

Item Number: 12
Application No: 18/01164/FUL
Parish: Stonegrave Parish Meeting
Appn. Type: Full Application
Applicant: Mr & Mrs M Kitching
Proposal: Erection of 1no. two bedroom detached dwelling following demolition of existing garage and store, erection of detached open fronted garage and store with associated parking
Location: Land at Main Street Stonegrave Helmsley
Registration Date: 17 October 2018
8/13 Wk Expiry Date: 12 December 2018
Overall Expiry Date: 7 February 2019
Case Officer: Alan Goforth **Ext:** 332

CONSULTATIONS:

Stonegrave Parish Meeting	No comments received
Highways North Yorkshire	Recommend conditions
Paul Jackson AONB Manager	Concerns
Yorkshire Water Land Use Planning	No observations required

Re-consultations

Stonegrave Parish Meeting	No comments received
Highways North Yorkshire	No further comments
Paul Jackson AONB Manager	Comments
Yorkshire Water Land Use Planning	No comments received

Neighbour responses: Mr And Mrs D Milne,

SITE:

The application site is within the village development limits and also the Howardian Hills Area of Outstanding Natural Beauty (AONB). The site is on the southern side of the B1257 which runs through the village and to the west of the junction with Carr Lane.

Ivy Cottage, which is currently occupied by the applicant, is immediately to the west of the application site. Ivy Cottage is a stone built, three bedroom property that has an external footprint of 78m². The two storey detached property stands 6.2m to the ridge. The existing outdoor amenity areas associated with Ivy Cottage amount to 0.1hectares.

The proposed development site amounts to 510m² and comprises the detached garage and store and part of the domestic gardens associated with Ivy Cottage.

The application site is situated on sloping land that falls away to the south. To the north, beyond the A170, is a steep hillside that forms part of Caulkleys Bank. The Thatched Cottage is to the south of the application site.

PROPOSAL:

Planning permission is sought for the erection of 1no. two bedroom detached dwelling following demolition of existing garage and store, erection of detached open fronted garage and store with associated parking.

The proposed dwelling would have an external footprint of 74m². The main element would be built over the footprint of the existing garage with a subservient element on the south eastern side. The dwelling would stand 6.1m to the ridge and 4.1m to the eaves stepping down to a ridge height of 5.7m at the eastern extent.

At ground floor the proposed dwelling would comprise a utility room and WC and open plan kitchen/dining area leading through to a lounge. The kitchen and lounge would be accessed by two separate sets of bi fold doors in the southern elevation. At first floor level there would be a guest bedroom, master bedroom with en-suite leading to a dressing room. The entrance to the property would be on the southern elevation.

Externally the proposed dwelling would be constructed from coursed natural stone under red clay pantiles. The windows would be wood grain effect UPVC units and the bi-fold doors would be timber framed glazed aluminium units.

The open fronted double garage would measure 7.4m by 5.6m and would be part coursed stone and part stained timber boarding under a red clay pantile pitched roof. The garage would stand 4.5m to the ridge and there would be a solar panel array on the south west facing roof pitch. The garage would abut the roadside boundary on the north eastern side.

The storage shed would have a footprint of 12m² and would stand in the south-eastern corner of the plot. The shed would be constructed from horizontal timber shiplap boarding with a pitched felt roof.

The existing mature hedge that forms the eastern boundary of the site shall be retained to soften the appearance and provide screening. The existing border planting comprising a mixed of shrubs along the southern boundary would be supplemented by ornamental grasses and bamboo.

The foul sewage would be directed to a private package treatment plant and surface water to a soakaway. There would be on-site parking for five vehicles, two spaces for Ivy Cottage and three for the new dwelling.

In response to the concerns raised by the AONB Manager and following discussions the applicant amended the application. The ridge height, which was initially higher than the adjacent Ivy Cottage, has been reduced and additional windows were added to the north elevation. In addition the external materials for the garage were revised to include part stonework. These amendments are referred to above and discussed later in this report.

POLICIES:

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

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

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

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

Local Plan Strategy - Policy SP4 Type and Mix of New Housing

Local Plan Strategy - Policy SP13 Landscapes

Local Plan Strategy - Policy SP14 Biodiversity

Local Plan Strategy - Policy SP16 Design

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

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)
National Planning Practice Guidance 2014 (PPG)

APPRAISAL:

The main considerations in the determination of this application are:

- i) Principle of the development;
- ii) Design and impact on the AONB;
- iii) Impact on residential amenity;
- iv) Highway impacts;
- v) Impact on a protected species;
- vi) Occupancy restrictions; and
- vii) Other matters.

Principle of the development

The application site is within the village development limits. Development Limits for settlements define the boundary within which development in principle will be generally acceptable. Stonegrave is identified in the Local Plan as an ‘Other Village’ where the role is the *“Consolidation of new development within current development limits, with the expansion of settlements for housing, justified only in exceptional circumstances”*.

Policy SP2 (Delivery and Distribution of New Housing) establishes the amount of new housing to be delivered in Ryedale to 2027. It sets out how this is to be distributed across the settlement hierarchy (Policy SP1) and identifies the amount of new housing which will be provided at each of the different towns and some villages.

Policy SP2 identifies that sources of new housing in ‘Other Villages’ such as Stonegrave includes, *inter alia*, infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy (Policy SP21).

Stonegrave is a linear settlement comprising agricultural buildings and residential properties predominately stone built under red pantiles. There is limited capacity for new development within the village by virtue of the surrounding topography and the historic form and character of the settlement. The application site currently forms part of the domestic curtilage of Ivy Cottage but the land fronts the main road through the village. There is a continuous developed frontage that extends along the southern side of the B1257 beyond the junction with Carr Lane with Ash Bank being the neighbouring property to the east. The application site can be reasonably considered as an infill plot under Policy SP2 and subject to LNO restrictions new residential development is considered acceptable in principle.

Design and impact on the AONB

To accord with Policy SP16 (Design) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Attention should be paid to the grain of settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings.

The AONB Manager initially raised concerns in relation to the height of the main element of the dwelling and the overbearing impact it would have when viewed from the east. There were concerns in relation to the northern elevation as a large expanse of unbroken stonework that the AONB Manager felt accentuated the height and visual bulk of the building.

The new dwelling would occupy a similar footprint to the detached garage albeit with the addition of a lower eastern element. It is considered that a new dwelling can be accommodated within the plot without detracting from the form of the village.

The initial comments made by the AONB Manager have been addressed by the applicant and the proposed dwelling was amended to reduce the height of the main element. The additional windows in the north facing elevation to break up the expanse of stonework to create irregular window spacing not dissimilar to the character and appearance of other properties in the village that have rear elevations facing the B1257. The proposed rear dormer windows are similar to those on the southern elevation of Ash Bank to the east and would not look out of character.

The AONB Manager is satisfied with the reduced ridgeline and the revised fenestration for the north elevation. The AONB Manager has requested that the window frames are white or pale in colour which the applicant is agreeable to and the final details shall be secured by conditions should permission be granted. The AONB Manager has no objections to the design or siting of the proposed garage and storage shed.

The proposed dwelling would alter the appearance of the street scene but as an infill plot adjacent to the public highway would not unduly depart from the form and arrangement of built development in this part of the village. The built development would be predominately stone under red clay pantiles sympathetic to the local vernacular and the northern elevation presents an acceptable façade to the public highway.

The new dwelling, including its lower eastern element and the single storey garage would follow the topography of the site that falls away to the east and would be gradually stepped down from Ivy Cottage. This would create a building hierarchy that is sympathetic and subservient to the host dwelling.

It is considered that the proposed scale, materials and colour finishes are acceptable and would be sympathetic to the character and appearance of the local surrounding area and the wider AONB. A condition shall be imposed to secure approval of the external materials and colour finishes should permission be granted. The siting and design of the new dwelling is considered acceptable and there would be minimal impact upon the open countryside and AONB and the development is considered to be in compliance with Policies SP13, SP16 and SP20.

Impact on residential amenity

As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having 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.

The occupant of the Thatched Cottage states that they consider that the proposal is overdevelopment of the site and would result in little amenity space for both the existing and proposed dwelling.

The proposed development would reduce the existing outdoor amenity space associated with Ivy Cottage. It is considered that the layout of the new dwelling has been designed to provide adequate private, individual amenity space as required by Policy SP4 and the plans show that the curtilage could be appropriately subdivided to provide sufficient outdoor amenity space and off-street parking for both properties. The proposed dwelling and garage can be suitably accommodated within the plot.

The new dwelling is on higher ground and the neighbour raises an objection that this would result in overlooking of their property and a material loss of privacy.

The north elevation of the new dwelling faces across the B1257 towards the southern slopes of

Caulkleys Bank. The south facing elevation faces towards the neighbouring property to the south (Thatched Cottage). The southern elevation of the proposed dwelling would be approximately 11m from the southern boundary of the site which is a similar distance to that of Ivy Cottage from the boundary.

Since its construction as a replacement dwelling approximately 15 years ago the Thatched Cottage has been extended northwards to take its built development closer to the boundary with Ivy Cottage. A garage block extension stands adjacent to the northern boundary. The Thatched Cottage has a driveway and turning area on the eastern side and the principal garden is on the southern side with further outdoor amenity space off the west elevation.

There would be no overlooking from the ground floor of the proposed dwelling. The first floor windows of the proposed dwelling would face the north-facing pitch of the garage roof and part of the north facing gable end of the Thatched Cottage. The only north facing window that can be seen from the proposed dwelling is one that serves the ground floor kitchen. There would be no views into any habitable rooms at either ground or first floor level. The northern side of the Thatched Cottage site is occupied by built development and the eastern side is hardstanding for access, parking and turning. At present the first floor windows of Ivy Cottage partly overlook the outdoor area on the western side of the Thatched Cottage but screening is provided by the shrub planting in the border. The applicant proposes to supplement the existing boundary planting to provide further screening between the two properties and this shall be secured by planning condition. It is not anticipated that the proposed dwelling would give rise to a material loss of privacy for the occupants of the land and buildings to the south.

It is considered that due to the existing boundary treatments, change in topography and the position and orientation of built development on the northern side of the Thatched Cottage the proposed dwelling would not have a material adverse impact upon neighbours. This is in terms of being overbearing in presence, causing loss of light or loss of privacy, complying with Policy SP20.

Highway impacts

The neighbour has concerns that the shared access of Ivy Cottage and the new dwelling could result in vehicles waiting to turn into the site on a busy road and that the new buildings would impede visibility for vehicles joining the B1257 from Carr Lane.

The stretch of the B1257 through Stonegrave is subject to a 40mph speed limit and the built development would not extend beyond the existing building line that follows the northern boundary of the plot. At the access off the public highway the gap between the two dwellings would be 5 metres that narrows to 4 metres at the rear elevation.

The LHA have no objections subject to the inclusion of conditions to cover the formation of the access, provision and retention of parking and turning areas, precautions to prevent mud on the highway and the provision of on-site parking and material storage for the contractors during the construction period. It is considered that the proposed dwelling can be accommodated without detriment to the capacity of the local highway network or highway safety and complies with the relevant parts of Policy SP20.

Impact on a protected species

The neighbour has queried whether a bat survey is required for the single storey pitched roof garage that is due to be demolished. The building is not in a dilapidated condition and is currently used for storage space. There are no open sides to the building and no missing pantiles or obvious gaps in the mortar or at the eaves. There is legal protection for bats and their roosts and if permission is granted an informative shall be included with advice for contractors should bats or bat roosts be discovered during the development work. It is considered therefore that there would be no net loss to biodiversity and the proposal is considered to be compliant with Policy SP14.

Occupancy restrictions

Policy SP21(a) relates to Local Needs Occupancy and states that *“To meet local housing need in the non-service villages the occupancy of new market housing will be subject to a local needs occupancy condition where this accords with Policy SP2, and will be limited to people who:*

- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or*
- Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or*
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or*
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years”.*

The policy highlights that the limited sources of new housing in villages such as Stonegrave should be available to meet the needs of local people. The neighbour states that the applicant has not justified why their needs cannot be met by the existing dwelling.

The applicants have lived in the village for over 20 years and in preparation for retirement seek a dwelling that will better suit their needs. The applicants have strong connections with Stonegrave and wish to remain in the village. It is understood that the applicant has monitored available housing in Stonegrave and nearby villages for some time and no detached cottages of suitable size with modest gardens and off street parking have become available within an affordable price bracket.

Ivy Cottage comprises a number of small rooms and the new dwelling would have a more functional open plan layout with larger and more accessible bedrooms with additional storage space in the dressing room that links to the master bedroom. The applicant also wishes to reduce the external amenity areas to a manageable size. The outdoor areas associated with the new dwelling would be approximately 150m² which is significantly reduced from that of Ivy Cottage.

The applicant has set out the need for the property and would be able to comply with the local occupancy requirements of Policy SP21 which will be imposed as a condition should permission be granted.

Other matters

The objection from the neighbour in relation to the applicant not justifying why they have not pursued an alternative proposal to convert the existing garage is not material to the consideration of this application.

Conclusion

In light of the above, the proposal is considered to meet the relevant policy criteria outlined above and would not have an unacceptable on the open countryside, AONB or local amenity. There would be no adverse highways impacts and the new dwelling can be accommodated without having an unacceptable impact on the appearance of the village frontage or the character and form of the settlement.

It is considered that, on balance, the proposal is acceptable and complies with Policies SP1, SP2, SP4, SP13, SP14, SP16, SP19, SP20 and SP21 of the adopted Ryedale Plan - Local Plan Strategy and the revised National Planning Policy Framework. The recommendation to Members is one of conditional approval.

RECOMMENDATION: **Approval**

- 1 The development hereby permitted shall be begun on or before .
- Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
- Location Plan, undated
Proposed Detached Two Bedroom Dwelling ref. 18-1268-2A, dated Dec 2018
Proposed Detached Two Bedroom Dwelling ref. 18-1268-3a, dated Sept 2018
- Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials 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, the Local Plan Strategy
- 4 Before the development hereby permitted is commenced the developer shall construct on site for the written approval of the Local Planning Authority a one metre square free standing panel of stonework of the type of stone to be used in the construction of the building. The brickwork panel so constructed shall be retained only until the development has been completed.
- Reason: To ensure a satisfactory external appearance.
- 5 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 Plan, the Local Plan Strategy.
- 6 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 until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - c. The existing access shall be improved by widening to a minimum of 4.8m.
 - d. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E7.
 - h. 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: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 7 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 ref. 18-1268-3a, dated Sept 2018 for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

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

- 8 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: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 9 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: 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.

- 10 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.

- 11 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

Class 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).

- 12 The dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:

- * Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or

- * Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or

- * Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or

- * Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years

Reason: To satisfy the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

INFORMATIVES

(Condition 6) 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.

All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Right of Way Act 2000) and are further protected under the Conservation of Habitats and Species Regulations 2017. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the aforementioned acts and applies to whoever carries out the work.