

**Item Number:** 9  
**Application No:** 19/00010/FUL  
**Parish:** Barton-le-Street Parish Meeting  
**Appn. Type:** Full Application  
**Applicant:** Mrs Lisa Rigg  
**Proposal:** Change of use of domestic garage to mixed use self-contained residential annexe and holiday let together with replacement windows and door and installation of 2no. rooflights  
**Location:** Diamond Cottage Boynton Lane Butterwick Malton North Yorkshire YO17 6PS  
**Registration Date:** 14 January 2019  
**8/13 Wk Expiry Date:** 11 March 2019  
**Overall Expiry Date:** 1 March 2019  
**Case Officer:** Alan Goforth **Ext:** Ext 43332

#### CONSULTATIONS:

**Barton-le-Street Parish Meeting** No response received  
**Highways North Yorkshire** Recommend conditions

**Neighbour responses:** Mr Timothy Prestwich,

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#### SITE:

Diamond Cottage is located at the eastern end of the hamlet of Butterwick. The property is a detached dwelling set within a generally linear plot that amounts to approximately 650m<sup>2</sup>. Access is gained off Boynton Lane (unclassified road) that runs west-east to the north of the site. The site is within the open countryside. The nearest residential properties are The Barn and Orchard Cottage to the west and east respectively.

The detached garage is situated to the front of the cottage approximately 16m from the north facing elevation of Diamond Cottage and 6m back from the road.

#### PROPOSAL:

Planning permission is sought for the change of use of domestic garage to mixed use self-contained residential annexe and holiday let together with replacement windows and door and installation of 2no. rooflights.

The garage has a footprint of 22m<sup>2</sup> and stands 2 metres to the eaves and 3.8 metres to the ridge. There are no proposals to alter the external dimensions of the building. The building is predominately brick built with part render on the east elevation under a pantile roof. The building, which contains a mezzanine floor/loft area, is currently used for general storage. The converted building would contain an open plan kitchen and living space and bathroom and a double bedroom on the mezzanine floor above.

There would be no additional windows or doors in the north or south elevations of the building. The garage doors on the northern, front side of the building would be retained. The proposed alterations include the infill of the southernmost door in the west elevation with brickwork to match and the infilling of the majority of the below eaves windows on the east elevation. The building would be accessed via the remaining single door in the west elevation which would be oak veneer with a central window light. The remaining windows on the east and west elevations would be replaced by UPVC

windows with anthracite grey frames. There would be single rooflights installed in the west and east facing roof pitches to provide light to the bedroom and kitchen respectively. The kitchen rooflight would measure 780mm by 980mm and the bedroom rooflight would be 550mm by 780mm. Foul waste would link to the existing septic tank that serves Diamond Cottage.

The plans show that four parking places can be provided to the front and side of the building clear of the road. The annexe would have a small garden/outdoor seating area (approx.70m<sup>2</sup>) to the north east that sits between the road to the north and the front garden of the adjacent Orchard Cottage to the south.

## **POLICIES:**

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

### The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP8 Tourism

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Strategy - Policy SP21 Occupancy Restrictions

### Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)

National Planning Practice Guidance 2014 (PPG)

## **APPRAISAL:**

The main considerations in the determination of this application are:

- i) Principle of the development;
- ii) Design;
- iii) Impact on residential amenity;
- iv) Highway impacts; and
- v) Occupancy restriction.

### Principle of the development

Policy SP1 limits development in the open countryside to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities. Policy SP8 supports sustainable tourism and the provision of a range and choice of quality tourist accommodation. The policy supports tourist accommodation in the open countryside that involves the reuse of traditional rural buildings.

The proposed conversion of the building would provide the owners with flexibility to make use of the space as ancillary accommodation for family or as a holiday let unit. The representation received from the occupant of Orchard Cottage states that there are no objections to the proposed use of the annexe on an ad hoc basis by the applicant's family and friends.

### Design

The garage doors on the north elevation would be retained so there would be limited visual impact on

the street scene. There would be no additional windows in any wall of the building. The infill of windows and doors would involve brickwork and render to match existing. The majority of the windows below the eaves in the east elevation would be infilled with brickwork to leave a single rectangular window approximately by 1 metre by 0.5 metre that would provide light to the kitchen/living area. The addition of a single rooflight in each side of the roof would not significantly alter the character of the building. The external alterations would be minimal and would not detract from the appearance of the building in compliance with Policy SP16.

#### Impact on residential amenity

The neighbour has concerns in relation to loss of privacy to their front garden. At present the front garden of Orchard Cottage does not benefit from the same levels of privacy as the rear garden on the southern side of the property. The front garden is overlooked by users of the adjacent road and partially from the applicant's dwelling. The boundary between the narrow front garden associated with the annexe and the front garden of Orchard Cottage comprises a 1.6 to 2 metres high mixed hedge. To the east of the building is a timber fence and a break in the boundary planting. The applicant has confirmed that additional planting can be provided along the boundary and the additional screening would be secured by condition.

There would be no additional windows in any wall of the building. The majority of the windows below the eaves in the east elevation would be infilled with brickwork to leave a single rectangular window approximately by 1 metre by 0.5 metre that would provide light to the kitchen/living area. The rooflight in the east facing roof pitch would provide light to the kitchen and not views across the property to the east.

There would be no additional external lighting associated with the converted building or outdoor areas. At present that are two wall lanterns either side of the garage doors on the north elevation and one adjacent to the door on the west elevation. In light of concerns from the neighbour in relation to light pollution the applicant has confirmed that blinds will be fitted to the rooflights. A condition shall be included to control any additional external lighting.

The size of the building is likely to limit the occupants to a maximum of two persons. The change of use of the building is not anticipated to result in noise levels that are materially different to those which could be experienced at present. The land that would be available for the occupants of the annexe currently forms part of the outdoor amenity areas associated with Diamond Cottage. It is considered prudent to restrict music and the use of fireworks in the outdoor areas associated with the annexe and conditions shall be imposed if permission is granted. It is not anticipated that the use of the outdoor areas associated with the annexe would give rise to unacceptable disturbance to the nearest residential properties.

It is considered that by virtue of the building standing to the front of the adjacent cottages by approximately 10 to 15 metres, the existing and proposed boundary treatments and the position of the existing and proposed openings in the building the development would not have a material adverse impact upon neighbouring dwellings. This is in terms of disturbance, pollution or loss of privacy, complying with Policy SP20.

#### Highway impacts

The neighbour has concerns that the parking demand would result in occupants of the converted building parking on the verge of the lane. The applicant has confirmed that the existing fence would be repositioned further into the site and would run from the south west corner of the annexe to the western boundary. This would allow for a larger parking area at the front of the site and the applicant has indicated that space would be available for four cars to park clear of the road. Due to the limited accommodation provided within the converted building the vehicle movements associated with its use would be very limited and Officers consider that the additional parking would not have a materially adverse cumulative impact. The LHA have no objection provided the parking areas identified on the proposed layout plan are retained for use at all times and a condition to this effect shall be attached to any permission granted. It is considered that the proposal complies with Policy SP20 in relation to

highway safety.

### Occupancy restriction

Policy SP21(e) relates to time limited occupation for un-serviced holiday accommodation. In light of the flexible use of the building and that it would not be solely used for commercial holiday lets it is considered that imposing the minimum letting period for 140 days per year would not be appropriate in this case. In this instance it is considered appropriate to impose the maximum let period of 31 days. Due to the size and location of the annexe it is not considered suitable for permanent residence. The use of the building by extended family would be on a short term visitor basis. There shall be a condition imposed that prohibits the sale of the building as a separate dwelling in line with Policy SP21.

### Conclusion

The principle of the development is in line with national and local planning policy relating to the sustainable development of tourism and would allow a flexible use of the building associated with the occupants of the main dwelling and it would contribute to the range and choice of tourist accommodation in the District.

The proposed development would not have an unacceptable impact on the appearance or character of the site, residential amenity or highway safety and any adverse impacts can be controlled by condition. In light of the above assessment, it is considered, on balance, that the proposal is acceptable and complies with Policies SP1, SP8, SP16, SP19, SP20 and SP21 of the adopted Ryedale Plan - Local Plan Strategy and the revised National Planning Policy Framework. The recommendation to Members 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            The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed External Layout, undated.  
Proposed Floor Plan, undated.  
Proposed Mezzanine Area, undated.  
Proposed Roof Plan, undated.  
Proposed Elevations West and South, undated.  
Proposed Elevations North and East, undated.

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

3            All external constructional materials and colour finishes to be used for the converted building shall be in accordance with those identified in the application.

Reason: In the interests of visual amenity.

4            The development hereby permitted shall only be used as:

- (a)            An annexe for use by family of the occupants of the dwelling known as Diamond Cottage ; or
- (b)            For occupation for holiday purposes only.

The accommodation shall not otherwise be occupied as a separate residential unit and shall not be sold off separately from the main dwelling.

Reason:- The location of the proposed annex is within the open countryside where new residential development is normally precluded. This condition is also applied to comply with SP21 of the Ryedale Plan- Local Plan Strategy (2013).

- 5 The use of the annexe for holiday letting purposes is only permitted to the same person, groups of persons or families for period(s) not exceeding a total of 31 days in any one calendar year. The owners/operators shall maintain an up-to-date register of lettings/occupation that shall be made available for inspection to an officer of the Local Planning Authority on request. 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 and this condition is applied to comply with SP21 of the Ryedale Plan- Local Plan Strategy (2013).

- 6 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing provided with Planning application ref: Proposed External Layout, dated 31/01/2019 showing parking reserved for 4 vehicles, turning areas and access shall be kept available for their intended purposes at all times.

Reason:- To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 7 Full details of any new or additional external lighting at the site, including lighting for site security purposes, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the reduction of light pollution.

- 8 A scheme of hedgerow planting along southern boundary of the garden and to the east of the building the subject of this application shall be undertaken in the first planting season following the grant of planning permission. The planting shall consist of native species plants capable of growth to a minimum height of 1 metre. The planting shall be maintained for a period of 5 years to the reasonable satisfaction of the Local Planning Authority. The maintenance shall include the replacement of any plants that die, are removed or become seriously damaged or diseased 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 ensure that the proposed development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality.

- 9 No music shall be played in the external areas associated with approved annexe.

Reason:- To ensure that the amenities of nearby residents are not unreasonably affected.

- 10 There shall be no use of fireworks associated with the annexe and associated outdoor areas hereby approved.

Reason: In the interests of protecting the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

