

Parish: Topcliffe
Ward: Sowerby and Topcliffe
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Committee date: 28 June 2018
Officer dealing: Helen Conti
Target date: 25 September 2017

17/01321/FUL

Demolition of garages and construction of four bedroom dwelling

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17/01320/LBC

Listed building consent for the demolition of garages

At Walkers Ground, Church Street, Topcliffe
For Ms Jacqui Collyns

These applications are referred to Planning Committee at the request of a member of the Council

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Walkers Ground is a Grade II listed building located on the east side of Church Street. The two garages in question are located to the south, within the curtilage of Walkers Ground, on a marginally sloping site, descending to the south, and are detached from the main dwelling. There is an area of hardstanding to the front of the garages.
- 1.2 The application site is located within the Topcliffe Conservation Area. St Columbia's Church, a Grade II* Listed Building is located on the opposite side of Church Street, to the south west of the application site. To the south of the site is a modern bungalow dating from the 1970s. On the other side of the road is a small terrace of 19th century cottages.
- 1.3 Church Street is one of the three main streets of Topcliffe and is dominated by the Church of St Columba, a significant landmark which is set above street level. The street is narrow with buildings located close to the street edge with cobbled frontages.
- 1.4 The application to construct a four bedroom dwelling is a resubmission of plans that were previously approved in 2013 (12/01093/FUL). The house would stand on the southern boundary of the site, abutting the public right of way linking Church Street with Front Street. The dwelling is orientated to front on to Church Street. The main portion would be two storeys in height with a bay window and accommodation in the roof space and there would be a single storey projection to the east. Materials would comprise red multi brick and stone headers and sills, with a clay pantile roof and timber windows and doors. These details are the same as previously approved but the proposed front garden is reduced in size because the extent of highway land is greater than previously understood.
- 1.5 Access to the dwelling would be from Church Street and the scheme would provide on-site parking for two vehicles. The agent has submitted a technical note regarding parking, which has been assessed by the Highway Authority and will be discussed below.

1.6 The minimum separation distance from the main part of the proposed dwelling to the rear boundary of the site would be approximately 9m. The minimum separation distance from the front elevation to the front of properties on the opposite side of Church Street would be approximately 16m.

1.7 The scheme also includes the construction of a low brick wall with railings above to enclose the front garden.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 10/02747/LBC - Application for listed building consent for demolition of domestic garages; Withdrawn 28 February 2011.

2.2 10/02748/FUL - Demolition of domestic garages and construction of a dwelling; Withdrawn 28 February 2011.

2.3 12/00084/FUL - Revised application for demolition of domestic garages and construction of a dwelling; Withdrawn 24 February 2012.

2.4 12/00085/LBC - Revised application for listed building consent for demolition of domestic garages; Withdrawn 24 February 2012.

2.5 12/01093/FUL - Revised application for demolition of domestic garages and construction of a dwelling; Granted 16 January 2013.

2.6 12/01094/LBC - Revised application for listed building consent for demolition of domestic garages; Granted 16 January 2013.

2.7 17/00253/FUL - Alterations to two domestic garages to conceal roller shutter boxes; Refused 24 March 2017, Appeal dismissed 16 October 2017.

2.8 16/00058/CAT3 – Enforcement Notice requiring removal of the external roller shutter boxes – Date for compliance: 14 September 2018.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP8 - Development Limits

Development Policies DP10 - Form and character of settlements

Development Policies DP28 - Conservation

Development Policies DP32 - General design

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – No comments received.

4.2 Highway Authority – Recommends refusal of permission on the ground that the development would remove garages and parking areas for the existing property of

Walkers Ground, displacing parking onto the public highway to the detriment of the free flow of traffic and road safety.

Inspections of the site and surroundings indicate there is limited space to accommodate the displaced parking and vehicles were observed parked on the section of footway adjacent to the Church, which reduced the width of the carriageway where it is at its narrowest.

The Authority advises that it raised no objection to the previous application for a new dwelling on the site in 2012 (12/01093/FUL) because at that time its parking policy was based on maximum levels of parking provision. The authority changed its policy in 2015 and it now applies minimum parking standards in residential developments.

The Authority has considered the technical note produced by the agent but does not consider the approved conversion of the Methodist Church into three apartments (17/00578/FUL) to be comparable to this proposal.

- 4.3 RAF Linton on Ouse – No safeguarding concerns
- 4.4 Council For British Archaeology – No comments received.
- 4.5 Public comments – One objection has been received in relation to 17/01320/LBC, although relevant to 17/01321/FUL, that the upper floor windows to the rear of the property would give rise to overlooking and loss of privacy.

5.0 OBSERVATIONS

- 5.1 The proposed dwelling is within the Development Limits of Topcliffe, which is a Service Village within the Council's Settlement Hierarchy and is therefore considered to be a sustainable location. As such the principle of the proposed dwelling is considered acceptable.
- 5.2 The main issues to consider are therefore the impact of the proposal on: (i) the character and form of the village; (ii) heritage assets; (iii) residential amenity; and (iv) highway safety.

Character and form of the village

- 5.3 Church Street is characterised by terraced dwellings located close to the street edge. It is considered the design of proposed dwelling would blend well with other buildings within the street and be in keeping with the existing form of development. As such it is considered to be in accordance with Development Policy DP32, General Design.

Heritage assets

- 5.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Topcliffe Conservation Area.
- 5.6 On assessment of the application it is considered the design of the dwelling would contribute positively to the character and appearance of the Conservation Area and preserve the setting of the Listed Building which it adjoins. It is considered the design, scale and materials are acceptable and as such the scheme meets the

criteria of policies DP28 and DP32 of the LDF. The garages to be demolished are modern in character and appearance and include unauthorised roller shutter boxes to the front which have a detrimental impact on visual amenity of the locality. It is considered that their replacement with an appropriately designed dwelling would enhance the Topcliffe Conservation Area and the setting of the adjacent listed buildings of St Columbia's Church and Walkers Ground and those nearby, including The Old School, The Mount and the listed properties on Front Street, The Old Post Office and Duart.

- 5.7 The garages proposed for demolition are relatively modern structures and are not of architectural significance. The method of the joining of the proposed dwelling onto the southern gable of Walkers Ground would need to be clarified via planning condition to ensure that there is no detrimental impact on this historical asset. Taking this into account, and subject to the relevant condition if permission is granted, it is considered that the scheme has clearly been designed to safeguard the setting of the adjoining Listed Building.

Residential amenity

- 5.8 The plot dimensions, the positioning of the dwelling, the context of the existing built form in the locality and the overall design of the scheme have been reviewed in assessing the impact of the scheme on neighbour amenity. There is a high degree of mutual overlooking of property between the rear of dwellings on Church Street and those on Front Street, although none is considered to arise from the garages.
- 5.9 Concern has been expressed about the impact on privacy from the upper storey rear windows of the proposed dwelling. There would be a distance of approximately 31m between the first floor windows on the proposed dwelling and the first floor windows of 41 and 42 Front Street to the east. In view of this substantial separation distance it is considered that the scheme would not have a harmful impact on neighbour amenity and consequently accords with policy DP1 of the LDF.

Highway safety

- 5.10 Consultation with the Highway Authority raised a question regarding the extent of highway land to the front of the property. As such the depth of the front garden has been reduced and this has reduced the length of the proposed driveway and car port area by 0.8m, to 9m long. The Highway Authority has not objected to this reduction.
- 5.11 The application site currently provides off-road parking for the adjacent house of Walkers Ground, the host property. The redevelopment of the site for a new dwelling would remove this off street parking and only provide for the new dwelling. The Highway Authority recommends the application is refused because of the impact the loss of off-road parking for Walkers Ground would have on the free flow of traffic and road safety.
- 5.12 This differs from the Authority's advice on the previous application for a dwelling on this site, which was made at a time when the Authority operated maximum parking standards for dwellings. Previously the land was not shown to form part of the curtilage of Walkers Ground, the application did not reveal that the land within the application site served in part as parking for Walkers Ground. The Authority changed its policy to require minimum levels of off-road parking provision for dwellings in 2015.
- 5.13 The agent for the applicant submitted a parking technical note to address the Highway Authority's objection. This made reference to the Authority's decision not to object to the conversion of the nearby Methodist Church to three apartments with no off-road parking (application 17/00578/FUL). However, the Highway Authority

advises that the Methodist Church generated vehicular movements when in use and that the building could be used for a number of purposes also generating parking without the need for planning permission. The resolution to approve the conversion was subject to the provision of waiting restrictions to control on-street parking by means of a Traffic Regulation Order (TRO). However, as the TRO has not been advanced to date, the permission has not been issued. In contrast, this application is for new build and would remove existing off-street parking, and therefore is not comparable.

The planning balance

- 5.14 Consideration has been given to the benefits of providing an additional dwelling, which has previously been granted planning permission in 2012. This is weighed against the harm to highway safety from increased on-street parking to the detriment of the free flow of traffic and road safety. The recommendation of refusal from the Highway Authority due to highway safety issues is considered to outweigh the benefit of new housing in this case.
- 5.15 The removal of the garages would not remove opportunities for off-road parking and would not harm the setting of Walkers Ground. As such, there is no reason to withhold listed building consent for their demolition.

6.0 RECOMMENDATION

17/01321/FUL

- 6.1 That subject to any outstanding consultations the Planning application is **REFUSED** for the following reason:
1. The proposed development would remove all on-site parking spaces for the existing property known as Walkers Ground which would result in vehicles being parked outside the site on the highway to the detriment of the free flow of traffic and road safety. As such, the proposal fails to accord with the requirements of Development Policy DP3, Site Accessibility, requiring minimum levels of car parking, commensurate with road safety.

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- 6.2 That subject to any outstanding consultations the Listed Building Consent application is **GRANTED** subject to the conditions set out below:
1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 18 May 2012 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, CP17, DP28 and DP32.