

Item Number: 8
Application No: 22/00203/FUL
Parish: Pickering Town Council
Appn. Type: Full Application
Applicant: Mrs Vicky Ivens
Proposal: Change of use of first floor workshop to create 1no bedroom annexe accommodation including installation of 1no window to the eastern elevation, reinstatement of historic access and parking adjacent to building onto Firthland road by removal of section of boundary wall and installation of 1.5 metre high close boarded timber gates (part retrospective)
Location: Rhodendene 38 Westgate Pickering North Yorkshire YO18 8BA

Registration Date: 3 March 2022
8/13 Wk Expiry Date: 28 April 2022
Overall Expiry Date: 13 April 2022
Case Officer: Ian Irwin **Ext:**

CONSULTATIONS:

Pickering Town Council No objection to this application
Highways North Yorkshire Recommends conditions
Building Conservation Officer

Representations: Mr Edward Hayes-Hall,

CONSULTATIONS:

Local Highway Authority Responded on the 17 March 2022 and offered no objection to the application on the basis that a condition was imposed upon any subsequently approved development. The condition requested related to the construction standards of the proposed access along with an informative that reminded the applicant/developer that any subsequent works would also require appropriate permission from the Local Highway Authority by way of licence.

Conservation Officer Responded on the 5 April 2022 and confirmed no objection to the application. They added that 'The harm caused to the conservation area by the partial demolition of the wall is balanced by the beneficial repair of the building'.

Pickering Town Council Responded on the 15 March 2022 and confirmed that they had no objection to the proposal.

REPRESENTATIONS RECEIVED:

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 Section 15(4) which state that the following notice shall be given by a Local Planning Authority: a) by site display in at least one place on or near the land to which the application relates; or b) by serving the notice on any adjoining owner or occupier. In this case a site notice was erected in the vicinity of the site on the 14 March 2022. Additionally, 3 neighbour notification letters were issued.

One response has been received. This was an objection to the application. The objection confirmed 'I object to the removal of the brick wall and replacing it with a timber fence. I object to the east window. Both will reduce my privacy and security'.

BACKGROUND:

The application is to be determined by Planning Committee as an objection has called the application in on material planning grounds. The applicant has endeavoured to try and resolve the concerns of the objector in order to avoid the need to attend planning committee, which has delayed determination, but unfortunately, these efforts have not resolved the objector's position.

SITE:

The site subject of this application is a two storey residential dwelling located within Pickering. It has a number of other residential properties within immediate or close proximity to the East and West. Westgate, abuts the site to the North, whilst Firthland Road abuts to the South. The building subject of the application is located to the rear of the host properties garden. To the North and South are further residential properties beyond both Westgate and Firthland Road. It is noted that upon purchase of the property, the applicant noted that the barn subject of this application had been partially converted without planning permission in place. Accordingly, this application is partly retrospective. It is noted that adjacent to the outbuilding is a wall (to the East) which effectively 'screens' but also divides the car parking area (as proposed) from the host property.

The dwelling is located within the designated Pickering Conservation Area. There are no other constraints considered relevant in the determination of the proposal.

PROPOSAL:

The proposal is for the conversion of what is presently an outbuilding and referred to by the applicant as a 'barn'. The applicant confirms that upon purchase, the building had been partially converted, with the first floor subject of some sub-division and a staircase being installed. Additionally, 3 rooflights had been added to the Northern roof face.

Essentially then, the application seeks permission for the conversion of this outbuilding to an annexe, providing living accommodation featuring 1 bedroom, 1 bathroom, a kitchen and a lounge area. The materials of the building will remain unchanged. The only new addition to the external appearance of the building would be the installation of a small window on the Eastern gable. This is proposed to increase natural light but also as a means of escape from the first floor. This is necessary in order to comply with building regulations.

The existing rear wall, which is made of random stone, is proposed to be partially removed and a close board timber gate to be installed. This would reinstate what was an historical rear access point (this is clearly the case as the kerb is dropped immediately to the rear of the property). In order for the vehicle to be parked safely, the hardstanding area will be reinstated.

HISTORY:

None relevant to the determination of this application.

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)

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

Other Material Considerations

National Planning Policy Framework (NPPF)

Chapter 2 – Achieving Sustainable Development
Chapter 4 – Decision making
Chapter 6 – Building a strong, competitive economy
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 16 – Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

APPRAISAL:

- Principle of the development;
- Design, Amenity, Character of the Area and Landscape Impact;
- Highways Safety and Access;
- Historic Environment.

Principle of the development

Policy SP1 of the Ryedale Local Plan, entitled ‘General Location of Development and Settlement Hierarchy’ confirms the Council’s approach to the type of development considered appropriate for locations across the district. The site is noted to be located within Pickering which is considered as a ‘Local Service Centre’. The Policy designation further states that this settlement is therefore a location intended for ‘*Growth to accommodate new homes and local employment opportunities. Centre for tourism and gateway to tourism and recreation opportunities further afield*’. Policy SP21, entitled ‘Occupancy Restrictions’ confirms that where ancillary residential accommodation is proposed, it should be within the curtilage of the existing dwelling and shall remain ancillary to the existing house and not sold-off separately.

The building subject of the application is within the domestic curtilage of the host dwelling and is located well within a residential setting of a Local Service Centre, in this case, Pickering. The building subject of this proposal can and would be conditioned to be an ancillary building to the host property and would not be permitted to be sold-off separately.

On that basis, in regard to the principle of the development, the scheme is considered to accord with the Ryedale Local Plan, specifically Policy SP1 (as well as being able to comply with the requirements of Policy SP21 subject to the imposition of appropriate condition(s)) and can be supported.

Design, Amenity, Character of the Area and Landscape Impact

Policy SP16 entitled ‘Design’ states that ‘*to reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings*’. In addition, Policy SP20 entitled ‘Generic Development Management Issues’ requires

that new development respects the character and context of the immediate locality and the wider landscape character in terms of physical features and the type and variety of existing uses. It also recognises that development should not have a material impact upon amenity of existing neighbours and future occupants. Criterion ‘f’ of Paragraph 130 of the NPPF states that decisions should ensure that development *‘create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience’*.

Policy SP13 entitled ‘Landscapes’ requires that proposed development protects and enhances the quality, character and value of Ryedale’s diverse landscape. Chapter 12 of the NPPF, entitled ‘Achieving well-designed places’ states at Paragraph 126 that, *‘good design is a key aspect of sustainable development’*.

The single objection received in relation to this application cites concerns related to the removal of the existing stone wall, to create an access as well as the proposed window in the Eastern gable of the outbuilding. The concerns relate to privacy and security.

In respect of the proposed conversion of the outbuilding, there would be almost no physical change to the outward appearance in terms of the materials that comprise it. The only ‘new’ addition would be the proposed window on the Eastern gable. This is not considered to have any significantly detrimental design impacts. The immediate character of the area is dominated by residential properties – of varying design and style. These properties feature both a number of rear, vehicular access points and windows on gables etc. In that respect then, neither the inclusion of a single gable window to this building, nor the reinstatement of the vehicular access are considered harmful to the character of the area. Indeed, it is recognised that the presence of existing an existing dropped kerb immediately to the South of the area proposed to be reinstated, demonstrates that historically a rear access did exist. This would be very much in-keeping with other properties in this street scene. Given there are a number of access points for vehicles in the vicinity of the site, it is very difficult to support a view that suggests security would be somehow impinged.

In terms of concerns related to amenity, these are also understood. However, the Eastern gable window would offer no greater view of any neighbouring property along Westgate than presently exists from those properties which do overlook each other’s gardens. The orientation of the outbuilding is such that the angle from the window would deny views of the neighbouring properties too. It is well beyond 45 degrees and there are ample separation distances from this outbuilding to all and any nearest residential properties. The ability to view the street scene or neighbours garden would be little different to the view available from the rear of the existing properties on Westgate. It is therefore considered that amenity would not be significantly, detrimentally harmed. On that basis, this is not considered a justified reason to refuse the application.

Accordingly, it is considered that there are no significantly detrimental impacts in terms of design nor the character of the area or landscape and as such, the scheme is considered to accord with Policies SP13, SP16 and SP20 of the Ryedale Local Plan.

Highways Safety and Access

Policy SP20, entitled ‘Generic Development Management Issues’ states that *“Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads”*. Paragraph 111 of the NPPF affirms that *‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’*.

The Local Highway Authority have been consulted upon the application and have confirmed that they have no objection to the scheme. They have requested that a condition be imposed to ensure appropriate standards are achieved in the reinstatement of the access along with an informative that reminds the

applicant/developer that any subsequent works would also require appropriate permission from the Local Highway Authority by way of licence. Such are included in the suite of draft conditions. It is therefore that there are no significantly detrimental highway safety impacts likely were this application approved and subsequently implemented.

Therefore, the scheme is considered to be acceptable in highway terms. The Local Highway Authority response is noted and ultimately it is considered that the proposal accords with both the Local Plan, specifically Policy SP20 and the NPPF and can be supported.

Historic Environment

Policy SP12 of the Ryedale Local Plan entitled 'Heritage' states, '*Distinctive elements of Ryedale's historic environment will be conserved and where appropriate, enhanced*'. Chapter 16 of the National Planning Policy Framework (NPPF) is entitled 'Conserving and enhancing the historic environment'. Paragraph 194 states, '*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*

The site is recognised to be within the designated Pickering Conservation Area. Due to this fact, the Council's Conservation Officer was consulted. They confirmed no objection to the application. They also added that '*The harm caused to the conservation area by the partial demolition of the wall is balanced by the beneficial repair of the building*'.

These comments are noted and it is recognised that the application seeks to reinstate a former access. Given the prevalence of rear access points in the locality, it seems that historically, they were the common feature. Officers also concur that the re-use of this outbuilding would be beneficial, ensuring it was not left to fall into disrepair. It is considered that the repair and retention of the building will help to conserve and enhance the character and appearance of the conservation area and that this is a public benefit which outweighs the limited, less than substantial harm to the character and appearance of the conservation area resulting from the loss of the limited section of wall. In this respect the application is considered to be acceptable in terms of Policy SP12 and the NPPF.

On that basis the scheme is considered to have no significantly detrimental impacts upon the historic environment and would comply with Local Plan and National policies.

Conclusion

The proposal is for the conversion of an existing outbuilding into an annexe for residential accommodation. It would be tied to the host property and essentially, bar the inclusion of a single gable window, remain unchanged in outward physical appearance. This is considered to be an acceptable development, with no demonstrable, detrimental impacts. The reinstatement of the rear access is also considered acceptable. It is evident, given the presence of a dropped kerb to the rear of the property that such was once in place. Even so, the propensity for such rear access points in this part of Pickering could not be seen as 'out of character'. Given these considerations, the application is considered acceptable and is therefore recommended for approval.

RECOMMENDATION: **Approval** subject to the following conditions

- 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 approved shall be carried out in accordance with the application form dated 16 February 2022 and accompanying drawings as submitted and hereby approved:
- i. Location Plan, ref. 2022224/A501, dated February 2022;
 - ii. Existing Layouts, ref. 2022224/A100 Rev. A, dated 3 March 2022;
 - iii. Proposed Layouts, ref. 2022224/A101, dated February 2021;
 - iv. Block Plan, ref. 2022224/A502, dated February 2022;
 - v. Design and Access and Heritage Statement, dated 15 February 2022.

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

3. Prior to the occupation of the hereby approved development the access to the site from Firthland Road shall be set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Work' published by the Local Highway Authority and the following requirements:
- An edging kerb should be provided to delineate the back of the footway in accordance with Standard Detail number E50 Rev G;
 - Any gates or barriers must not be able to swing over the existing or proposed highway;
 - The final surfacing of any private access within two metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

4. No demolition or construction works shall take place outside the hours of:

07:30-18:00 Monday to Friday;
09:00-13:00 Saturday; and

No Activity on Sundays or Bank Holidays

Reason: In the interests of the amenity of the area and to comply with Policy SP20 of the Ryedale Local Plan.

5. The hereby approved annexe shall be used as for its approved purpose at all times and shall not be used as a holiday home or any other use.

Reason: In the interests of clarity as to define the permission and to accord with Policy SP1 of the Ryedale Local Plan

6. The hereby approved annexe shall be used in conjunction with the property known as Rhodendene, 38 Westgate only and shall not be sold off separately from this property.

Reason: In the interests of clarity as to define the permission and to accord with Policy SP1 of the Ryedale Local Plan.

INFORMATIVES

1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement. It is the applicant's responsibility to ensure all necessary agreements/consents are in place prior to the commencement of development and to take appropriate advice thereon if required.
2. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:
https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%20%20highways%20and%20pavements/Specification_for_housing_ind_est_roads_street_works_2nd_edition.pdf. The Local Highway Authority will also be pleased to provide the detailed constructional specifications required by condition.