

Item Number: 13
Application No: 22/00677/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Mr & Mrs J Quinn
Proposal: Conversion and alteration of a detached double garage, utility & store to form a 1no. bedroom residential annex accommodation.
Location: 19 The Mount Malton North Yorkshire YO17 7ND

Registration Date: 10 June 2022
8/13 Wk Expiry Date: 5 August 2022
Overall Expiry Date: 7 September 2022
Case Officer: Eleanor Hardie **Ext:** Ext 43342

CONSULTATIONS:

Malton Town Council	Recommend Approval
Building Conservation Officer	No objection
Highways North Yorkshire	No Objection

Representations: Mrs Hilary Pegrum, Mr And Mrs Andrew And Sarah Everitt,

SITE:

19 The Mount is a large, semi-detached property located within the Malton Conservation Area and Development Limits.

The semi-detached stone and slate property dates from the 19th century and makes a strong contribution to the character of the Conservation Area.

The property is set back from the road behind a front garden, with additional garden to its side. Due to the design of the houses on the street and the position of their plots, there is no rear garden.

To the south of the dwelling is a detached double garage constructed from stone under a slate roof and features white uPVC and timber windows and doors.

PROPOSAL:

This application seeks approval for the conversion and alteration of part of the detached double garage to form 1no. one bedroom residential annexe. It was publicised as being a change of use, but this contradicts the red outline of the application and the rest of the description of development ancillary nature of the annexe proposed.

The garage has a footprint of 62.5m² and measures 2.8 metres to the eaves and 5.7 metres to the ridge. There are no proposals to alter the external dimensions of the building. The building currently has a double garage and utility room to the ground floor with a first floor used for domestic storage.

The proposal includes the installation of one additional door to the northern elevation and following concerns raised by the Case Officer and a neighbouring property, the first floor window to the western elevation would be fitted with obscure glazing and be non-opening, along with one of the rooflights to the northern elevation roofslope fitted with obscure glazing and a restrictor bar.

Internally, the ground floor would be reconfigured to allow the formation of a kitchenette and shower room, with a bedroom and sitting room to the first floor.

HISTORY:

08/00981/FUL Erection of single-storey extension to form garden room. Approved 27.11.2008

15/00249/HOUSE Replacement of flat roof with pitched roof to detached garage, to allow formation of additional storage space. Approved 27.04.2015

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 SP1 General Location of Development and Settlement Hierarchy

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

Planning (Listed Buildings and Conservation Areas) Act 1990 s.72 General duty as respects conservation areas in exercise of planning functions

In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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.

Letters of objection were received from two properties, 16 The Mount and 21 The Mount, which raised the following concerns:

- Potential overlooking from the first floor western elevation window and rooflights
- Impact on neighbouring amenity due to increase in vehicle and person movements
- Noise and smells
- Unsightly appearance of potential outside lighting and satellite dish
- Potential use of the annexe for holiday let purposes

Malton Town Council have specifically indicated 'Recommend Approval' but have provided no material planning reasons.

The Building Conservation Officer and Local Highway Authority have confirmed that they have no objections to the proposal.

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

APPRAISAL:

The main considerations within the determination of this application are:

- i. Principle of Development
- ii. Design and Heritage
- iii. Impact on neighbouring amenity
- iv. Other matters

Principle of Development

The proposal involves the partial conversion of an existing domestic garage and store within the site for use as annexed accommodation within the existing domestic curtilage of the dwelling and there is no separate access and amenity space afforded to the converted building, and it is within the existing red line of the planning unit of no.19 The Mount. The proposed annexe will be used as annexe accommodation in conjunction with the main house and as a result the annexe will not be separately occupied. The space created by the scheme does form self-contained accommodation with cooking, sleeping, living and washing/toilet facilities provided. They are provided through on a spatially compact basis and would be used by an individual or couple at most. The proposed annexe is therefore considered acceptable in principle. A condition will be added to ensure that the proposed annexe will be used as ancillary residential accommodation to the main dwelling and will not be sold or let off separately, this is in relation to it being separately used- such as for a holiday let or as a dwelling.

Design and Heritage

19 The Mount lies within the Malton Conservation Area and as such, Ryedale District Council has a statutory duty to have special regard for the preservation or enhancement of the Conservation Area.

There is no division of domestic curtilage, nor additional access and so the fundamental characteristics of the build-form of these large properties with sizable front and side curtilages is retained.

The conversion of the building does not change the form, style or scale of the building. The garage doors on the eastern 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 installation of the additional door would be to the northern elevation and be in the location of an existing window.

The external alterations would be minimal and would not detract from the appearance of the building or undermine its current incidental form.

As such it is not considered that the proposal would have an adverse impact on the character and appearance of the Conservation Area, and is therefore in compliance with Policies SP12 and SP16.

Impact on neighbouring amenity

The proposed works will not alter or increase the footprint, form or scale of the existing building. On this basis it is considered that there will be no detrimental impact on the amenity of the occupants of neighbouring properties in terms of loss of light or overbearing effects.

The annexe would use the established garden areas and parking of the main house, so there would be no

materially different intensification of use, or change of established uses of space within the domestic curtilage, in relation to comings and goings and general movements outside of the converted building.

An objection was received to the original scheme from the occupiers of 21 The Mount whose garden lies to the rear of the application site, citing concerns with regards to potential overlooking and a loss of privacy as a result of the development. At present, the existing first floor garage openings overlook the residential curtilage of 21 The Mount and given the proposal would result in an intensification of the use of the building, it was considered that the development would result in a loss of privacy to the occupiers of 21 The Mount. The scheme has since been revised to ensure the first floor window to the western elevation is non-opening and fitted with obscure glazing and that one rooflight to the northern elevation roofslope would be fitted with obscure glazing and a restrictor bar.

A condition is considered necessary to ensure that these windows remain fixed and obscure glazed for the lifetime of the development.

An additional condition is recommended to restrict the formation of additional openings to the northern and western elevations at first floor level to protect the amenity of future occupants.

The proposal does not seek to install any additional external lighting, nevertheless, it is considered prudent to impose a condition that requires any details of lighting to be submitted for approval by the local planning authority prior to their use on site, to preserve the amenity of the area.

It is considered that the proposal, with the proposed conditions, would not result in an unacceptable, detrimental impact on neighbouring amenity and on this basis, it is considered that the proposed development complies with Policy SP20 (Generic Development Management Issues) of the Ryedale Local Plan Strategy.

Other matters

The proposal is not considered to have any impact on highways safety or access. The existing garage retains spaces and the property has a sizable drive area. The Local Highway Authority have confirmed that they have no objections to the proposed development.

The installation of ventilation and extraction units will be covered by Building Regulations, however given the small scale nature of the development, it is not considered that there would be an unacceptable level of smoke and noise ingress on the neighbouring properties.

Concerns have been raised regarding the potential use of the building for holiday let purposes. Planning permission is not required for residential dwellings to be used as holiday lets. However, this is an annexe to the main dwelling, and has sought planning permission on that basis. It could provide guest accommodation for visiting family and friends. As outlined above, this application seeks permission for a residential annexe and a condition is recommended to ensure the annexe is used as ancillary accommodation to 19 The Mount to prevent it being separately occupied/let/sold in the future. The application must be considered on the basis of the use applied for and not on the basis of speculation of future use. Any future use which would require planning permission would need to be the subject of a future planning application.

Conclusion

The proposed development is considered to be of a proportionate and acceptable design, and it is not considered that it would give rise to a significant detrimental impact on neighbouring amenity. The proposed development is considered to meet the relevant policy criteria 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 30.06.2022
Proposed Plan and Elevation, drawing number 22-1420-2, scanned to file 02.08.2022

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

- 3 The accommodation hereby permitted shall be, and shall remain, ancillary to the use of the dwelling currently known as 19 The Mount, Malton. It shall not be sold or let off separately, and shall be used only by members of the family and friends of the occupiers of that dwelling.

Reason: For the avoidance of doubt and to prevent the annexe from being used as a separate dwelling, in accordance with Policy SP20 of the Ryedale Local Plan - Local Plan Strategy.

- 4 The first floor west facing window shall be permanently fixed (non-opening) and obscure glazed with glass of Pilkington Level 5 obscuration or equivalent. The fixed and obscure glazed window shall be retained for the lifetime of the development.

Reason: To protect the privacy of neighbouring properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 The first floor north facing rooflight (as indicated on drawing number 22-1420-2) shall be permanently obscure glazed with glass of Pilkington Level 5 obscuration or equivalent and with a restrictor bar. The restrictor bar on this window shall remain in place at all times, unless the window is in use as an emergency escape route. The obscure glazing and agreed means of opening shall be retained for the lifetime of the development.

Reason: To protect the privacy of neighbouring properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no further doors, windows or any other openings shall be created at first floor level within the northern (side) and western (rear) elevation of the building hereby approved.

Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 Prior to its installation, precise details of any external lighting to be used on the exterior of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent inappropriate lighting and to comply with the requirements of Policies SP13, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.