



01325 469 236



info@elgplanning.co.uk



www.elgplanning.co.uk

Martin MacBeth,
Senior Planning Enforcement Officer,
Ryedale District Council,
Ryedale House,
Malton,
North Yorkshire,
YO17 7HH

Our ref: 22/069

1st March 2022

Dear Martin,

RE: RETROSPECTIVE PLANNING APPLICATION AND LISTED BUILDING CONSENT FOR A RAISED PATIO TO THE REAR OF 10 WAGONERS CLOSE, SHERBURN

This letter forms part of a retrospective planning application and listed building consent relating to a raised patio to the rear of 10 Wagoners Close, Sherburn. This covering letter will give an overview of the site context, the development proposals and an assessment of why the development is considered to be acceptable. This application has been submitted following complaints by the neighbouring property, and seeks to regularise the works.

This letter should be read in conjunction with the following:

- Location Plan; and
- Site Plan.

Site Context & Development Proposals

The application site relates 10 Wagoners Close, Sherburn. The property is a previously approved barn conversion (LPA Ref: 16/01365/FUL & 16/01769/LBC), which is located to the rear of the former Blue Chip Public House, which itself has been converted to residential dwellings (LPA Ref: 07/00735/FUL). The Blue Chip is also known as The Pigeon Pie and is a Grade II Listed Building. The previous applications on site indicate that the barn is considered to be curtilage listed.

The application property includes a small courtyard garden to the rear (east), and the approved plans for the barn conversion

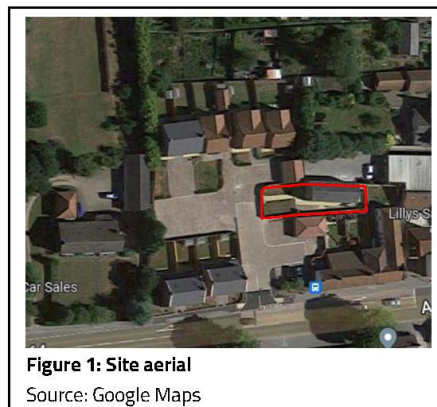


Figure 1: Site aerial
Source: Google Maps

Gateway House, 55 Coniscliffe Road, Darlington, Co. Durham, DL3 7EH



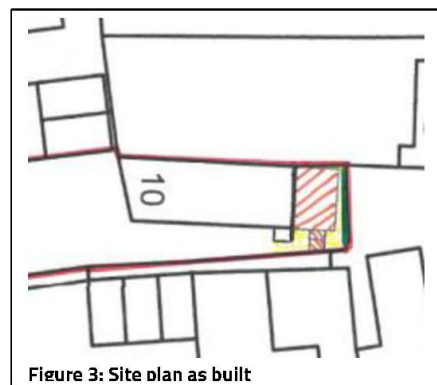
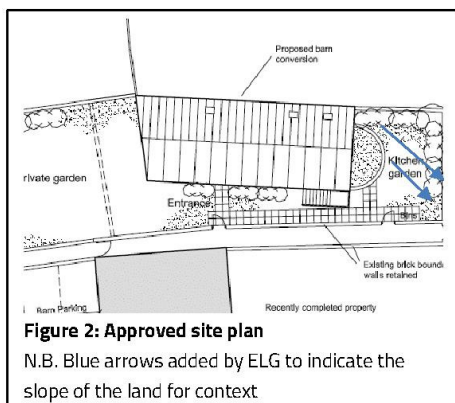
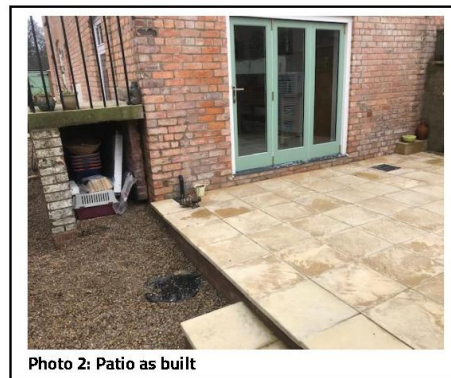
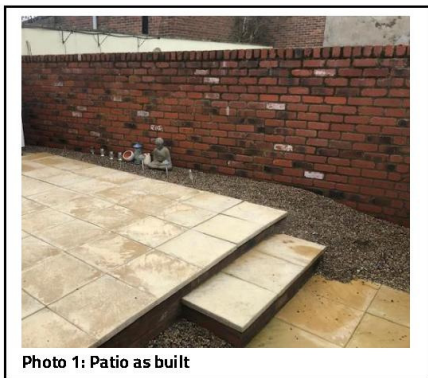
England & Lyle Ltd trading as: ELG Planning

www.elgplanning.co.uk

VAT Registration No: 660033965
Registered in England No: 3409505
Registered Address: Gateway House (as above)

included a semi-circle of paving directly outside the rear doors, which would have been at the same level as the internal finished floor of the barn, before stepping down to the access gate on the southern site boundary, along with a gravelled area sloping down to the eastern site boundary which includes soft landscaping, as indicated by Figure 2, however no definitive levels for the garden were approved. In reality and for practicality, an enlarged square patio area has been created, which creates a level plateau for the courtyard, in line with the finished floor level of the property, raising the levels of the south-eastern part of the rear garden by around 35cm, whereas the levels towards north-eastern corner of the garden have not changed. The height of the boundary wall also remains the same.

The application property also benefits from an additional (and larger) private garden to the west of the property. The nearest residential is 3 Old Pidgeon Pie Court, which is located to the immediate southeast of the application property, with around 8.5m separating the rear boundaries of the properties.





Planning Policy

The adopted Development Plan in force for the area comprises of the Ryedale Plan – Local Plan Strategy (adopted 2013), Local Plan Sites Document and associated policies map (adopted 2019) and the Regional Spatial Strategy (saved policy relating to York Green Belt).

The application site is located within the development limits. The following local plan policies are deemed relevant to the proposals:

- Policy SP12 – Heritage;
- Policy SP16– Design; and
- Policy SP20 – Generic Development Management Issues.

The NPPF also forms a material consideration.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied.

The guidance confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and there are three dimensions to this: economic, social and environmental. Part 2 of the NPPF confirms that at the heart of the Framework is a presumption in favour of sustainable development, which for decision-taking means approving those development proposals that accord with an up-to-date development plan without delay.

Planning Assessment

The development proposals must now be assessed against the relevant planning policies of the adopted development plan, as indicated above, along with other material considerations, such as the National Planning Policy Framework (NPPF).

Principle of Development

The application relates to the extension of domestic patio within the curtilage of a domestic dwelling, as such the principle of development is considered acceptable.

Residential Amenity

Local Plan Policy SP20 states that *'new development will not have 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 by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.'*

The garden area relates to an existing dwelling, for which the approved plans show a semi-circle of patio area, which projects 2m from the rear elevation, and at the same level as the finished floor level of the property. However the raised patio, as constructed, has been extended away from the property by an additional 2m and squared off to make a more functional space, and whilst the patio is larger than approved, it does not exceed the height of the land prior to the development or than previously approved.

The existing relationship between the application property and the nearest neighbouring residential dwelling (3 Old Pigeon Pie Court) is already compromised, with around an 8.5m separation distance between ground floor windows, and 10m between bedroom windows to the first floor, as demonstrated by Figure 4 below. This falls well below the typical separation distances expected between residential properties, which is typically around 21m. As such, a degree of overlooking would have already existed between the two properties, without the introduction of the additional patio, which was considered acceptable as part of the approval for the barn. It is therefore considered that the additional raised patio will not perpetuate the situation further, as a greater degree of overlooking from between windows would have already existed, in particularly the upper storey.

Furthermore, the application property also benefits from a larger garden area to west of the dwelling, which would benefit from greater sunlight, and as such is more likely to be utilised.

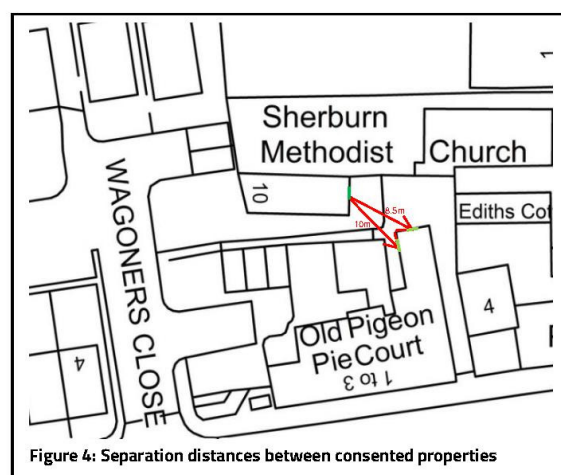


Figure 4: Separation distances between consented properties

It is noted that the neighbours concern relates to a loss of privacy, and so the applicant would be willing to install some trellis along the eastern boundary wall, along with the introduction of some 'climber' plants, which would reduce the opportunities for overlooking between the properties whilst still allowing natural light to penetrate through and would not appear overly dominant. The boundary wall is currently 1.5m in height, and through the introduction of the trellising, this would increase to around 1.8m, which is standard height for boundary fencing. This is also considered to be an improvement in amenity terms over the approved situation, and its introduction could be controlled via a suitably worded planning condition.



As such, it is considered that it is considered that the raised patio would not lead to a material adverse impact on the amenity of present or future occupants, given that a reduction in privacy would have already existed. As such, the proposals would accord with Local Plan Policy SP20.

Heritage Impacts

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires, in considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The application site sits to the rear of a Grade II Listed Building, which was formerly used the Pigeon Pie Public House, which has been converted to form three dwellings. The application property has previously been considered to be curtilage listed with this.

The extension of the raised patio area is not considered to impact on the setting of the listed building, given that both the listed building and application property have previously been consented for conversion to dwellings. A degree of domestic paraphernalia would be expected with the curtilage and the materials used are in line with the approved consent. Furthermore, the proposed introduction of trellising to the eastern boundary wall would not lead to harm to the listed building.

Conclusion

Having examined the policy context, it is clear the development proposals will accord with all of the relevant development plan policies, and there are no material considerations that indicate planning permission should be restricted.



We trust this information is of assistance and allows you to determine the current application. Should you have any queries in the meantime please do not hesitate to get in touch.

Yours sincerely

Louise Wood
Planner