

**Parish: Stokesley**

Ward: Stokesley

**10**

Committee Date : 21 October 2021

Officer dealing : Mrs A Sunley

Target Date: 27 September 2021

Date of extension of time (if agreed): 23 October 2021

**21/01901/FUL**

**Erection of two detached garages as amended on 19 August 2021.**

**At: Cringle Moor Thirsk Road Stokesley Middlesbrough**

**For: Mr & Mrs C Atha.**

**The application is brought to Planning Committee owing to the degree of objection to the proposals.**

1.0 Site Context and Proposal

1.1 The site is occupied by a large two storey dwelling and a range of associated outbuildings. The property sits in a very large plot within the Conservation Area of Stokesley, which is also covered by an Article 4 Direction.

1.2 Access to the property is via a driveway from Thirsk Road; a secondary access exits from West End, beneath and between existing terraced dwellings and through a large timber door within a brick archway.

1.3 Amended plans were received on 19 August 2021 to include the replacement of a wooden door to the rear elevation of the curtilage with a wrought iron gate.

1.4 Due to the orientation of the dwelling and the existing outbuildings the only location available for the proposed garages is to the front amenity area of the property. Had the site been considered to be the rear of the dwelling then the proposed garage development due to its size and form could have been constructed under permitted development rights.

2.0 Relevant Planning History

2.1 17/00360/FUL: Conversion of existing outbuildings to form 2 dwellings and an annexe in connection with existing main dwelling as amended by plan received by Hambleton District Council on 20 June 2017 - Permitted

2.2 19/01091/FUL: Construction of a detached dwellinghouse and garage - Refused

3.0 Relevant Planning Policies

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Development Policies DP1 - Protecting amenity

Development Policies DP32 - General design  
Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP28 - Conservation  
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009  
Hambleton Emerging Local Plan  
The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at <https://www.hambleton.gov.uk/homepage/60/new-local-plan-examination>.  
The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.  
National Planning Policy Framework

#### 4.0 Consultations

4.1 Stokesley Town Council - Response date 2 and 13 September 2021; Following receipt of the Heritage Statement Stokesley Town Council submitted an amended response. A summary of their objections are set out below.

- Whilst the house and outbuildings are in Flood Zone 1 the site of the proposed garages appear, subject to confirmation, to be in Flood Zone 3. The two blocks of garages and associated concrete aprons would provide a non-permeable area of approximately 180 m<sup>2</sup>, excluding the permeable hardstanding around both buildings. This raises two questions, would a single soakaway be a suitable drainage solution, and given the location in Flood Zone 3 is there not a requirement to provide a full Flood Risk Assessment?
- The extent of the permeable hard standing adjacent to Garage Block B should be clearly specified, the plan currently provided lacks the necessary detail.
- The Heritage Statement notes that the proposal has a minimum impact on the existing main house and outbuildings. Conversely, the proposal has arguably the maximum impact on the current open space at the southern end of the curtilage and on the neighbouring properties. The two buildings, for a total of 7 vehicles plus a workshop area, if approved, would become a dominant feature of the southern part of the curtilage of Cringle Moor.
- The proposed construction materials for the garages lack any empathy with the existing buildings on site, or with other structures within the Stokesley Conservation Area. This applies not only to the timber frame, timber cladding and the extensive use of steel sectional doors, but particularly to the use of profiled steel sheeting as the roofing material. In mitigation, the garages are not visible from the public domain, but they are visible from the neighbouring properties, e.g., on Malvern Drive and The Beeches, Edgar House and Beech House.
- If the application is approved, then the provision of a detailed tree retention plan and a new tree planting scheme are considered appropriate conditions.
- Turning to the additional proposal to replace the gate, Stokesley Town Council comments are as follows:

- Following the provision of the updated Heritage Statement, subject to the Conservation Officer considering the detailed design acceptable - no objection.
  - Any approval should be conditioned that the random cobbles in the area behind the existing gate, which have recently been at least partially lifted, are fully re-instated. This is considered necessary as the proposed new gates will open this area to public view. Reinstatement of the random cobbles will ensure that this important element of the heritage of this part of the site is retained.
- 4.2 Stokesley Conservation Group - Response date 24 August 2021; The group are still in favour to the above amendments to this proposal and therefore still advise approval to be granted
- 4.3 Highways - Response date 6 September 2021; There are no local highway authority objections to the proposals.
- 4.4 Neighbours - 10 responses received 30, 31 August and 1, 2, 8, 9 and 21 September 2021: a summary of the neighbours' objections to the proposal are below:
- The council allowed the established trees to be decimated with no allowance for the timing of the felling and the birds nesting and no consideration for the look of the area.
  - Loss of privacy and visual amenity
  - Increase flooding
  - Noise, disturbance, and air pollution
  - The development would neither "preserve nor enhance" the local appearance of the Conservation Area and the materials would not conform with all the other buildings in the area.
  - In the section re the open and transparent decision making the application form states that the applicant is related or otherwise connected to an authority member or employee but fails to state what that relation is. I think we should know this relationship.

(Officer Note: The applicant's agent erroneously completed this section as they are on the Parish Council in Potto.)

- Traffic generation in an already built-up area, increased lack of highway safety
- Over-development of the site involving considerable loss of garden.
- We have concern that the size of the development and the attached workshop may therefore have a commercial aspect- potentially including rental of garages and car repairs.
- I understand the decision will be a delegated decision by an Officer, will the discussions be recorded and published and can an allowed decision be appealed.
- The significant heritage feature loss of the timber gate archway on West End. The archway is mentioned in the Carrick conveyance dated 11th October 1867.

## 5.0 Analysis

- 5.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on:
- i) the significance of the Conservation Area; ii) whether the design and form of the proposed development would have a detrimental impact on the character and appearance of the dwelling and; iii) the residential amenities of nearby properties
- 5.2 S66 of the Planning (Listed Buildings and Conservation Areas) Act requires us 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. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework paragraphs 199 to 202 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset
- 5.3 Paragraph 195 of the Framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.4 Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.5 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 5.6 DP28 of the Hambleton Local Development Framework states that development within or affecting the feature or its setting should seek to preserve or enhance all aspects that contribute to its character and appearance.
- 5.7 There are two potential areas of conflict in terms of heritage matters, resulting from this application. The replacement of the large timber door to West End with wrought iron gates and the formation of the new garage buildings, leading to a loss of open garden within the Conservation Area.

- 5.8 The door is located within a brick archway to the rear elevation of the curtilage, this door is between terraced dwellings off West End within Stokesley Conservation Area and Article 4 Direction.
- 5.9 The proposal to replace the wooden door with a wrought Iron gate would be acceptable in principle. Wrought iron gates and railings are a typical characteristic feature within this part of the Conservation Area. The existing door is in a poor state of repair, so the proposal to replace this element to the rear of the curtilage with a wrought iron gate, would enhance the character and appearance of that area of the Conservation Area.
- 5.10 Concern has been expressed about the loss of the cobbles. Within the Heritage statement it states, it is the intention of the applicants to restore the cobbled floor of the passageway where it has been disturbed. This requirement could be included as a conditional requirement of any permission.
- 5.11 The applicant would also like to construct two timber framed garages with horizontal timber boarding and sectional steel roller shutter doors. The roofs would be profiled steel sheeting, the colour and profile would simulate clay pantiles. The garages location would effectively be to the front elevation of the dwelling, which has a very large amenity area. The garages would be well set back from the highway down a long drive, well-hidden from public view within the Conservation Area. The garages would be within the Conservation Area of Stokesley but outside the Article 4 Direction.
- 5.12 The proposed garages would be well hidden from the Conservation Area. Whilst the development results in a degree of openness within the conservation area this is considered to result in no harm to the significance of the Conservation Area. The proposed buildings are of a generally domestic scale and are not considered harmful in this case.
- 5.13 Hambleton District Council's guidance on Domestic Extensions in regard to garages, states; *Provision of an attached or detached garage within the domestic curtilage of a property must relate to the overall design of the dwelling in that its size should not dominate or discord with the existing building. Siting of a garage must maintain a sufficient level of on-site parking.*
- 5.14 Cringle Moor is a large dwelling within a significant plot, the new garages would be sited well away from the existing property. It is noted that these garages are of a significant size. However, taking into consideration the size of the dwelling and plot the proposed size of the garages is considered to be acceptable.
- 5.15 The plot is of a sufficient size to accommodate vehicles for the provision of off-street parking, thus ensuring the protection of highway safety and the visual amenity of the surrounding area.
- 5.16 Policy DP1 and Hambleton District Council's guide on Domestic Extensions states; all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight and development of either two or single storey in nature to the rear of properties will, where applicable, be

assessed on the 45° rule to establish the impact of the proposal on the amenities of neighbouring properties, an extension must not cause any significant loss of light to principal rooms in neighbouring properties, or significant overshadowing to neighbouring gardens.

- 5.17 The garages would be to the front elevation of the host dwelling near neighbouring property's rear boundaries. Taking into consideration the design, height and form of the garages, along with existing boundary screening, it is considered that the proposed impact of these structures would not be significant in terms of their outlook, overlooking, loss of privacy and impact on daylight. Under planning law, individuals do not have a right to a view as such.
- 5.18 Concern has been raised about noise, disturbance, and air pollution. The noise and disturbance would be short term whilst construction is being undertaken, the garages and workshop are for residential use only so the vehicle movements and any disturbance would be limited. A further application for planning permission would be necessary if the proposed buildings were used for any business purpose likely to cause nuisance. In their latest statement, the applicant's agent sets out that; *"The applicants, Mr & Mrs Atha, simply wish to provide secure garage space for their collection of classic cars which are currently housed in various garages around Stokesley. It is not a commercial operation and restoration work on these cars is carried out off-site in a specialist workshop. The "workshop" referred to in this plan is simply to house tools and equipment needed for routine maintenance, no different to an average garage. The locating of these cars at Cringle Moor will not result in more traffic on or off the property."*
- 5.19 Core policy CP17 and Development Policy DP32 state all developments must be of the highest quality design and they must take into account local character and settings.
- 5.20 The proposed garage extensions are in proportion to the size of the plot and the scale of the original dwelling; the proposed garages would be of an acceptable scale and sympathetically designed. The proposed development is considered to have no significant, detrimental impact on the character of the host building, no impact on the significance of the Conservation Area, or its setting. The Development is considered to accord with the requirements of Development Policy DP32.
- 5.21 It is noted in representations that the material proposed for the garages would not be the same as the existing dwelling, that being facing brick. However, it is considered that timber cladding is a sustainable and appropriate building material, which would weather in time, this material is relatively low key and would not dominate or detract from the host dwelling nor the character of the area.

#### Other matters

- 5.22 The Town Council and the neighbouring property's observations raised concern about tree loss. The trees concerned were not covered by a TPO but were protected by being within the Conservation Area. An application was

received by the Council for the removal of the trees. The Council at this point could either TPO the trees or offer no objections to their removal, which was the case on this occasion.

- 5.23 Owing to the residential nature of the proposals within an existing garden (and bearing in mind that this development could have been considered Permitted Development) there is no requirement for a formal Flood Risk Assessment. Matters pertaining to drainage are otherwise covered by the Building Regulations or would be a Civil matter. The applicant's agent states that; *"The "hardstanding" referred to on the plans will be constructed using permeable materials. Surface water from the garage roofs (140sqm) will be drained to soakaways. The number, capacity and position of these will be influenced by ground investigation carried out prior to the development to determine the ground water level and percolation of the sub soil and will be in accordance with Building Regulations."*

#### Planning Balance

- 5.24 It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the development proposal will lead to no harm to the significance of the designated heritage asset and there will be no demonstrable adverse impact on adjacent residential amenity or the wider character of the area.

#### 6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **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 drawings numbered: 2105/04, 08 and 09; received by Hambleton District Council on 2 and 19 August 2021; unless otherwise approved in writing by the Local Planning Authority
3. The development hereby approved shall not be formed of materials other than those detailed within the application form and information received by Hambleton District Council on 2 and 19 August 2021; unless otherwise agreed in writing by the Local Planning Authority.
4. The garages hereby approved shall be used solely for residential use and the housing of motor vehicles and notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning General Permitted Development Order 1995, or subsequent amending Order, no subsequent alteration shall be undertaken.

5. Prior to occupation of the development hereby approved, the cobbles at the West End entrance shall be re-instated in accordance with the applicant's heritage statement.

The reasons for the above conditions 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 CP1, DP1, CP17, DP32, CP16, DP28, NPPF - National Planning Policy Framework and DOMEX - Domestic Extensions SPD Dec 2009
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. The Local Planning Authority would wish to carefully examine any alternative use of the garage spaces to assess whether the development would be acceptable in terms of policy, access and amenity in accordance with policy.
5. In order to protect the character and appearance of the area and to comply with DP28 and DP32.