

## **PLANNING COMMITTEE**

Tuesday 10 March 2015 at 6.00 pm

Council Chamber, Ryedale House, Malton

### **Agenda**

- 1 **Apologies for absence**
- 2 **Minutes of meeting held on 10 February 2015** (Pages 3 - 9)
- 3 **Urgent Business**  
To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
- 4 **Declarations of Interest**  
Members to indicate whether they will be declaring any interests under the Code of Conduct.  
  
Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- 5 **Schedule of items to be determined by Committee** (Page 10)
- 6 **14/00911/FUL - 56 Potter Hill, Pickering** (Pages 11 - 21)
- 7 **14/01247/FUL - Land Adj 8, New Road, Kirkbymoorside** (Pages 22 - 38)
- 8 **14/01319/FUL - Everley, 142 Westgate, Pickering** (Pages 39 - 49)
- 9 **14/01325/HOUSE - 19 Springfield Terrace, Sherburn, Malton** (Pages 50 - 57)

- 10 **Any other business that the Chairman decides is urgent.**
- 11 **List of Applications determined under delegated Powers.** (Pages 58 - 63)
- 12 **Update on Appeal Decisions** (Pages 64 - 73)

## Planning Committee

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Held at Council Chamber, Ryedale House, Malton  
Tuesday 10 February 2015

### Present

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Councillors Mrs Burr MBE, Mrs Frank (Vice-Chairman), Mrs Goodrick, Hicks, Hope, Maud, Richardson, Mrs Sanderson, Windress (Chairman) and Woodward, Jason Whitfield (Consultant).

Substitutes:

### In Attendance

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Jo Holmes, Gary Housden, Alan Hunter, Jill Thompson, Mel Wartens and Anthony Winship

### Minutes

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167 **Apologies for absence**

There was no apologies for absence.

168 **Minutes of meeting held on 13 January 2015**

Decision		
That the minutes of the Planning Committee held on 13 January 2015 be approved and signed by the Chairman as a correct record.		
[For 5	Against 2	Abstain 1]

169 **Urgent Business**

There was no urgent business.

170 **Declarations of Interest**

Councillor	Application
Hicks	8,9
Hope	8
Goodrick	8
Sanderson	8,14
Frank	8
Burr	8,12,15

Richardson	8,9,15
Maud	10,15
Windress	8,13

171 **Part B - Developer Contributions from Small Sites**

<b>Decision</b>		
Council is recommended to resolve:		
(i) Not to seek financial contributions from small residential sites through the planning process towards affordable housing on sites of five dwellings or less under Policy SP3 of the Ryedale Plan;		
(ii) To continue to negotiate the on-site provision of affordable housing in line with Policy SP3 of the Ryedale Plan with the exception that affordable housing contributions will not be sought from sites of 10 dwellings or less and which have a maximum combined gross floorspace of no more than 1,000square metres in Malton, Norton and Pickering;		
(iii) To continue to negotiate the on-site provision of affordable housing in line with SP3 of the Ryedale Plan with the exception that on sites of between six and ten dwellings, in parishes outside of Malton, Norton and Pickering, financial contributions will be sought in lieu of the existing on-site policy requirement and that financial contributions of an equivalent of 40% of provision will be sought on such sites in west and south west Ryedale		
(vi) Not to seek financial contributions towards open space provision from sites of ten dwellings or less		
vii) To authorise the Head of Planning and Housing to approve the planning applications listed in Paragraph 6.13 without the completion of the Section 106 agreements specified and not to seek affordable and open space contributions from any further applications on relevant small sites which are due to be determined in the interim.		
[For 7	Against 1	Abstain 2]

172 **Schedule of items to be determined by Committee**

The Head of Planning & Housing submitted a list (previously circulated) of the applications for planning permission with recommendations there on.

173 **14/01207/MOUT - Land At Manor Farm, Sherburn, Malton**

**14/01207/MOUT** - Demolition of 1 no. existing cow shed, erection of up to 73 no. residential dwellings (including up to 35% affordable housing), structural planting and landscaping, informal public open space, childrens play area, surface water attenuation, a vehicular access point from Sked Dale road and associated ancillary works (site area 3.16ha).

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended and completion of S106 Legal Agreement.

[For 10

Against 0

Abstain 0]

In accordance with the Members' Code of Conduct Councillors Hicks, Hope, Mrs Goodrick, Mrs Sanderson, Mrs Frank, Mrs Burr, Richardson, and Windress declared a personal non pecuniary but not prejudicial interest.

**174 14/01073/MFUL - Gravel Pit Farm, Sand Hutton, Malton**

**14/01073/MFUL** - Installation of an anaerobic digestion and combined heat and power plant to include 3 no. tanks, ancillary structures, silage clamps and digestate storage lagoon (resubmission of application ref 14/00709/MFUL previously submitted).

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended and the addition of conditions relating the following matters:

- (i) Digestate Management Plan
- (ii) Control Of Lighting
- (iii) Removal Of Plant condition in terms that within 25 years of the completion of construction of the development, or within 6 months of the cessation of gas production from the development, which ever is the sooner, the development hereby approved shall be dismantled and removed from the site in its entirety.

[For 7

Against 3

Abstain 0]

In accordance with the Members' Code of Conduct Councillors Hicks and Richardson declared a personal non pecuniary but not prejudicial interest.

175 **14/01275/MFUL - Carr House Farm, Long Lane, Slingsby, Malton**

**14/01275/MFUL** - Erection of replacement building for continued use divided between storage of agricultural machinery for resale by the applicant and general purpose agricultural use.

<b>Decision</b>		
<b>PERMISSION GRANTED</b> - Subject to conditions as recommended.		
[For 10	Against 0	Abstain 0]

176 **14/01318/MFUL - Outbuildings East of Croome Dale Lane, East Lutton, Malton**

**14/01318/MFUL** - Erection of 3 no. open fronted cattle buildings and 1 no. open sided straw barn together with erection of extension to existing open fronted cattle building following demolition of 2 no. existing agricultural buildings (retrospective application).

<b>Decision</b>		
<b>PERMISSION GRANTED</b> - Subject to conditions as recommended.		
[For 7	Against 1	Abstain 2]

In accordance with the Members' Code of Conduct Councillor Maud declared a personal non pecuniary but not prejudicial interest.

177 **14/01335/MFUL - 27 Wood Street, Norton, Malton**

**14/01335/MFUL** - Erection of block of 1 no. 1 bedroom and 1 no. 2 bedroom apartments and block of 5 no. 1 bedroom and 3 no. 2 bedroom apartments following demolition of existing garage and outbuildings together with formation of vehicular access, 10 no. parking spaces, communal refuse store and additional 1 no. parking space for 29 Wood Street.

<b>Decision</b>		
<b>PERMISSION GRANTED</b> - Subject to conditions as recommended.		
[For 10	Against 0	Abstain 0]

178 **14/01397/MFUL - Black Bull Caravan Park, Malton Road, Pickering**

**14/01397/MFUL** - Change of use of grassland for the siting of 48no. touring caravans, 6no. seasonal touring caravans and 18no. camping pitches (retrospective application to regularise the present on site situation).

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended.

[For 9                                      Against 0                                      Abstain 1]

In accordance with the Members' Code of Conduct Councillor Mrs Burr declared a personal non pecuniary but not prejudicial interest.

179      **14/01292/73A - Outbuildings At Ashtree House, High Street, Nawton, Helmsley**

**14/01292/73A** - Variation of Condition 04 by replacement of drawing Reference 0610103 Amendment B by drawing no. PL/156/03, Variation of Condition 12 by replacement of drawing 0610103 Amendment B by drawing nos PL/156/03 and PL/156/01 and Variation of Condition 13 to list the following approved plan(s): drawing nos. 0610102 Amendment A, PL/156/01, PL/156/02 and PL/156/03 amendment to Ashtree House south elevation.

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended.

[For 10                                      Against 0                                      Abstain 0]

180      **14/01300/FUL - Wuthering Heights, 15 Main Street, Ebberston, Scarborough**

**14/01300/FUL** - Change of use of dwellinghouse (C3) to a mixed use of dwellinghouse, bakery (B1) and retail (A1) (retrospective application) - Tuesdays, Thursdays and Saturdays only.

**Decision**

**PERMISSION GRANTED** -Subject to conditions as recommended with the exception of condition 1 which was removed so that a full planning permission was granted.

[For 10                                      Against 0                                      Abstain 0]

In accordance with the Members' Code of Conduct Councillor Mrs Sanderson declared a personal non pecuniary but not prejudicial interest.

181 **14/01398/FUL - 13 Commercial Street, Norton, Malton**

**14/01398/FUL** - Change of use and alteration of former office to form a 2 bedroom dwelling, to include bricking up of shop front and installation of 2no. vertical sliding sash timber windows and front and rear entrance doors.

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended.

[For 8                      Against 1                      Abstain 0]

In accordance with the Members' Code of Conduct Councillors Maud and Richardson declared a personal non pecuniary but not prejudicial interest. Councillor Mrs Burr declared a disclosable pecuniary interest and left the room.

182 **TPO Appeals Working Party**

**Decision**

The following Members be appointed to the TPO Appeals Working Party:  
Chairman of Planning Committee,  
Vice Chairman of Planning Committee,  
Councillor Maud,  
Ward Member(s)

[For 10                      Against 0                      Abstain 0]

183 **Any other business that the Chairman decides is urgent.**

There was no urgent business.

184 **List of Applications determined under delegated Powers.**

The Head of Planning & Housing submitted for information (previously circulated) which gave details of the applications determined by the Head of Planning & Housing in accordance with scheme of Delegated Decisions.



**Meeting Closed 10.20pm**

# Agenda Item 5

## APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

### PLANNING COMMITTEE - 10/03/15

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6

**Application No:** 14/00911/FUL

**Application Site:** 56 Potter Hill Pickering North Yorkshire YO18 8AF

**Proposal:** Change of use and alteration of existing shop (use Class A1) to a 1 bedroom dwelling (use Class C3) - part retrospective application

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7

**Application No:** 14/01247/FUL

**Application Site:** Land Adj 8 New Road Kirkbymoorside

**Proposal:** Erection of a three bedroom dwelling and detached garage/workshop/store

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8

**Application No:** 14/01319/FUL

**Application Site:** Everley 142 Westgate Pickering North Yorkshire YO18 8BB

**Proposal:** Change of use and alteration of ground floor storage areas to form 1no. 1 bedroom dwelling together with erection of 2no. 1 bedroom semi-detached dwellings following demolition of existing garage.

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9

**Application No:** 14/01325/HOUSE

**Application Site:** 19 Springfield Terrace Sherburn Malton North Yorkshire YO17 8QG

**Proposal:** Erection of two storey side extension.

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## RYEDALE DISTRICT COUNCIL PLANNING COMMITTEE

### SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

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**Item Number:** 6  
**Application No:** 14/00911/FUL  
**Parish:** Pickering Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Jim Brettell  
**Proposal:** Change of use and alteration of existing shop (use Class A1) to a 1 bedroom dwelling (use Class C3) - part retrospective application  
**Location:** 56 Potter Hill Pickering North Yorkshire YO18 8AF  
**Registration Date:** 19 November 2014      **8/13 Week Expiry Date:** 14 January 2015  
**Case Officer:** Matthew Mortonson      **Ext:** 332

#### CONSULTATIONS:

<b>Building Conservation Officer</b>	Some design concerns
<b>Parish Council</b>	Concerns
<b>Highways North Yorkshire</b>	No highway authority objections
<b>Environmental Health Officer</b>	

**Neighbour responses:** Mr And Mrs Sleightholm,  
**Overall Expiry Date:** 20 January 2015

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#### SITE:

56 Potter Hill is a modest property located within the development limits of Pickering. The site is also within the town Conservation Area.

#### PROPOSAL:

This proposal seeks planning permission for the change of use and alteration of the existing shop (use Class A1) to a 1 bedroom dwelling (use Class A3).

The application is part retrospective as two roof lights have also been installed in the front and rear roofslope without planning permission.

#### APPRAISAL:

The main considerations in the assessment of this application are:

- i) Principle of the Development
- ii) Impact on Conservation Area
- iii) Residential Amenity

#### Principle of the Development

Policy SP1 of the Ryedale Local Plans seeks to direct residential development to the most sustainable

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settlements of the District. Pickering, being one of the market towns of the District, is a focus for such developments. The application site is situated within the development limits of Pickering. In this respect, the principle of the development would be acceptable.

#### Impact on Conservation Area

The site is located within the Pickering Conservation Area. In such areas, Policy SP12 of the Ryedale Local Plan Strategy is relevant stating:

*'Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset.'*

The main concern in assessing the impact of the development on the Pickering Conservation Area relates to the existing rooflight on the front elevation of the property. By virtue of its position and design, this rooflight is not considered to be one that respects the character and appearance of the host property. There are clear views of the development from within the streetscene along Potter Hill. The Council's Building Conservation Officer raises concerns to the application and advises removing the rooflight from the scheme. The rooflight is not considered to preserve or enhance the Pickering Conservation Area.

The concerns of the Conservation Officer have been raised with the applicant, who considers that rooflight does preserve the character of the Conservation Area. Given these comments, and because this aspect of the application is retrospective, the applicant does not wish not to remove the front rooflight from the scheme and therefore the application has been assessed as submitted.

In accordance with the NPPF the degree of harm caused must be identified as substantial harm or less than substantial harm. The Building Conservation Officer has confirmed that the degree of harm caused by the development to the character of the Conservation Area is less than substantial harm. As such, reference is made to the requirements of Paragraph 134 of the NPPF which states:

*134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

The National Planning Policy Guidance (NPPG) identifies what is meant by the term 'Public Benefits'. It states:

*Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework ([Paragraph 7](#)). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.*

*Public benefits may include heritage benefits, such as:*

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation*

Paragraph 7 of NPPF states:

*There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

- ***an economic role*** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- ***a social role*** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- ***an environmental role*** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

In light of the above, the public benefits of this application are considered to be the conversion of the property that has remained empty and unused since 2012 into an additional residential dwelling. The Council's Housing Officers have identified that there is a particular shortage of 1 bed properties in Pickering indicating a clear public benefit from this scheme.

In terms of any other viable uses, the applicant argues that the property is sited some distance from the town centre therefore is no longer a suitable place for a retail unit to be located. Members will note that the site is located outside of the Town Centre Commercial Limits of Pickering. Therefore, whilst the use is established, in planning policy terms the siting of the unit is not one that entirely lends itself as a retail property.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions in respect of Conservation Areas 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. In considering the requirements of the Act, the view of planning officers is that there are benefits to scheme which counterbalance the harm created by the rooflight. These benefits are in the form of the removal of the existing signage to the front elevation and the replacement of the existing front door (for reasons seen later in this report) to a feature more in keeping with its setting.

In light of the above, on balance, it is considered the benefits of the development in the form of the removal of existing signage and improvements to the front elevation together with the public benefit of an additional 1 bedroom dwelling justifies the grant of permission notwithstanding the less than substantial harm created by the insertion of the rooflight on the Pickering Conservation Area. Therefore, the development would meet the requirements of the NPPF, and Policy SP12 of the Ryedale Local Plan Strategy.

#### Residential Amenity

With respect to residential amenity, Policy SP20 of the Ryedale Local Plan Strategy stating:

*New development will 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, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.*

Given the modest scale of the property, the main concern in relation to residential amenity is the impact of the development on the future occupants of the proposed dwelling. Members will be aware that officers do have concerns to a dwelling of this scale. However it is not unusual to have small residential

dwellings which are limited in scale, particularly in town or urban settings. Furthermore, the Local Planning Authority does not have any minimum dwelling standards contained in its policies. The current fully glazed front door of the property which is directly on the back edge of the footpath is considered to be inappropriate to serve the dwelling and a condition is recommended for its replacement of an appropriate design in the interests of the amenities of the future residents and in the interests of enhancing the appearance of the Conservation Area.

The objector has raised concerns with respect to the lack of any external amenity space for the property, with nowhere outside to store waste or recycle bins. Whilst these concerns are noted, it is not wholly unusual for properties in the market towns to not benefit from external amenity areas. The Council's Household Waste Collection identifies that properties unsuitable for wheelie bins will be provided with RDC liners. These liners will be collected as normal on bin collection days.

The proposed development is not considered to materially impact on nearby or neighbouring residential properties.

In terms of residential amenity, the application is therefore considered to be acceptable.

### Conclusion

To conclude, whilst the installation of a velux in the front facing roofslope is considered to result in less substantiated harm to the designated Conservation Area the provision of a one bedroomed dwelling within the town together with other improvements to the appearance of the building are considered to outweigh that harm in consideration of the planning balance. The proposal is therefore considered to be acceptable and satisfies Policies SP12 and SP20 of the Ryedale Plan - Local Plan Strategy; Section 12 of the NPPF and the duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **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            Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (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: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

Class G: The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating

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Glass H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).

- 3 Prior to the first occupation of the development hereby permitted, large scale details of a replacement front door to be constructed from timber shall be submitted to and approved in writing by the Local Planning Authority. The front door shall be installed in accordance with details approved prior to the final occupation of the dwelling and shall not be altered unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate levels of residential amenity for occupiers in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

- 4 Prior to the first occupation of the development hereby permitted, all existing signage and all associated fixings and fittings shall be removed from the property.

Reason: To ensure appropriate appearance for a residential dwelling in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

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

First Floor Plan / Ground Floor Plan (Scale 1:50)  
Roof Plan (Scale 1:50)

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

**Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties

56 Potter Hill  
Pickering



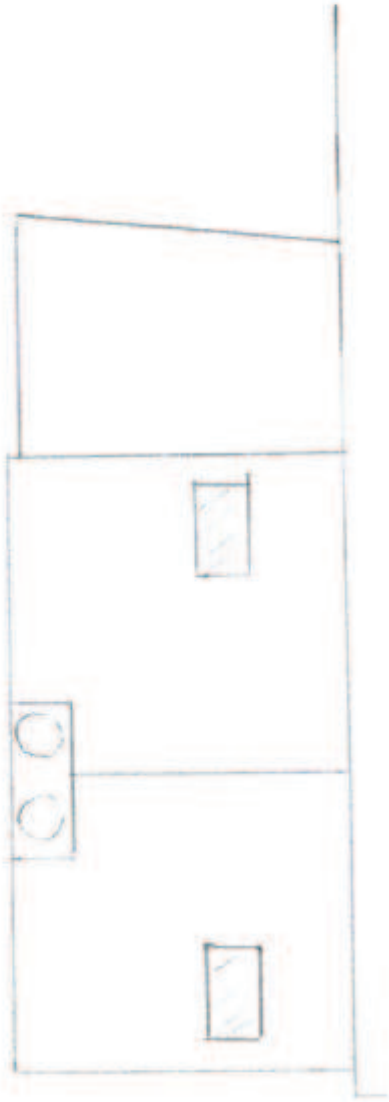
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56 POTTER HILL PICKERING  
Y018 3AF

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ROOF PLAN  
SHOWING LOCATION OF  
X2 VELUX FRONT AND  
REAR

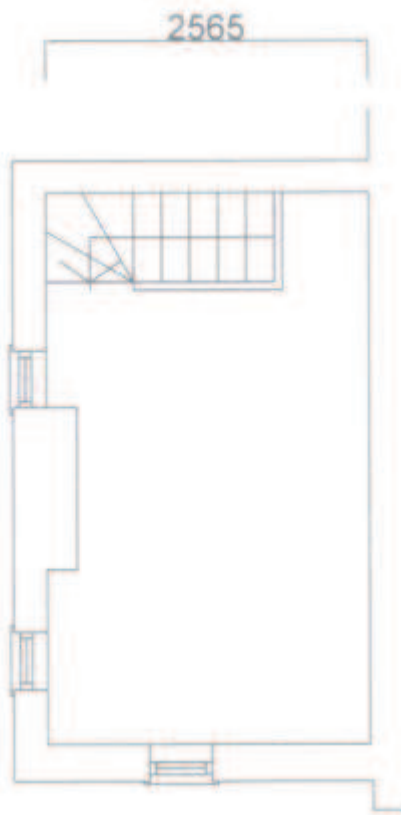
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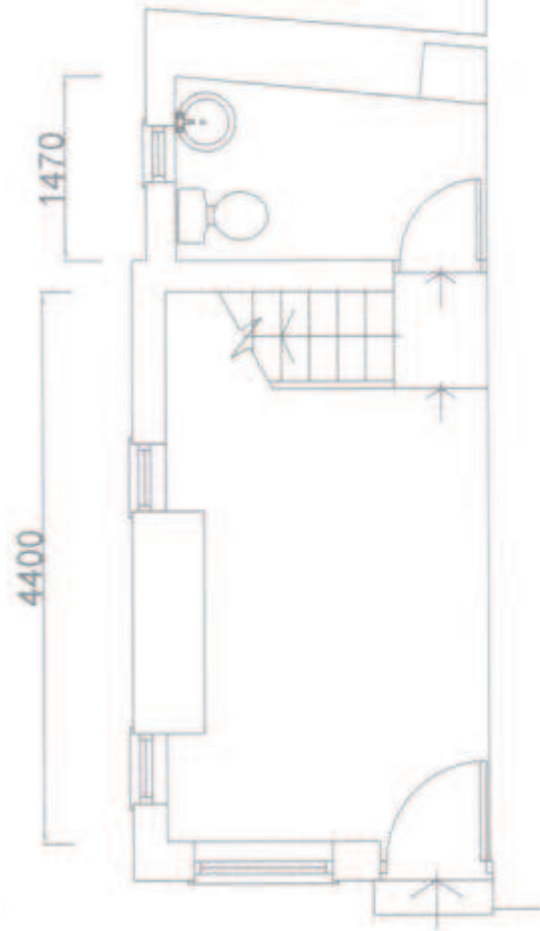
proposed conversion of office to dwelling

survey drawing

Escape architecture & design  
escape.architecture@hotmail.co.uk  
0781 371 3864



First Floor Plan



Ground Floor Plan

Scale 1 : 50



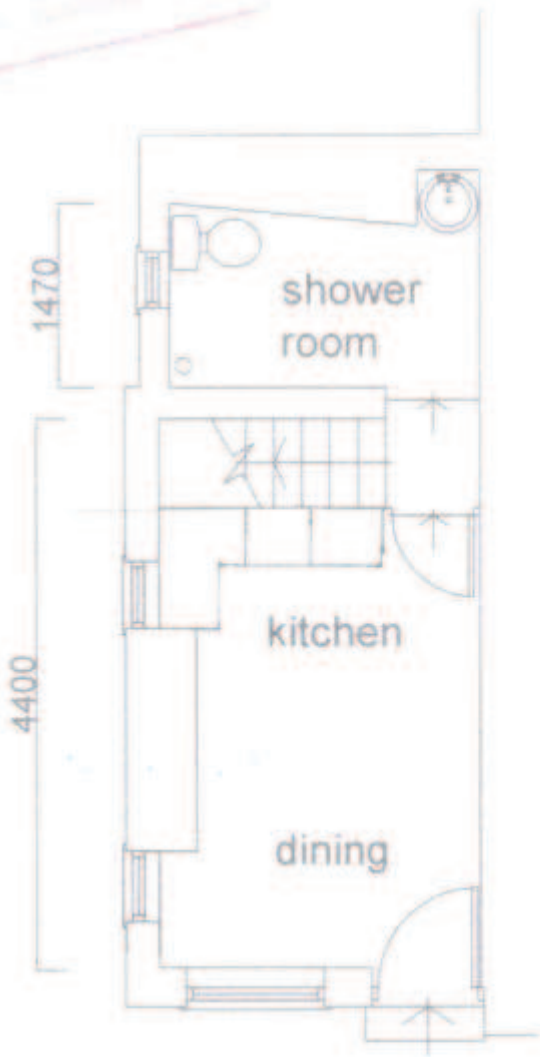
proposed conversion of office to dwelling

proposal drawing

Escape: architecture & design  
escape.architecture@hotmail.co.uk  
0781 371 3864



First Floor Plan



Ground Floor Plan

Scale 1 : 50



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## Design Access Statement

Proposed conversion of existing business premises to form single bedroom residential house.

**Site Address:**

56 Potter Hill, Pickering, YO18 8AF

**Site layout and history:**

The building is situated within the Conservation Area of Pickering but lies outside the business district of the town. Constructed in brickwork on a stone base, the building has a red clay pantile roof with painted timber windows and door. This is a mainly residential area of Pickering. The current use of the building is shop/office which has apparently been its use since records began.

**The Design:**

This application is for the conversion of the building from business use to residential use. There will be no significant material changes to the building for this conversion, save for reinstatement of twin clay chimney pots and replacement of translucent pantiles to front elevation with a small velux centre pivot roof light, together with a similar velux roof light to the rear elevation. This work has been undertaken and therefore approval is requested retrospectively. (VELUX 55cm x 78cms)

The chimney stack has been stabilised and re-pointed, guttering repaired and refitted as necessary and cracked pantiles on the main roof replaced as required, like-for-like. The pantile roof to the existing rear extension has been carefully removed, rotten supporting timbers replaced and pantiles reinstated.

**The Access:**

The access within the building and surrounding the property will remain unchanged. Parking facilities are not provided as there is no external space, but is currently available as on street parking.

In our opinion the proposals comply with all planning policies associated with this type of development and create a new sustainable use for this building which will have no adverse impact on its surroundings or general appearance of this property or area.

We hope that you will agree that these modest proposals are sympathetic to the area and help maintain its character. We therefore hope they will meet with your approval.

MMO

Concerns

LM.4/12/14

**Mel Warters**

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**From:** Pickering Town Council [townclerk@pickering.gov.uk]  
**Sent:** 04 December 2014 09:47  
**To:** Development Management  
**Subject:** Recent planning application

Re 14/00911/FUL – change of use and alteration of existing shop (use Class A1) to a one bedroom dwelling (use Class C3) – part retrospective application, 56 Potter Hill.

Members received and noted a copy letter that had been sent to the planning authority from a chartered architect and chartered town planner on behalf of the occupiers of 55 Potter Hill. The occupiers had objected to the application. Members decided that they lacked the means and competence to evaluate the issues raised in the communication; however, they expressed concern about whether 56 Potter Hill was big enough to provide sufficient living space.

Andrew Husband  
Clerk to Pickering Town Council

RYEDALE DM

- 4 DEC 2014

DEVELOPMENT  
MANAGEMENT

# Agenda Item 7

**Item Number:** 7  
**Application No:** 14/01247/FUL  
**Parish:**  
**Appn. Type:** Full Application  
**Applicant:** Mr & Mrs Richard Page  
**Proposal:** Erection of a three bedroom dwelling and detached garage/workshop/store  
**Location:** Land Adj 8 New Road Kirkbymoorside

**Registration Date:**  
**8/13 Wk Expiry Date:** 13 February 2015  
**Overall Expiry Date:** 18 February 2015  
**Case Officer:** Alan Hunter **Ext:** Ext 276

## CONSULTATIONS:

<b>Environmental Health Officer</b>	Recommend condition
<b>Land Use Planning</b>	No comments required
<b>Parish Council</b>	No comment
<b>Highways North Yorkshire Tree &amp; Landscape Officer</b>	Recommendations made

## Neighbour responses:

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## SITE:

The application site contains land currently used as the side garden of No. 8 New Road Kirkbymoorside and measures approximately 35m in depth at its greatest and 84m in length (30m of this relates to the access across the front of No. 8). The application site is located to the east of No. 8 and outside the development limits of Kirkbymoorside. The site is also within a larger designated Visually Important Undeveloped Area, the purpose of which is to provide separation between Kirkbymoorside and Kirby Mills. The site is grassed with a substantial native hedge across the front of the site approximately 2.5-3m in height. Access to the site is gained via an existing cul-de-sac.

## PROPOSAL:

Planning permission is sought for the erection of a three bedroom dwelling and a detached garage/workshop/store.

The proposed dwelling is single storey with a footprint of 19.4m by 9.8m and measures 2.7m to the eaves height and 5.8m to the ridge height. The proposed dwelling is to be constructed of brick and render under a slate roof with timber painted double glazed windows and doors.

The proposed garage/workshop/store will be located on the south eastern side and have a footprint of 16m by 8.6m and be 2.4m to the eaves height and 4.7m to the ridge height. On the western roof slope 16 no. solar panels are proposed.

## HISTORY:

1991: Planning permission refused for the erection of a dwelling.

1990: Planning permission refused for the erection of two detached dwellings. Appeal dismissed.

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**PLANNING COMMITTEE**  
**10 March 2015**

1989: Planning permission refused for the erection of two detached dwellings.

1984: Advertisement Consent granted for the display of a non-illuminated road sign.

1981: Planning permission granted for the construction of a detached bungalow.

1981: Advertisement Consent granted for the erection of a non-illuminated free standing sign 96” by 31” at a height of approx 3’6” above ground level with 3” lettering opposite.

**POLICY:**

National Policy

National Planning Policy Framework (NPPF) 2012

National Planning Policy Guidance (NPPG) 2014

Local Plan Strategy

Policy SP1 –General Location of Development and Settlement Hierarchy

Policy SP2 – Delivery and Distribution of New Housing

Policy SP3 – Affordable Housing

Policy SP4 – Type and Mix of New Housing

Policy SP11 – Community Facilities and Services

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP19 – Presumption in favour of sustainable development

Policy SP20 – Generic Development Management Issues

**APPRAISAL:**

The main considerations in relation to this application are:

1. The principle of the proposed development;
2. The siting, scale and design of the proposed dwelling;
3. Whether the proposal will have an adverse effect upon the character and appearance of the open countryside;
4. Impact upon the amenity of the adjoining neighbours;
5. Highway safety;
6. Landscaping; and
7. Drainage.

This application is referred to Planning Committee as the recommendation to approve this application beyond the ‘saved’ development limits represents a departure from the adopted Development Plan. The application has been advertised as ‘Departure’ and the rationale for this recommendation is contained below.

In 1981 planning permission was granted for a dwelling on this site, but not implemented. In 1989 planning permission was refused for two detached dwellings on this site. The reasons the Council refused the application related to the proposal being outside the development limit for Kirkbymoorside and infilling the space between Kirkbymoorside and Kirby Mills. In 1990 a further

application for two detached dwellings was refused planning permission and dismissed on appeal. The Inspector, in his decision in 1990, considered that the development would appear as an urban intrusion into the open countryside and would materially harm the pleasant rural character of the area and rural setting of Kirkbymoorside. The Inspector noted at the time that the Council had in excess of a 6-year supply of housing in the northern part of Kirkbymoorside. It was also noted that the site was more open in 1990, compared to the substantial native hedge located on the front boundary at present. A further application was refused in 1991 for a single dwelling, mainly because the site's location fell outside of what could be termed 'infill' and that it constituted 'ribbon development' which as a consequence would close the important area of land between Kirkbymoorside and Kirby Mills.

The site is located outside the development limits of Kirkbymoorside. The adopted Local Plan Strategy contains a residential strategy to focus new residential development in sustainable settlements comprising the four market towns and the selected 'service villages'. Kirkbymoorside, being one of the four market towns is designated as the Local Service Centre and a sustainable settlement in the District. The Town has good public transport links, a school, employment provision and retail provision. The site would be within walking distances of services, facilities and jobs.

Para. 49 of NPPF states:

*'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*

The Council's Forward Planning Department have calculated that the Council does not currently have a 5 year supply of housing (3.71 years of housing supply as at 16 December 2014). Therefore in accordance with para. 49 of NPPF, the proposal must be considered against para. 14 of NPPF.

Para. 14 states:

*'... For decision-taking this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan are absent, silent, or relevant policies are out-of-date, granting planning permission unless:*
  - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
  - *Specific policies in the Framework indicate development should be restricted.*

Following a recent appeal decision, Officers consider relevant sections of Policy SP2 (Delivery and Distribution of new housing) of the Local Planning Strategy relating to the supply of housing in the District to be 'out of date'. Policy SP1 (General Location of new development and settlement hierarchy) and Policy SP19 (presumption in favour of sustainable development) are still considered to be relevant along with NPPF and NPPG. The proposal is also not considered to be contrary to Para. 55 of NPPF, which seeks to restrict new residential development in isolated open countryside locations, because the site is not isolated but well related to the built form of the 'Local Service Centre'. All other relevant paragraphs of NPPF seek to encourage sustainable residential development in locations such as Kirkbymoorside. The proposed development is located adjacent to the existing development limit and is, however, considered to be in general conformity with the thrust of Policy SP2 in terms of delivering housing in sustainable locations.

The Visually Important Undeveloped Area (VIUA) is a local designation aimed at protecting space between Kirkbymoorside and Keldholme. Policy SP16 states:



*'Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement.'*

It is noted in this the site is located behind the Market Town sign marking the entrance to Kirkbymoorside and behind a mature hedge. There are therefore no open views of the site. In this respect the relationship of this particular site to the wider VIUA is limited. To the northern side is an existing playing field, with open countryside to the south. The site is considered to form a logical end to the existing residential development on the southern side of New Road. Furthermore, the nearest hamlet is Kirby Mills, and it is noted that the adopted plan is specifically seeking to avoid coalescence with Keldholme. The adopted Ryedale Plan - Local Plan Strategy also seeks to allocate new housing for Kirkbymoorside to north of the A170, and to the west and east of the town. This site is to east of Kirkbymoorside and it is not considered to create any coalescence with Keldholme. Furthermore the closing of the gap for this single dwelling to Kirby Mills is not considered to be objectionable in terms of its harm in terms of Para. 14 of NPPF. The wider benefit of providing a new dwelling in a sustainable location in the absence of a 5 year supply of housing is a significant material planning consideration. In view of this and the limited impact of this proposal upon the integrity of the VIUA it is considered that the benefits associated with the development significantly outweigh the damage to the character of the area.

For the reasons outlined above it is therefore considered that in view of the current lack of housing supply in the District, the previous reasons for refusing residential development on this site are not considered to be constitute grounds to object to the principle of a single dwelling on this site at the present time. It is therefore considered that the principle of residential development in this sustainable location is acceptable. This is subject to any impacts associated with the proposal that are considered to cause significant and demonstrable harm in accordance with para. 14.

The design of the proposed bungalow is considered to relate well to the character of properties in the immediate area. The use of render is not however, considered to be appropriate on the proposal, and a condition is recommended to ensure that the building, if approved is constructed of brick. The existing hedge is approximately is 2.5-3m in height and the eaves of the proposed dwelling is 2.7m, therefore it is mainly the slate roof of the dwelling that will be visible from outside the site, with the exception of the existing access points on the eastern and western side. The proposed dwelling will also be set back from the front boundary by approximately 5m.

The proposed workshop/store/garage is located on the south eastern side of the dwelling and the side of this structure will be visible on entry to the Town. The visible side elevation measures approximately 16m in length, negotiations are taking place with the agent to try and reduce the size of this structure to the dimensions of a more conventional double garage. Members will be update at the meeting. There is considered to be no objection to the proposed 16no. solar panels on the south western roof slope.

The proposed dwelling is accessed via an existing cul-de-sac that terminates at No. 8 New Road. The proposal is to have a private access from the cul-de-sac that leads across the front elevation of No. 8 New Road. There is a mature native hedge in front of No. 8 which is proposed to be retained. The local Highway Authority has considered the application and has no objection subject to conditions.

The Tree and Landscape Officer has commented to state:

*'The site is currently fronted by a strong native hedge which screens the site. However, it is likely that the required visibility splays will require the removal or considerable lowering of the hedge . If this is the case then if the site is acceptable for development than the property should be set back to allow for the planting of a new hedge behind the required visibility splay. In addition the planting of say two native trees along the rear boundary hedge will serve to form a natural backdrop to the property.'*

It would appear however from the submission that the hedge on the front boundary will be retained and a condition is recommended accordingly. A new planting condition is recommended in respect of additional planting on the rear boundary.

The access to the site runs directly in front of No. 8, which will have some impact upon it's amenity. However it is considered that this can be mitigated by planting or suitable boundary treatment to protect the amenities of No. 8. It is also understood that the applicants intend to retain No. 8.. In all other respects the proposal is not considered to have adverse effect upon the amenity of nearby properties given the separation distances.

The proposal is to drain surface water via a soakaway and foul water into the mains. Yorkshire Water has no objection to this arrangement. The Council's Environmental Health Officer has no objection subject to a condition regarding potential ground contamination.

In accordance with the resolution of Planning Committee on 10 February 2015 and Council on 24 February 2015 financial contributions from small sites such as this to affordable housing and Public Open Space are not requested.

Kirkbymoorside Town Council have no comment on the submission and there have been no third party comments received.

In view of the above assessment the proposal is recommended for 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            Notwithstanding the submitted details and 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 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 commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Ryedale Plan - Local Plan Strategy

4            Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. 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 Ryedale Plan - Local Plan Strategy

- 5 The existing hedge along the front boundary 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 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 hedge is an important visual amenity with should be retained and to satisfy Policy SP20 of the Local Plan Strategy

- 6 Unless otherwise agreed in writing with the Local Planning Authority, development shall not commence until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings has been submitted to and approved in writing by the Local Planning Authority. This investigation shall include an appropriate survey of the nature and extent of any contamination affecting the site and an assessment of the potential risks to the end users of the site. Where unacceptable risks are identified an appropriate scheme of remediation to make the site suitable for the intended use must also be submitted to and approved in writing by the Local Planning Authority. Following any required remediation, submission of a verification report to be approved in writing by the Local Planning Authority will be required prior to the occupation of any dwellings.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An appropriate investigation and risk assessment must be undertaken in accordance with current guidance, and where remediation is necessary, a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to the Local Planning Authority for approval.

Reason: In order to fully assess potential ground contamination and to satisfy the NPFf.

- 7 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, unless the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

(ii)(c) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved Drawing No. S10 Rev.B and Standard Detail number E6.

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted,

and agreed in advance, of the commencement of the development and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 8 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number S10 Rev.B for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 9 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 10 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 subcontractors 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.

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

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

12 Prior to the commencement of the development hereby approved precise details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

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

13 That the garage/workshop/store is used only for domestic purposes in association the dwelling hereby approved.

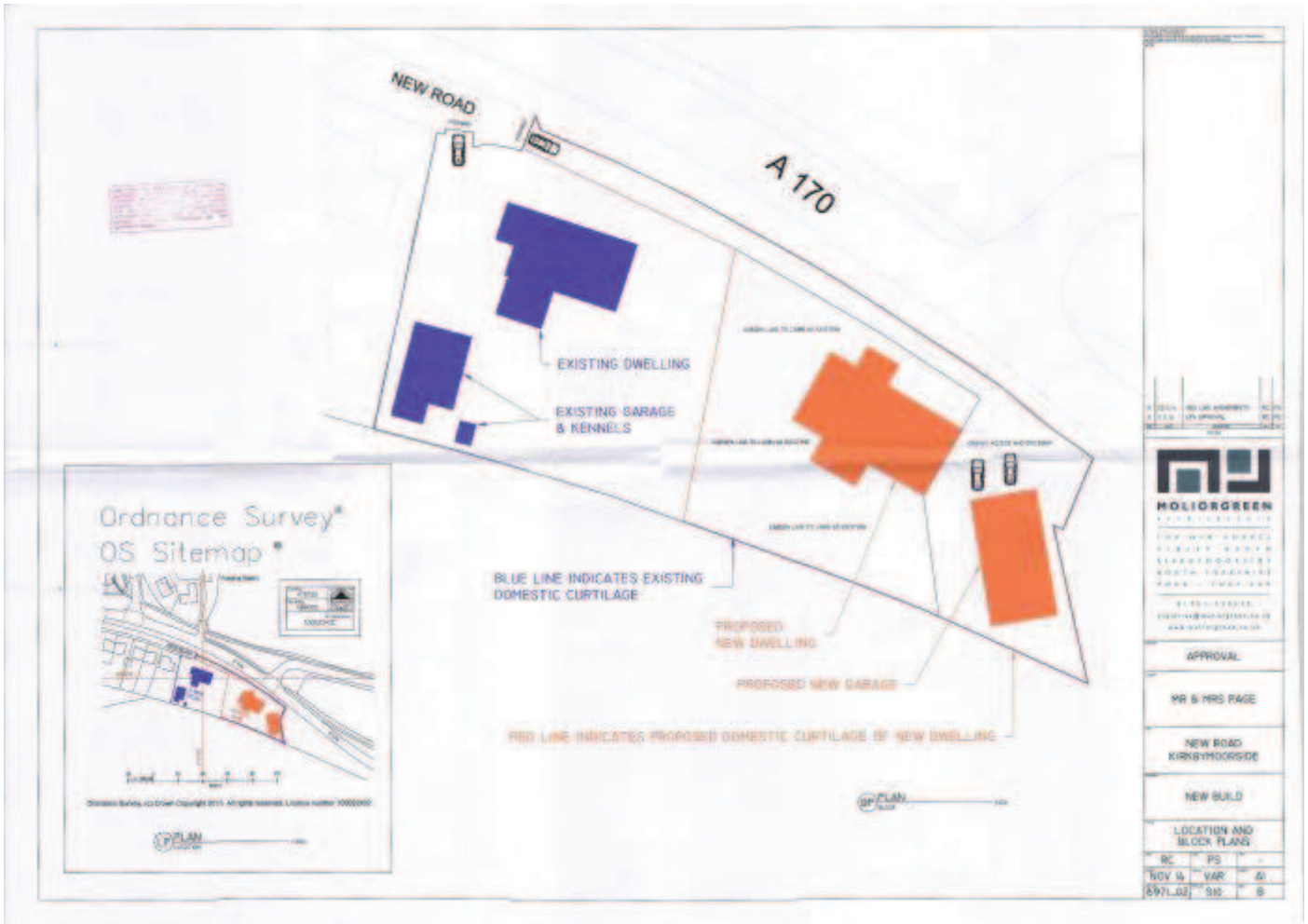
Reason: In the interests of highway safety and to protect the amenity of the adjoining neighbours and to satisfy Policy SP20 of the Local Plan Strategy

#### **INFORMATIVE(S)**

1 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

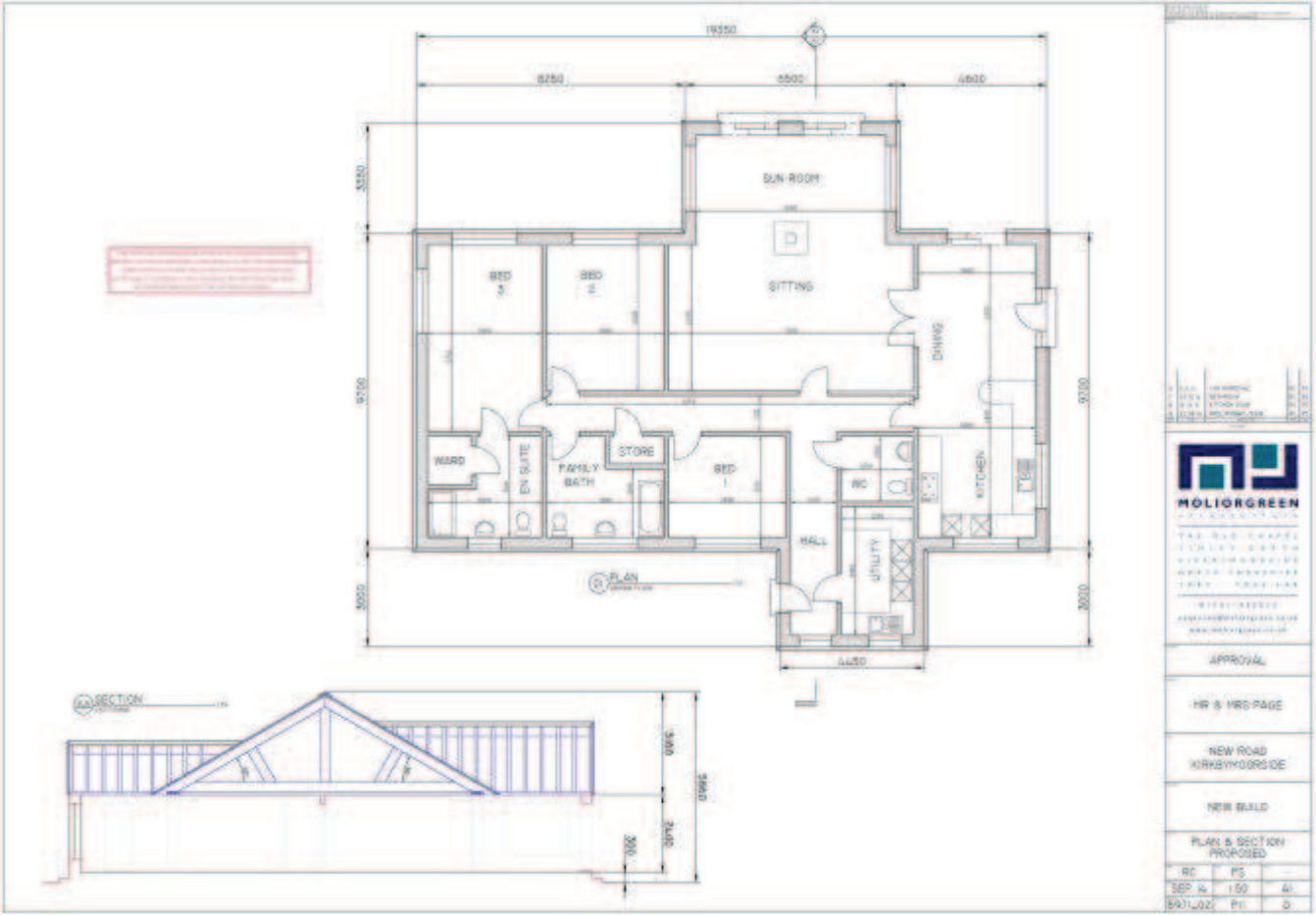
#### **Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties



<b>APPROVAL</b>	
<b>MR &amp; MRS PAGE</b>	
<b>NEW ROAD KIRKBYMOORSIDE</b>	
<b>NEW BUILD</b>	
<b>LOCATION AND BLOCK PLANS</b>	
RC	PS
NOV 16	VAR 4
09/11/17	910 5





DATE	DESCRIPTION
10/11/2017	PRELIMINARY PLAN
12/11/2017	REVISED PLAN
15/11/2017	REVISED PLAN
18/11/2017	REVISED PLAN
21/11/2017	REVISED PLAN
24/11/2017	REVISED PLAN
27/11/2017	REVISED PLAN
30/11/2017	REVISED PLAN

**HOLIORGREEN**  
ARCHITECTS

THE OLD SHARPS  
100 COLLEGE ROAD  
NEWCASTLE, NSW 2300  
TEL: (02) 4921 1111  
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APPROVAL

MR & MRS PAGE

NEW ROAD  
KIRKBYMOORSIDE

NEW BUILD

PLAN & SECTION  
PROPOSED

RC	PS
SEP 16	41
B91/02	PI: D



**SECTION**

**PLAN**

**N ELEVATION**

**W ELEVATION**

**S ELEVATION**

**E ELEVATION**

9200

7000

**MOULDERGREEN**

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110 COLLYER ROAD  
NEW ROAD, KIRKBYMOORSIDE  
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IF YOU NEED  
ARCHITECTURAL DRAWINGS  
FOR YOUR PROJECT

APPROVAL

MR & MRS PAGE

NEW ROAD  
KIRKBYMOORSIDE

GARAGE

ELEVATIONS  
DRAWINGS

PS	-	-
OCT 14	1:50	A1
B97L22	P12	C

**Design & Access Statement (Amended)**

**Applicant: Mr & Mrs R Page**

**Site Address: 8 New Road, Kirkbymoorside**

**Proposal Description: Erection of a new build bungalow and garage within the existing domestic curtilage of 8 New Road, Kirkbymoorside on land to the east of the existing dwelling**

**Design Statement**

**Use**

1. 8 New Road is currently home to the applicants. The suite contains a number of structures for residential use including a principal dwelling, workshop and kennelling. The principal dwelling is a single storey bungalow sitting on a footprint of 180 square metres within a domestic curtilage of over 3,500 square metres. For the avoidance of doubt, the entire site is now and will remain residential in nature.
2. The applicants intend to move into the new dwelling upon completion and hope to retain the existing dwelling. The existing dwelling will be released to the private rented sector until such time as it is required by a member of the applicants own family. It is worthy of note that the applicants have lived on and owned the site at 8 New Road for over 40 years, raising a family who are still resident in North Yorkshire although not currently at home. An additional dwelling will allow the extended family to live in close proximity to the applicants and provide much needed support in the coming years.
3. The proposed new build single storey dwelling will occupy a footprint of 230 square metres. In addition the applicants hope to build a workshop and store, the roof of which will house a 4 kilowatt array of photovoltaic panels. The workshop would occupy a further 140 square metres. The siting of the new dwelling follows the same build line as the existing properties on New Road and is set back from the A170 as recommended by the Rural Design Guide alluded to in the pre-planning advice of 28 November 2013. Together the existing and proposed buildings under the scheme would occupy 641 square metres which represents 18% of the available site area of over 3,500 square metres.

- 
4. As is noted on the application form, the number of residential units on the site will rise from 1 to 2 under the proposed scheme.

#### **Location & Environment**

5. Policy SP5 of the Ryedale Local Plan (General Location of Development and Settlement Hierarchy) defines Kirkbymoorside as a Market Town and Local Service Centre. As such it is defined as focus for growth in the Council's Spatial Strategy.
6. The Development Limits for Kirkbymoorside defined in Policy SP3 cross the garden to 8 New Road. The same boundary identifies the Visually Important Undeveloped Area (VIUA) as defined by Policy SP16 (Design). However this is not an altogether logical. The applicants would like to stress that the planned scheme lies entirely within an existing residential site and makes no use of agricultural land or open countryside. Given the mature evergreen screening that exists to the northern and eastern boundary's and the single storey nature of all proposed structures on the site, the applicants believe the proposed scheme to have no detrimental impact on the VIUA that bridges the gap between the applicants own domestic curtilage and the hamlets of Keldholme and Kirkby Mills to the north and east respectively. Given the existing level of mature screening that exists on the site, the applicants believe that the character and amenity of the surrounding area are preserved under the proposed scheme.
7. The site benefits from an existing additional entrance providing access and egress to the proposed new dwelling from the cul-de-sac which is New Road, negating the need for the creation of an additional dropped kerb adjoining the A170 and maintaining highway safety. The proposed entrance is illustrated on the block plan supplied.

#### **Layout, Scale & Appearance**

8. The proposed dwelling has been designed to meet the needs of a mature couple with a large extended family. The dwelling has three bedrooms with family and en suite bathrooms, together with kitchen and living space supported by ancillary plant and utility areas. The accommodation is arranged over one floor. The room sizes and storey heights are typical of a design of this nature giving an overall appearance that is not excessive in terms of size or scale. The eaves height has been kept to a maximum of 2.7 metres at its

highest with a maximum ridge height of 5.7 metres. The applicants believe the proposed dwelling will not look out of place alongside the existing dwelling which is similar in nature. Much of the design and functionality present in the existing single storey dwelling has influenced the design of the proposed dwelling allowing continuity of appearance with the traditional local vernacular architecture already present on site.

9. Materials have been chosen to reflect those present within Kirkbymoorside at the same time as helping the applicants to achieve their desire of designing a sustainable energy efficient home. Visible materials include a traditional slate roof over brick and render walls hosting timber painted windows and doors. This external appearance is consistent with many homes found in Kirkbymoorside and adorns a highly sustainable energy efficient property.
10. The structural envelope of the building will be of timber frame construction achieving a high level of airtightness allowing the applicants to take advantage of mechanical ventilation with heat recovery. The applicant hope to integrate heat pump technology into the property supplemented by both an array of photovoltaic panels, to power the necessary pumps and to off-set lighting bills, in addition to solar collectors to supplement the demand for domestic hot water. Grey water will be harvested for use in the garden and room sealed log burners used as a back up to the primary heating system. Doors and windows will exceed the demands of current building control requirements minimising heat loss and helping to reduce carbon emissions.
11. An innovative design has been chosen deliberately to complement the modern design of housing in this stretch on the south side of the A170. Policy SP16 calls for local distinctiveness to be reinforced. This repeats para 58 of the NPPF which says that planning decisions should aim to ensure that development responds to local character while not preventing or discouraging appropriate innovation.
12. The proposed workshop will allow the applicant – Mr Page, who is a retired joiner – to continue his passion for cabinet making.
13. The applicants hope to build a sustainable home, fit for purpose in their retirement that allows them to remain within the **Service Centre** of Kirkbymoorside at the same time as having minimal running costs and little impact on the environment.

## **Access Statement**

14. The proposed dwelling is by design accessible as it needs to meet the requirements of the applicants in their retirement. Designed on a single level, all internal rooms are served by a 900mm wide doorway (minimum) with the WC conforming to the requirements for wheelchair access. The WC is sufficient in size to convert to a wet room with wheelchair access should this be required going forward. All 3 double bedrooms would allow wheelchair access to at least one side of a king-size double bed.
  
15. The open plan nature of the living and kitchen space linked by double doors allows for ease of movement for wheelchair users, elderly members of society, and those with restricted mobility as well as more able bodied and the young. The house needs to be fit for purpose for the extended family which in the case of the applicants spans 4 generations.
  
16. The existing access route along the northern edge of the site means that the planned development will have little impact on highway safety or any of the existing or adjoining dwellings on New Road.
  
17. For the avoidance of doubt, no pedestrian rights of way or public footpaths are affected by the proposed scheme.
  
18. On 19 November 2014 the Council asked for appropriate references to be made to Local Plan policies SP3 (Affordable Housing) and SP11 (Community Facilities and Services).
  
19. SP3 requires financial contributions on the basis of 9% of private sales revenue. However the applicant believes that this has now been superseded by a ministerial statement of 28 November by which developer contributions on single and other smaller sites are no longer required.
  
20. Under SP11 financial contributions may be required towards the provision of community facilities and services. Currently this is done by Section 106 agreements although in future the Council intends to replace them with a more comprehensive Community Infrastructure Levy (CIL). The Applicant notes the possible requirement and is prepared to discuss appropriate requests.

21. Conclusion - The proposal is commended to the Council. It meets the needs of the Page family and helps provide a further housing site for the town without visually extending the town into the open countryside or the VIUA or otherwise creating any disadvantage.

[ENDS – December 2014]

**Item Number:** 8  
**Application No:** 14/01319/FUL  
**Parish:** Pickering Town Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Thompson  
**Proposal:** Change of use and alteration of ground floor storage areas to form 1no. 1 bedroom dwelling together with erection of 2no. 1 bedroom semi-detached dwellings following demolition of existing garage.  
**Location:** Everley 142 Westgate Pickering North Yorkshire YO18 8BB

**Registration Date:**  
**8/13 Wk Expiry Date:** 23 January 2015  
**Overall Expiry Date:** 11 March 2015  
**Case Officer:** Matthew Mortonson **Ext:** 332

## CONSULTATIONS:

<b>Sustainable Places Team (Yorkshire Area)</b>	Comments awaited
<b>Land Use Planning</b>	Comments awaited
<b>Environmental Health Officer</b>	Recommends Condition
<b>Parish Council</b>	Support in principle but concerns over lack of parking
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Building Conservation Officer</b>	No objection

## Neighbour responses:

.....

## SITE:

The application site is located on Westgate, Pickering within close proximity with the junction shared with Potter Hill. The site is within the development limits of the town and the Pickering Conservation Area. The site currently operates as a car repair garage and consists of a number of buildings relating to the business. The ground floor of 142 Westgate is used for storage purposes for the existing business.

## PROPOSAL:

The proposal seeks planning permission for change of use and alteration of ground floor storage areas to form 1no. 1 bedroom dwelling together with the erection of 2no. 1 bedroom semi-detached dwellings following the demolition of the existing garage.

This planning application forms a re-submission of application ref. 09/00600/FUL which was granted planning permission in August 2009.

## HISTORY:

09/00600/FUL - Planning provision granted for a change of use and alteration of ground floor commercial storage area to a one bedroom flat with separate access to existing two bedroom first and second floor flat and erection of 2 no one bedroom dwellings with pedestrian access and amenity areas.

## POLICY:

Ryedale Local Plan Strategy

Policy SP1 – General Local of Development and Settlement Hierarchy  
Policy SP2 – Delivery and Distribution of New Housing  
Policy SP3 – Affordable Housing  
Policy SP4 – Type and Mix of Housing  
Policy SP11 – Community Facilities and Services  
Policy SP12 – Heritage  
Policy SP16 – Design  
Policy SP19 – Presumption in Favour of Sustainable Development  
Policy SP20 – Generic Development Management Issues

National Planning Policy Statement  
National Planning Policy Framework  
National Planning Practise Guidance

#### **APPRAISAL:**

The main considerations for this application are:

- i) Principle of the Development
- ii) Design
- iii) Impact on Pickering Conservation Area
- iv) Residential Amenity
- v) Other considerations

The Ryedale Local Plan Strategy provides the settlement hierarchy for the District. Pickering, as a market town, is one of the more sustainable settlements where new residential development should be focused. Policy SP2 of the Local Plan Strategy identifies that within the development limits of the market towns, the conversion and redevelopment of previously developed land and buildings for residential purposes will be acceptable in principle.

Policy SP3 and Policy SP11 of the Ryedale Local Plan Strategy include a requirement for residential developments within Pickering to contribute towards affordable housing provision and public open space. A report has however been recently considered and agreed by the Planning Committee in relation to the Government Advice, with a recommendation that such contributions should not be sought on sites below a threshold of 5 dwellings. Accordingly, it is not considered that affordable housing and public open space contributions should be sought in this instance.

This site currently consists of the existing car garage and associated buildings which are of a construction, design and appearance that detracts from the character and appearance of the Conservation Area. The loss of the buildings is not considered to be one that would be harmful to the area. In addition, the Council's Countryside Officer has advised verbally that due to the construction and use of the buildings it is unlikely the site would have any ecological interest. No objections are therefore raised to the loss of the existing buildings.

In terms of the proposed residential units, the alterations to the main building to accommodate the additional residential unit are minor and do not materially alter the character and appearance of the host property. This aspect of the proposal is considered to be acceptable.

With regards to the proposed new residential buildings, their design is one which reflects the appearance of linear outbuildings located to the rear of the main dwelling. This approach results in an appearance and form that would not be out of character with the Pickering Conservation Area. It is the view of Officers, including the Building Conservation Officer, that the character of the Pickering Conservation Area would be enhanced by this proposal.

With respect to residential amenity, Policy SP20 of the Ryedale Local Plan Strategy is relevant stating:

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**PLANNING COMMITTEE**  
**10 March 2015**



*New development will not have a material adverse impact on the amenity of present or future occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.*

In this case, whilst the residential units are of a small scale, for this type of accommodation they provide sufficient levels of amenity for future occupiers. The two residential dwellings benefit from modest garden areas for residents to enjoy. In terms of the impact on neighbouring properties, the use of the site for residential purposes is one that would be less harmful to nearby residents compared to the existing use. Given the scale and design of the proposal no issues of loss of privacy or overshadowing / overdominance would occur.

As part of the planning application documents a Phase 1 land contamination survey has been provided. The Council's Environmental Health Officers have considered this document, but recommend further investigations. The application has been conditioned appropriately.

Pickering Town Council have raised concerns to the lack of car parking provision within the site. Whilst Officers do appreciate the concerns raised by the Town Council, it is considered that, given the planning history of the site (which previously approved the development as submitted, together with the comments of the Highway Authority who have raised no objections to the application), there are no sustainable objections that could be raised to this aspect of the development.

Yorkshire Water and the Environment Agency have also been consulted on the application and their comments are awaited. Members will be updated on any comments received prior to the Planning Committee Meeting in the late pages, or verbally at the Planning Committee Meeting.

To conclude, the proposed development is considered to be in accordance with the requirements of the Development Plan. There are no other material considerations to suggest a determination otherwise. The application is therefore recommended for approval, subject to the outstanding consultation responses.

**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            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 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 Local Plan Strategy.

3            Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed

Reason: In the interest of the visual amenity of the Conservation Area in accordance with the requirements of the NPPF.

- 4 Prior to the commencement of the development, 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 Local Plan Strategy.

- 5 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted development) Order 1995 (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: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure.

Reason:- To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy H7A criteria (i) and (ii) of the Ryedale Local Plan

- 6 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. 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 during 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.

- 7 Unless otherwise agreed in writing with the Local Planning Authority development shall not commence until actual or potential land contamination at the site has been investigated and a Phase 2 Site Investigation Report (to follow the LUCS Phase 1 Preliminary Risk Assessment) has been submitted to and approved in writing by the Local Planning Authority. Should remedial work be required, or requested by the Local Planning Authority, development shall not commence until a Remediation Statement has been submitted to and approved in writing by the Local Planning Authority. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175 Code of Practice for the Investigation of Potential Contaminated Sites. Following remediation, submission of a verification report to be approved in writing by the Local Planning Authority will be required prior to the occupation of any dwellings.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An appropriate investigation and risk assessment must be

undertaken in accordance with current guidance, and where remediation is necessary, a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to the Local Planning Authority for approval.

Reason: To comply with the requirements of the National Planning Policy Framework.

- 8 No part of the development shall be brought into use until the existing access on to Westgate has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and in the interests of highway safety.

- 9 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 10 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 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.

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

Drawing No. 0912082 - Proposed two flats and two dwellings

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

**Background Papers:**

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties

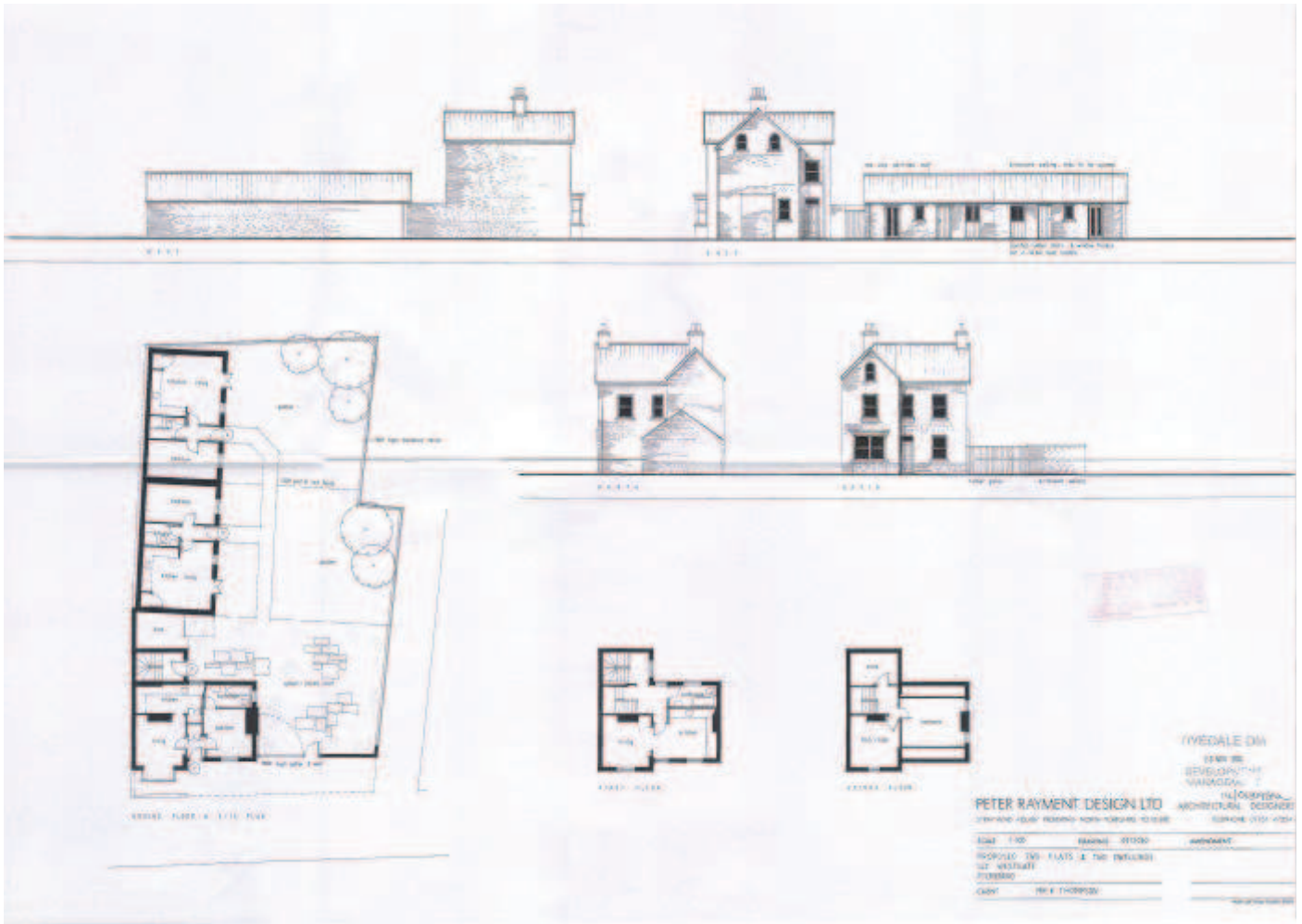
Westgate Garage  
Westgate, Pickering

14/01319/FOL.  
RYEDALE DM  
28 NOV 2014  
DEVELOPMENT  
DISTRICT COUNCIL



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28 NOV 2014

DESIGN AND ACCESS STATEMENT  
DEVELOPMENT MANAGEMENT

14/01319/FUL

**DEMOLITION OF COMMERCIAL GARAGE AND CONVERSION OF FLAT AND STORE INTO TWO FLATS AND CONSTRUCTION OF 2No. SINGLE STOREY, ONE BEDROOMED DWELLINGS AT 142 WESTGATE, PICKERING**

This application is a re-submission of an expired application Ref: 09/00600/FUL and includes a risk assessment on land contamination as required by the Environment Agency.

142 Westgate is situated on the North side of Westgate near its junction with Potter Hill. It is within the town's development's limits and conservation area as defined by The Ryedale Local Plan. The frontage building is currently in commercial use at ground floor level with a first and second floor residential flat and a large single storey dilapidated building of 277m<sup>2</sup> used as a commercial garage. In addition to this there is an open forecourt area.

We are proposing a scheme to refurbish the existing living accommodation and create a ground floor flat within the existing frontage building. The existing commercial garage would be demolished and replaced with 2No. one bed roomed single storey dwellings each with garden area. The new building will have a footprint area of 87m<sup>2</sup>, an eaves height of 2.3 metres and a ridge height of 4.7 metres.

The new dwellings have been specifically designed to replicate traditional simple outbuilding as may typically be found in such locations. The profile of this new building will be a considerable reduction from that of the existing garage premises and together with the use of brickwork and pantiles for its construction should be far better suited to neighbouring buildings and land uses than the existing garage premises.

We are proposing 1.8 high boundary wall/fence to enclose a garden area and gravelled/paved communal court yard which will have a gated access from Westgate thereby creating a safe and secluded residential area. Access into each new dwelling will comply with Part M of the building regulations. Access to the existing first floor flat would be via a new internal staircase making this unit self contained.

It is proposed that the site would only have pedestrian access and that any parking requirements will be met by existing facilities within the town however, due to the nature of the accommodation and its location close to the town centre, it is likely that car parking may not be required.

Policies SP2 SP4 & SP12 of the Ryedale Plan Local Plan Strategy are relevant to this development and we consider that the proposed scheme is an appropriate use for this site. National planning policy supports the development of previously used sites in towns. The development will have a positive effect on the locality by removing the dilapidated garage premises and refurbishment of the existing frontage building.

List of enclosures:

Planning Application Form  
Drawing No's 0912081 & 0912082  
Location Plan  
Preliminary Risk Assessment



Ellis Mortimer

MMD Concerns

**From:** Pickering Town Council [townclerk@pickering.gov.uk]  
**Sent:** 16 December 2014 10:00  
**To:** Development Management  
**Subject:** Planning application 14/01319/FUL

The application to alter the ground floor storage area of 142 Westgate to a flat, demolish the adjoining commercial garage and erect two semi-detached dwellings was generally supported. The only concern was that no car parking areas had been provided. The applicant had stated that any parking requirements would be met by existing facilities within the town but that due to the nature of the accommodation and its location close to the town centre, car parking might not be required. The council queried this: a) it was thought unlikely that all the occupants of the new dwellings would be without a car; b) the southern side of the A170 and the southern side of Potter Hill, in the vicinity of 142 Westgate, are areas where competition for on street parking is already very strong and, therefore, parking facilities should be provided on the site for occupants of the new dwellings.

Andrew Husband  
Clerk to Pickering Town Council

RYEDALE DM

16 DEC 2014  
DEVELOPMENT  
MANAGEMENT

# Agenda Item 9

**Item Number:** 9  
**Application No:** 14/01325/HOUSE  
**Parish:** Sherburn Parish Council  
**Appn. Type:** Householder Application  
**Applicant:** Mrs Laura Waller  
**Proposal:** Erection of two storey side extension.  
**Location:** 19 Springfield Terrace Sherburn Malton North Yorkshire YO17 8QG

**Registration Date:**  
**8/13 Wk Expiry Date:** 23 March 2015  
**Overall Expiry Date:** 12 February 2015  
**Case Officer:** Charlotte Cornforth **Ext:** 325

## CONSULTATIONS:

**Parish Council** No Objection  
**Archaeology Section** Recommends Condition

**Neighbour responses:** Mrs Alison Haldenby, Mr Gary Pickard, Mr Andrew Pickard,

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## SITE:

19 Springfield Terrace is a semi detached property, located within a cul-de-sac on the western edge of Sherburn. It should be noted that the driveway is a shared ownership with 21 Springfield Terrace, with each party having a right of access. The site is also located within an archaeological sensitive area.

## PROPOSAL:

The application is for the erection of a two storey side extension to the south elevation of the property.

The two storey side extension to the southern elevation of the property will measure 5.7m in depth, 3.2m in width, 5.2m to the eaves and 7.8m to the ridge. It will be set back from the front elevation by 2m and is 0.8m lower than the ridge height of the existing dwelling.

The initial scheme sought to also erect a single storey rear extension. However, concerns were raised by Officers that the extension projected too far to the east on the boundary of 17 Springfield Terrace.

The agent decided to omit the single storey rear extension from this planning application. The agent has subsequently submitted a notification of a 'larger homes' extension under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) Schedule 2, Part 1, Class A.1 (ea).

Furthermore, the initial plans showed an inaccurate red line. It was clear from the submitted plans and following a site visit that in order to reach the integral garage of 19 Springfield Terrace, vehicles would need to be driven over the driveway of 21 Springfield Terrace. The agent was made aware of this, and amended the red line, served notice on the occupier of 21 Springfield Terrace and completed the Ownership Certificate B.

## **HISTORY:**

The relevant planning history with regard to the proposal includes:

- 15/00083/GPDE - Notification pending consideration - Erection of single storey rear extension, extending a maximum of 6m from the rear wall of the original dwelling and having a maximum height of 3.6m and eaves height of 2.4m.

## **POLICY:**

The Ryedale Plan – Local Plan Strategy (2013)

SP12 Heritage

SP16 Design

SP19 Presumption in Favour of Sustainable Development

SP20 Generic Development Management Issues

National Planning Policy Framework (2012)

Section 7 – Requiring good design

Paragraph 141, Section 12 – Conserving and enhancing the historic environment

## **APPRAISAL:**

The main considerations to be taken into account are:

- i. Character and form
- ii. Impact upon neighbouring amenities
- iii. Archaeology
- iv. Other matters

### i. Character and form

The details of the extension is described earlier in this report. It is subordinate in scale to the existing dwelling and its design is considered to be in keeping with the character of the original dwellinghouse. It is considered that the two storey side extension is appropriate and sympathetic to the character and appearance of the existing dwelling in terms of scale, form and use of material, complying with Policies SP16 and SP20 of the Ryedale Plan – Local Plan Strategy. The extension will be constructed of concrete block walling, with a render finish. Furthermore, the extension is considered to not have a detrimental impact upon the street scene of the Springfield Terrace because the extension is proposed to be set well back from the front elevation and it is located in the corner of the cul-de-sac.

### ii. Impact upon neighbouring amenities

A letter of objection was received with regard to the initial scheme (and also the revised scheme omitting the single storey rear extension) from the occupier of 21 Springfield Terrace. The full letter of objection can be viewed on the Council's website. A summary of the objection makes the following main points;

- Land boundary disputes in connection with the driveway
- There are ongoing drainage problems with the property
- The extension will cause overlooking and loss of privacy into the garden of 21 Springfield Terrace
- The driveway of 21 Springfield Terrace could be used to store the materials during the

#### construction of the extension

It has been confirmed in writing and shown on a plan by the applicant that the driveway is of shared ownership with 21 Springfield Terrace, with each party having a right of access. The required notices and ownership certificates have however been served and submitted.

It is considered that the extension to the side of the property will not result in a material adverse impact upon the amenity of the occupier of 21 Springfield Terrace. The extension is considered not to have an overbearing presence, causing loss of natural light or privacy. The first floor window on the south extension will be obscure glazed and a condition will be attached to the decision notice. Due to the orientation of the properties and the degree of separation between them, it is considered that the extension will have a very limited impact upon loss of natural light, therefore, complying with Policy SP20 of the Ryedale Plan – Local Plan Strategy. An informative is recommended to be attached to the decision notice to make the applicant aware that the storage of building materials shall only be located on the land owned by them. It is also noted that drainage is an issue that will be considered as part of the Building Regulations process.

#### iii. Archaeology

The Historic Environment Team was consulted as part of the planning application. They have stated the following:

*The site is located within an area of archaeological interest. A number of prehistoric linear features can be seen heading towards the site from the west, including a pair of pit alignments defining the limits of tracking or possibly, at an early stage, a cursus monument dating to the Later Neolithic period. The pit alignments represent an early state in the definition of what becomes a significant route – way which has been detected both to the east and west of the village immediately to the north and in places, perhaps, beneath the A64.*

*Therefore, I would advise that a scheme of archaeological mitigation recording is undertaken in response to the ground- disturbing works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits / remains that will be disturbed. This advice is in accordance with the historic environment policies within Section 12 of the National Planning Policy Framework, CLG, 2012 (paragraph 141).*

A condition will be attached to the decision notice to ensure that a scheme of archaeological mitigation recording is carried out, prior to any works commencing on the site.

#### iv. Other matters

Sherburn Parish Council has raised no objection to the proposal.

A letter has been received from some family members of the occupier of 21 Springfield Terrace stating that they do not share the opinion of the occupier of 21 Springfield Terrace, and they do not object to the proposal.

A letter has also been received from another family member of the occupier 21 Springfield Terrace. He has stated that there is an ongoing problem with the drains and that in his view this should be resolved before any planning permission is granted.

The material considerations relating to this application have been appraised above.

## Conclusions

The erection of two storey side extension to No.19 Springfield Terrace is considered to meet the relevant policy criteria outlined within Policies SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and it is also considered to comply with the advice contained within the National Planning Policy Framework. The proposal is therefore recommended for approval 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            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 the colour of the render 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.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 3            The first floor window on the southern elevation of the proposed extension shall be permanently glazed with frosted or opaque glass.

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

- 4            Condition (A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: This condition is imposed in accordance with SP12 of the Ryedale Plan – Local Plan Strategy as the site is of archaeological interest.

- 5 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

Reason: This condition is imposed in accordance with SP12 of the Ryedale Plan – Local Plan Strategy as the site is of archaeological interest.

- 6 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with SP12 of the Ryedale Plan – Local Plan Strategy as the site is of archaeological interest.

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

Revised Site Location Plan (Scale 1:1250)  
Revised Proposed Elevations  
Floor Plan and Block (Drawing Number LW201410-2)

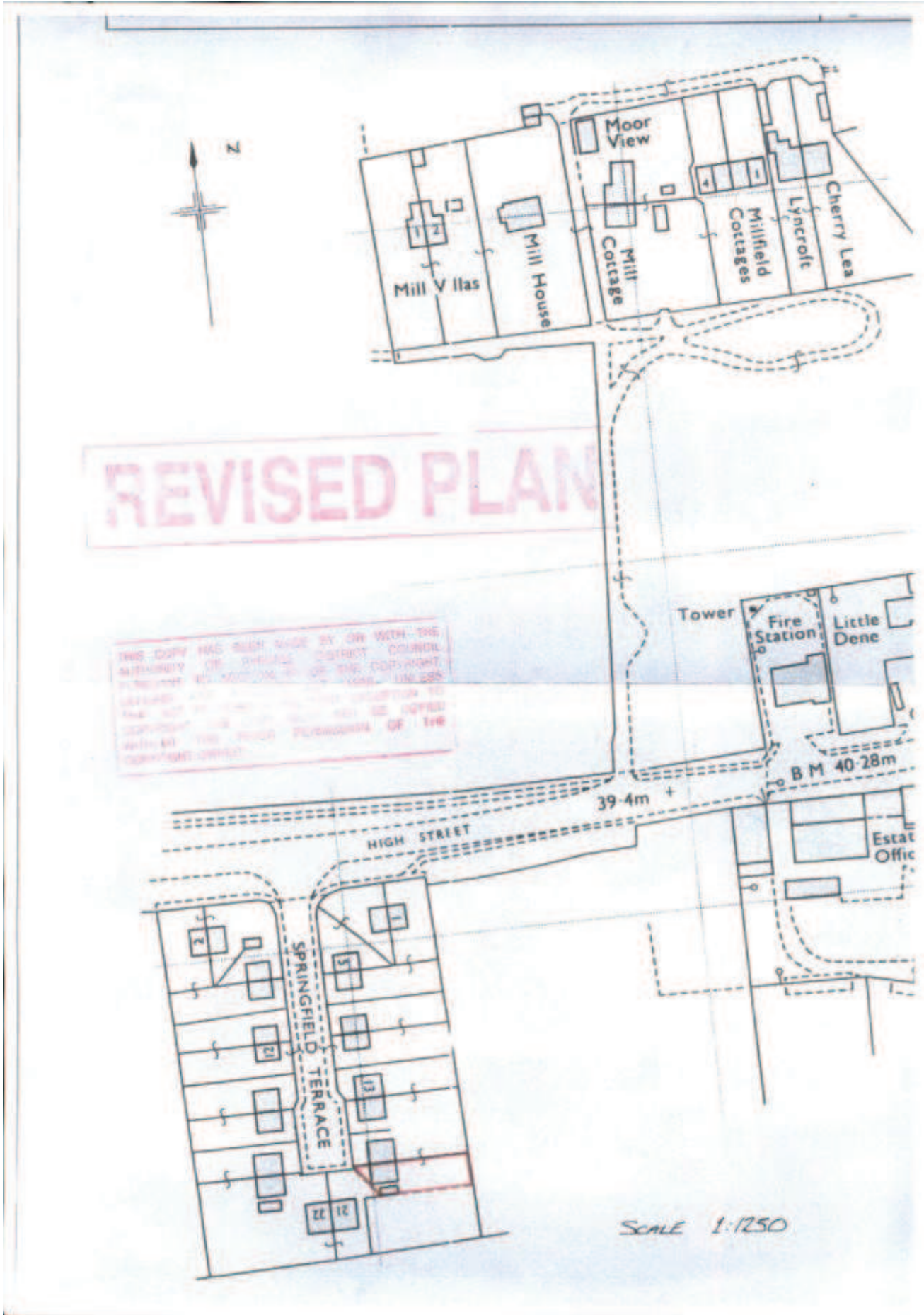
Reason: For the avoidance of doubt and in the interests of proper planning.

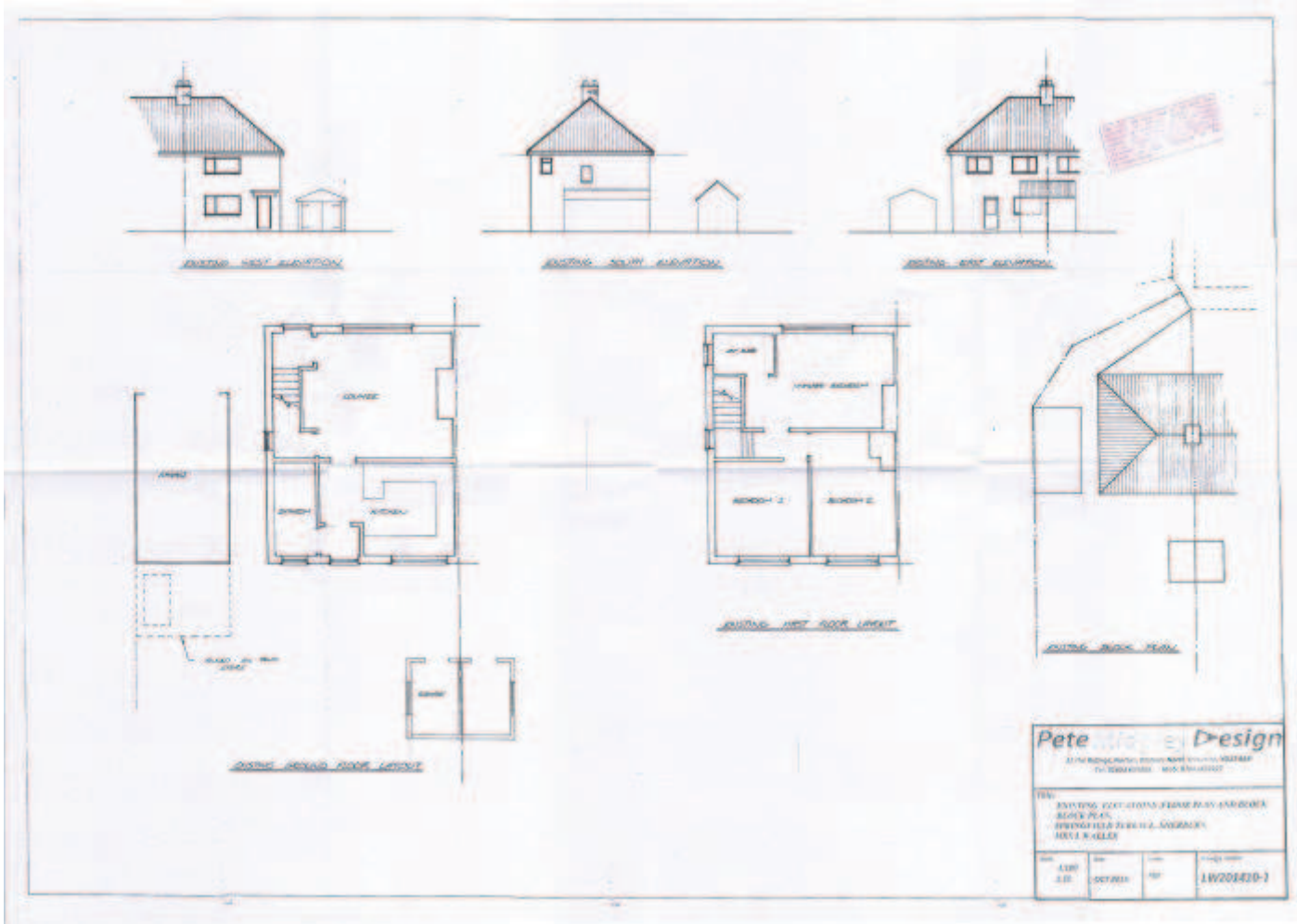
**INFORMATIVE:**

The applicant is advised that the building materials used for the development shall be stored only on land under their ownership when works commence on site.

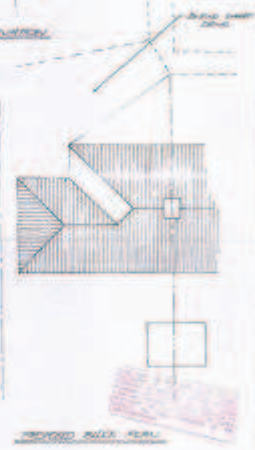
**Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties









**REVISED PLAN**

**Pete Design**  
 2700 Kings Highway, Apt. 100, Westborough, MA 01581  
 Tel: 508-853-1111 Fax: 508-853-1112

PROPOSED ELEVATIONS, FLOOR PLANS AND ROOF PLAN. THIS SET IS EXPANDED.  
 SPONGIERIA DESIGN ARCHITECTS, C.

ADD SHEETS			
NO.	DATE	BY	APPROVED
100			
101	07/2004	PH	19201410-2

# Agenda Item 11

## RYEDALE DISTRICT COUNCIL

### APPLICATIONS DETERMINED BY THE DEVELOPMENT CONTROL MANAGER IN ACCORDANCE WITH THE SCHEME OF DELEGATED DECISIONS

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1.

**Application No:** 14/00796/REM **Decision: Approval**  
**Parish:** Amotherby Parish Council  
**Applicant:** Mr T Piercy  
**Location:** Land Adj Millfield Lodge Main Street Amotherby Malton North Yorkshire  
**Proposal:** Erection of a four bedroom dwelling with detached single garage.

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2.

**Application No:** 14/01206/FUL **Decision: Refusal**  
**Parish:** Sherburn Parish Council  
**Applicant:** Mr John Cooper  
**Location:** Land Rear Of The East Riding St Hildas Street Sherburn Malton North Yorkshire  
**Proposal:** Erection of a terrace of 1no. three bedroom and 2no. two bedroom dwellings with parking and amenity areas to include demolition of existing detached garage

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3.

**Application No:** 14/01260/FUL **Decision: Approval**  
**Parish:** Terrington Parish Council  
**Applicant:** Mr And Mrs Ash-Arnold  
**Location:** Gardeners Cottage Wiganthorpe Terrington Malton  
**Proposal:** Change of use and alteration of agricultural outbuildings to form additional domestic accommodation and extension to existing dwelling

---

4.

**Application No:** 14/01276/HOUSE **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mrs Hazel Gundry  
**Location:** 4 Adela Shaw Kirkbymoorside YO62 6JE  
**Proposal:** Erection of detached timber garage/storage shed on site of demolished timber building

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5.

**Application No:** 14/01297/FUL **Decision: Approval**  
**Parish:** Cawton Parish Council  
**Applicant:** Mr David Walsh  
**Location:** Pasture House Main Street Cawton Helmsley YO62 4LW  
**Proposal:** Formation of a pond with weirs and earth bund to form a swimming area and wildlife area to include a flagged surround and patio

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6.

**Application No:** 14/01324/FUL **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** The Co-operative Group  
**Location:** 99 Eastgate Pickering North Yorkshire YO18 7DY  
**Proposal:** Installation of replacement shop front windows and doors to include installation of window to replace existing timber double door

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7.

**Application No:** 14/01331/HOUSE **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr Kevin Wood  
**Location:** 10 Westgate Old Malton Malton North Yorkshire YO17 7HE  
**Proposal:** Erection of single storey extension to rear to include formation of higher monopitched roofs to existing flat roof extension and to shallow pitched roof of existing utility and outbuilding together with installation of 3no.roof windows - all works to allow extension of domestic accommodation

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8.

**Application No:** 14/01341/FUL **Decision: Approval**  
**Parish:** Edstone Parish Meeting  
**Applicant:** Mr & Mrs S Waley  
**Location:** Mount Pleasant Farm Main Street Great Edstone Kirkbymoorside North Yorkshire YO62 6PB  
**Proposal:** Change of use and alteration of former agricultural buildings to form a two bedroom self-contained residential annex with amenity area and parking to include excavation, levelling and re-gravelling of courtyard and patio areas.

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9.

**Application No:** 14/01342/LBC **Decision: Approval**  
**Parish:** Edstone Parish Meeting  
**Applicant:** Mr & Mrs S Waley  
**Location:** Mount Pleasant Farm Main Street Great Edstone Kirkbymoorside North Yorkshire YO62 6PB  
**Proposal:** External and internal alterations to include conversion of former agricultural building to a self-contained two bedroom residential annex to include installation of 2 no rooflights and roof mounted solar panels, alterations to external doorways and windows with installation of replacement windows and doors and alterations to interior layout.

---

10.

**Application No:** 14/01344/FUL **Decision: Refusal**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr & Mrs J Farrow  
**Location:** Land Adj Keldholme Motorcare Keldholme York  
**Proposal:** Change of use of land to include reinstatement of a section of railway track on the old track bed/embankment with siting of 3 no. converted railway carriages on the reinstated track with each forming two bedroom holiday accommodation together with erection of 1 no. two bedroom holiday lodge and 1 no. two bedroom lodge for site managers accommodation, alteration to existing vehicular access and formation of site gravelled track and parking areas with retention of existing caravan until one lodge is ready for occupancy.

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11.

**Application No:** 14/01347/FUL **Decision: Approval**  
**Parish:** Wombledon Parish Council  
**Applicant:** Wombledon Sports And Recreation Club (Mr JB Grice)  
**Location:** Wombledon Sports Club Page Lane Wombledon Kirkbymoorside  
**Proposal:** Erection of extension to north-west elevation to incorporate an attached tractor/grass cutter store and kitchen/toilet extension.

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12.

**Application No:** 14/01359/FUL **Decision: Approval**

**Parish:** Burythorpe Parish Council  
**Applicant:** Mrs Helen Williams  
**Location:** Land East Of Menethorpe Lane Menethorpe Malton North Yorkshire  
**Proposal:** Change of use of agricultural land to form a 60m x 25m manege for private family use with use of existing adjacent building and external area for storage of jumps and other associated equestrian equipment all within a newly enclosed field area.

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**13.**  
**Application No:** 14/01361/FUL **Decision: Approval**  
**Parish:** Harton Parish Meeting  
**Applicant:** Cardtronics UK Ltd (trading As Cashzone)  
**Location:** Coastways Service Station York Road Harton Malton YO60 7SF  
**Proposal:** Erection of free standing ATM with installation of 6no. steel bollards (retrospective application)

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**14.**  
**Application No:** 14/01364/FUL **Decision: Approval**  
**Parish:** Gilling East Parish Council  
**Applicant:** Mr Christopher Pearce  
**Location:** Grimston Lodge Moor Lane Gilling East Helmsley YO62 4HR  
**Proposal:** Erection of detached building comprising single garage and additional domestic accommodation with demolition of existing single garage

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**15.**  
**Application No:** 14/01366/LBC **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Fitzwilliam (Malton) Estate (Mr Keith Davies)  
**Location:** Warehouse Owstons Wharf Yorkersgate Malton North Yorkshire  
**Proposal:** Installation of 2no. side hung conservation rooflights to rear (South) elevation roofslope and damp proofing of embedded timber ends of floor beams by wrapping in waterproof of membrane

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**16.**  
**Application No:** 14/01373/LBC **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr & Mrs Gadsby  
**Location:** Gascoyne House 21 Burgate Pickering North Yorkshire YO18 7AU  
**Proposal:** External and internal alterations to include replacement rooflights to east and south roof slopes, repositioning of boiler flues, installation of French doors to south elevation to north elevation and changes to internal layout to ground and first floor.

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**17.**  
**Application No:** 14/01370/FUL **Decision: Approval**  
**Parish:** Weaverthorpe Parish Council  
**Applicant:** Mr & Mrs A Mason  
**Location:** Gara Farm Weaverthorpe Malton North Yorkshire YO17 8ER  
**Proposal:** Erection of replacement 4no. bedroom detached dwelling following demolition of existing dwelling (revised details to refusal 14/00906/FUL dated 13.10.2014)

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**18.**  
**Application No:** 14/01382/FUL **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Bulmers Letting Agency (Mrs Sally Bulmer)  
**Location:** 19 Wheelgate Malton North Yorkshire YO17 7HT

**Proposal:** Replacement of existing shop front together with replacement of existing aluminium windows and entrance door with timber windows and entrance door

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**19.**

**Application No:** 14/01391/GPAGB **Decision: Refusal**  
**Parish:** Warthill Parish Council  
**Applicant:** Mr Michael Musson  
**Location:** Swinecliffe Cottage Caravan Site Northgate Lane Warthill  
**Proposal:** Change of use of agricultural building to a dwelling (Use Class C3)

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**20.**

**Application No:** 14/01387/LBC **Decision: Refusal**  
**Parish:** Pickering Town Council  
**Applicant:** Ms Kirstie Vincer  
**Location:** 16 Castlegate Pickering North Yorkshire YO18 7AX  
**Proposal:** Installation of square ventilation grate to front elevation.

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**21.**

**Application No:** 14/01392/CLEUD **Decision: Approval**  
**Parish:** Wintringham Parish Council  
**Applicant:** Mr H J N Cholmley  
**Location:** Rookdale Farm Newton Dale Wintringham Malton North Yorkshire  
**Proposal:** Certificate of lawfulness that confirms works have been undertaken that constitute a "material operation" and consequently work has commenced on site and the planning permission has been implemented in accordance with Condition 01 of approval 11/01251/FUL dated 05.03.2012

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**22.**

**Application No:** 14/01395/HOUSE **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr & Mrs Frost  
**Location:** 12 Bramble Walk Malton North Yorkshire YO17 7YU  
**Proposal:** Erection of pitched roof on existing flat roof detached garage

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**23.**

**Application No:** 14/01402/FUL **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** HSBC Corporate Real Estate  
**Location:** HSBC Bank 5 Piercy End Kirkbymoorside YO62 6DQ  
**Proposal:** Replacement of existing external ATM

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**24.**

**Application No:** 14/01403/HOUSE **Decision: Approval**  
**Parish:** Sinnington Parish Council  
**Applicant:** Mr & Mrs T Browes  
**Location:** Pack Horse Cottage The Green Sinnington Pickering YO62 6RZ  
**Proposal:** Erection of rear single storey flat roofed garden room extension with raised terrace area to include removal of existing rear porch.

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**25.**

**Application No:** 14/01406/HOUSE **Decision: Refusal**  
**Parish:** Pickering Town Council  
**Applicant:** Mr & Mrs Fisher  
**Location:** Joiners 75 Outgang Road Pickering North Yorkshire YO18 7EL

**Proposal:** Erection of first floor rear extension.

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26.

**Application No:** 14/01416/HOUSE **Decision: Approval**  
**Parish:** Kirby Grindalythe Parish Council  
**Applicant:** Mr Ian Simpson  
**Location:** Home Farm Salents Lane Duggleby Malton North Yorkshire YO17 8BN  
**Proposal:** Erection of first floor extension for domestic storage above existing single storey domestic outbuilding

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27.

**Application No:** 15/00003/HOUSE **Decision: Approval**  
**Parish:** Kirkbymoorside Town Council  
**Applicant:** Mr Simon Brackley  
**Location:** 39 Dale End Kirkbymoorside YO62 6EE  
**Proposal:** Formation of a new vehicular access with parking and turning area.

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28.

**Application No:** 15/00004/HOUSE **Decision: Approval**  
**Parish:** Pickering Town Council  
**Applicant:** Mr Stuart Dobson  
**Location:** 39 Costa Way Pickering North Yorkshire YO18 8LY  
**Proposal:** Erection of part two storey/part single storey side extension and front bay window

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29.

**Application No:** 15/00009/HOUSE **Decision: Refusal**  
**Parish:** Pickering Town Council  
**Applicant:** Mr Kenneth Scanlon  
**Location:** 86 Westgate Pickering North Yorkshire YO18 8AU  
**Proposal:** Erection of open fronted timber outbuilding to support 9 no. solar PV cells on front roofslope to generate electricity for domestic use and provide domestic storage

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30.

**Application No:** 15/00010/HOUSE **Decision: Approval**  
**Parish:** Thornton-le-Clay Parish Council  
**Applicant:** Mr John Conlon  
**Location:** Sunnybank High Street Thornton Le Clay YO60 7TE  
**Proposal:** Erection of detached garage/workshop outbuilding following demolition of existing garage/workshop

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31.

**Application No:** 15/00017/HOUSE **Decision: Approval**  
**Parish:** Malton Town Council  
**Applicant:** Mr And Mrs Ruddick  
**Location:** 1 Pinfold Garth Malton North Yorkshire YO17 7XQ  
**Proposal:** Erection of rear conservatory

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32.

**Application No:** 15/00029/FUL **Decision: Approval**  
**Parish:** Cawton Parish Council  
**Applicant:** Mr P Place  
**Location:** Land At OS Field No 1664 Main Street Cawton Helmsley  
**Proposal:** Erection of extension to existing agricultural building

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**33.**

**Application No:**

15/00048/FUL

**Decision: Approval**

**Parish:**

Malton Town Council

**Applicant:**

Yorkshire Water Services Limited (Mr Matt Hill)

**Location:**

Wm Morrisons Castlegate Malton North Yorkshire YO17 7DT

**Proposal:**

Installation of GRP kiosk to house telemetry equipment to monitor combined sewer overflow

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## Appeal Decisions

Site visit made on 20 January 2015

**by Nigel Harrison BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 4 February 2015**

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### **Appeal A: Ref: APP/Y2736/A/14/2215549**

**Brignam Park Farm, Tofts Lane, Malton Road, Pickering, North Yorkshire, YO18 8EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Brown against the decision of Ryedale District Council.
- The application Ref: 13/00766/FUL dated 28 June 2013, was refused by notice dated 7 November 2013.
- The development proposed is "conversion and alterations of agricultural outbuildings and land to form a four bedroom dwelling to include erection of a single-storey extension to west elevation and glazed lean-to extension to south elevation following demolition of pole barns. Formation of additional window openings and installation of solar pv panels to south courtyard elevation".

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### **Appeal B: Ref: APP/Y2736/E/14/2215546**

**Brignam Park Farm, Tofts Lane, Malton Road, Pickering, North Yorkshire, YO18 8EA**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr and Mrs Brown against the decision of Ryedale District Council.
- The application Ref: 13/00800/LBC dated 28 June 2013, was refused by notice dated 7 November 2013.
- The works proposed are "conversion and alterations of agricultural outbuildings and land to form a four bedroom dwelling to include erection of a single-storey extension to west elevation and glazed lean-to extension to south elevation following demolition of pole barns. Formation of additional window openings and installation of solar pv panels to south courtyard elevation".

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### **Decisions**

1. I dismiss both appeals.

### **Main Issues**

2. I consider the main issues in this case are:
  - Whether the proposed development and works would preserve the special architectural or historic interest of this Grade II listed building. (Appeals A and B)



- The effect of the proposed development on the character and appearance of the surrounding countryside, having regard to local and national policies relating to the conversion of rural buildings in the countryside. (Appeal A only)

### **Procedural Matters**

3. Although different from that stated on the application, forms I have taken the description of the proposed development and works from the Council's decision notices. These changes were agreed by the parties, and I consider they more accurately describe the proposal.
4. Although slightly different from that stated on the application form, the address shown above has been confirmed by the appellants as being the correct one.

### **Reasons**

*Whether the proposal would preserve the special architectural or historic interest of the listed building*

5. Brignam Park Farm lies in open countryside about 2 miles south of Pickering. The appeal concerns one of three largely redundant agricultural barns grouped around a courtyard on the north side of the farmhouse. Both farmhouse and the barns are Grade II listed. The proposal is for the change of use and extension of the appeal building to form a four-bedroom dwelling.
6. A large part of the appeal building's significance as a heritage asset derives from its origins as a modest farm outbuilding redolent of the local vernacular style and its group setting within the former farmstead. However, whilst the rear and east elevations are little altered and still display features reflecting the historic character of the building, the front and (west) side elevations are mostly obscured by the modern pole barns. Given the dominance of these features, they inevitably reduce the contribution that these parts of the building make to the significance of the asset when seen from the farm courtyard and open land beyond.
7. Policy SP12 of the *Ryedale Plan: Local Plan Strategy September 2013* (LP) encourages the sensitive re-use and adaptation of historic buildings and supports, where appropriate, flexible solutions to those historic buildings identified as being at risk. LP Policies SP16 and SP20 seek to achieve good design, and require new development to respect the character and context of the immediate locality.
8. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires the decision-maker, in considering whether to grant listed building consent for any works affecting a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Paragraph 132 of the *National Planning Policy Framework* (the Framework) sets out that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation, adding that significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.
9. I accept that the scale of the extensions is dictated to a large degree by the amount of accommodation required, and the narrow plan form of the original

buildings which makes practical conversion within the available space difficult. Nonetheless, and despite a pre-application reduction in both height and width of the side extension, the proposed extensions together would represent an increase in footprint of about 75% compared with the original buildings (excluding the pole barns). These substantial extensions would alter the layout and plan form of the listed building, and detract from those elements that make an important contribution to its special architectural and historic interest.

10. I consider that the extensions would overwhelm the original U shaped building, and detract from its simple form and appearance. They would dilute and confuse the listed building's agricultural origins which I consider to be an important part of its special interest.
11. I have no overriding objections *per se* to the modern style and choice of materials for the proposed extensions. Indeed, the use of contemporary architectural design is a principle supported by English Heritage, evident from advice in the publication: *Building in Context – New Development in Historic Areas*<sup>1</sup> which advocates buildings that are recognisable as being 'of our age', whilst still understanding and respecting historic context. However, in this case, whilst the overall height of the side extension broadly corresponds with the existing building, the uncharacteristically shallow roof pitch and wide span would be at odds with the scale and proportions of the original, resulting in a somewhat awkward juxtaposition. Furthermore, the many new window openings proposed (particularly in the north elevation and south-facing gable ends), together with the glazed corridor link and solar panels on the south (courtyard) side, would further harm the significance of the building.
12. The appellants suggest that demolition of the pole barns would better reveal the significance of the heritage asset, and in this regard paragraph 137 of the Framework says that local planning authorities should look for opportunities in new developments to enhance or better reveal their significance. I have some sympathy with this argument. However, in this case I consider that any potential gain in the visibility and appreciation of the building arising from the demolition of the pole barns would be slight, and more than off-set by the proposed substantial alterations to the surviving fabric of the original building.
13. The Framework makes it clear that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm should require clear and convincing justification. For the reasons given above, I consider the proposal would result in harm being caused to the significance of this Grade II listed building. However, I am satisfied in this case that the degree of harm caused would be less than substantial.
14. In such situations this harm should be weighed against the public benefits of a proposal. These benefits should flow from the development and be of a nature or scale to benefit the public at large, and not just a private benefit. They may include heritage benefits such as sustaining or enhancing the significance of a heritage asset or securing its optimum viable use in support of long term conservation. However, as I have concluded that the proposals would not sustain or enhance the significance of the building, no such public benefit

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<sup>1</sup> Published by English Heritage and CABE (Commission for Architecture and the Built Environment) 2001

applies. As a consequence, what public benefits there might be are not sufficient to outweigh the harm that they would cause.

*Effect on the character and appearance of the countryside*

15. LP Policy SP2 sets out the exceptions where new housing may be permitted in the countryside, one of these being the conversion of redundant or traditional rural buildings where they would be for local needs occupancy and would lead to enhancement of the immediate setting. This policy complies with Paragraph 55 of the Framework which says local planning authorities should avoid isolated houses in the countryside, but which allows exceptions to be made where the development would involve re-using an existing building and would lead to an enhancement to the immediate setting.
16. I agree with the Council that the scale of proposed extensions are so extensive as to go beyond what might reasonably be considered to be a conversion for the purposes of LP Policy SP2, or for the re-use of an existing building as required by Paragraph 55. Nor, for the reasons explained above concerning the harmful effect of the proposal on the significance of the listed building, do I accept that the proposal would lead to an enhancement of the immediate setting. I therefore conclude on this issue that by reason of the substantial extent of extension and alteration involved, the proposal would harm the character and appearance of the surrounding countryside and thus conflict with the aims of LP Policy SP2 and the Framework in relation to the delivery and distribution of new housing in the open countryside.

*Other matters- protected species*

17. LP Policy SP14 states that proposals which would have an adverse effect on any species protected under international or national legislation will be considered in the context to the statutory protection offered to them.
18. Both bats and great crested newts are protected principally under the *Conservation of Habitats and Species Regulations (2010)*. It is not in dispute that bats are present in the building. These were identified in a survey undertaken on behalf of the appellants, and a method statement and mitigation plan to reduce the impact on bats would be required. This could be dealt with by means of a planning condition.
19. The Council's third reason for refusal states that insufficient information was provided to demonstrate that the proposed development would not have an adverse effect on the protected great crested newt species, which it considers may be present in the various ponds within the vicinity of the site. Although English Nature was not consulted, the Council's (Countryside) Conservation Officer considers that the pond closet to the site and the ponds further ways may provide a breeding habitat for the protected species. However, it would appear that the Council's Conservation Officer considered that the risk was likely to be low and did not necessarily require a full newt survey at this stage, only further information from the appellants' consultant ecologist to indicate his findings as regards the ponds' suitability for great crested newts and the potential impact of the development on any great crested newt in the locality.
20. Therefore, I consider that this matter could be dealt with by means of a condition requiring a full survey to be undertaken at the appropriate time of year to ensure that the European Habitats Regulations are not breached.

However, given my decision to dismiss the appeals on the main issues, I need not consider this matter further.

*Conclusion*

21. To summarise, I consider that the proposed development and works would cause less than substantial harm to the Grade II listed building and would not preserve its special architectural or historic interest. It has not been shown that public benefits would outweigh this harm, and so the proposal would conflict with LP Policies SP12, SP16, SP20 and the provisions of the Framework. (Appeals A and B)
22. I consider that that the proposal would harm the character and appearance of the surrounding countryside and conflict with the aims of LP Policy SP2 and the Framework in relation to the delivery and distribution of new housing in the open countryside. (Appeal A)
23. Therefore, for the reasons given above, and taking into account all other matters raised, I conclude that the appeals be dismissed.

*Nigel Harrison*

INSPECTOR



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## Appeal Decision

Site visit made on 11 February 2015

by **F Rafiq BSc (Hons), MCD, MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 February 2015

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**Appeal Ref: APP/Y2736/D/14/2229701**

**25 East Mount, Malton, North Yorkshire, YO17 7JT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Robert Tooke against the decision of Ryedale District Council.
  - The application Ref 14/00978/HOUSE was refused by notice dated 3 November 2014.
  - The development proposed is the demolition of existing Sun Room and erection of a two storey extension to the front and single storey extension to rear.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing Sun Room and erection of a two storey extension to the front and single storey extension to rear at 25 East Mount, Malton, North Yorkshire, YO17 7JT in accordance with the terms of the application Ref 14/00978/HOUSE, dated 4 September 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14/T14/OS/01, 14/T14/P/01, 14/T14/P/02 and 14/T14/P/03.
  - 3) No development shall take place until samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 4) No development shall take place until a one meter square panel of the proposed walling in the development hereby permitted has been prepared, in a location to be agreed with the local planning authority, to demonstrate materials, mortar colour and jointing, and the panel has been approved in writing by the local planning authority. The walls shall be constructed to the same standard as the approved sample panel.

### Main issue

2. I consider the main issue is the effect of the proposed development on the character and appearance of the host dwelling and the area.

### **Reasons**

3. The appeal property is a detached dwelling, which is located close to the junction between East Mount and Princess Road. The property is situated in a mainly residential area that comprises of detached and semi-detached dwellings, which make use of similar building materials. Properties are generally set back behind front gardens that contain hedges and trees, which alongside views between dwellings to rear gardens and other areas of land, give the locality a spacious and open character.
4. Whilst the proposal would be two storeys, unlike the existing single storey sun room, and would result in the loss of symmetry on the host dwelling, it would utilise matching materials and the windows would reflect the positioning and proportions of the existing dwelling. This would give the property a cohesive appearance, ensuring that it would not detract from the character of the existing building.
5. Although symmetry can be found in the design of some nearby properties, on my site visit I was able to see that there is considerable variety in the style of individual buildings. This includes properties with asymmetrical forms such as cat-slide roof forms, which project to the front. Similarly, the proposed external chimney, whilst not being a common feature in the locality, would at roof level reflect the overall size and design of the existing chimney to be retained on this dwelling. I do not therefore consider the proposal would appear out of character in the context of these surroundings.
6. Whilst I acknowledge the Council's desire to protect the character of the area, I consider that the lower height of the extension in comparison to the existing dwelling would result in a subservient addition, even though it would not have a setback from the front of the host dwelling. The space between dwellings varies in the area and despite the proposal being higher than the sun room it would replace, given the staggered positioning of the appeal and neighbouring dwellings and a gap would be maintained between them, I do not find the reduction in space, would in this instance compromise the spacious character of the area. Whilst the side extension would be visible from the street, I do not consider that the host dwelling is particularly prominent in the streetscene as it is set back from the nearest pair of semi-detached dwellings and the front garden contains established vegetation.
7. I therefore conclude that the proposed development would not have an adverse impact on the host dwelling or the area. Accordingly, I find no conflict with Policies SP16 and SP20 of The Ryedale Plan - Local Plan Strategy which look to ensure that extensions to existing buildings are appropriate and sympathetic to the character and appearance of the host building and the immediate locality. There would also be no conflict with the National Planning Policy Framework, which seeks, amongst other matters, high quality design.

### **Other Matter**

8. I note comments relating to the effect of the proposal on the living conditions of a neighbouring occupier, however, given the separation and the orientation of the nearest property relative to the appeal site, I do not consider that the proposal would have an unacceptable impact in this regard.

**Conditions**

9. The Council have suggested a number of conditions. In addition to the standard implementation condition, it is necessary for the development to be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I will also impose conditions requiring samples of materials to be submitted in the interests of the character and appearance of the host building and area and in the case of external wall materials, a sample panel to be constructed and agreed with the local planning authority. In the interests of conciseness and enforceability, I have amended the wording of some of the Council's suggested conditions without changing their overall aims.

**Conclusion**

10. For the reasons set out above and having taken into account all other matters raised, I conclude the appeal should be allowed.

*F Rafiq*

INSPECTOR



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## Appeal Decision

Site visit made on 24 February 2015

**by Susan Heywood**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27 February 2015**

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**Appeal Ref: APP/Y2736/D/14/2228223**  
**Wold View, East Lutton, Malton YO17 8TG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
  - The appeal is made by Mr Wakefield against the decision of Ryedale District Council.
  - The application Ref 14/01005/GPDE, dated 10 September 2014, was refused by notice dated 21 October 2014.
  - The development proposed is the erection of a fully glazed conservatory to rear of the property.
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### Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)(GPDO) for the erection of a fully glazed conservatory to rear of the property at Wold View, East Lutton, Malton YO17 8TG in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

### Procedural matter

2. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

### Reasons

3. The proposed conservatory would be erected to the rear of Wold View, close to the boundary with the adjoining property at Mapals. It would have a solid brick wall on its eastern elevation, facing Mapals. The conservatory would have an eaves height of 2.2 metres and, as such, that side wall would not be significantly taller than the existing close boarded fence separating the two properties at the rear. The roof of the proposed conservatory would slope away from the rear garden at Mapals and would be glazed. It would therefore have a light and transparent appearance which would allow daylight to filter through it.
4. The adjoining occupiers have expressed concerns that the proposed conservatory would obscure the view from the dining area and result in a loss



of light to their property. The private view from a window is not of itself regarded as a planning matter. I note that the rear building line of the two properties is staggered such that part of the rear wall at Mapals is set further back than that at Wold View. Nevertheless, the height of the proposed conservatory in relation to the existing boundary fence and the transparent roof design would limit the loss of daylight to the property at Mapals. The proposal would not therefore harm the amenity of the adjoining property.

5. Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy both seek to ensure that development does not harm the amenity of adjoining occupiers. The National Planning Policy Framework contains a similar aim. For the above reasons, I conclude that the proposed development would comply with these local and national policies.

### **Conclusion**

6. I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (10), (11) and (12) that the development shall be completed on or before 30th May 2016 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer, the address or location of the development and the date of completion.

*Susan Heywood*  
INSPECTOR