

Item Number: 7
Application No: 21/00963/HOUSE
Parish: Pickering Town Council
Appn. Type: Householder Application
Applicant: Mr Daniel Armitage (Zarafa Group Limited)
Proposal: Erection of double garage with access off Keepersgate following demolition of existing greenhouse
Location: 10 Hungate Pickering YO18 7DL

Registration Date: 1 November 2021
8/13 Wk Expiry Date: 27 December 2021
Overall Expiry Date: 15 December 2021
Case Officer: Ellie Thompson **Ext:** 43326

CONSULTATIONS:

Pickering Town Council No Objections
Highways North Yorkshire No objections and comments

Representations: Mr J W Willby, Mr Edward Ford, Mrs L Baguley, Mr Ian Birch & Lucy Shaw, Miss Denise Hatfield, Nikki Barrett, Suzy Meadowcroft, Mr Charles Jennison,

SITE:

10 Hungate is a traditional, terraced dwelling which is situated on Hungate in Pickering. The application site is situated to the rear of the property and its garden amenity space, and currently consists of a derelict greenhouse structure. The site is accessed via Keepersgate, off a rear parking area which houses several garage buildings. The application site is situated within the Pickering Conservation Area and Flood Zone 2.

PROPOSAL:

This application seeks permission for the erection of a double garage following the demolition of an existing greenhouse which is in a state of disrepair. The proposed garage is proposed to be accessed off Keepersgate and via Recreation Road to the south.

The new garage building is proposed to have a pitched roof form, and will be orientated with its front elevation (featuring two garage doors) facing towards the east. The garage is proposed to be constructed from reclaimed bricks under a clay pantile roof, and will feature timber painted windows on its northern and southern elevations, and a timber pedestrian door on its northern elevation.

The overall ridge height of the new garage will be approximately 4.5 metres, with an eaves height of approximately 2.5 metres. The overall footprint of the garage will be approximately 48.4 square metres.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that

comprise the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies for the determination of this application are:

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy – Policy SP12 Heritage

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

Planning (Listed Building and Conservation Areas) Act 1990, Section 72

REPRESENTATIONS:

A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view in full on the public access webpage, and referred to in the report accordingly.

6 objections have been received in relation to this application. These include 4 objections from residents of 7, 10, 12 and 16 Keepersgate and an objection from the occupier of no. 58 Westlands. A summary of the representations received from the occupiers of neighbouring properties is as follows:

- Restricted access: Keepersgate is not a public right of way and is a private road, and should solely be for the residents of Keepersgate. Nos 10 and 7 Hungate have no right to use Keepersgate as a vehicular access. The applicant have done little to stop their staff, visitors and contractors from parking on this land, and if the application is approved then this trespassing will increase.
- Land Registry: The Land Registry should be contacted to determine if the Hungate properties have a legal right of access for motor vehicles.
- Increased traffic: There is already substantial additional commercial traffic, parking and speeding as a result of the Hungate properties, all owned by the applicant (Zafara ltd). An increase in traffic has been very noticeable since the applicant moved onto Hungate.
- Impact on the Conservation Area: this sort of development would not be in keeping. The site is in a Conservation Area and is therefore protected from development and protected by strict regulations.
- Maintenance and Repair: 6 of the houses on Keepersgate have maintenance responsibility for the area leading to the application site ('The Lane') from the main highway. The new garage would mean the no.10 would be responsible for the upkeep on Keepersgate, could the Council ascertain this? If the road is now a public road, is the council now responsible for its upkeep and repair?

- Concerns around construction vehicles and tradesmen using the road and putting pressure on it, and potential disruption to occupiers of Keepersgate, including being blocked in and damage to road outside properties.
- The applicant has put in two applications in recent years, both of which have been refused, but land has been fenced off anticipating approval. The proposal is a means to an end for the applicant to put in plans for other building works in the future. Extra parking spaces have already been created on land that was previously garden. It is believed that this is a commercial development by stealth.
- The applicant is a big UK company who are specialists in working at height; concern that the new garage will be used for the storing of heavy equipment, or even any equipment that will be delivered and collected over the shared area.
- Area is a haven for wildlife.
- Impact on the view from 16 Keepersgate of the orchard to rear of site.
- Lack of available information, including site plan, pictures and drawings.

1 letter of support was received from the occupier of The Old Schoolhouse (9 Keepersgate), which is situated directly opposite the application site. The contributor stated that the demolition of the dilapidated and dangerous Victorian greenhouse and its replacement with a double garage would only enhance the immediate outlook of this area.

Pickering Town Council have also been consulted, and have raised no objections to the proposed development.

The Local Highway Authority has raised no objections to the proposed development, stating that no. 10 Hungate does not currently have any allied parking, and the provision of such would reduce the current situation regarding on-street parking. They did make some further comments, stating that the applicant may wish to consider a type of garage door which does not impede any vehicular access to the garden of no. 8 Hungate; and that the Highway Authority would resist any future conversion of the proposed structure into living accommodation.

The Building Conservation Officer has been consulted and has raised no objections to the proposed development.

PLANNING HISTORY:

16/00967/FUL: Planning permission was refused for the erection of a 2no. bedroom dwelling with formation of 2no. associated parking spaces following demolition of existing outbuilding.

APPRAISAL:

The main issues relating to this application are:

- Design and Heritage
- Impact on Neighbouring Amenity
- Highway Safety
- Flood Zone 2 and Other Issues

Design and Heritage

The application site is located within the Pickering Conservation Area and as such, Ryedale District Council has a statutory duty to have a special regard for the preservation or enhancement of the character or appearance of the area.

The existing structure on the site is a derelict, 19th century greenhouse, which is dilapidated and in a poor state of repair. The structure is currently fenced off for safety. In its current state, the derelict structure is considered to detract from the appearance of the Conservation Area. In this respect, the demolition and removal of this derelict structure is considered to be an enhancement to the appearance of this part of the Pickering Conservation Area.

The new double garage is proposed to be situated on the site of the existing greenhouse, and will be single-storey in scale. It is proposed to have a traditional, pitched roof form, and will be constructed from traditional clamp bricks under a clay pantile roof. The proposed form and materials of the new building will reflect the form of other garage buildings in this location, and have a simple, traditional appearance which is considered to be appropriate. The proposed location and position of the garage reflects the building hierarchy and land use within this part of the Conservation Area, with domestic outbuildings positioned to the rear of the historic properties which align Hungate.

The Building Conservation Officer has been consulted on the application and has raised no objections to the proposed development. The new garage is considered to be acceptable in terms of its position, form, scale and materials, and it is considered that it will result in some enhancement of the appearance of this part of the Conservation Area. On this basis it is considered that the proposed development complies with Policies SP12 (Heritage) and SP16 (Design) of the Ryedale Local Plan Strategy.

Impact on Neighbour Amenity

The new garage is proposed to be located in an area of back land, between Hungate and Keepersgate. There are two existing ancillary garage buildings in this area, which serve residents of Keepersgate, however there is one dwelling (The Old Schoolhouse/ 9 Keepersgate) situated to the east of the application site. The new garage will be slightly off-set from this neighbouring property, and will be opposite the southernmost end of the dwelling. The garage is domestic in scale, and will be situated approximately 12.2 metres away from this dwelling at its closest point. Further to this, the garage will be situated approximately 17.5 metres to the north of the rear elevation of the closest neighbouring property on the Keepersgate cul-de-sac.

As such, owing to its scale and position, it is considered that the proposed development will not have a detrimental impact on the amenity of the occupiers of the neighbouring properties, in terms of loss of light, loss of privacy or overbearing effects. On this basis the proposed development is considered to comply with Policy SP20 (Generic Development Management Issues) of the Ryedale Local Plan Strategy.

Some concerns have been raised by the occupier of a neighbouring property, in relation to the impact of tradesmen and construction vehicles and equipment potentially obstructing driveways, and damaging the road and parking area during the construction phase. The construction phase is a temporary period of time and will be a limited period by virtue of the small scale nature of the development proposed. The concerns relating to obstruction or road damage are civil matters. However, the applicant's agent has been made aware of this concern, and if Members are minded to approve the application, an informative is recommended to bring this issue to the attention of those who may implement the scheme in the future.

Highway Safety

The new garage building would provide two off-street parking spaces for the residents of 10 Hungate. The Local Highway Authority has been consulted on the application, and has raised no objection to the proposed development, stating that the provision of off-street parking for the property would help

to reduce the amount of on-street parking in the area.

Some concern has been raised in relation to the amount of traffic movements to and from the site via Keepersgate, and whether or not the applicants have a right of way over this land. The applicant's agent has provided legal documentation which confirms that there is a legal right of way over the area to the north of Keepersgate (referred to by contributors as 'The Lane') included in the title deeds of no. 10 Hungate.

Some queries have also been raised, asking who has responsibility for the maintenance and repair of this area. This area is a private access road which is shared amongst several properties; it is considered that issues of access rights and of maintenance responsibility are civil matters.

Flood Risk and Other Issues

The property is located within Flood Zone 2. The applicant's agent has confirmed that the floor levels within the proposed development will be set no lower than existing levels, and that flood proofing will be incorporated where appropriate. As such, Officers are satisfied that the Environment Agency's standing advice for householder development is being followed.

Some concern has been raised around the intended use of the garage and whether it would be used for the storage of large machinery, as the applicant is a large UK company. Some of the office space for this company is at no.7 Hungate, however the applicant also owns three other properties on Hungate (including no. 10) which are residential lettings. The new garage building is proposed to be used by the tenants of no. 10 Hungate as a domestic garage, to provide off-street parking, and a condition is recommended to restrict the use of the garage to this residential property.

Some concerns have also been raised by the occupiers of 12 Keepersgate around the impact of the development on the view from that property. The new garage will replace an existing, derelict building, which is currently fenced off in the interests of health and safety. It is considered that the proposed new building will improve the immediate outlook of the area, and while the view from no. 16 will change slightly, it will not be significantly different. In this respect, it is considered that the proposed development will not result in a visual impact which would be harmful to the residential amenity of the occupier of no. 16 Keepersgate.

One occupier of a neighbouring property raised some concern around the impact of the development on local wildlife. The site is not located within a site of importance for nature conservation. The new garage building is proposed to be built on the footprint of an existing derelict structure, within an area of garden in a town centre location. There is no significant planting around the existing structure and the wider footprint of the plot of the new garage consists of grass and some patio slabs. As such the application site is a domesticated outdoor garden space, and the proposed development on an existing built footprint would not undermine the extent to which the existing garden supports wildlife. On this basis, it is not considered that the development would have a detrimental effect on local wildlife or reduced the opportunity of the site in supporting wildlife.

Conclusion:

The proposed development is considered to be of an acceptable design, which will enhance the appearance of this part of the Pickering Conservation Area. Further to this, it is considered that the development will not have a detrimental impact on the amenity of neighbours. As such, the proposed development is considered to comply with the relevant policy criteria set out in policies SP12, SP16 and SP20 of the Ryedale Local Plan Strategy and the NPPF. On this basis approval is recommended subject to the following conditions.

RECOMMENDATION:**Approval**

1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

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

- Site Location Plan, drwg. no. EX10 01 (scanned to file on 11.11.2021)
- Proposed Site Location Plan, drwg. no. PL10 01 (scanned to file on 11.11.2021)
- Proposed Site Plan, drwg. no. PL20 01 (scanned to file on 11.11.2021)
- Proposed Elevations and Floor Plans, drwg.no. PL50 01 (scanned to file on 11.11.2021)

Reason: For the avoidance of doubt and in the interests of proper planning in accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

3 The materials of the development hereby approved shall be in accordance with the details included in the Planning Application Form (scanned to file on) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12 and SP16 and SP20 of the Local Plan Strategy.

4 The development hereby permitted shall be used for domestic purposes only, in connection with the dwelling currently known as '10 Hungate, Pickering, YO18 7DL', and shall not be sold or let off separately.

Reason: For the avoidance of doubt and to ensure the development is used for its intended use and is not used as a separate dwelling, and in order to satisfy Policy SP20 of the Ryedale Local Plan Strategy.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage hereby approved shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: In accordance with Policy SP20 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development. And due to the remaining available parking amenity not meeting the minimum parking requirement.

INFORMATIVE(S)

1 The application site is located in an area to the north of the Keepersgate cul-de-sac (and is accessed via this highway), which is in close proximity to many neighbouring properties. As such attention is drawn to the need to not obstruct any vehicular accesses or driveways with construction vehicles, traffic or paraphernalia (e.g. skips) during the construction period of

the development hereby approved.

- 2 The applicants are advised to take care over the design of the garage doors on the development hereby approved, to help ensure that the access to no.8 Hungate remains unimpeded.