

Item Number: 7
Application No: 19/00688/FUL
Parish: Howsham Parish Meeting
Appn. Type: Full Application
Applicant: Mr James Stephenson
Proposal: Extension of existing garden cottage pavilion to form private self contained retirement accommodation with live in care
Location: The Great Barn Cottage Village Street Howsham Malton North Yorkshire YO60 7PH

Registration Date: 21 June 2019
8/13 Wk Expiry Date: 16 August 2019
Overall Expiry Date: 31 July 2019
Case Officer: Alan Goforth **Ext:** 43332

CONSULTATIONS:

Howsham Parish Meeting	No response received
Highways North Yorkshire	No objection
Building Conservation Officer	Objection
Historic England	No comments
Yorkshire Gardens Trust	Comments
Paul Jackson AONB Manager	Recommend condition to prevent separate sale

Neighbour responses: Mr Bill Selman (support) & signed petition in support (43 signatures)

SITE:

The application site is situated at the northern end of the small village of Howsham, beyond the development limits and, therefore, within the open countryside. The site is also within the Conservation Area and the Howardian Hills Area of Outstanding Natural Beauty (AONB). The Grade I listed Howsham Hall stands approximately 300 metres to the north-west. The application site also stands within the Grade II Registered Park and Garden (Howsham Hall Park). The River Derwent is 250 metres north of the site. Public footpath number 25.50/3/1 runs to the south of St John's Church on higher ground approximately 110 metres from the application site.

The application site amounts to 624m² and comprises the 'garden cottage pavilion' and the walled gardens to the west. The 'garden cottage pavilion' is a detached, single storey building with a footprint of approximately 70m². The building is generally rectangular in plan form and is orientated east-west. The building stands within the curtilage of the substantial residential property known as The Great Barn which is 30 metres to the north. The 'garden cottage pavilion' is a brick building under a clay pantile roof which is part pitched and part semi-hexagonal on the western side. It currently comprises a kitchen, bathroom, store and a living area with a projecting central bay with double doors in the west facing elevation that provide access to the walled gardens and the tennis court beyond. The application site does not include a means of vehicular access, parking or turning areas and it is understood that the extended pavilion would share the main private driveway and parking areas associated with The Great Barn.

HISTORY:

There are no historical planning applications of relevance to the application under consideration. However, it is relevant to note that in October 2018 the LPA responded to a request for pre-application advice on the same scheme to extend the garden cottage to form private self-contained retirement accommodation with live in care albeit with a smaller footprint than that now proposed (by

approximately 32m²). The Officer advice at that stage was that whilst a modest extension would be acceptable in principle the proposal was too extensive and would be harmful to the identified designated heritage assets and would not receive Officer support.

PROPOSAL:

Planning permission is sought for the extension of the existing garden cottage pavilion to form private self-contained retirement accommodation with live in care.

The proposed extensions would create a total footprint for the 'garden cottage pavilion' of approximately 210m². The two extensions would form flanking wings off the northern and south-western elevations of the building. The northern wing would project 6.7 metres northward and 2.7 metres eastward with an overall width of 11.5 metres. The southern wing would have a maximum projection of approximately 10.5 metres and a width of 4.1 metres which would step out a further 2 metres in the living room. The proposed works would involve part demolition of the roof and reconfiguration of walls to facilitate the extensions. The maximum apex height of 4.7 metres above ground level would be unchanged. The eaves heights range from 2.6 to 3.5 metres.

The northern wing would contain the bedrooms and the southern wing would be the living space. The proposed layout indicates that the extended pavilion would comprise an entrance hallway, 2no. en-suite double bedrooms (one for the live-in carer), kitchen/dining room, two separate living rooms (one for the live-in carer), a study, utility room, cloak room with WC and pantry. The extended building would provide retirement accommodation with live-in care. The plans indicate that an existing tree to the north of the building would be removed to allow for the construction of the northern wing extension. The extensions would be constructed from materials to match existing (brick, clay pantiles and timber windows and doors).

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)

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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 SP12 Heritage

Local Plan Strategy - Policy SP13 Landscapes

Local Plan Strategy - Policy SP16 Design

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

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Strategy - Policy SP21 Occupancy Restrictions

Material Considerations

National Planning Policy Framework 2019 (NPPF)

National Planning Practice Guidance 2014 (PPG)

REPRESENTATIONS:

One representation has been received from a resident of Howsham that confirms support for the application and states the following:-

“...Howsham must be permitted to steadily evolve and grow sustainably within the guiding frameworks that protect it, so that it can continue to flourish and provide current and future generations of residents with the type of accommodation that modern ways of life dictate including an aging population! These developments should of course be sympathetic, of high quality and operate within the guidelines, but the constraints should not be used to mothball the community.

We cannot identify any reasons why our neighbours should not be permitted to proceed with their proposals. Due to its location and height the development will not have an adverse impact on any neighbouring property. The design, layout, existing landscaping including mature trees and choice of building materials will allow the development blend seamlessly into its surroundings”.

In addition a petition has been submitted in support of the application. The petition is signed by 43 individuals from Howsham.

APPRAISAL:

The main considerations in the determination of this application are:

- Principle of the development;
- Design, character and form;
- Impact upon heritage assets;
- Impact on the Area of Outstanding Natural Beauty;
- Impact on local amenity; and
- Highways impact.

Principle of the development

The extended ‘garden cottage pavilion’ would allow the current occupants of The Great Barn to down size to retirement accommodation and the extended building would also include provision for live-in care. The adjacent Great Barn would remain within the family and the application details indicate that it would be occupied by the applicant’s son and his family who would farm the surrounding land.

The existing building is relatively modest but contains a kitchen, living room and bathroom but does not include any bedrooms. It is considered that the building, in its current form, is functionally linked to the main dwelling (The Great Barn).

The extensions to the building would support separate residential use and the creation of a self-contained dwelling because it would contain facilities for day-to-day living including a private outdoor amenity area (walled garden) within its own, separate curtilage. It is understood that the ‘garden cottage pavilion’ would share the existing access and parking areas to the east that serve The Great Barn.

The supporting documents explain that the applicant has strong connections with the village and the local community and wishes to remain in residence within the Howsham. The local support for the proposal is also noted. The applicant’s intentions are understood and it is considered that, in principle, a modest and proportionate extension to this ancillary building to meet the functional requirements would be acceptable.

If permission is granted for the proposed development it would be limited by condition in line with the requirements of Policy SP21(d) so that it cannot be separately let out, sold or used as a separate dwelling and shall remain ancillary to the main house and only occupied by members of the family of the occupier of The Great Barn.

Design, character and form

The ‘garden cottage pavilion’ is currently a modest building with a footprint of approximately 70m² that comprises a kitchen, bathroom, store and a living area with double doors that provide access to the walled garden. Policies SP16 and SP20 require that extensions are appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials. The proposed external construction materials, which would match the existing, are considered appropriate. However, there are concerns in relation to the scale and form of the proposed extensions which amount to approximately 140m² and are more than double the footprint of the existing building.

It is considered that a modest and proportionate extension to the building to allow the garden cottage to function as retirement accommodation would be acceptable in principle. However, the proposed extensions are considered to be excessive and not commensurate with the level of accommodation required to meet the needs of the applicant. The extent of the building work, which takes the form of two wings of accommodation for bedrooms and living space is considered to be too extensive and is tantamount to the level of accommodation which might be found within a 4 bed bungalow. Furthermore, the design of the flanking extensions would ‘ape’ the existing building which, in itself, is slightly incongruous and not consistent with the local vernacular and setting. The proposed roof form comprises a combination of gable, hipped and hexagonal structures which is described by the Building Conservation Officer as being “*complicated and anomalous*” and it is considered that it departs from traditional simple roof forms for such ancillary buildings.

Paragraph 130 of the NPPF states that “*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*”. The proposed increase in the size of the building and change in form would lead to a significant domestication of the site. The proposed scale, mass and form of the extensions and the roof types and proposed windows openings are considered not to be appropriate or sympathetic to the character and appearance of the host building contrary to the requirements of Policies SP16 and SP20 of the Local Plan Strategy.

Impact upon heritage assets

Due to the distance of the application site from the listed buildings it is considered that the proposed development would not have an impact on the setting of any listed buildings in the locality. The designated heritage assets relevant to the consideration of this application comprise the Conservation Area and the Registered Park and Garden. In addition the Building Conservation Officer has confirmed that due to the age and historic interest of the property and its associations with Howsham Hall, The Great Barn and wider site including the vestigial remains of the historic garden walls, can be regarded to be a non- designated heritage asset. Paragraph 197 of the NPPF states that “*In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*”.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty on Local Planning Authorities to ensure that special attention is paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area. The site is also within a Grade II Registered Park and Garden (Howsham Hall). The application site falls within the northern part of the Conservation Area which is more closely related to the landscape park and Howsham Hall than the village. A high standard of design is necessary given its setting within the Conservation Area and Registered Park and Garden.

The existing ‘garden cottage pavilion’ is relatively small ancillary structure set within a relatively undeveloped garden and it is clearly subservient to The Great Barn. The hierarchy of buildings and spaces which form the building group contributes to the historic interest and character of the Conservation Area and this part of the Registered Park and Garden. The proposed extensions to the building are significant in size and together would treble the existing footprint. The extended building takes development into previously undeveloped areas of the garden in conflict with the existing hierarchy of buildings and spaces which currently exist and would, as a result, be harmful to the

character and appearance of the Conservation Area. The Yorkshire Gardens Trust are of the view that the proposed development would have very little impact on the wider Registered Park and Garden.

The plans show four large windows along the southern, rear wall to serve two living areas and a study. A further window would be formed in the historic garden wall to the west to serve the northern bedroom. Furthermore, the northern and eastern extensions to form the bedroom wing would result in the demolition of the corner of the historic garden walls and the pushing out of the building in two directions. The puncturing of the blank garden walls with a total of five new openings (and the demolition work to allow for the extensions to the north and east) would result in the loss of definition of this historic feature that is considered a non-designated heritage asset and the development would be detrimental to the character and appearance of this part of the Conservation Area.

The Building Conservation Officer has submitted a comprehensive response that confirms an objection to the proposed development. A full copy of the response is appended to this report. The Building Conservation Officer is of the opinion that the proposal is *“overdevelopment and the roof forms and new windows are anomalous to a walled garden which historically are inward looking structures with simple roof forms”*. The Building Conservation Officer states that the proposed development would be harmful to the character of this part of the Conservation Area.

The Building Conservation Officer states that due to the lack of close and clear views the degree of harm to the Conservation Area is ‘less than substantial’. The demolition and alteration work which impact on the historic form of the walled garden would result in a less than substantial impact on this non-designated heritage asset. However, in accordance with the NPPF, great weight should be given to an asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 of the NPPF requires that *‘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, where appropriate, securing its optimum viable use’*. Whilst the Building Conservation Officer would have no objection in principle to a *“modest inward looking lean-to type extension to the building”* in this case there is an objection to the scheme and there are no heritage benefits that form part of this proposal.

Overall, it is considered that the proposed mass of the extensions, roof form and alterations to and partial demolition of the historic garden wall will not preserve or enhance the character or appearance of the Conservation Area. The harm to the designated and non-designated heritage assets is not outweighed by the public benefits of the proposal contrary to the NPPF and Policy SP12 of the Plan Strategy.

Impact on the Area of Outstanding Natural Beauty

The site is within the Howardian Hills Area of Outstanding Natural Beauty (AONB). The Countryside and Rights of Way Act 2000 places a statutory duty on authorities to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land in the AONB.

National planning policy (paragraph 172 of the NPPF) states that *“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty”*.

The LPA would not support changes to land use within the site that would materially harm the positive attributes of the wider AONB. The application site falls within the domestic curtilage associated with The Great Barn and is relatively enclosed forming part of a walled garden. There are no close and unobstructed public views of the garden cottage. Distant views are however possible looking east from the village street and looking north from an elevated public footpath and from within the churchyard to the south. The AONB Manager has not raised any objections to the development. It is considered that the additional built development would not unduly encroach upon the wider landscape or erode the special qualities of the AONB and the natural beauty of the designated landscape area would be conserved in compliance with the NPPF and Policy SP13 of the Local Plan Strategy.

Impact on local amenity

The proposed extended garden cottage would be set within an enclosed garden area with good levels of privacy. As required by Policy SP20 development should not result in 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 application site is within a rural setting. It is considered that the proposed development is compatible with the existing land use and it is not anticipated that the proposed development would give rise to any unacceptable loss of privacy or pollution or disturbance and as a result there would not be an adverse impact upon local amenity in compliance with Policy SP20.

Highways impact

It is understood that the existing the access, parking and turning areas associated with The Great Barn would be shared. The proposed development would not result in any material increase in traffic in this part of the village and there are no objections from the LHA. The proposed development would not have a detrimental impact on road safety in compliance with the relevant part of Policy SP20.

Conclusion

The application site is within an area of particularly high environmental quality being a Conservation Area, Registered Park and Garden and an Area of Outstanding Natural Beauty.

It is considered that the proposed extensions are not sympathetic to the form of the host building and would be detrimental to the character of what is currently a modest, well-proportioned garden cottage that is very much subservient to the principal dwelling (The Great Barn). The garden cottage, if extended to the size proposed, would disrupt the hierarchy of the buildings in this part of the Conservation Area. The proposed windows openings in the southern and western garden walls and partial demolition results in a loss of definition of the historic features that do not accord with Policies SP12 and SP16 of the Local Plan Strategy and would be harmful to the Conservation Area with no identified public benefits.

It is acknowledged that the applicant has submitted a petition signed by a number of people from the village who support the application. However, for the reasons set out above the conclusion is that the current proposal conflicts with Policies SP12, SP16 and SP20 of the adopted Local Plan Strategy and there are no compelling arguments or material considerations of sufficient weight to justify a departure from the Development Plan. Due to the aforementioned policy conflict the Officer recommendation is one of refusal.

Officers have acted positively and proactively in the consideration of this application by identifying matters of concern with the proposal and raising these with the agent representing the Applicant. Unfortunately, it has not been possible to negotiate any amendments to reduce the extent of the built additions and to alter the design to reduce the impact on the character and appearance of the host building and the designated heritage assets. The applicant has requested that the application be determined as submitted.

RECOMMENDATION: Refusal

It is considered that the development does not accord with the aims of paragraphs 130, 193 & 196 of the NPPF (2019) and is contrary to the requirements of Policies SP12, SP16 and SP20 of the adopted Ryedale Local Plan Strategy (2013) for the following reasons:-

1. The proposed extensions by virtue of their scale, mass and form and the various roof types and number of additional windows openings do not relate sympathetically to the character and appearance of this modest building. The proposal is therefore considered to be contrary to the requirements of Section 12 of the NPPF with particular regard to paragraph 130 and contrary to Policies SP16 and SP20 of the adopted Ryedale Local Plan- Local Plan Strategy.

2. It is considered that the proposed mass of the extensions, roof forms and alterations to and partial demolition of the historic garden wall will not preserve or enhance the character or appearance of the Conservation Area. The harm to the designated heritage asset is not outweighed by the public benefits. The proposal therefore is considered to be contrary to Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990; contrary to the requirements of Section 16 of the NPPF with particular regard to paragraphs 193 & 196 and contrary to Policy SP12 of the adopted Ryedale Local Plan-Local Plan Strategy.

The proposal is therefore contrary to Policies SP12, SP16 and SP20 of the Ryedale Local Plan- Local Plan Strategy (2013) and there are no material considerations of sufficient weight to warrant a decision contrary to the adopted Development Plan.