

Item Number: 15
Application No: 19/00526/HOUSE
Parish: Pickering Town Council
Appn. Type: Householder Application
Applicant: Mr David Birch
Proposal: Erection of attached garage together with extension and alteration of existing attached garage to form a garden room (part retrospective application)
Location: The Oaks 110 Outgang Road Pickering North Yorkshire YO18 7EL
Registration Date: 1 May 2019
8/13 Wk Expiry Date: 26 June 2019
Overall Expiry Date: 4 June 2019
Case Officer: Niamh Bonner **Ext:** Ext 43325

CONSULTATIONS:

Pickering Town Council	No objection, comments made
Highways North Yorkshire	Recommend conditions
Neighbour responses:	Mrs H Smith,

SITE:

The Oaks (no. 110) is a detached bungalow, located within the development limits of Pickering, positioned along the south of Outgang Road, Pickering. The site falls within the Town Development Limits.

PROPOSAL:

This application seeks approval for the erection of attached garage together with extension and alteration of existing attached garage to form a garden room (part retrospective application)

HISTORY:

There is a detailed planning history associated with the land directly to the south of the application site, which was once associated with the application site but now is separately owned.

This site has most recently had permission to operate as an alpaca farm and incorporates a residential dwelling. This site is accessed from Outgang Road via a 3.6 metres wide driveway located between the application bungalow and 108 Outgang Road Pickering. There is no directly relevant planning history relating to the current application site.

POLICY:

Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP20 Generic Development Management Issues
National Planning Policy Framework
National Planning Practice Guidance

REPRESENTATIONS:

A letter of objection has been received from the occupier of Givendale, no. 108 Outgang Road. This is available to view in full on the planning register of documents, where Members can review the original

document. The following summarised points were contained within the representations:

- This was a very small bungalow with a flat roofed garage and this development substantially increase the size of the overall building.
- We are now far more overlooked, with the resulting effect on our privacy and potentially our light
- The effect on our access to Outgang Road. The planning application asks whether the proposed works would affect existing car parking arrangement and the answer is marked no. Furthermore, the question on materials is marked that there is no change to the existing materials whereas the plan clearly shows that the gates onto Outgang Road are to be repositioned, there is to be a new fence and a new turning area with permeable surface.
- We are very concerned that this development was started without planning permission and that building work continues on site. The garage has been built but the garden room is being built.
- There is only a 1 metre gap between the end garage wall and boundary fence, does this meet the regulations?

APPRAISAL:

The main considerations within the determination of this application are:

- i. Form and Character
- ii. Impact upon Neighbouring Amenity
- iii. Impact upon Access and Highway Safety
- iv. Other matters, including consultation responses.

- i. Form and Character

This application seeks approval for the erection of attached garage together with extension and alteration of existing attached garage to form a garden room (part retrospective application.)

The proposed plans also indicate the repositioning of internal gates and fencing within the property and the creation of a new turning area with permeable surface. The applicant has confirmed that the new fencing within the middle of the site would span from a maximum height of 2 metres, tapering to 1.5 metres in height forward of the principal building line of the dwelling. The plan shows this section of fencing terminates well inset from the highway. This would not require specific planning permission as it does not relate to a site boundary. It was also noted in an email received from the applicant (7th June 2019) that the existing fencing along the front boundary of the site (and the adjacent 2 panels of 'returning' fence) would be replaced, but these replacement panels would not exceed 1.3 metres in height. The General Permitted Development (England) (2015) order confirms that new fencing along a boundary fronting a highway if over 1m would need permission, however given that this is a replacement which would not exceed the height of the existing structure at this point, no new permission is required.

Whilst these aforementioned alterations to fencing are noted as forming 'permitted development', they are also considered acceptable in terms of character. This element of the proposal will not result in harm to amenity or introduce features that would be inappropriate in this domestic garden setting. It is also considered that this proposed additional area of hardstanding is modest in scale and acceptable in terms of character and form and will contribute to improvements for vehicle manoeuvring.

Currently the garage has been largely completed and is being used for storage, with the brick skin awaiting completion. The garden room is under construction and as of the Officer's site visit (Friday 24th May 2019) has not had any windows installed.

The previous integral garage spanned 4.9 metres from and 5.7 metres along the original northern rear

elevation of the property. This incorporated a footprint of approximately 28.5 square metres. This has been replaced by a partially constructed asymmetrically shaped rear extension, comprising a garden room with access to the rear garden and a utility room with access to the driveway. This extension would span a maximum of 6.9 metres from and 5.6 metres in width along the original rear southern elevation of the property. This would incorporate a footprint of approximately 33.4 square metres.

The proposed rear extension would directly adjoin the newly constructed garage, linked along the side western elevation of the garden room and the eastern elevation of the garage. The garage would also incorporate a slightly asymmetrical shape due to the scale of the plot. The garage would incorporate a footprint with a maximum footprint of 6 metres x 5.8 metres.

This garage and rear extension both incorporate a maximum height of 4.5 metres, set down from the maximum height of the host dwelling by c0.65 metres. The eaves height of the garden room section of the rear extension would measure approximately 2.5 metres, with a slightly lower eaves lower height to the new access door serving the utility room would measure approximately 2.2 metres. This height would be continued within the eaves height of the adjoining northern elevation of the garage maintaining a cohesive appearance from the western side of the dwelling. To the rear southern elevation of the garage, a catslide style roof would incorporate an eaves height of approximately 1.75 metres.

Both the extension and the garage would be constructed of red brick and dark red double roman pantiles, to match the construction materials of the host property, which will be conditioned if approved. These have been partly installed throughout the site and appear to be an acceptable visual match. An email was received from the applicant on the 7th June 2019 to confirm that the garage which currently incorporates elements of blockwork would be finished with bricks salvaged from the original garage. All new windows and doors throughout the development are proposed to be of a timber construction, which is a high quality construction material. The exception to this would be the two glazed panels in the southern rear roof slope of the garage and the 7 glazed panels proposed to serve the garden room in the south eastern roof slope.

The point raised within the representation about a 1 metre gap is not considered directly relevant to this proposal. The proposal is currently under consideration for full planning permission and would not need to accord with permitted development regulations. Building Control issues are required to be separately assessed under different legislation that the Local Planning Authority cannot replicate. It is noted that a live case is pending with North Yorkshire Building Control.

It is considered that the proposed form of the rear extension and garage is acceptable and would not detract from the character or the dwelling, nor the street scene. The proposed use of high quality materials is noted. It is considered appropriate to require a condition to ensure the use of matching brickwork and roof tiles. Subject to this condition, it is considered that the extension will be completed to a high standard. The roof form and proportions of the building is subservient to the host dwelling and the placement of the garage is considered acceptable, in a position where a garage would not appear incongruous. Sufficient amenity space is also considered to remain within the plot and it is not considered that this proposal would lead to overdevelopment within the site.

ii. Impact upon Neighbouring Amenity

The proposed garage would be located at a distance of 3.6 metres from the side boundary of Givendale, no. 108 Outgang Road, Pickering, located to the west. The nearest part of the proposed rear extension would be situated at a distance of 6 metres from the shared boundary with no. 112 Outgang Road, located to the east.

In terms of loss of privacy, openings are located along the side south eastern/eastern elevation of the extension to rear. It is however not considered that this would result in harmful overlooking of the nearest adjoining property to the east, no. 112 Outgang Road. Between these properties an approximately 1.6 metre high fence is located, which given the distance between the proposed extension and the shared boundary of approximately 6 metres, this would prevent directly harmful overlooking from within the proposed extension. This boundary treatment could also be increased to 2 metres if wished by the occupier of either property under householder permitted development rights. It

is also considered that no harmful overshadowing would be experienced. No representations have been received from the occupier of this property.

Furthermore it is not considered that the proposed garden room would overlook the property or private amenity space associated with 110a Outgang Road to the south. This property incorporates a garage situated along the shared boundary with the application site and this would prevent any direct views from the proposed rear extension. Neither the rear extension nor the garage would be located in close enough distance to result in harmful overshadowing. No representations have been received from the occupier of this property.

As detailed previously, an objection has been received from the occupier of the adjoining property to the west, Givendale, no. 108 Outgang Road. This highlights concerns over loss of privacy and overshadowing. Along the staggered facing side western elevation of the extension and the garage only two new openings are proposed including an entrance door to the utility room and a window serving a WC – these would be positioned inset from the shared boundary with no. 108 Outgang Road by approximately 9 metres at the nearest point. This window will be conditioned to be treated with obscure glazing which is reasonable given the use of the room. It is therefore not considered that the additional openings would result in any additional harm to the privacy enjoyed by the occupier of the neighbouring property. The garage, which is a non-habitable room is situated at a distance of c3.6 metres from the nearest part of this shared boundary and incorporates a blank side elevation.

The directly adjoining rear garden associated with Givendale incorporates very mature, approximately 2 metre high conifer hedging surrounding the private amenity space to the rear, although there are openings within the facing side eastern elevation of that dwelling. It is considered necessary to remove householder ‘permitted development’ rights to create further openings within the side western elevation of the garage and rear extension should they be approved to protect neighbouring privacy in the future. However, due to the set down subservient roof forms of the proposals and specific siting within the plot, this is not considered to result in harmfully overbearing development. It is furthermore not considered likely to result in any harmful overshadowing of Givendale, either within the dwelling or within their private rear amenity space.

iii. Access and Highway Safety.

The North Yorkshire Highways Officer has confirmed no objection to the proposed development.

The alterations to existing fencing have been summarised above and are not considered to require specific planning permission. This does not relate to the creation of a new access nor a dropped kerb. The small area of additional permeable surfacing is considered to be acceptable.

The Local Highways Authority has considered the highway safety implications of the application and there are no concerns in relation to this element of the proposal.

iv. Other matters, including consultation responses.

The Town Council noted they had no overall objection to the proposal. It was noted that “One Councillor commented that this development may result in loss of light to neighbouring properties, but overall there were no objections.” No response was received from the occupier of any other neighbouring properties apart from those comments from the occupier of Givendale, no. 108 Outgang Road, which have been addressed above.

Officers must treat retrospective/part retrospective applications in the same way that all applications must be assessed. The Local Planning Authority cannot give weight to concerns raised in respect of the retrospective nature of any application.

In light of the above assessment, it is considered that the design of the proposed extension and garage are considered appropriate in terms of design, scale, materials and positioning. It is not considered that they would contribute to the harmful overdevelopment of the site and an appropriate level of amenity space would remain

It is furthermore not considered that this proposed development would result in unacceptable harm to the occupiers of neighbouring dwellings by virtue of overshadowing or overbearing development, nor loss of privacy.

Therefore subject to the identified conditions we can be satisfied that this proposal conforms with Policies SP16 Design and SP20 Generic Development Management Issues of the Ryedale Local Plan, Local Plan Strategy and the National Planning Policy Framework.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan(s):
Site and Block Plans (Drawing no. 01)
Plan As Proposed (Drawing no. 03)
Elevations - As Proposed (Drawing no. 05)
Elevations - As Proposed (Drawing no. 06)
Plan - As Proposed (Drawing no. 07)
Plan - Roof As Proposed (Drawing no. 08)
Section A-A As Proposed (Drawing. No. 09)
Section B-B As Proposed (Drawing. No. 10)

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

- 2 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no further doors, windows or any other openings shall be created within side western elevation of the single storey rear extension or garage hereby approved.
Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 3 Notwithstanding the submitted plans, the window situated on the western elevation of the proposed rear extension serving the WC, as indicated on Drawing no. 06, shall be obscure glazed and shall thereafter be maintained in that state unless otherwise approved in writing by the Local Planning Authority.
Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 Unless otherwise agreed in writing with the Local Planning Authority, the developments hereby approved shall be completed with roof tiles and brickwork that match in form and colour finish, those used within the construction of the host dwelling.
Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 of the Ryedale Plan - Local Plan Strategy.