

**16/02086/FUL**

**Demolition of domestic garage and construction of two, four-bedroom, two-storey with attic room terraced houses to include parking, landscaping & means of enclosure  
At 3 Belgrave Terrace, Mowbray Place, Sowerby  
For Mr and Mrs Menzer**

**1.0 APPLICATION SITE AND PROPOSAL**

- 1.1 The application site is located on the eastern end of Belgrave Terrace on the corner with Sowerby Road. To the North is Sowerby Terrace to the South is Mowbray Terrace. The area is characterised by Victorian terraced properties. Belgrave Terrace consists of 13 properties (numbers 3-15). The northern elevation faces an open garden area with a path running between Belgrave and Sowerby Terrace. The boundary to Sowerby Road is a brick wall.
- 1.2 The northern elevation of the Terrace has a uniform characteristic with bay windows and front doors forming the public frontage whilst the southern elevation comprises rear wings with yards. These yards have a variety of approaches to the use including filling in of the yard with single storey extensions, enclosed garden space and open parking areas.
- 1.3 Number 3, the application site, has a modern double garage to the side and includes a parking area and drive to the side. The house is two storeys with further accommodation in the roof space.
- 1.4 The application proposes to demolish the double garage and replace this with two, four-bedroom units with associated car parking and garden space. The proposal would include a centralised rear wing to serve the two properties. A total of four car parking spaces would be provided as part of the development, one each for the new dwellings and two replacement spaces for number 3.
- 1.5 The application is supported by a Design and Access which states that:
  - The strong building lines are an important feature of the built environment that should not be compromised. Opportunities for development exist within the existing built form through gaps in terraces where original developments were never fully completed.
  - The good example of Victorian domestic development along the rear of Belgrave Terrace is a particular feature of the locality and particularly the setting of the private road. This example forms a solid precedent when considering future development.
  - Construction and architectural detailing in the locality tends to be uniform and traditional and provides direction with regard to new design and choice of materials.
  - Car parking is generally on street which is less than ideal. Opportunities exist through design to allow for off street parking to avoid an over burdening the pre-existing parking arrangements.
  - The application site is located within the Thirsk & Sowerby Conservation Area, the Thirsk and Sowerby Article 4 Direction and the Sowerby Town End Article 4(1) Direction which removes permitted development rights for extensions and alterations to dwelling houses. The Terraces in the area including Belgrave Terrace are designated buildings of local interest in the Thirsk and Sowerby Conservation Area Appraisal.

- 1 & 2 Belgrave Terrace were never constructed for reasons we will never really know, however it is suspected that it was circumstance of finance. There is evidence through the chimney stack and boundary markers or the intention to continue the terrace and there is space available on the application site to complete it. The deeds for 3 Belgrave Terrace illustrate the complete terrace including numbers 1 & 2.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 11/01992/FUL - Reinstatement of windows, replacement of guttering and pipework and works to garage roof; Granted 21 October 2011.
- 2.2 14/00344/FUL - Construction of boundary fence; Granted 14 April 2014.
- 2.3 15/01997/FUL - Revised application for two replacement windows to rear of property; Granted 21 October 2015.
- 2.4 16/00909/FUL - Demolition of garage; alterations and extension to dwelling and construction of two terraced houses to include parking and landscaping; Withdrawn 26 May 2016.

## **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  
 Core Strategy Policy CP21 - Safe response to natural and other forces  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP3 - Site accessibility  
 Development Policies DP4 - Access for all  
 Development Policies DP8 - Development Limits  
 Development Policies DP10 - Form and character of settlements  
 Development Policies DP28 - Conservation  
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
 Development Policies DP32 - General design  
 Development Policies DP33 - Landscaping  
 Development Policies DP43 - Flooding and floodplains  
 National Planning Policy Framework - published 27 March 2012  
 Thirsk and Sowerby Conservation Area Appraisal Supplementary Planning Document

## **4.0 CONSULTATIONS**

- 4.1 Parish Council – Wish to see approved.
- 4.2 Highway Authority – No objection subject to conditions
- 4.3 Environmental Health (Contaminated Land) - No objection.
- 4.4 Yorkshire Water – No comments received.

4.5 Public comment - representations have been received from 14 local residents. 13 letters of objection have been received. The issues raised are:

- The proposal will harm the character of the Conservation Area and the Terrace;
- It is contrary to the Conservation Area Appraisal;
- It would make the Conservation Area pointless;
- It would set a precedent for more development and infilling of gaps in terraces;
- No housing need – Sowerby Gateway will provide a large amount of new housing;
- Loss of uniformity of the terrace;
- The development would not be in keeping;
- The boundary treatment would be inappropriate;
- Harmful impact on amenity through loss of light;
- Loss of view;
- Parking problems on the Terrace would be exacerbated;
- The development would adversely affect highway safety on Topcliffe Road or Sowerby Road;
- Concerns about blocking of road; and
- Concerns about pedestrian safety.

4.6 One letter of support has been received from a local resident, commenting that:

- It will be good to see the terrace completed as originally intended;
- With time the proposal would blend with the rest of the row;
- Each of the new houses will have parking which is more can be said for the majority of the current properties;
- The extensions to the rear are double height but there are already two properties on the row which have this feature;
- Pedestrian safety should be no more of an issue than existing and the additional risk posed by the new properties is at worst marginal; and
- Housing shortages makes sense to build as many new properties as possible.

## 5.0 OBSERVATIONS

5.1 The key determining issues are (i) the principle of development; and its likely impact on (ii) the character and appearance of the Conservation Area; (iii) residential amenity; and (iv) highway issues.

### Principle

5.2 The application site is located within the Development Limits and is in close proximity to Thirsk town centre and the shops, services and facilities that are present, and is therefore an accessible location. The proposal is therefore for a sustainable form of development. In this respect whilst the delivery of housing at Sowerby Gateway is noted, there would be no reason, in principle, as to why housing should be resisted, subject to the development being appropriate in detail.

### Character and appearance of the Conservation Area

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 paragraphs 133 and 134 reflects this and requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

- 5.4 The Conservation Area Appraisal (CAA) highlights at 3.1.11 that the latest phase of development in the Conservation Area is the Sowerby Town End development mentioned above. These Victorian terraces and villas date from prior to 1856 (Sowerby Terrace, Sowerby Grove, Mowbray Terrace and Mowbray Place) through to approximately 1870, with Belgrave Terrace being constructed by 1871.
- 5.5 At 5.2.53, of the CAA, Mowbray Place has no street to the front elevation and the buildings are detailed in a similar manner to those on South Crescent with sandstone banding to denote sill levels and emphasise the linear character of the street. Belgrave Terrace is again similar and the back lane between these buildings provides one of the best examples of Victorian domestic development in the Conservation Area. The scale of individual elements of the buildings including the unbroken sequence of gabled outbuildings and the detailing and range of materials used all contribute to creating this distinctive character.
- 5.6 At Belgrave Terrace and Sowerby Terrace the form adopted for the boundaries restricts public access but leaves the frontage of the houses relatively open creating shared private enclaves for the residents (4.4.2 of the CAA).
- 5.7 The Conservation Area Appraisal's designation of Belgrave Terrace as buildings of local interest means it should be considered a Non-Designated Heritage Asset.
- 5.8 The existing garage building detracts from the character of the Conservation Area and therefore its replacement with a more sensitive form of development could enhance the appearance of the Conservation Area. There is evidence, as submitted and on the end of the existing property, to suggest that the Terrace is unfinished. The proposal could present an opportunity to achieve a more attractive and stronger built form to Belgrave Terrace and echo the side elevation of other properties which end Mowbray and Belgrave Terrace.
- 5.9 The proposed northern elevation would incorporate the same external designs and features (e.g. stone coping, chimney, first floor windows and ground floor bay windows) as the existing terrace and would echo the design ethos. The only alteration to the general uniformity would be that the proposal would hand the entrance and bay window to the property nearest Sowerby Road. The difference in the end property would form a natural end point to the Terrace. Whilst number 15 (at the western end) does follow the uniform nature of the Terrace the provision of a central door in itself would not present significant harm. The proposed treatment of the northern elevation is therefore considered to be acceptable.
- 5.10 The southern elevation would incorporate a rear wing which would be central to the two new properties, with parking on either side of it. As stated above there are a number of different treatments across the terrace and as such the uniform nature of the northern elevation cannot be replicated. The wing would present a visual gap to Sowerby Road and would copy elements of 20 Mowbray Terrace. The proposal would echo the elements and design ethos of the Terrace and at least maintain (or even enhance) the character of the Conservation Area.
- 5.11 The proposed introduction of a trellis fencing of 1.2m and 2m in height into the northern garden would be out of keeping with the character of the area. This element of the proposal would therefore be unacceptable but this does not mean that the proposal as a whole should fail. This matter could be controlled by condition and as the proposal lie within an Article 4 area would be further controlled as Permitted Development Rights are removed under this legislation.
- 5.12 Overall, the two new properties would echo the design ethos of the Terrace and would maintain the character of the Conservation Area including the retention of the

1.8m high brick boundary wall to Sowerby Road. The comments and detailed representations of all residents have been carefully considered, however it is considered that the proposal is acceptable and in accordance with the aims and objectives of policy.

#### Residential amenity

- 5.13 The proposal would echo existing building lines. The properties affected by the proposal are those opposite in Mowbray Terrace and on Sowerby Road. Properties have an existing relationship with properties closely related to each other and overlooking Mowbray Place. The change of circumstances arising from the new development and the impact on privacy and overlooking are carefully considered.
- 5.14 Having regard to the existing relationship between Belgrave and Mowbray Terraces and the separation to the properties on the opposite side of Sowerby Road, the proposal is considered acceptable and the relationship of the new properties would not result in a significant loss of amenity to the occupiers of neighbouring and nearby properties.

#### Highway issues

- 5.15 The concerns and comments of residents in the area are noted and carefully considered. The comments of the Highway Authority are also considered. Conditions requested by the Highway Authority are recommended.
- 5.16 The existing situation on the site and parking problems in the area are noted, however the existing situation on the site is that the proposal would be built on the existing drive and parking area but would create new parking for four parking spaces.
- 5.17 Taking account of the location and the good links to the town centre, shops, schools and other services, and noting that this level of parking would be higher than other properties on Belgrave Terrace. The level of parking is considered to be appropriate for the location and would not exacerbate parking issues on Belgrave Terrace and would not block existing parking provision or accesses. There is no evidence to suggest the development would cause harm to highway safety.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
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 drawing(s) numbered 3713-PD-00 Rev A, 3713-PD-01 Rev B, 3713-PD-02 Rev A, 3713-PD-03 Rev A, 3713-PD-04 Rev A, 3713-PD-05 Rev C, 3713-PD-06 Rev B, 3713-PD-00 Rev C, 3713-PD-08 Rev C and 3713-PD-09 Rev D received by Hambleton District Council on 19 September 2016.
  3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. Prior to the commencement of development details of surface and foul water drainage shall be submitted to and agreed in writing by the Local Planning Authority.
5. Notwithstanding the submitted information, no above ground construction work shall be undertaken until details of proposed boundary treatment have submitted to and have been approved in writing by the Local Planning Authority. Trellis fencing is not considered to be acceptable. The development shall be constructed of the approved details.
6. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees, hedges and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
8. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
10. The proposed garage and parking areas shall be laid out in a permeable material in accordance with plan reference 3713-PD-09 Rev D. Prior to the first occupation of the development, the parking areas shall be made available for the parking and manoeuvring of motor vehicles. The areas shall be retained for such purpose at all times thereafter.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of 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 CP17 and DP32.
3. 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 CP17 and DP32.
4. To ensure that the site is adequately drained and does not result in flooding elsewhere.
5. To ensure that the boundary treatment is appropriate to the context of Belgrave Terrace and in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16, CP17, DP28 and DP32.
6. To ensure that the landscape treatment is appropriate to the context of Belgrave Terrace and in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16, CP17, DP28, DP32 and DP33.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. In accordance with Policy CP2 and DP4 and in the interests of highway safety.
10. To ensure that there is adequate provision of parking and turning areas within the site.

#### Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste  
1 x 240 litre green wheeled bin for garden waste  
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and  
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at [www.hambleton.gov.uk](http://www.hambleton.gov.uk) or by telephoning 01609 779977.