

Item Number: 8
Application No: 18/01035/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Mr B Abbott
Proposal: Erection of a two bedroom dwelling
Location: Land At Derwent Mount York Road Malton North Yorkshire

Registration Date: 27 September 2018
8/13 Wk Expiry Date: 22 November 2018
Overall Expiry Date: 17 May 2019
Case Officer: Alan Hunter **Ext:** Ext 43276

CONSULTATIONS:

Highways North Yorkshire	Recommend conditions
Countryside Officer	No views received to date
Yorkshire Water Land Use Planning	No views received to date
Parish Council	Recommend refusal
Building Conservation Officer	Further views awaited

Neighbour responses: Mrs Susan Redfern, Mr And Mrs S And D England, Mr And Mrs P Tate-Smith, Mr Peter Thompson, Mr & Mrs Brampton,

SITE:

The application site forms part of the rear garden of No. 6 York Road, also known as Derwent Mount. The area in question measures 44 metres at its maximum by 36 metres, with an access track measuring 55 metres in length from York Road. The site is within both the Development Limit and the designated Conservation Area of Malton. There are several trees on the site, including a line of mature trees to the eastern side of the access track between No. 4 and No. 6 York Road. The area is characterised by substantial detached and semi-detached properties set within generous plots together with substantial landscaping in and around the properties. The adjacent site to the northern and eastern side of the application site contains trees protected under an area Tree Preservation Order (228/1997). Part of the building at No. 6 is used as an equine veterinary office.

PROPOSAL:

Planning permission is sought for the erection of a 2 bedroom dwelling. It is single storey and designed in an 'L' shape, one side will have a length of 19.2 metres and the other 19.2 metres. The width of the buildings is 5.2 metres with an eaves height of 2.1 metres and a ridge height of 4.5 metres. It is proposed to construct the building of stone under a slate roof with timber/aluminium windows and timber doors. The external hard surfaced areas are to be of concrete. With the exception of 2 no. bedroom windows no windows or openings are proposed on the outer sides. 6 no. roof lights are proposed on the inner (southern and western sides). There is a ground level change across the site, with the land falling from north to south. The proposal is to set the northern part of the building 0.4 metre below the existing ground level and to raise the southern part of the building approximately 1 metre above the existing ground level.

Access to the site is proposed via an existing access track that serves No. 6 York Road, Derwent Mount and its associated business use. No. 6 is proposed to retain a smaller area of domestic curtilage to the front of the property and an area immediately to its rear side.

Both foul and surface water are to be drained via the mains.

HISTORY:

There are various planning permissions in relation to No. 6 York Road. These mainly relate to extensions and alterations to the property between 1981 until 2016, including a change of use at one time to a nursing home. The property was granted planning permission to be used again as a single dwelling in 2006. In regard to the rear garden plot in question, there has been an application in 2017 Reference 17/01113/FUL for a detached 4 - bedroomed two storey dwelling which had an apex height of 7.7 metres and an eaves height of 5 metres. That was withdrawn before a decision was made however, plans and elevations of the scheme are appended to this report for comparison purposes.

POLICY:

National Policy Guidance

National Planning Policy Framework 2019

National Planning Policy Guidance 2014

Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of Housing

Policy SP3 - Affordable housing

Policy SP4 - Type and mix of new housing

Policy SP12 - Heritage

Policy SP11 - Community Facilities and Services

Policy SP14 - Biodiversity

Policy SP16 - Design

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

Policy SP22 - Planning Obligations, Developer Contributions and Community

APPRAISAL:

The main considerations on this application are:

- o The principle of the proposed development;
- o The siting, scale and design of the proposed dwelling;
- o The impact of the proposal upon the Malton Conservation Area;
- o Impact upon the amenity of the adjoining occupiers;
- o Highway safety;
- o Whether No. 6 retains a satisfactory level of residential amenity; and
- o The impact of the proposal upon existing trees and landscaping; and,
- o Drainage.

The principle of the proposed development

The application site is located within the development limits of Malton, the Principal Town, and a key focus for growth in the LPS. The property proposed, however, is in a 'backland' location which is not expressly supported by Policy SP2 of the Local Plan Strategy. However, by virtue of other decisions both within the immediate area and the town generally, the impact of the proposal upon the form and character of the area, together with the general presumption in favour of sustainable development contained within Policy SP19, it is considered that the development of this plot can be considered to be acceptable, in principle.

The siting, scale and design of the proposed dwelling

Members will note that a previous application for a dwelling on this site was withdrawn. This related to design, siting and scale concerns. In addition, similar concerns were raised initially in regard to this

submission. The applicant requested additional time to consider those concerns before submitting revised plans which are now the subject of this report.

The proposal has been designed to appear as a subservient outbuilding, particularly in relation to its location on the periphery of the site and its 'L' shaped form.

Policy SP16 requires new development to reinforce local distinctiveness, and places emphasis on views, vistas and skylines and protect amenity. The policy also requires that new development:

"respects the character and context of the immediate locality and the wider landscape/townscape" and "The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings"

In this case, the proposed building by virtue of its 'L' shaped design, its location and limited height is considered to be consistent with the requirements of Policy SP16 of the Local Plan Strategy. Concerns however have been expressed at raising the floor level of the southern part of the building by up to 1 metre. The agent has been requested to set the building into the ground so it is much lower on the southern side. Consequently this will also help to reduce the impact of the proposed building upon the wider area.

The impact of the proposal upon the Malton Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

Policy SP12 of the Local Plan Strategy requires the conservation of heritage assets and their setting, which includes the Malton Conservation Area. Any harm identified from development proposals has to be off-set by public benefits.

The Council's Buildings Conservation Officer does not object to the principle of developing the site given its discrete location to the rear of properties and the presence of other properties in such locations nearby. In this case, the building is considered to be well designed to reflect to the appearance of a traditional outbuilding with limited openings on its outer sides. Furthermore, there are considered to be very limited public views of the proposal from public vantage points along both York Road and Castle Howard Road. As such and subject to the lowering of the ground floor level of the proposed building (see points both above and below) the proposal is considered to ensure the character and appearance of the conservation area is preserved. Furthermore, no harm upon the designated heritage asset has been identified. The final views of the Building's Conservation Officer are awaited and will be reported in the Late Pages or at the meeting.

Impact upon the amenity of the adjoining occupiers

Policy SP20 requires that new development should not have a:

"material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design...and proximity to neighbouring land uses."

The site is accessed via an existing access track that serves No. 6 and the veterinary office. The track is approximately 17 metres from the side of No. 4 York Road, and the additional use of the track for a single dwelling is not considered to have an adverse effect upon the residential amenities of the occupiers of No. 4.

The proposed building is single storey with an eaves height of 2.1 metres and a ridge height of 4.5 metres. It is located 2.2 metres at its closest to the northern boundary of the site and 4 metres from the eastern boundary. On the outer sides there are 2 no. bedroom windows on the northern side, however

there is boundary fence of approximately 2 metres in height with a garage and parking area immediately beyond this fence, thereby preventing potential overlooking. To the east, No. 8 York Road has its rear (eastern) boundary approximately 21 metres at its closest to the proposed building. To the north, St Andrews Lodge is approximately 19 metres from the building, with Devonshire House and St Andrews House being 23 metres and 19 metres respectively from the proposed building on the eastern side. There is a separation distance of 10m between the southern boundary of the site and the proposed building and a 25m separation in total between the proposed building and No. 4 York Road. These separation distances are considered to be satisfactory in this residential environment to ensure the amenities of the surrounding occupiers are safeguarded. Furthermore, there is considered to be no unacceptable level of potential overlooking. It is recommended that Permitted Development rights are removed by condition if Members approve this application in order to safeguard the amenities of the surrounding properties from any changes to the proposed plans, such as new openings, roof lights, extensions, alterations or the introduction of a first floor.

Officers have requested the applicant reduce the finished floor level of the proposed building to be consistent with the lower ground level on the southern side. This will further reduce any impact upon the surrounding properties. Subject to this amendment, Officers consider that the proposal will not have an adverse effect upon the amenities of the surrounding occupiers in terms of potential daylighting or sun lighting issues or any unacceptable massing near to the boundaries of other properties. Members will be updated regarding any amendments to the proposed scheme.

Highway safety

The Highway Authority initially requested additional information in terms of the on-site parking arrangements for the existing uses and the proposed development. Upon receipt of this information, the Highway Authority has recommended conditions relating to an approved parking area, and an on-site compound and storage facilities. In assessing the proposal, the local Highway Authority will have considered the access, parking and turning facilities on site.

Whether No. 6 retains a satisfactory level of residential amenity

The site location plan shows the area to be retained by No. 6 to be the front garden area, and a relatively small area to the area. No. 6 is a substantial detached property, and Officers consider that its curtilage needs to commensurate with the significant size and scale of the property. Officers have asked the agent to amend the red line to provide No. 6 with greater curtilage, and the red line should extend to the rear (northern) boundary. This will relate to the size and shape of domestic curtilages within the area. To date the revised plan has not been received, Members will be updated either on the Late Pages or at the meeting.

The impact of the proposal upon existing trees and landscaping

There is a group Tree Preservation Order (TPO) over an area of land to the northern and eastern side. This proposal is not considered to have an adverse effect upon those trees given the location of the proposed building and its proximity to the adjoining boundaries.

An Arboricultural Impact Appraisal has been submitted with this proposal that has assessed in detail the existing trees on the site. It indicated that there are 9 trees and groups that need to be removed in order to accommodate the development. The majority of these trees however are considered to be low quality trees that do not make a positive contribution to the visual amenity of the area or indeed the character and appearance of the Conservation Area. The Council's Countryside Officer has been consulted and no objections have been received.

A condition is recommended regarding a replacement planting scheme, together with a condition to protect and retain the existing hedging on the eastern and southern boundaries.

Drainage

The proposal is to drain foul water and surface water to the mains, and there is no objection to this in

principle. The views of Yorkshire Water are awaited, and Members will updated.

Other issues

Malton Town Council has recommended refusal of the application and consider the proposal to be inappropriate development of the rear garden land in a Conservation Area, out of character with the area with the raised area of the site. In addition, there have been 5 no. letters of objection that have been received from the occupiers of dwelling in the immediate area. The issues raised in the letters of objection are:

- The size and scale of the proposed dwelling;
- Its roof size;
- The proposed rooflights;
- That there will be an adverse effect upon the character and appearance of the area;
- An adverse effect upon the residential amenity of surrounding properties;
- Loss of trees;
- Whether the proposed loft area could be converted to habitable accommodation;
- The proximity of the proposal to neighbouring boundaries;
- Drainage;
- Conditions are suggested to remove 'PD' rights; require roof lights to be obscure glazed, preclude roof lights on the eastern elevation; and prevent first floor accommodation being provided in the roof space.
- Loss of sun lighting/day lighting to neighbouring properties;
- Loss of trees;
- Increased traffic on the drive;
- The quantum of development on the drive; and,
- Democracy - with all 5 surrounding properties objecting to the proposal.

The impact of the proposed development upon the amenity of surrounding properties, including the use of the access track has been appraised in this report along with the loss of trees, the appearance of the development and the impact of the proposed development upon the Conservation Area. The suggested conditions are noted, and condition 4 below would address this point. Any changes to the approved plans will require an express application to the Local Planning Authority for consideration. The decision on this application is required to be taken by Planning Committee in view of the objections raised. The comments relating to the quantum of development in Malton are noted, but are not considered to be a material planning consideration in this case.

Conclusion

In light of the above, the recommendation is one of approval subject to the receipt of an amended red-line plan to retain a greater amount of domestic curtilage for No. 6 and a reduction in the proposed finished floor levels of the proposed property.

RECOMMENDATION: Approval subject to resolution of issues relating to finished floor levels and the curtilage retained for No. 6.

- 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 Prior to the construction of any walling on the development hereby approved, 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 a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 3 Before the end of the first planting season (November - March inclusive) following the commencement of development, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority prior any such planting taking place. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Local Plan Strategy.

- 4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

Class C: Other alteration to the roof of a dwellinghouse

Class D: The erection or construction of a porch outside any external door of a dwellinghouse

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse

Class F: Hard surfaces incidental to enjoyment of a dwellinghouse

Class G: Chimneys, flues etc on a dwellinghouse

Class H: Microwave antenna on a dwellinghouse

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved Drawing No. PD227-04 F. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 6 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway.
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason: In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

- 7 The existing hedges along the southern and eastern boundaries of the site shall be retained and maintained, and details of proposed maintenance measures shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development. In the event of the existing hedge(s) 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 hedges are an important visual amenity that should be retained and help to protect the residential amenity of surrounding properties and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

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

- Drawing No. PD227-04-Amendment?
- Drawing No. PD227-01-E
- Drawing No. PD227-02 - Amendment?
- Drawing No. BA6149AIA
- Drawing No. PD227-04 F

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

- 9 Prior to the excavations for the proposed dwelling hereby approved precise details of the existing spot ground levels and proposed ground floor finished level measured in relation to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory level external appearance and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 Prior to their installation, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish 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 SP20 of the Ryedale Plan, the Local Plan Strategy.

INFORMATIVE(S)

- 1 You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).