

4

15/01821/FUL

Retrospective application for the alterations to dwelling, dormer extension, replacement windows, installation of conservation area roof lights and works to chimneys to form 2 no. self contained flats.

**at Kirkstone Chapel Street Easingwold North Yorkshire
for James Inman Joinery And Building Contractor.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The property is a two-storey end of terrace dwelling that is located on the eastern side of Chapel Street. Footway access to the site at the front is taken directly from the street, or to the rear via a shared access with the adjacent property at Cobblers Mews through an access to the east of Kirkstone.

1.2 This application seeks retrospective planning consent for alterations and extensions to the property to convert it from a single dwelling house into two self-contained flats.

1.3 Planning permission has been refused twice on the site for similar proposals for the conversion and alteration of the existing dwelling into 2 flats, in May 2014 and in April 2015.

1.4 The external works to the property have already been implemented and include the replacement of a conservatory with a single storey rear extension, the creation of a single storey link to an outbuilding, the installation of a flat roofed box dormer window to the rear roof plane, two chimney stacks to the rear have been removed one from the main ridge line and one from a rear single storey projection. The application seeks to regularise these works the main difference being that the chimney stack on the main ridge line would be reinstated.

1.5 There is no vehicle parking associated with the application site and none is proposed. No bin storage is shown and the agent has been invited to explain what arrangements are proposed for both the ground floor and first/second floor flats.

1.6 The site is located within the Easingwold Conservation Area

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/97/041/0713 - Extension to existing dwelling. Permission granted 1997.

2.2 13/02086/FUL - Alterations and extensions to existing dwelling to form 2 flats. Permission refused May 2014 for the following reasons:

1. The scheme is contrary to policy DP28 of the Hambleton Local Development Framework and Part 12 of the National Planning Policy Framework in that the design, scale and materials of the rear dormer window and the principle of the removal of the chimney stacks to the dwelling harmfully erodes the character and appearance of the Easingwold Conservation Area and fails to sustain and enhance the Easingwold Conservation Area.

2. The scheme fails to provide a mechanism to secure a contribution to achieve the standards set out for open space, sport and recreation in Local Development Framework Policies CP19 and DP37.

2.3 15/00414/FUL - Retrospective application to turn dwelling into two self-contained flats; Refused April 2015 for the following reason:

1. The scheme is contrary to Policies CP16 and DP28 of the Hambleton Local Development Framework and Part 12 of the National Planning Policy Framework in that the design, scale and materials of the rear dormer window and the removal of the chimney stack on the rear projection to the dwelling harmfully erodes the character and appearance of the Easingwold Conservation Area and fails to sustain and enhance the Easingwold Conservation Area.

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

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
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP37 - Open space, sport and recreation

4.0 CONSULTATIONS

4.1 Easingwold Town Council – Wish to see the application refused. The chimney should be re-instated and access to the properties inspected. We wish to ensure that building regulations have been met to a satisfactory standard including fire regulations. The dormer window is out of keeping with the rest of the building. Alterations were carried out in contravention of the wishes of Easingwold Town Council.

4.2 NYCC Highways - no objections.

4.3 Environmental Health – no objections.

4.4 Site notice/local residents - 3 objections received:

- Inadequate parking for vehicles of the property, causing highway safety problems;
- Works have started with no planning permission;
- Loss of a family house which is now split into two flats;
- There are too many flats in Easingwold;
- Refuse collection will be difficult and disruptive to neighbours;
- The dormer window is large and obtrusive and out of character with the area;
- The dormer window causes water damage to adjacent properties;
- The scheme could damage the water supply pipe to the properties;
- A route through the adjacent garden would be established with adverse impacts on amenity;
- No consent was given for removal of the chimney;
- Removal of chimney out of character with the area;
- Other dwellings approved in the area will exacerbate traffic and parking problems.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the provision of the flats in this location, the potential impact on the character and appearance of the Conservation Area and street scene, impact on neighbour amenity, highway safety issues, The recently issued Ministerial Statement outlines that intentional unauthorised development is a material consideration.

5.2 Concerns have been raised that there is no need for flats and that the proposal would result in the loss of a family house. In terms of policy principle, the site is within the Development Limits of Easingwold which is classed as a sustainable settlement under Policy CP4 with good access to shops and facilities and therefore in principle the sub-division of the existing dwelling is acceptable. It is noted that the Planning Authority has no policy resisting the loss of family homes and a reason for refusal on this basis would be difficult to justify.

5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. The NPPF is clear that in determining planning applications local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

5.4 The site lies in the Easingwold Conservation Area. The external works to the property have already been implemented and include the installation of flat roofed box dormer window to the rear roof plane and the removal of two chimney stacks (one from the main ridge line and one at lower level). The application now seeks to retain the rear dormer, to reinstate the chimney stack on the main ridge line at the end of the terrace and to formalise the removal of the lower chimney stack.

5.5 The reintroduction of the chimney stack to the main ridge line is to be welcomed, as the stack was a very visible, positive feature, contributing to the character and appearance of the wider Conservation Area and its removal has harmed the appearance of the Conservation Area. However detail of the replacement stack would need to be agreed as it should match the appearance of the existing taller stacks and include at least two tall Chimney pots. This could be secured via condition. The removal of the lower chimney stack to the lower roof at the rear of the property has limited significance, the adjoining rear extension does not have a stack at this lower level and due to its location the stack would not have been widely visible within the Conservation Area. Taking this into account its removal is considered to be acceptable as the appearance of the Conservation Area would be preserved.

5.6 The large modern flat roofed box dormer however, dominates the rear roof slope of the dwelling and introduces a non-traditional design. It is recognised that this is a finely balanced case as it is acknowledged that views from public viewpoints on Chapel Street are limited, but the dormer window is visible from public view at a number of points on adjacent land to the rear. The scale and appearance of the dormer is unsympathetic to the Conservation Area and would harm the character and appearance of the Conservation Area which is contrary to both local and national policies and to the provisions of the 1990 Act. Moreover, it is considered that The approval of the dormer window as built would make it difficult for the Planning Authority to resist applications for the same style of dormer window to the rear of the adjacent properties to the north and south difficult to and would result in unacceptable harm to the Conservation Area as the character and appearance of the Conservation Area would not be preserved.

5.7 Intentional unauthorised development is a material consideration and it is noted that sub division could have taken place in an amended scheme with more sympathetic style dormer window(s) to the rear, although the applicants do not wish to change their scheme.

5.8 The proposed single storey extension to the side of the property is minimal in its extent and due to its scale and design it would not raise any neighbour or visual amenity issues.

5.9 The rear access, which crosses the neighbouring property at the rear, would be the only access to serve the ground floor flat. The use of the access is likely to be more frequent than the existing use, where the existing dwelling has the option of either a front or rear access but the proposed route would not be altered. Although concern has been raised by the neighbour, it is not considered that the additional activity (including refuse storage) would be significantly detrimental to residential amenity so as to warrant refusal of the scheme on this basis. No location for the storage of wheelie bins is shown for either flat. The agent has been invited to indicate how bin storage would be provided.

5.10 It is acknowledged that the site has no existing associated parking but is close to Easingwold centre where on-street parking provision is readily available. The proposed development would not have a harmful impact on highway safety. The lack of dedicated parking either on site or nearby would be evident to future occupiers. Whilst the amenity of the flats would be poorer without parking facilities the provision of parking is not a requirement of the Council's LDF policies relating to amenity.

5.11 Apartments are exempt from CIL so the development would not be required to make payments.

5.12 Other issues raised by neighbours, including water damage and possible damage to the water supply are not issues than can be considered within the scope of this application.

5.13 The acceptability of the principle of the sub-division of the existing dwelling is not sufficient to outweigh the fact that the unauthorised and unsympathetic dormer window has a harmful impact on the character and appearance of the Easingwold Conservation Area, this is contrary to the provisions of the Act, the NPPF and local policy. The lack of any identified bin storage facilities would result in residential property that has either a poor level of amenity or bin storage taking place elsewhere around the site with possible detriment to the amenity of neighbours and harm to the street scene. Moreover changes could have been implemented without the harmful modern dormer window and intentional unauthorised development is now a material planning consideration.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The scheme is contrary to Policies CP16 and DP28 of the Hambleton Local Development Framework; Part 12 of the National Planning Policy Framework and to the 1990 Planning (Listed Buildings and Conservation Areas) Act in that the design, scale and materials of the rear dormer window harmfully erodes the character and appearance of the Easingwold Conservation Area and fails to preserve and enhance the Easingwold Conservation Area.

2. In the absence of details of bin storage arrangements it is considered that the development will give rise to a poor level of residential amenity to occupiers of the proposed flats and neighbours and with the potential to harm the character and appearance of the Easingwold Conservation Area if bins

are left in the street scene contrary to the Local Development Framework Policies CP1, DP1, CP16 and DP28.