the surrounding area and is relatively well screened by existing buildings and also mature evergreen trees that are much higher than the building. The timber cladding to the side elevations of the building has not been completed. The applicant advised that work stopped when it became apparent a new planning application was required. A condition can be attached to any planning permission requiring the completion of the cladding within a reasonable timeframe. The character and form of the garage is considered to accord with Policies SP16 and SP20.

- ii. Impact on Residential Amenity

In accordance with Policy SP20 (Generic Development Management Issues), new development is required not have a material adverse impact on the amenity of present and future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

The revised garage is 0.6 metres higher than the previously approved design. However, in mitigation, it is set further back from the boundary to the east of the site. The garage is visible from the rear gardens of the properties on Hawthorn Close, to the east of the site. However, the garage is significantly lower than the existing evergreen trees that form the site boundary. Furthermore, the garage is set back from the neighbouring boundary providing further distance with the rear elevations of the properties on Hawthorn Close. As such there is considered to be a neutral impact on residential

amenity in comparison to the 2011 approved scheme and on balance the proposal is considered to accord with Policy SP20.

iii. Impact on the Listed Building and the Pickering Conservation Area

Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy states that conservation areas will be conserved and where appropriate, enhanced. Proposals which result in 'less than substantial harm' will only be approved where the public benefit of the proposal is considered to outweigh the harm and the extent of the harm to the asset.

The garage is located within the curtilage of a grade II listed building and the Council's Building Conservation Officer was consulted. Due to the distance of the development from the listed building, Listed Building Consent was not required.

The development is sited within a domestic rear garden and within the conservation area. The garage is adjacent to an existing car repairs garage in commercial use that is to the west of the site. Within the context of its surroundings, the location, siting and design of the garage is considered to be acceptable in terms of its impact on the conservation area.

The Council's Building Conservation Officer was consulted and has no objection to the impact of the development on Pickering (Town Centre) Conservation Area.

iv. Other Matters

North Yorkshire County Council Highways Authority have no objection to the application.

The height of the flue and the use of the building have been considered as part of the planning application. However, these matters also fall under Building Regulations and have been brought to the attention of the relevant Building Inspector.

v. Conclusion

In conclusion, the revised application is considered to be in accordance with national and local planning policy, and is recommended for approval subject to the following conditions.

Conditions to follow.

RECOMMENDATION: Approval

Background Papers:

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