

**Item Number:** 12  
**Application No:** 21/01445/HOUSE  
**Parish:** Helmsley Town Council  
**Appn. Type:** Householder Application  
**Applicant:** Mandy Spink  
**Proposal:** Erection of replacement garage and potting shed with attached single storey annexe  
**Location:** 24 Ashdale Road Helmsley YO62 5DB

**Registration Date:** 26 October 2021  
**8/13 Wk Expiry Date:** 21 December 2021  
**Overall Expiry Date:** 5 January 2022  
**Case Officer:** Ellie Thompson **Ext:** 43326

#### CONSULTATIONS:

**Highways North Yorkshire  
Helmsley Town Council** No comments  
**Highways North Yorkshire  
Helmsley Town Council**  
**Highways North Yorkshire  
Helmsley Town Council** No objections  
**Highways North Yorkshire  
Helmsley Town Council** No Comment

**Representations:** Mrs Beth Davies On Behalf Of Mr & Mrs Screeton, Mr Thomas Watson,

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#### SITE:

The property is a large, detached, traditionally styled, two storey property located on Ashdale Road in Helmsley. The property is located within the Helmsley development limits.

The main property is constructed from brick and stone under a clay pantile roof. The property benefits from a detached garage and store building along its southern boundary, to the rear of the property.

#### PROPOSAL:

This application seeks permission for the erection of a replacement garage and potting shed building, with an attached single storey annexe. The annexe is proposed in order to provide ground floor annexe accommodation, to be occupied by the applicant's elderly parents.

The application originally sought permission for an extension to the existing garage building to form annexe accommodation, however it became clear that the existing building was also proposed to be redeveloped, so that the garage can accommodate a modern-sized vehicle. Officer's also raised some concerns in relation to the amount of fenestration that was initially proposed for the new building. As a result the description of development was amended and a re-consultation was undertaken.

The new building is proposed to have a long, linear footprint, which will run along the southern boundary of the application site. It is proposed to have a pitched roof form, however the annexe section to the rear is proposed to be larger in scale than the garage and potting shed section. The building is proposed to be constructed from brick under a clay pantile roof, and will feature white, casement style fenestration detailing and Velux rooflights.

The garage and potting shed part of the building is proposed to have an overall ridge height of approximately 3.8 metres, with an eaves height of approximately 2.5 metres. The overall footprint for this section of the building is proposed to be approximately 32.9 square metres. The new annexe part

of the building is proposed to have an overall ridge height of approximately 4.3 metres, with an eaves height of 2.5 metres. The overall footprint of this section of the building is proposed to be approximately 54.6 square metres.

As a result, the overall footprint of the entire development as a whole will be approximately 87.6 square metres.

The proposed ancillary annexe will share the vehicular access to the property and the amenity garden space.

## **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:

### **Helmsley Plan**

Policy H9 - Design

Policy H2 - Windfall Development

### **The Ryedale Plan - Local Plan Strategy (2013)**

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

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Strategy – Policy SP21 Occupancy Restrictions

### **Material Considerations**

National Planning Policy Framework

National Planning Practice Guidance

## **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. The application has undergone three consultation processes; following the change in the description of development, and some further amendments to the fenestration detailing on the building.

Helmsley Town Council was consulted on the application and has confirmed that it has no comments to make on the application. 2 objections were received from the occupiers of one neighbouring property and one member of the public (no. 6 Feversham Drive and no. 15 Station Road) to the initial consultation. A summary of the representations received are as follows:

- Misleading development description and statements: extending existing building as well as erecting a new annexe.
- Scale: Height and width of the structure is at odds with nearby vernacular outbuildings.
- Need for the development: principal dwelling is large enough to accommodate family members already.

- Overdevelopment of the site: Principal dwelling is a 5/6 bed property, and an annexe would mean the entire property could potential accommodate 12/14 people.
- Concern over the Future use: Concern that the annexe will be extended into the potting shed or garage spaces, to provide extra bedrooms or living spaces. Annexe could potentially be used a holiday let.
- Inappropriate design: Proposed use doesn't justify the excessive number of rooflights proposed, especially in garage and potting shed spaces. This is not typical of domestic roofs or low status vernacular buildings in this location.
- Proximity to no. 15 Station Road and impact on View: Would create a new detached dwelling within 9 metres of the rear of no. 15, immediately faced by the main living areas of no. 15. Proximity will be exacerbated by the difference in ground levels, at no.15's internal floor levels are 0.5m higher than external ground level.
- Impact on neighbouring Amenity: Impact of residential noise for occupiers of the new annexe and no. 15 Station Road; the main living spaces of both properties would be in close proximity, which is out of keeping with existing property distribution and alignments.
- The space between the new annexe and no.15 Station Road is a highly used recreational area – concerned that normal enjoyment of this garden space may need to be tempered by necessary consideration for new residents in a new location, in closer proximity.
- Loss of Privacy: for both the occupiers of no. 15 Station Road and the new annexe from the proposed rooflights.
- Environment and pattern of development: The garden spaces in the vicinity are well balanced with the properties that surround them, and a new detached residential development in the centre of that space would impact this pattern; development would also impact groundwater runoff potential.
- Impact on Wildlife: the siting of the development would break up the flow of adjoining green spaces for wildlife, and create additional light pollution and remove.
- Local Plan Contravention; in relation to Policy SP21 and the occupancy restrictions of the development.

The Local Highway Authority were consulted and the LHA has confirmed that it has no objections to the proposed development.

Following the revision to the description of development, a second consultation was undertaken. Before this consultation formally ended, the applicant's agent submitted revised plans which revised the fenestration detailing on the new building, resulting in an additional 14-day re-consultation was undertaken.

2 further objections were received in relation from the occupiers of no. 15 Station Road and no. 6 Feversham Drive, reiterating and confirming that their previous concerns outlined above still stand. The occupiers of no. 6 Feversham Drive confirmed that the change in description further exacerbates their concerns, as a larger new built garage will lend itself more readily to conversion, to extend the proposed annexe.

Some additional concerns were also raised, including:

- Concern that the replacement garage may pave the way for an application to convert this space into a salon which would exacerbate parking issues on Ashdale Road.
- Increase in scale of the existing garage building alongside addition of new annexe building. Scale of annexe is at odds with the guidance of SP16 as it will not be appropriate to the character of the host building in terms of scale.
- The garden space of no.15 Station road wraps around the garden of the application site amplifies the impact of the development on neighbouring amenity.

- Sense of enclosure and impact on view: the new annexe will be visible from the main rear rooms of no. 15 Station road, and will be more than twice the height of the existing fence line in that location.
- Age and Heritage of application site and neighbouring properties: No.15 Station Road was built in 1927 and the properties in this area sit between the historic centre of Helmsley and the newer developments to the east. A new self-contained annexe would overdevelop the plot and compromise the character of the neighbourhood and the setting of each individual property.
- Development will set a precedent for detached dwellings in garden spaces.
- Impact on bat population, local ecology and green infrastructure networks.

The occupier of no. 15 Station Road made an additional response to the final 2 week re-consultation, stating that the revised fenestration details did not address the objections they had previously raised.

Helmsley Town Council responded to the re-consultation and confirmed that it has no comments on the revised proposed development.

### **PLANNING HISTORY:**

05/00031/FUL Planning permission was granted for the erection of attached double garage to side and alterations to ground floor rear elevation to form post supported rear canopy.

### **APPRAISAL:**

The main issues in the consideration of this application are:

- The Principle of the Development
- Design, Form and Character
- Impact on Residential Amenity
- Other Issues: Highways and Wildlife

#### Principle of the Development

The proposed annexe is within the Helmsley development limits (which are established under Policy H2 of the Helmsley Plan) and is within an existing residential unit.

Policy SP21 of the Local Plan Strategy provides support in principle for annexe accommodation within the curtilage of an existing dwelling, providing the proposed development remains ancillary to the existing house and will not be separately occupied.

The proposed annexe would be situated within the domestic curtilage of the principal dwelling, 24 Ashdale Road, and would share the same vehicular access and outdoor amenity space with the main property. On this basis, the principal of a new annexe on the site is considered to be acceptable.

Some concern has been raised by the occupiers of a neighbouring property that the new annexe building will be separate from the main, principal dwelling on the site, and so represents a new detached residential dwelling on the site. This application seeks permission for annexe accommodation in order to provide accommodation for the applicant's elderly parents; it does not seek permission for new, separate residential dwelling. Annexe accommodation is accommodation which provides additional ancillary residential space on the site and is not in itself a separate residential unit.

As such, if members are minded to grant permission for the proposed development, it would be necessary to limit the occupancy and use of the proposed annexe by condition in line with the requirements of Policy SP21(d). This would ensure that the annexe could not 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 24 Ashdale Road.

## Design, Character and Form

The new building is proposed to have a linear form, and will be positioned along the southern boundary of the site. Both sections of the building are proposed to have a traditional, pitched roof form, with the Annexe section being slightly larger in scale than the garage and potting shed part of the building. Outbuildings are traditionally constructed along boundaries of properties, and so often take a long, linear form. While the building as a whole will be approximately 20 metres in length, the expanse of the building is somewhat broken up by the difference in scales between the garage part of the building and the annexe. Further to this, the building is proposed to be single-storey, and will be situated to the rear of the main property. As a result, in terms of the hierarchy of buildings in this location, it is not considered that the building would visually compete with the principal dwelling, or the surrounding properties. It will remain subservient in scale and mass to the main dwelling which is relatively generous in size and sits within a relatively generous plot. The proposed buildings would remain commensurate with the overall size and scale of the residential unit.

Concerns have been raised that the resulting scale of the building will be disproportionate to the scale of other vernacular outbuildings in the locality. Officers are of the view that this area of Helmsley has a mixture of dwellings and domestic outbuildings of a range of sizes, scales, positions, ages and designs. In this respect, it is considered that the proposed building would not be harmful to the built form or residential character of the locality.

The building is proposed to be constructed from brick under a clay pantile roof, and will feature casement style windows. It is considered that the use of these traditional materials is appropriate, as the building will reflect the character and appearance of the principal dwelling, and the surrounding area.

The proposed development is considered to be acceptable in terms of form, scale and materials. On this basis the proposed development is considered to comply with Policy H9 (Design) of the Helmsley Plan and Policy SP16 (Design) of the Ryedale Local Plan Strategy.

## Impact on Residential Amenity

The new building is proposed to be situated along the southern boundary of the application site, which is shared with a number of properties along Station Road. There is an existing, boundary wall along this boundary, which varies in height between approximately 1.8 metres and 2.2 metres.

The new garage and potting shed part of the building will be situated in the same position as the existing building. The new structure will only be approximately 0.7 metres taller than the existing building, and as such it is not considered that this part of the proposed development would result in any significant detrimental impact on the amenity of neighbours, in terms of loss of light or overbearing effects, over and above what is currently experienced at the site.

The additional, new annexe part of the structure will be slightly larger than the garage/potting shed section. Occupiers of the neighbouring property to the south have raised some concerns over the scale of the new building, and the resulting sense of enclosure from its proximity to the rear of their property and garden amenity space. The overall height of this part of the building will be approximately 4.3 metres; however due to the pitched roof form of the building, this tallest point will be situated approximately 2.5 metres into the application site. Further to this, the new building will be situated approximately 9 metres away from the rear elevation of the neighbouring property to the south. Taking into account the form and scale of the building, existing boundary treatments, as well as the intervening garden land between the properties, it is not considered that the annexe part of the building would result in unacceptable harm to the amenity of the occupiers of this neighbouring property in terms of loss of light or an overbearing presence.

Some concerns were raised during the initial concern with regards to loss of privacy for both the occupiers of the neighbouring property and the proposed annexe, from the proposed roof lights in the

southern roof slope of the building. The revised plans indicate that the remaining three roof lights on this roof slope are proposed to be obscure glazed, to ensure that there are no inter-visible views between the annexe building and the upper floors of the neighbouring property. On this basis it is not considered that the proposed development would result in any overlooking or loss of privacy for the occupiers of the neighbouring properties, or future occupiers of the annexe itself.

Objections have also been raised around the positioning of a residential annexe within the garden space of the application site, in close proximity to the gardens of neighbouring properties. The proposed annexe would not change the use of this part of the site, as the entire site (including the garden) is domestic in use. It is acknowledged that the proposed development may result in some increased comings and goings to this part of the garden. However the annexe will be ancillary to the principal dwelling, and is proposed to be used and occupied by family members. As such it is not considered that there would be a significant increase in the number of people at the site, or a level of activity in this part of the garden which would result in unacceptable harm to the residential amenity of the occupiers of neighbouring dwellings. It should also be noted that the applicant could install a garden building or patio in this location under permitted development, which could also result in increased activity in this part of the site.

Concerns have also been raised regarding the impact of noise arising from neighbouring gardens on the occupiers of the annexe. Whilst the application site and surrounding neighbouring properties have outdoor amenity areas and gardens, it is noted that the annexe, main dwelling and garden are in relative close proximity to the gardens of neighbouring properties. In this respect, it is not considered that the occupiers of the proposed annexe would experience a level of noise or disturbance arising from the use of neighbouring gardens, which would be significantly greater than that which is currently experienced at the property.

On this basis, it is considered that the proposed development complies with Policy SP20 (Generic Development Management Issues) of the Ryedale Local Plan Strategy.

#### Other Issues

Some concern has been raised with regard to the impact of the proposed development on local wildlife. The site is not located within a site of importance for nature conservation. The new building is proposed to be located along the southern boundary of the site, partially on the footprint of the existing building, within a residential garden area within a built up location. There is no significant planting around the existing structure, and the wider footprint of the plot of the new annexe consists of lawned grass. 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 reduce the opportunity of the site in supporting wildlife.

The existing garage building is a traditional building, and could potentially host some small numbers of bat roosts. Planning permission is not required for the demolition of this building; however it is considered proportionate in this instance to attach an informative, to remind the applicant of their responsibility under the Wildlife and Countryside Act.

Some concern has also been raised in relation to the proposed use of the new building, and the potential for the annexe to be used as a holiday let, or the garage to be converted into a salon. As outlined above, this application seeks permission for a residential annexe, which will provide additional domestic accommodation. A condition is recommended to control the use and restrict the occupancy of this building, to ensure that it will not be able to be used as a holiday let without the grant of a further planning permission. The application must be considered on the basis of the use applied for and not on the basis of speculation over future use. Any future use which would require planning permission would need to be the subject of a future planning application.

## **Conclusion:**

The principle of annexe accommodation in this location is acceptable, and is supported by Policies SP1 and SP21 of the Ryedale Local Plan. The site is also within the development limits of Helmsley which are established by the Helmsley Plan. Additionally, the proposed development is considered to be of an acceptable design, and it is considered that the development will not have a significant, unacceptable detrimental impact on the amenity of neighbours. As such, the proposed development is considered to comply with policies H2 and H9 of the Helmsley Plan and policies SP1, SP16, SP20 and SP21 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 (On Revised Plans, drwg. no. 1511-S11\_100 Rev A), (scanned to file on 22.12.2021)

Revised Proposed Site Layout, Elevations and Floor Plans, drwg. no. 1511-S11\_100 Rev A, (scanned to file on 22.12.2021)

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 04.11.2021) 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 accommodation (annexe) hereby permitted shall be, and shall remain, ancillary to the use of the dwelling currently known as 24 Ashdale Road, Helmsley, YO62 5DB, and shall at no time be sold or let off separately from this property. The annexe shall only be used by relatives/dependants of the occupier of the main dwelling and shall not be occupied as a separate or self-contained dwelling unit.

Reason: In order to ensure that the self-contained annex is available for its intended use and is not used as a separate dwelling and to satisfy the requirements of Policies SP1, SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

5            Unless otherwise agreed in writing with the Local Planning Authority, the rooflights in the southern roof slope of the development hereby approved shall be obscured to the highest level of obscuration (Pilkington Glass Level 5 or equivalent).

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

**INFORMATIVE(S)**

- 1 Prior to its demolition, you are advised to check the existing garage building for the presence of bat roosts. Any active roosts must be left undisturbed until you have sought professional ecological advice for further guidance.