

Item Number: 13
Application No: 16/00059/FUL
Parish: Kirkbymoorside Town Council
Appn. Type: Full Application
Applicant: Miss Fiona Mackirdy
Proposal: Alterations to the two bedroom street front dwelling to form a two bedroom holiday cottage together with Change of Use and alteration of unoccupied former attached dwelling to rear to form a one bedroom holiday let to include demolition of domestic outbuildings
Location: 85 West End Kirkbymoorside YO62 6AD

Registration Date:
8/13 Wk Expiry Date: 17 March 2016
Overall Expiry Date: 2 March 2016
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Parish Council	Concerns raised
Highways North Yorkshire	No objection
Building Conservation Officer	No views received to date
Public Rights Of Way	Informative to be added

Neighbour responses: Mr Derek Kay,

SITE:

The application site is an existing double frontage end-of-terrace cottage, with a two storey attached outbuilding situated within the Kirkbymoorside Conservation Area and Article 4.

PROPOSAL:

Planning permission is being sought for the change of use and alterations of the existing two bedroom street frontage dwelling to form a two bedroom holiday cottage together with alterations and the change of use and alteration of unoccupied former attached dwelling to rear to form a one bedroom holiday let to include demolition of domestic outbuildings.

The proposed development has been revised to retain single glazed timber sliding sash windows on the front elevation of the existing dwellinghouse. Officers had also raised concerns over the first floor window insertion on the gable end of the existing two storey outbuilding and the removal of both chimney stacks. The plans were then subsequently revised to show the retention of one of the chimney stacks and the proposed gable end window has been reduced in scale. The revised plans also show the retention of the outer wall of the existing outbuilding.

HISTORY:

There is no planning history on the site.

APPRAISAL:

The main considerations in assessing this applications are:

- i) Principle of the development
- ii) Conservation Area
- iii) Residential Amenity

- iv) Highways
- v) Other Issues

i) Principle of the development

The application site is located within the Development Limits of Kirkbymoorside (as defined by the 'Saved' Ryedale Plan) and it is therefore in a Local Service Village as defined by Policy SP1 (General Location of Developments and Settlement Hierarchy) of the Ryedale Plan - Local Plan Strategy. Policy SP8 (Tourism) acknowledges that a key contributor to Ryedale's rural economy is tourism, and seeks to support new self catering accommodation within the town through new buildings and the conversion of existing buildings.

The National Planning Policy Framework also seeks to support development that benefits the rural economy. The Good Practice Guidance on Planning for Tourism also details the value of tourism to the national and rural economy.

The principle is therefore considered acceptable.

ii) Conservation Area

The Building Conservation Officer's main concern in relation to the proposal was the proposed replacement of the existing single glazed timber sliding sash windows on the front elevation with UPVC. Not only is the application site within the Conservation Area but it is also within the Article 4 area where permitted development rights have been removed in relation to the replacement of windows. Following ongoing discussions, the applicant has agreed that the windows on the front elevation will remain timber sliding sashes. This will be controlled via a condition if Members are minded to approve the application.

Following receipt of the revised plans the Building Conservation Officer has raised no objection to the proposed development.

It is considered that subject to the recommended conditions the proposed development would preserve the Kirkbymoorside Conservation Area

iii) Residential Amenity

Planning permission is being sought for the change of use of the existing residential dwellinghouse to a holiday cottage. Whilst planning permission is not required to use the existing dwelling for this purpose it has been included as part of this application as it would be considered unacceptable for the two storey outbuilding to be operated as a holiday cottage without control over the existing dwelling. This is because of the close inter relationship of windows and amenity spaces on site.

The existing first floor windows on the east elevation (due to the floor levels) would be unlikely to give rise to significant overlooking of the properties and the amenity spaces to the east. However the height and angle of the proposed velux's on the eastern slope, would enable occupiers to overlook the neighbouring properties and their amenity space. It is proposed therefore to mitigate this impact through a condition requiring the velux to be obscure glazed. It is not considered that the obscure glazing would impact significantly on the amenity of the future occupiers of the holiday cottage, because of the limited lengths of stay.

Officers were originally concerned that the proposed insertion of the ground floor doors and first floor window on the gable end of the outbuilding would likely impact on No 85's amenity area which wraps round the rear of the application site. The retention of the walls of the existing outbuilding would ensure that no over looking would occur as a result of the insertion of the proposed patio doors in the rear wall.

The reduction in scale of the proposed first floor window (as well as the recommended condition requiring it to be obscured glazed) would ensure that the proposed alterations would not adversely affect the amenity of current or future occupiers' amenity.

Members will note that a letter of objection has been received from the occupier of No 87 West End who raises the following points:

- 1) The plans result in addition of a new dwelling within the Conservation Area. It is suggested that the building used to be a pig shed before becoming unused;
- 2) Concerns over parking - no off-street available;
- 3) The use as holiday cottages and associated behaviour could adversely impact on amenities; and
- 4) The insertion of a window on the end gable would allow occupiers to look out over their rear garden and from the velux on the western roof slope which is proposed to serve the stairs.

Whilst it is considered that the appraisal section of this report addresses the majority of concerns raised the neighbour has raised concern with regards to the potential intensification of the use of the of the site for two holiday cottages. The existing dwellinghouse could function as a holiday cottage without requiring planning permission. Therefore the only difference with this application is the additional unit which is a one bedroom property. Given the size of this unit it is not considered that it would result in an over intensification of the use of the site above and beyond what could currently operate without planning permission.

iv) Highways

The site does not benefit from any of street parking. The submitted Design and Access confirms that the proposed two holiday cottages would rely on off road and town centre parking.

North Yorkshire County Council Highways Authority has raised no objection to the proposed development. The Public Right of Way Officer has recommended an informative is attached to an approval to ensure that the adjacent public right of way is not obstructed during the development.

v) Other Issues

The Proposed additional unit would be served by the main sewers and existing drainage system.

The Councils Countryside Officer has advised an informative in relation to bats.

The Town Council have neither objected or supported the proposal. The full representation response has been appended to this report however a summary has been provided below;

The Planning Committee noted that with the large demands for affordable rented accommodation in Kirkbymoorside it is unfortunate that the owner of the property has elected to convert the premises into holiday accommodation. It would be preferable to see more properties made available to locals.

In light of the above assessment, the recommendation to Members is one of 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 The accommodation currently known as No.85 West End and the outbuilding to be converted hereby permitted shall only be used for holiday letting only. The holiday lets should not be used for a period(s) exceeding a total of 31 days in any one calendar year by the same person, groups of persons or families. The accommodation shall not be used as the main residence of any occupant.

Reason:- It is not considered that the application site is suitable for permanent residential use because of the relationship between the two units.

- 3 The owners/operators of the accommodation hereby permitted 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. The register shall include full details of the following:

- the main address(es) of all the occupiers of the accommodation hereby permitted
- the start date of every one of the letting/occupation of all the occupiers of the accommodation hereby permitted
- supporting evidence of the main address(es) of all the occupiers of the accommodation hereby permitted

Reason: To ensure the holiday unit does not become occupied as a permanent dwelling and to comply with the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 4 The velux windows on the eastern roof slope and the first floor window on the south elevation of the two storey outbuilding shall be permanently glazed with frosted or opaque glass of a type to be submitted and approved in writing by the Local Planning Authority prior to the occupation of the building.

Reason:- To protect the privacy of adjoining properties.

- 5 Notwithstanding the submitted plans, prior to the occupation of the property currently known as No.85 West End, details of all windows and doors, including means of opening depth of reveal, glazing and external finish of those on the front elevation shall be submitted to and approved in writing by the Local Planning Authority. The glazing of the existing windows shall be retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP12 and SP 16 of the Ryedale Plan - Local Plan Strategy.

- 6 If during the reconstruction of the gable end of the two storey outbuilding new or additional stone/bricks are required samples of these should first 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 before any re-construction of the gable end takes place on site.

Reason:- In the interest of preserving the character of the Conservation Area.

- 7 Prior to the occupation of the two holiday lets hereby approved full details of the type and species of plants for the hedgerow as shown on the revised floor plans, received by the Local Planning Authority on the 24 March 2016 shall be submitted to and agreed in writing. The approved scheme shall then be planted by the end of the first planting season after the first occupation and shall remain as such thereafter.

Reason: In the interest of preserving the amenity of the neighbouring properties.

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

Internal floor plan, revision 4 dated 23 March 2016 received by the Local Planning Authority 24 March 2016

Elevations, revision 4 dated 23 March 2016 received by the Local Planning Authority 24 March 2016

Location Plan received by the Local Planning Authority 21 January 2016

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

INFORMATIVES:

- 1 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

- 2 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

- 3 Supporting evidence of the main address(es) of all the occupiers can include the following:

- The most recent Council Tax demand
- Utility bills issued within the last 3 months

Background Papers:

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties