

Item Number: 9
Application No: 18/01047/HOUSE
Parish: Cropton Parish Council
Appn. Type: Householder Application
Applicant: N Riley
Proposal: Erection of a detached timber sauna cabin (retrospective application)
Location: Orchard House High Street Cropton Pickering YO18 8HL

Registration Date: 17 October 2018
8/13 Wk Expiry Date: 12 December 2018
Overall Expiry Date: 13 November 2018
Case Officer: Niamh Bonner **Ext:** Ext 325

CONSULTATIONS:

Sustainable Places Team (Environment-Agency Yorkshire Area)	Consultation not required
Yorkshire Water Land Use Planning	No comment
Parish Council	No objection
Internal Drainage Board	No objection

Neighbour responses: Mrs Theresa Dykstra, Mr Andrew Collinson,

SITE:

This application site relates to a recently constructed property, Orchard House, located along High Street Cropton, located within development limits. The specific application site is located to the rear of the dwelling and is positioned just within the designated Fringe of the Moors Area of High Landscape Value. (AHLV)

The site also falls within a Green Zone 2 Ground Water Protection Zone.

PROPOSAL:

Retrospective planning permission is sought for a detached timber sauna cabin. This has been positioned c1.1 to the east of outbuildings associated with Orchard House and is situated at a distance of c2.9m from the shared boundary with Redbricks, the property which adjoins directly to the south.

The building incorporates a footprint of c4.7m x c4.5m, of which part is an enclosed, pitched roof structure and part is an open porch, decked area in which an outdoor shower is located. The floor level of the structure, including outdoor decked area is c0.4m above ground level. The building incorporates a maximum height of c3.5m and an eaves height of c2.5m. The roof has been completed with felt and incorporates a flue, serving a wood burning stove.

This proposal requires planning permission as householder permitted development rights to create additional outbuildings were removed when permission was granted for the erection of the dwelling at Orchard House. If that had not been the case, the height proportions which incorporate a maximum height of c3.5m, more than 2 metres from the boundary of the curtilage, with an eaves height not greater than 2.5m would have accorded with the Permitted Development requirements. However it is noted that the Permitted Development requirements would necessitate any raised platforms to have a maximum height of no greater than 0.3m. As drawn the plans appear to indicate the raised platform is marginally greater than that by c0.1m, however this could be verified on site.

During the site visit the applicants had advised the Case Officer that prior to construction, they had

believed there were permitted development rights associated with the property and that that the building could be erected without permission. Nonetheless, it has now been established that formal permission is required.

HISTORY

The following planning history is considered most relevant:

13/00372/FUL: Erection of 1no. four bedroom dwelling, detached double garage and garden store and demolition of existing summer house. Approved

14/00388/FUL: Erection of a four bedroom dwelling with amenity area and detached double garage and garden together with amenity areas (revised details to 13/00372/FUL) Approved

POLICIES:

Local Plan Strategy - Policy SP13 Landscapes

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

National Planning Policy Framework

National Planning Practice Guidance

APPRAISAL:

The main considerations within the determination of this application are:

- i. Character and Form
- ii. Impact upon neighbouring amenity
- iii. Drainage
- iv. Other matters, including consultation responses.
- v. Conclusion

Prior to the detailed appraisal of the main considerations outlined above. It is noted that two letters of objection have been received. These are available for Members to view in full on the planning file, accessible online:

The first response has been received from the occupier of Redbricks, the property directly to the southern boundary of the site. This makes the following summarised points, together with supporting photographs:

- The site specific context of Cropton is acknowledged. The settlement is a village located in an Area of High Landscape Value (AHLV) and the local policies considered relevant within the Ryedale Plan, Local Plan Strategy and the Fringe of the Moors Regional Landscape Strategy and Guidelines are highlighted.
- It is highlighted that “The importance of maintaining the integrity of the village as a true Ryedale village is reflected in local planning guidance.” The response then proceeds to quote directly from policy in relation to new development, including the Fringe of the Moor RLSG which notes: “It is important that any new development takes care to reflect this vernacular and ensure that this scale, form and massing of any new development compliments that already exhibited in the village.”
- It is also noted that economically the village is reliant on a flow of tourist and visitors to the area, who come to enjoy the village and its surroundings, which in turns supports the local economy and services, sustaining these key amenities for the villagers.
- The response considers that the chalet style building by virtue of its design, scale and materials

is not compliant with these identified policies as it is not cohesive with the traditional character of the protected landscape. The Fringe of the Moor RLSG is quoted when it is noted that it is characteristic of buildings within the Fringe of the Moors AHLV to be constructed in a ‘cohesive and balanced manner in which the traditional building materials of brick, limestone and pantile combine.’

- The response continues to note that from the publicly accessed Green Lane, which runs to the rear of Orchard House, the structure has no correlation to the stone and pantile building, but also raises concerns with an open shower in the line of site of passing walkers, which is not in keeping with its location or respect its open aspect to visitors.
- In relation to the point about character, a different scheme 17/01290/HOUSE is highlighted. This will be considered below.
- It is considered that the scheme has a harmful impact upon amenity by virtue of the overbearing presence of the building, exacerbated by the land levels, which are lower at Redbricks, ensuring the apex stands at 4 metres above the ground level in Redbricks. It was noted that the outbuilding is already large in scale and intrusive from any angle of the garden.
- The building is considered not in keeping with a garden in Cropton, resulting in a loss of privacy, they are now faced with an open shower and a ‘viewing portal’ style window, directly into sauna. The building is of a significant scale in contrast to the agricultural buildings behind it. The building is close to Green Lane, used by walkers.
- The accuracy of submitted plans were highlighted as a concern, as drawn it appeared that the boundary wall would have extended c1.8m in height from the garden level at Orchard House, when it actually would extend c1.55m in height, with the window not being obscured by the wall as has been shown on the plans.
- It was noted that the structure could have been had a more limited impact if it was smaller or positioned in a more discreet manner. Some of the impact could have been mitigated by not having the sauna “on stilts.”

The occupier of Old Manor House, High Street has noted the following “*I have read Mrs Dykstra's detailed letter. This leads me to the opinion (for what it's worth) that the structure would likely not have received planning permission, if an application had been properly submitted before the building was erected, without significant alterations to the plans. What would be extremely concerning to me is that if retrospective permission is now granted without amendment, then this would create a dangerous precedent whereby planning regulations can be bypassed and inappropriate structures can be foisted on the village simply by ignoring the law. I support Mrs Dykstra's objections.*”

The letters of objection and their contents are noted and have been considered following a site visit to assess the impact of the development.

i) Character, Form and Impact upon Area of High Landscape Value.

It is considered that the building is relatively small in footprint and has been sited adjoining existing outbuildings spanning c12m in length. This outbuilding is constructed primarily of stone and pantile, with a significant part timber section. This timber section is what adjoins the new sauna building. This outbuilding incorporates a pitched catslide style roof.

It is considered that when viewed from the northern elevation, the building for which retrospective approval is being sought assimilates effectively with the existing range of buildings. It is however acknowledged that from the adjoining property Redbricks, located to the south, this does appear more significant in scale due to the lower land levels in the garden of Redbricks and the relationship with the existing catslide roof at this point. However in principle, in terms of character, it is considered that this wooden building is of a summerhouse/shed like design that could be reasonably expected to be appropriate in a garden setting. It is significant in scale, however it is considered that whilst it may result

in some additional massing, a pitched roof form creates a more attractive and higher quality appearance. It is however noted that due to its positioning this roof form falls away from the adjoining property to the south.

The assessment of the scheme in the introduction to the proposal also demonstrates that broadly, subject to checks on the raised platform, the building is very close to what could have been achieved under permitted development rights if they had not have been removed at this property, indicating further that it is of a scale that could reasonably be expected in a rear amenity space location.

In terms of the Area of High Landscape Value, the application site just falls within the boundary for this designation. Policy SP13 notes that *“Development Proposal should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:*

- *The distribution and form of settlements and buildings in their landscape setting*
- *The character of individual settlements, including building styles and material.”*

It continues the *“Fringe of the Moors are valued locally for their natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skylines views within Ryedale and further afield...loss or degradation of the elements that are integral to their historic landscape character make these landscapes particularly sensitive to change. “*

It was the intention of this policy to limit any development that would have an adverse impact upon the distinctive character of the landscape area. It is not considered that this retrospective householder development result in a harmful wider landscape impact as it relates to the erection of a building with a modest footprint, closely adjoining an existing row of outbuildings within an area of domestic curtilage clearly associated with a dwelling. The building is therefore read as a domestic outbuilding and does not appear as isolated development.

The points made within the letters of objection in relation to the use of traditional construction materials of stone and pantile are considered more relevant in relation to new building dwellings, or structures of a more significant scale. It is considered the use of timber with a felted roof is appropriate for this type of structure in a domestic garden setting. It is also considered that in time the bright colour of the timber will weather and tanalise.

In relation to the point about character, a different scheme 17/01290/HOUSE is highlighted at Leigh Cottage located within the designated Conservation Area of Barton le Street. That proposal related to a detached garden room forward of the principle elevation of the building. In designated Conservation Areas, the Local Planning Authority have a duty to protect or enhance the special character of the area. It is therefore considered by the Case Officer that whilst it also related to a detached garden building, it was fundamentally different to the erection of a sauna, within the curtilage of a dwelling house.

It is therefore considered that the building is appropriate in terms of form and character and would not result in harm to the Fringe of the Moors Area of High Landscape Value in accordance with Policies SP13, SP16 and SP20 of the Ryedale Plan, Local Plan Strategy.

ii) Impact upon Neighbouring Amenity.

The issues highlighted in relation to overbearing development and loss of privacy are noted.

It is not considered that there would be any significant harm in relation to neighbouring privacy, as this sauna has been erected at a distance away from neighbouring dwellings. Given the long linear form of the amenity space associated with the dwellings along High Street at this point, whilst the sauna incorporates a window along the southern elevation of the building and an outdoor terraced area, it is not considered that this would result in any overlooking of what could reasonably be expected to form private amenity space of adjoining properties.

It is also noted within the first letter of objection that the siting of the sauna is close (c15m) to a pathway used by walkers, so this would help conclude again that the gardens at this point are not considered specifically private. Whilst it is acknowledged that there is an outdoor shower, it is not considered that this would impact upon specifically upon the privacy of neighbouring dwellings or potentially passing walkers given that it would be used solely by the occupiers of the Orchard House.

Additionally, through the erection of this structure it is reasonable to anticipate that the occupiers of Orchard House have no concerns that the operation of this would result in harm to their privacy.

The point raised about the site being near a public walkway is noted. This route may be used regularly, however it is noted that the walkway is not formalised as a public right of way. It is not considered this development would have any significant impact upon the ability of passers-by to undertake or enjoy a walk. In terms of considering the protection of privacy, there is no right to expect a particular view within planning and as the structure would serve a private household, the sauna/shower are highly unlikely to be intensively used.

Notwithstanding this, during the determination period of the application, the agent supplied photographs to confirm that following discussions with the Case Officer, the window serving southern elevation of the sauna has been treated with obscure glazing film, limiting any potential views into the sauna from adjoining properties.

In terms of the concerns raised about overbearing development, the ground level difference between the application site and Redbricks is noted and it is acknowledged that this may exacerbate how the building appears from this point. It is however noted that the footprint of the building is considered modest and the overall roof proportions are not out of character with what could be expected as part of a domestic outbuilding. Therefore it is not considered that this would form development that would be harmfully overbearing to the amenity of the adjoining property to the south, Redbricks, this is also further limited due to the inset position of the building from the shared boundary. The point raised about accuracy of the plans was noted and the plans were corrected during the determination of the scheme.

Whilst it is not considered that the proposal would result in harmful loss of privacy or harmfully overbearing development in terms of planning policy, the issues raised by the neighbour were noted. The agent/application as put forward a landscaping scheme which will help in time to soften the appearance of the sauna. This would incorporate the installation of a Beech hedgerow, at a relatively mature height of 90-120cm, to the south of the sauna – inset from the shared boundary by c0.7m which would be allowed to grow up and would then be maintained at a height of two metres. The specific planting specification has been checked by the Council's Countryside Officer who has confirmed it acceptable. A condition will be attached to any approval to ensure that this is provided in the first available planting season. This type of planting could be undertaken without any specific planning permission and therefore has not been readvertised.

Following review, it is therefore considered that the proposal would have no harm to the amenity of neighbouring dwellings or those using Green Lane to the east. It is however considered that the obscure glazing of the sauna window and incorporation of a landscaping scheme will however help to positively mitigate some of the issues raised by the occupiers of neighbouring dwellings. The proposal is therefore considered to be in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

ii) Drainage:

The submitted information confirms the sauna would be connected to the existing soakaway system within the Orchard Area, as illustrated within the plans for the original dwelling.

In relation to the position of the structure within a green ground water protection area and the inclusion of a shower within the scheme, further consultations were undertaken. The Environment Agency responses to note the proposal falls outside the scope of the issues they would make comments on, indicating that surface water drainage is the responsibility of the Lead Local Flood Authority.

The Vale of Pickering Internal Drainage Board were consulted and they confirmed the following on the 29th November 2011: *“Thank you for your email regarding the Cropton soak away situation. With the additional discharge to the soak away being minimal the board would have no concerns. I would point out that Cropton is just outside (to the north) of the IDB District. I trust this information is of assistance.”* Yorkshire Water made no response to the consultation request.

It is therefore considered that the proposal, which will adjoin the existing soakaways on the site is acceptable in terms of surface water drainage and would only result in a minimal increase upon the existing flows.

iv) Other matters including consultation responses

A consultation response was received from the Parish Council confirming no objection/comments to the proposal.

It has also been considered whether the retrospective development would have any impact upon the setting of the listed building to the north west, Rose Cottage. Following review with the Council's Conservation Specialist, it was concluded that due to the scale of the development and the distances between these buildings, there would be no impact upon the setting of the listed building.

It is considered that the proposal would have no impact upon access or highway safety given that it is for personal use only, a condition to ensure that this is for the personal use of the occupiers of Orchard House is recommended.

v) Conclusion

It is therefore considered that a building of this scale would not be out of character as a domestic outbuilding associated with Orchard House and would not result in harm to neighbour amenity by virtue of loss of privacy or overshadowing. It is however noted that the window along the southern elevation has now been obscure glazed and a landscaping will be implemented in the first available planting scheme to soften the appearance of the development, when viewed from the south which will help to mitigate some of the concerns raised by occupiers of neighbouring dwellings.

Therefore we can be satisfied that this proposal conforms with Policies, SP13 Landscapes, SP16 Design and SP20 Generic Development Management Issues of the Ryedale Local Plan, Local Plan Strategy and the National Planning Policy Framework.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be carried out in accordance with the following approved documents/plan(s):
Site Location Plan
Site Block Plan
As Proposed Plans and Elevations, including Landscaping Scheme. (Drawing no. 2742/02)
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Unless otherwise agreed in writing with the Local Planning Authority the detached sauna outbuilding hereby approved shall only be used by the owners or occupiers of the property currently known as Orchard House for private use only.
Reason: In the interests of the amenity of the adjoining neighbours and highway safety in accordance with Policy SP13 of the Ryedale Plan, Local Plan Policy.
- 3 All planting, comprised in the approved details of landscaping (Drawing no. 2742/02) shall be carried out in the first planting (November to March). Any hedging which within a period of

five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SP13 of the Ryedale Plan, Local Plan Policy.