

Parish: Kirkby
Ward: Stokesley
6

Committee Date : 16th December 2021
Officer dealing : Mr Nathan Puckering
Target Date: 5th August 2021
Date of extension of time (if agreed): 20th December 2021

21/01350/FUL

Change of use of agricultural land to equestrian use. External and internal alterations to dwelling, to return it to habitable condition.

At: Ivy House Kirkby Lane Kirkby In Cleveland Middlesbrough
For: Mr And Mrs Asadi.

The application is brought to Planning Committee owing to the issues raised by the proposals.

1.0 Site, Context and Proposal

1.1 The site in this case is a grade II listed terraced cottage located in the northern part of Kirkby In Cleveland. Ivy House is listed along with the adjoining Lychgate as a single entity as together they were once a longhouse; but all other cottages in the row are also all listed in their own right. They are also all situated within the Kirkby Conservation Area which covers the historic part of the village which is effectively the northern-most section of the distinct crucifix shape that the settlement now comprises.

1.2 The row of cottages, Ivy House included, are an attractive row of understated sandstone-built cottages with timber framed windows and pantile roofs. To the rear of the dwelling there is a small lean-to element. The neighbouring dwelling has a relatively large two-storey gable end, brick built at first floor level. At first floor level there is a small window which appears to be part of Ivy House but due to the internal configuration of the building, this actually serves the adjoining Lychgate and forms a flying freehold over the application site. A small outbuilding is situated to the rear of Ivy House and there is a large stretch of agricultural land which extends some 225m south west of the dwelling beyond its domestic curtilage to the rear.

1.3 This application is seeking permission for an extension to the rear elevation of the building. This will comprise a lean-to element which will be larger than the existing and effectively replace this existing feature. There will then be a first floor extension above this. The ground floor will be stone built, with the first floor reclaimed brick - similar to the neighbouring dwelling. Three conservation rooflights will be inserted within the roof form of the main dwelling. The change of use of the aforementioned agricultural land to equestrian is also proposed but no buildings are proposed as part of this.

1.4 There are also several internal alterations which are proposed but are not relevant to this application for planning permission and are dealt with through the listed building consent application which has ran concurrently with this application - LPA ref: 21/01351/LBC. Amendments were secured to the proposal by way of changes to the fenestration and the removal of part of the proposal which included the demolition of the outbuilding to the rear.

2.0 Relevant Planning History

2.1 None relevant

3.0 Relevant Planning Policies

3.1 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.

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

Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

Development Policies DP1 - Protecting amenity

Development Policies DP28 - Conservation

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

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.

4.0 Consultations

4.1 Parish Council - object on the following grounds:

- all other extensions to the row of cottages have been required to keep to the original footprint of the building and this should be the same for Ivy House
- the proposal includes demolition of part of the listed building - namely the outbuilding - and this would be harmful to the historic interest
- the 'orchard' to the rear of the dwelling should not be allowed to change use to domestic
- the extension would cause loss of light to the window on the first floor belonging to Lychgate
- concern with the depth of the proposed extension
- concern with the use of the land now proposed to be equestrian and the ecological impact on habitats as well as the increased use of the access by larger vehicles resulting from the change of use

4.2 NYCC Highways - no objections.

4.3 Site Notice & Neighbour Notification - 8 letters of objection received which can be summarised as follows:

- the extension would block vehicular right of way access which exists for the dwellings along the row

- the listed building and shared spaces to the rear of the dwellings should be preserved as part of Conservation Area rules
- the access is not fit to serve an equestrian field
- all other extensions have had to stick to the original "footprint" - this should do the same
- the extension proposed represents over development and would be to the detriment of neighbours
- the extension is too large, out of character and visually intrusive
- the change of use aspect lacks detail and may lead to further development - stables, riding arenas etc
- concern with the use of aluminium window at first floor level - all windows should be like for like
- reference to an 'orchard' to the rear that is a historic asset and should not be lost
- the outbuilding is listed and part of the historic layout of the site and its removal would be harmful to the significance of the building and the conservation area
- the extension would lead to loss of light to the window on the first floor of Lychgate
- concerns about parking as this is already an issue at the front of the dwelling so there needs to be room made at the rear
- amended plans do not address neighbour's concerns
- the fact the owners overpaid for the property should not impact on planning decision

1 letter of support which can be summarised as follows:

- the proposal represents a young family wishing to move to the village and invest a significant amount into restoring a neglected dwelling
- the opportunity to restore the property should be welcomed
- the surrounding dwellings have had similar extensions and the site should have the same benefit
- the dwelling is perfectly suited for a paddock to allow horses to be managed from home and Kirkby is a rural village where rural activities should be enjoyed

Following the re-consult on the amended plans, one letter of objection was received at the time of the report being written. The points raised can be summarised as follows:

- the amended plans still fail to work with the original footprint which other extensions have been required to do
- the extension comes out too far and is out of proportion which will block light and views for both Lychgate and Wayside
- poor access for the proposed equestrian field and not enough space for parking
- ploughing the field which is of heritage value would be a shame

5.0 Analysis

- 5.1 The issues that must be assessed with regards to the extension are i) design; ii) the impact on the significance of the conservation area; iii) the impact on the setting of the adjacent listed buildings and; iv) the impact on neighbour amenity.

Design of the Extension

- 5.2 Policies CP17 and DP32 concern the design of development and dictate that all development must have a high quality design, which takes into account local character and context. Also, a material consideration in this instance is the Domestic Extensions SPD which outlines further guidance in terms of the design of extensions and states that such development must protect the character of the existing building by ensuring a subservient and suitably scaled extension.
- 5.3 The proposed extension in this case is typical of a domestic extension and is of a design that one would expect for such a development. It will lead to the rear elevation of Ivy House appearing very similar to that of Lychgate immediately to the north and as such the development can be said to be in-line with the surrounding character and context of the locality.
- 5.4 The scale of the development and the subsequent impact on what is currently a rather understated rear elevation of Ivy House is noted but this is not considered harmful in the overall context of the site and its surroundings. On the whole, the design is still appropriately scaled and works with the available space to the rear of the dwelling in a way which will not appear cramped or overly contrived. As a result, this change in character is not considered to lead to harm which would warrant refusal of the scheme.
- 5.5 As the above assessment demonstrates, the development complies with policies CP17 and DP32 of the Local Development Framework.

The Impact on Conservation Area

- 5.6 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 195 and 196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.7 Also relevant in this instance is policy DP28 of the Local Development Framework which seeks to protect the Districts heritage by, amongst other things, the designation and protection of Conservation Areas.
- 5.8 The Kirkby Conservation Area covers the historic core of the village. This mostly dates from the mid-18th century and stretches from the northern edge of the village on Kirkby Lane to just beyond the intersecting Busby Lane. The row of listed cottages, of which Ivy House is a part, undoubtedly contributes heavily to the significance of the overall conservation area - representing the majority of the heritage assets within the village. Views as one travel's southwards along Kirkby Lane are very effective at incorporating both the row of historic terraces to the west and the focal point of the conservation area,

the grade II* listed Church of St Augustine. Clearly, given the proposed works are limited wholly to the rear of Ivy House - this part of the conservation area will remain unaffected on the whole.

- 5.9 The PROW which stretches westwards to the north of Ivy House is noted and mid-range views of the development will be possible from this vantage point and as such the works will still have a material impact on the overall appearance of the conservation area. That said, the well scaled and suitably designed extension will sit within the other intricacies of the rear of this row of cottages created by the other rear off shoots and outbuildings in situ here.
- 5.10 As the above assessment demonstrates, the proposal will not harm the overall significance of the Kirkby Conservation Area and is therefore in line with the NPPF and policy DP28.

The Impact on the Setting of the Adjacent Listed Buildings

- 5.11 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall 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.
- 5.12 The National Planning Policy Framework at paras 195 and 196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.13 As set out in the introductory section of this report, there are several listed buildings in the immediate vicinity of the site. A lot of the significance of these buildings is derived from their group value as a row of architecturally impressive historic cottages. As such, the majority of the significance of the setting of the heritage assets is derived from public locations from which one can view the row as a whole. Such views are possible from the PROW to the west and Kirkby Lane to the east. That said, the architectural merit of the buildings is concentrated more on the better preserved principal elevations as opposed to the rear where the current arrangement of structures is very much different to how it had been historically; whereby there was a range of ancillary outbuildings which have now been somewhat formalised and domesticated by becoming conversions and extensions to the dwellings themselves. This work has undoubtedly negatively impacted the architectural merit and historic interest of the rear of the buildings.
- 5.14 Views of the more important principal elevations of the building will clearly remain unimpacted and therefore the most important aspect of the setting of the heritage assets will be protected. Whilst the overall appearance of the rear will change, this will simply be the introduction of another rear extension which will sit among the existing elements to the back of the row and as such will not harm one's ability to appreciate the architectural merit of the rear of the buildings.

Amenity

- 5.15 Policy DP1 precludes any development which would lead to a detrimental impact on amenity. This relates to daylight provision, privacy, noise and disturbance and pollution.
- 5.16 The main issue in this respect given the layout of the site and its surroundings is the potential impact on daylight provision. The objection from the neighbour in relation to the loss of daylight to the small window on the first floor of Lychgate is noted and it is conceded that there will be a material impact on the amount of daylight provision reaching this window. That said, this window is very small and as such its contribution to the daylight reaching habitable rooms of Lychgate is very minimal. The appropriate scale and siting of the proposed extension will still allow an adequate amount of daylight to reach the neighbouring dwelling and ensure their "right to light" remains unaffected on the whole.
- 5.17 Similarly, with regards to Wayside (the dwelling immediately to the south), the otherwise open nature of the rear of the dwelling in this direction means that the extension will not have a harmful impact on the amount of daylight meeting the rear of the dwelling. The suitable height of the two storey element will mean that it will not appear overbearing, nor overshadow the rear amenity space associated with Wayside.
- 5.18 Overall, the extension complies with policy DP1 of the Local Development Framework.

The Change of Use

- 5.19 Further details on the change of use aspect of the proposal and the reasoning behind this were requested from the applicant. They have confirmed that there are no intentions to operate on a commercial basis and it is wholly for private use. At present their horses are kept at a local livery yard. The idea is that in order to reduce the length of time the horses are confined to stables; they will be grazed at home for a couple of weeks at a time. Horse transport is at present kept at the livery yard and this will continue to be the case. Manure will be removed from the site on a trailer every 4-6 weeks by a domestic vehicle.
- 5.20 The site which is being proposed for change of use is on the edge of a rural settlement and as such it is appropriate for equestrian purposes in principle, which by its very nature would be expected to be located in such a place. As a result, it represents an acceptable use for this piece of land which is in-keeping with the character of the open countryside. There are no buildings or stable blocks proposed as part of the change of use and therefore it will be inconsequential to the overall appearance of the open countryside.
- 5.21 Public objections referring to the historic use of the fields and them being an example of ridge and furrow system are noted but the change of use is inconsequential in this respect. Clearly, as agricultural land the field can be ploughed and used to keep cattle, sheep etc, which would have the same impact in this regard. This is the same in respect of concerns relating to the ecological impact - the use of the field to keep horses will not have a material ecological impact.

5.22 Similarly, the objections referring to the change of use leading to bigger vehicles using the access are also noted but this is not a reason for refusal in this instance. One must consider the existing use of the land as agricultural could easily involve large tractors and other such vehicles using it - completely out of the control of the LPA. Indeed, NYCC Highways were consulted and offered no objection.

Other Issues Raised in Representations

5.23 A number of the representations refer to the area of land between the rear garden and the agricultural field, referred to as "The Orchard" and the legal status of this parcel of land. This application does not involve this parcel of land and its legal status as domestic/agricultural will remain the same.

5.24 A right of access over the rear garden is also referred to by the neighbour but this is not a material planning issue and is therefore inconsequential in terms of this application.

Planning Balance

5.25 On the whole the above assessment demonstrates that the proposal in this instance complies with all relevant Local Development Framework policies in relation to the design of the extension and the heritage implications and its wider impact on amenity. Furthermore, the change of use of the agricultural land to the rear has also been assessed as being acceptable in principle and in terms of its impact on the open countryside. Approval is recommended on that basis.

6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **Granted**

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 004 and 007 received by Hambleton District Council on 08.11.2021 and 02.12.2021 unless otherwise approved in writing by the Local Planning Authority.

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 Policy(ies) CP17, DP28, DP30 and DP32.