

Item Number: 8
Application No: 22/00490/HOUSE
Parish: Ebberston Parish Council
Appn. Type: Householder Application
Applicant: Mr And Mrs D Wilkinson
Proposal: Erection of a detached building to form double carport, garden store and garden room
Location: Brookfield 4 Main Street Ebberston Scarborough North Yorkshire YO13 9NS

Registration Date: 3 May 2022
8/13 Wk Expiry Date: 28 June 2022
Overall Expiry Date: 24 June 2022
Case Officer: Eleanor Hardie **Ext:** Ext 43342

CONSULTATIONS:

Original scheme

Ebberston Parish Council	Objection
Highways North Yorkshire	No Objection

Revised scheme

Ebberston Parish Council	No response received
---------------------------------	----------------------

Representations: Dr Geoffrey Walker, Mrs Alice Lavin,

SITE

Brookfield is a modern, two storey, detached dwelling, constructed of stone under a clay pantile roof and features uPVC windows and doors throughout. The property fronts onto Main Street in an elevated position, with parking and garden to the rear of the property and vehicular access off Back Lane.

The application site lies wholly within the Development Limits of Ebberston and adjacent to an Area of High Landscape Value.

Whilst not listed, the neighbouring properties, Brook Farm and Brook House Farm, are considered to be non-designated heritage assets.

PROPOSAL

This application seeks approval for the erection of a detached car port, garden store and garden room.

The original scheme sought permission for a part single storey, part two storey building with a height of 6 metres at its highest point. The proposed building was large in scale, featuring one dormer window to the northern elevation and a large number of rooflights to both the northern and southern elevation roofslopes which was considered to result in a building which would have a detrimental impact on the character and appearance of the existing dwellinghouse, neighbouring property and street scene.

These concerns were relayed to the applicant's agent and the proposed development was revised.

The new building is proposed to have a long, linear footprint, which will run along the southern boundary of the application site. The proposed building would measure 14.8 metres in length, 6.12 metres in width and would be of dual pitched roof construction measuring 2.7 metres to the eaves and 4.7 metres to the ridge.

The building would be constructed with coursed stone and timber cladding, with the car port element of the building constructed from oak posts and beams. The roof of the building would be finished with clay pantiles, with conservation rooflights to the northern and southern elevation roofslopes. The southern elevation roofslope of the building would also feature a solar panel array.

HISTORY

3/34/62/PA Outline application to construct two dwellings with access to Back Lane Brook Farm Ebberston. Approved 01.10.1984

3/34/62A/PA Construction of a dwelling with garage at Brook Farm Ebberston. Approved 28.02.1985

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 relevant Development Plan policies for the determination of this application are:

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing

Local Plan Strategy - Policy SP12 Heritage

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

National Planning Policy Framework

National Planning Practice Guidance

REPRESENTATIONS

A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view in full on the public access webpage, and referred to in the report accordingly.

A comment was received to the original scheme from the occupiers of the neighbouring property, Brook House Farm which stated the following:

I support this application in principle. I'm concerned however that the height of the proposed roofline is above that of the present roofline as defined by the adjacent domestic building. The latter is a dwelling dating from the 18th or 19th century. If the roofline of the proposed new building exceeds this, then not only will it be unsightly but also impact on the visual outlook from my property on Main Street as well as Brook Farm (directly adjacent on Back Lane). I would propose that the planning application should be re submitted with revised architects' drawings that are consistent with the existing roofline.

Ebberston Parish Council submitted the following comments:

The concern of the parish council is the height of the proposed building and would prefer to see a single storey, particularly as the plan is to locate it next to a single storey neighbouring property. It is also a concern that the proposed new build be located so close to the same neighbouring property.

Following receipt of the above comments and concerns raised by the Case Officer, the applicants' agent provided revised plans to address some of the issues raised. The revised drawings include a reduction in the height and length of the building and alterations to the fenestration detailing.

Following a reconsultation on the revised plans, Ebberston Parish Council provided the following response:

It is noted the revised plans show the height of the proposed building has been lowered, however, it is still substantially higher than neighbouring properties. The close proximity of the proposed building to neighbouring properties is also still an issue. If planning approval was given we would expect a third party wall agreement to be made with all neighbouring properties. There is also concern of overdevelopment given the size of the proposed building to the size of the plot and that this would have a negative affect on the street scene.

The parish council is not against a building at this location but it must be in keeping with the local area and not have an adverse affect on neighbouring properties.

The following comments were received from Brook House Farm on the revised scheme:

1. *It is difficult to determine to what extent the proposed roofline has been lowered since it appears to be still considerably above the existing roofline.*

2. *The revised plans propose a building that has a larger footprint from the original. Reading the plans, it is difficult to determine whether the revised proposal extends the south wall of the new build beyond the north wall of my outbuilding. The latter is contiguous with the annex at Brook Farm. If the proposed extension now abuts my property then I am concerned about future issues of maintenance for the north wall and north roof elevation. The former will be virtually impossible to access and the latter difficult. There would also be a similar of his issue of maintenance for the new proposed build.*

3. *The revised plans include the addition of solar panels and Velux lights with which I have no issues. But I am concerned at the addition of what appears to be a wood burning stove or similar that has led to the introduction of a chimney. This will be close to the roof windows of my building and, under certain wind conditions, may give rise to smoke ingress.*

An objection was received from the occupier of Brook Farm on the revised scheme which stated the following:

I object to the application as currently outlined but would potentially accept an application that takes account of the following concerns:

1. *The proposed building is to be sited too close to our Annexe building. This would:*

A) Restrict access for maintenance

B) Cause damp issues potentially

C) Undermine the structure, strength and viability of our Annexe building as this is an old building, around early 18th C, most likely without foundations

2. *I am additionally concerned the proposed building is still too high:*

A) the proposed new roof would discharge rainwater onto our Annexe building

B) the chimney would potentially discharge smoke into our property

C) the height would impair the general visual impact both from our property and the neighbourhood

D) the velux lights look directly into our courtyard infringing our privacy

3. *My mum is 90 and lives in the annexe and is easily frightened. Noise from these building works feet from her fragile walls would be intolerable - she would not be able to remain in her house whilst this work was carried out. We would be worrying about cracks appearing in the fragile walls and worse.*

I would suggest the building is sited on the other side of the applicant's driveway perhaps?

A further response from the occupier of Brook Farm was received on 21 June which stated:

1. Ref the height of the building - the change in land levels are surely not of themselves a justification to take the height of the new build above our neighbouring annexe, (thus causing the consequent problems previously listed). Surely the correct distance from our property should first be maintained and the footprint of the new build should be reduced accordingly, if required to allow the pitch of the new build to be as they desire.

2. To quote the Agent - it would not be in keeping with the area for the roof of the new build to overhang and overbear on our property. As currently shown, the new build does exactly this.

3. The agent refers to our building as an 'outbuilding' For clarity and the avoidance of doubt, may I confirm this is not an outbuilding but a fully renovated 2 bed cottage annexe in which my 90 year old mother lives full time. To refer to it as an outbuilding is disingenuous at best.

All our previous concerns as stated still remain and nothing so far has changed in any way to alleviate them.

A further response was received from the occupier of Brook House Farm on 24 June stating the following:

Further to my comments regarding the above planning application submitted to you on 11th June I wish to add the following:

In the event that the revised planning application is approved we would require that a third party wall agreement is in place, agreed upon by all parties, before any works commence.

An additional response from Brook Farm was received on 24 June which stated the following:

Further to my previous comments regarding the above planning application, I would like to add the following please:

In the event that any revision of this planning application is approved we would require the applicant to put in place a Third Party Wall Agreement before any works are begun whatsoever; this Agreement to be agreed by all parties.

The Local Highway Authority confirmed that they have no objections to the proposal.

No responses have been received from any other third party or neighbouring property.

APPRAISAL

The main considerations within the determination of this application are:

- i. Design and Heritage
- ii. Impact on neighbouring amenity
- iii. Other matters

Design and Heritage

The host dwelling is a modern, two storey property of a modest scale but simple in its form and character. The property sits within a generous domestic curtilage, with a large amount of the rear amenity space laid out to hardstanding.

The neighbouring properties, Brook Farm and Brook House Farm, are considered to be non-designated heritage assets given their links to the agricultural history of the village.

The proposed building whilst large in scale, is considered to reflect the character of the host dwelling and the revised scheme has resulted in a building only slightly higher than the eaves and ridge height of the neighbouring annexe/outbuilding.

Concerns have been raised with regards to the height of the building and in particular, being higher than the neighbouring annexe/outbuilding. Due to a slight change in land levels, it is not possible to reduce the eaves of the building any further and a reduction in the height of the ridge only would result in a very shallow pitch which is not considered to be in keeping with the area.

The proposed works will result in an overall additional footprint of approximately 90.54 square metres, however in terms of the hierarchy of buildings in this location, it is not considered that the building would visually compete with the principal building and would remain subservient in scale to the main dwelling.

The proposed building has been repositioned with the original angular gable end omitted, to result in a building which is set within the application site and will reflect the character of the host dwelling and wider area.

Appropriate conditions will be recommended to seek samples of materials prior to construction of any buildings works on site, to ensure a satisfactory external appearance given the visibility of the proposed garage within the street scene.

On this basis, the proposed works are considered to be acceptable in terms of design and would not detract from the character or appearance of the adjoining non-designated heritage assets.

The proposal is considered on balance, to be acceptable and to comply with Policies SP12 (Heritage) and SP16 (Design) of the Ryedale Plan - Local Plan Strategy.

Impact on neighbouring amenity

The proposed building is to be constructed on the southern boundary of the site, adjacent to the building which forms an annexe for Brook Farm and domestic outbuilding for Brook House Farm.

As detailed previously, the occupiers of Brook House Farm submitted comments on the original scheme with concerns in relation to the height of the proposed building. The revised scheme has reduced the height of the building by approximately 1.25 metres, resulting in a building only 0.8 metres higher than the adjacent building.

Concerns have also been raised regarding potential overlooking from the proposed southern elevation roofslope rooflights. The rooflights would be installed around 3.3 metres above floor level and are therefore not considered to cause any overlooking issues.

The neighbouring annexe building does not feature any northern elevation windows and given the reduced height of the proposed building, is not considered to result in any overbearing effects or overlooking to Brook Farm.

On this basis, the proposed development is considered to comply with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

Other matters

The occupiers of the neighbouring properties have also raised concerns with regards to the proposed flue and the possibility of smoke ingress. Given the small scale domestic use of the log burner, it is not considered that this would give rise to an unacceptable level of smoke ingress on the neighbouring properties.

The neighbouring properties have raised concerns with regards to the maintenance of their buildings, however this is a civil matter and therefore not a material planning consideration.

Further concerns have been raised with regards to the disturbance of the occupiers of the neighbouring property during construction and potential foundation damage. The construction phase is a temporary

period of time and will be a limited period by virtue of the small scale nature of the development proposed. The concerns are civil matters, with the Agent advising that a party wall agreement will most likely be put in place.

Conclusion

The proposed building is considered to be of a proportionate and acceptable design and it is not considered to give rise to a significant detrimental impact on neighbouring amenity. The proposed development is considered to meet the relevant policy criteria as set out in Policies SP12 (Heritage), SP16 (Design), SP19 (Presumption in Favour of Sustainable Development) and SP20 (Generic Development Management Issues) of the Ryedale Local Plan Strategy and the NPPF. On this basis approval is recommended subject to the following conditions.

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;.

Site Location Plan, scanned to file 04.05.2022

Proposed Site Layout, drawing number D421031/02, Revision B, dated March 2022

Proposed Site/Ground Floor Plan, drawing number D421031/03, Revision B, dated March 2022

Proposed Floor Plans, drawing number D421031/04, Revision B, dated March 2022

Proposed Elevations 1, drawing number D421031/05, Revision B, dated March 2022

Proposed Elevations 2, drawing number D421031/06, Revision B, dated March 2022

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 and colour finishes to be used on the exterior of the building, to include windows and doors, 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 SP16 of the Local Plan Strategy

- 4 The garage/garden room building hereby permitted shall not be used as additional annexe/residential/guest accommodation without the necessary prior planning approval being granted.

Reason: To ensure this building is available for its intended purpose and is not used as separate accommodation/residential space without the granting of an appropriate planning permission in accordance with Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

INFORMATIVE(S)

- 1 Attention is drawn to the proximity of the proposed flue to the neighbouring properties. You are advised that building regulations will need to be satisfied of the safe and efficient operation of this flue. However this is a matter for resolution separately outside of the planning application process.

