

**Item Number:** 11  
**Application No:** 16/00336/HOUSE  
**Parish:** Flaxton Parish Council  
**Appn. Type:** Householder Application  
**Applicant:** Mr & Mrs Render  
**Proposal:** Erection of 3 bay detached garage to serve both Ashdale House and Sunnyside.  
**Location:** Ashdale House Main Street Flaxton Malton YO60 7RP

**Registration Date:**  
**8/13 Wk Expiry Date:** 9 May 2016  
**Overall Expiry Date:** 6 May 2016  
**Case Officer:** Niamh Bonner **Ext:** Ext 329

#### CONSULTATIONS:

<b>Parish Council</b>	No objection
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Tree &amp; Landscape Officer</b>	No response received
<b>Countryside Officer</b>	Condition to be placed on permission
<b>Building Conservation Officer</b>	No response received
<b>Foss Internal Drainage Board</b>	Recommend conditions

**Neighbour responses:** Janet & Neville Webb, Chris & Jude Hearn, Mr J A M Swan,

---

#### SITE:

Sunnyside and Ashdale form a pair of semi detached, two storey properties constructed of brick with slate roofs, located towards the southern side of the village of Flaxton. The properties fall within the village development limits and the Flaxton Conservation Area.

Flaxton Village has expanded in a mostly linear development form, with properties located along the main road frontage, behind large grass verges, which are designated as visually important undeveloped areas.

#### PROPOSAL:

The application seeks planning permission for a the erection of 3 bay detached garage to serve both Ashdale House and Sunnyside. The garages are located towards the end of the extensive rear gardens serving both properties with their vehicular access gained off Barney Lane.

#### HISTORY:

The following applications are considered relevant to the current proposal:

14/01225/HOUSE: Erection of single storey rear extension following demolition of existing rear porch (Ashdale)  
16/00163/HOUSE: Erection of 3 bay detached garage to serve both Ashdale House and Sunnyside. Withdrawn.

## **POLICIES:**

SP12: Heritage

SP14: Biodiversity

SP16: Design

SP17 Managing Air Quality, Land and Water Resources

SP20: Generic Development Management Issues

## **APPRAISAL:**

The main considerations to be taken into account are:

- i) Character and Form
- ii) Impact upon Conservation Area
- iii) Impact upon Biodiversity
- iv) Flood Risk
- v) Impact upon Neighbouring Amenity
- vi) Consultation Responses

### **i) Character and Form**

The proposed development incorporates the erection of a detached three bay garage to serve Ashdale House and Sunnyside, located to the rear of the linear historic burgage plots associated with the properties, , c12.71metres from the rear boundary of the site. This garage will be accessed from Barney Lane, which is an unclassified road. Currently neither of the properties have any sheds, outbuildings or garages associated with their plots. It is considered that three covered parking spaces to serve two dwellings that would constitute appropriate and modest provision. It is noted within correspondence from the applicant that the proposed garage location was chosen following consideration of appropriate provision for vehicular turning space and egress from the site in a forward gear, whilst reducing the proximity of the development from the boundaries of neighbouring properties.

The design of the proposed garage incorporates an open fronted oak framed garage, clad with horizontal tanalized timber cladding to sides and rear, with a red brickwork plinth. The garage will be finished with a pitched roof to be constructed of natural Welsh slate tiles. The principal elevation of the garage, which will provide vehicular access will be orientated towards the north east of the site and will be accessed from Barney Lane.

It is noted that security lighting will be installed to the front and rear, with internal strip lighting on a switched arrangement. Furthermore, additional landscaping will be undertaken at the access point at Barney Lane, through the installation of replacement flowerbeds constructed from railway sleepers, which will be more in keeping with the character of the Conservation Area than the current concrete slabs.

Recently revised plans, received on the 21st April denote a reduced scale scheme, with the building footprint extending **6.16m** in length x **10.28m** in width across the two plots. This will ensure that the building is not directly on the boundary and a pathway of c.1.2m will be retained for access on the western side of the proposed garage and 1.5m at the eastern side, with pedestrian access doors on each side elevation. The proposed development has a ridge height of **3.28m** and a height to eaves of **2.19m**. It is considered that the scale of the revised plans will be much more appropriate given the context of the site - in particular, the reduced ridge height is welcomed.

The initial application referenced under 16/00163/House which was later withdrawn, incorporated a significantly larger scale development, with a footprint of **8.47m x 11.15m**, a ridge height of **5.12m** and a height to eaves of **2.29m**, to include provision of a rear seating area on the southern side of the development.

This scheme attracted a range of representations and objections from the occupiers of neighbouring properties, concerned with, amongst other issues, the inappropriate scale, materials and design.

The current application was originally submitted with a development that incorporated a slightly larger scale, with a footprint of **8.47m x 11.50m**, with a ridge height of **3.96m** and a height to eaves of **2.29m**. This has since been reduced in scale with the revised plans submitted on the 21st April to remove the covered seating area, thus facilitating the lowered roofline and an overall reduction of roof massing.

Further representations and objections were also received from neighbours who continued to highlight concerns regarding the scale and materials within this proposal. (Please see Section vii: Consultation responses.) Reconsultation correspondence to ensure the neighbours were aware of the revised scale plans was issued on the 22nd of April.

The Local Planning Authority had been made aware that the applicants had undertaken certain works to the rear of the garden, including laying a concrete base foundation, tarmac and gravelling the driveway in advance of receiving planning permission. Following a site visit, it was conveyed to the neighbours and Parish Council that the works which had taken place to date were considered to be permitted development under class F(a) Part 1 of Schedule 2 of the General Permitted Development Order. (2015)

It is Officer's opinion that the proposed materials are of a high quality and the open fronted, pitched roof design will be appropriate in this area. The tanalised timber will weather to a silver finish and the natural slate tiles will relate to the main dwelling.

Therefore, following consideration of the proposal, the design, proposed function and form is considered sympathetic to the character, proportion and appearance of the main dwelling, complying with Policies SP16, Design and SP20, Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

## **ii) Impact upon Conservation Area**

The site is located within the designated Conservation Area of Flaxton, where under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Local Planning Authority has a duty to assess whether a development proposal enhances or preserves the character of the designated area.

In order to effectively identify whether the proposal would impact upon the character of the Conservation Area, a characterisation survey was carried out by Officers with a Senior Planning Officer. Analysis was undertaken along Flaxton Main Street to identify the style of outbuildings associated with the traditional croft burgage plots, which form an important part of the character of the Conservation area.

Following the completion of the characterisation survey, it was noted that while the majority of outbuildings along this side of Main Street following the traditional linear orientation of the burgage plots, several were orientated to run perpendicular to the dwellings, including an outbuilding at Westlea - which immediately adjoins Ashdale. Therefore Officers are of the opinion that the proposed orientation of the development will not harm the traditional nature of the burgage plots.

Furthermore, It was considered that the character of the burgage plots at the rear of the gardens associated with Sunnyside and Ashdale has already been somewhat compromised, due to the erection of Appletrees close to the rear boundary. Therefore it is considered that the positioning of the development at the rear of the plot would be the preferred location for any garage development, as it will preserve the majority of the linear gardens associated with the dwellings.

Additionally, due to the reduced ridge height of 3.28m, it is not considered that it will present a significant change to the views currently experienced from the streetscene. During a site visit it was noted that there will be only glimpsed views of the slate roof of the development from Barney Lane, including at a gap within the hedgerow which separates The Homestead from Barney Lane. The large mature hedge located between Sunnyside and The Homestead, which incorporates two Holly Trees effectively screens the majority of the development. This hedgerow will be conditioned for retention. It is considered that the outbuilding at The Homestead, while smaller in floorspace will remain more highly visible than the proposed garage at the proposed site. Furthermore, throughout this area there are other outbuildings associated with the dwellings, including at Appletrees, Westlea and Sunnylea. While these may be of a smaller scale in terms of floorspace, they are intended to serve individual properties, rather than two dwellings.

Following review of the proposal, it is considered that the proposed development will not harm the special value protected within the Conservation Area designation and that it preserves the historic character of the area. It is Officer's opinion that the high quality materials and reduced scale of the open garage design will contribute to ensuring this value is protected.

In addition to conformity with the Planning (Listed Building and Conservation Areas) Act 1990, the proposal is also considered to meet the relevant policy criteria outlined within the National Planning Policy Framework, Section 12 'Conserving and Enhancing the Historic Environment.' It is also considered that this application conforms with Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy, which asserts that '*designated historic assets and their settings, including listed buildings, conservation areas... will be conserved and where appropriate enhanced.*'

### **iii) Impact upon Biodiversity**

Ryedale District Council's Countryside Management Officer noted that there is a possibility of Great Crested Newts being present on this site if it provides a suitable terrestrial habitat, as there is a known population of the species within the village based on 3 ponds to the west of the Ashdale and Sunnyside.

However, as ground works have been undertaken under permitted development rights, the Countryside Management Officer confirmed that in this instance an informative should be attached to the permission to ensure the applicant is fully aware of their duty under both the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations (2010).

### **iv) Flood Risk**

The site does not fall within any Flood Risk Zone designation. However it was noted within consultation responses received by neighbours and the Foss (2008) Internal Drainage Board that the area has a propensity to flood and drainage is considered to be overloaded.

The Board noted "*The site is in an area where drainage problems exist and development should not be allowed until the authority is satisfied that surface water has been satisfactorily provided for.*" The advice continued "*Where possible the risk of flooding should be reduced and that, as far as is practical, surface water arising from a developed site should be managed in a sustainable manner.*"

The applicant employed a consultant, HM Design, to undertake to undertake percolation tests and design an appropriate soakaway solution for the works. Following review of the report submitted by the agent on the 25th April, it is considered that a soakaway can appropriately be installed to mitigate any potential drainage issues from the proposed garage structure. This will be conditioned for installation within any permission granted.

It is considered that the proposed mitigation measures for the proposed development are appropriate and will protect the cumulative impact upon the surface water drainage in Flaxton.

This is considered to be in keeping with Policy SP17: Managing Air Quality, Land and Water Resources, which supports the management of flood risk by *"the use of sustainable drainage systems and techniques, where technically feasible, to promote groundwater recharge and reduce flood risk."*

#### **v) Site Access and Highway safety**

Concerns were raised throughout the consultation by neighbours and the Parish Council in relation to the access and egress from the proposed garage to Barney Lane.

Additionally it was noted by the Parish Council that the entrance to Barney Lane was substantially widened as part of the preliminary works undertaken by the applicant. As Barney Lane is an unclassified road, no planning permission is required for the alteration to access adjoining the highway under class B Part 2 of Schedule 2 of the General Permitted Development Order (2015). However, confirmation was received from the Highways Authority, to note that any widening works would require the verge/footway crossing to be undertaken to the NYCC Specification and by an approved contractor.

The applicant was made aware of these regulations and forwarded the relevant application to the Highways Authority. The applicant also noted that the garage proposal would have the effect of enhancing highway safety by allowing a turning area in the area where vehicles currently park, thus allowing these vehicles to exit site in a forward gear. It was also confirmed that the site would be solely for domestic use.

The Highways Authority confirmed on 1st April 2016 that an application had been received by their office in respect of the alteration to the existing vehicle access and they have raised no objection to the proposal, subject to conditions.

Therefore it is considered that the proposal will not negatively impact upon highway safety, complying with Policy SP20, Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy, which notes "Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement of the safety of pedestrians and cyclists."

#### **vi) Impact upon Neighbouring Amenity**

Appletrees is a detached bungalow located to the north east of the rear boundary of the application site and the proposed garage will be located 12.71m south of this shared boundary.

It is appreciated that concerns have been raised by the residents of Appletrees referencing the potential for the development to negatively impact upon their amenity and present a loss of sunlight and outlook from their southern elevation. However, it is considered that the reduced scale of the garage development to a ridge height of 3.28m with an eaves height of 2.19m will reduce the potential for a material loss of sunlight and outlook, particularly when considering the distance between the two buildings and the presence of existing planting.

Sunnylea and Westlea Cottages are situated directly to the north west of the Ashdale and The Homestead is located along the south east boundary of Sunnyside. Both properties also enjoy long burgage plots gardens. Therefore, due to the positioning of the garage at the rear of the garden plots, the development will not impact upon the amenity enjoyed by these residents within their dwelling houses.

The design of the garage will span a significant portion of the width of the gardens at Ashdale and Sunnyside, terminating c1.5m from the boundary with The Homestead and c.1.2m from the boundary at Sunnyside/Westlea. It is therefore likely that there will be some shadowing at the rear of Sunnyside/Westlea at certain points during the day. However this will not be so significant as to cause a material loss of amenity.

It is not considered that the garden associated with The Homestead will be impacted by any loss of sunlight due to its orientation and furthermore that views of the development will be obscured by the large hedge separating these properties.

Due to the linear and relatively narrow nature of the burgage plots, it is considered that the majority of developments are therefore likely to be located in close proximity to site boundaries. For instance the garage associated with Sunnylea immediately adjoins the boundary of Ashdale and the garage associated with The Homestead is located c.0.8m from the boundary of Sunnyside - both in closer proximity to the residential dwellings of Ashdale and Sunnyside than the proposed garage.

Therefore, it is considered that this proposal will not materially impact upon the privacy, the loss of enjoyment, sunlight or outlook of either the neighbouring properties or the applicant. This is in keeping with the requirements of SP20, Generic Development Management Issues, which highlights the importance of preventing "material adverse impacts on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community."

#### **vi) Consultation Responses**

An earlier application, referenced under 16/00163/House, (referred to earlier in this report) attracted a range of representations and objections from neighbouring properties and the Parish Council, noting concern with regards to the following issues:

- Concern over excessive scale of the development,*
- The loss of neighbouring amenity*
- Reduction of light,*
- Overbearingly close to neighbouring properties*
- Appropriateness of development in a conservation area,*
- Design appearance,*
- Impact upon great crested newts,*
- Access to and from the site*
- Widening of the driveway*
- Impact of development upon drainage*

As noted this scheme was subsequently withdrawn and redesigned under the current application to propose a smaller scale design. Representations were received regarding the current application in its original form.

The Parish Council consultation response noted that earlier comments still applied, however highlighted concerns regarding the following issues:

- Concern over excessive scale of the development,*
- *Concern over height restriction upon the hedge forming the boundary between the site and Appletrees.*

Further consultation responses were received from the residents at Appletrees and The Homestead noting concern over the following issues:

- *Excessive and disproportionate scale of the development.*
- The design, materials and form of the proposal being out of keeping with the area.*
- *Detrimental impact upon the amenity enjoyed by Appletrees.*
- *Access to and from the site.*
- *Overprovision of Parking.*
- *Concerns over maintenance of the hedge forming the boundary between the site and Appletrees.*

However, as this proposed development was amended to further reduce the scale on the 21st April, an additional reconsultation has been undertaken.

To date only one response on these newly revised plans have been received, from the Parish Council, who have withdrawn their earlier objection. It was noted that they *"have reviewed the application in conjunction with the applicants at the recent meeting and are happy with the information they received."*

Should any further representations be made by neighbours, they will be reported in the late pages or through a verbal update from Officers at committee.

It is considered that the issues raised by residents at the neighbouring properties concerning the scale of the development, its proximity to neighbouring properties, design, the potential impact upon drainage, highway safety and wildlife have all been addressed. Furthermore it is considered that the proposal will not result in a material loss of amenity, light or outlook for the neighbouring properties.

### **Conclusion.**

It is considered that the proposed location presents the most appropriate area for siting a garage development within the curtilage of the properties. Due to the nature of these plots, avoiding close proximity to neighbouring boundaries is challenging. However in this case it is considered that the development has been significantly reduced in scale through negotiation and it will be located with sufficient distance from the neighbouring properties so as to avoid causing material planning impacts in terms of impacting upon light and outlook.

Additionally, the development will maintain the majority of the historic burgage plot form and the sympathetically proposed design and materials are considered to mitigate potential harm that could be associated with a new outbuilding within the Conservation Area.

The proposal is therefore considered to be in keeping with the principles of Policies SP12 (Heritage) SP17 (Managing Air Quality, Land and Water Resources) SP19 (Presumption in Favour of Sustainable Development) SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

### **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 development hereby permitted shall be carried out in accordance with the following approved plans:

Ashdale House, Plans as Proposed - Site Location Map, Floor Plans and Elevations (881.001 - Rev H) Rec'd 27.04.16 (1:1000, 1:100, 1:50)

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

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.

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

- 4 The existing hedging along the southern boundary of the site, between Ashdale and The Homestead shall be retained and maintained and details of proposed maintenance measures shall be submitted and approved in writing by the Local Planning Authority before the commencement of the development. In the event of existing hedges dying, it/they shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. Any new hedgerow plants shall be maintained for a period of five years from being planted and replaced if they die or become diseased, by plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: It is considered that the existing hedging is an important visual amenity which should be retained.

- 5 Unless otherwise agreed in writing, the development will incorporate the installation of the soakaway to the design specification as located and detailed within a 'Soakaway Design Report' undertaken by HM Design and submitted to the Local Planning Authority on 25th April 2016.

Reason: To ensure proper drainage within the site of residential amenity in accordance with SP20 of the Ryedale Local Plan Strategy.

- 6 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:- In accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy; and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.

- 7 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.

## **Informative**

1. Great crested newts are protected by both the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations (2010). Killing, injuring, capturing, handling or possessing the species is prohibited, as is damage to their habitats and trade in the species. Should any great crested newts or evidence of great crested newts be found prior to or during the 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 applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given Natural England's contact details.



**Background Papers:**

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties