

COMMITTEE REPORT

Date: 14 June 2023 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 22/01892/FUL
Application at: 41 Milton Street York YO10 3EP
For: Partial conversion of first floor outbuilding to habitable space and reopening of existing bricked up doorway
By: Mr Ashley Mason
Application Type: Full Application
Target Date: 21 July 2023
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 This application seeks permission for the partial conversion of the first floor of an existing outbuilding to form a habitable space, as well as the reopening of an existing bricked up doorway to the ground floor rear elevation.

1.2 App. ref. 03/01341/FUL – Erection of pitched roof single storey extension and detached garage to rear. Approved 18th June 2003.

2.0 POLICY CONTEXT

Emerging Local Plan 2018

D11 – Extensions and Alterations to Existing Buildings

3.0 CONSULTATIONS

Guildhall Planning Panel

3.1 Noted that the approved application in 2003 specifies that the garage should not be used for any business or commercial use.

4.0 REPRESENTATIONS

Neighbour consultation

4.1 1 no. comment received raising the following issues:

- Development would appear to create self-contained dwelling with own access, could be commercial change of use.
- Requested conditions of working for the development to avoid disruption on Bull Lane.

5.0 APPRAISAL

KEY ISSUES

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

POLICY CONTEXT

National Planning Policy Framework

5.2 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development. Paragraph 130 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including that they are sympathetic to local character, surrounding built environment and their landscape setting. The NPPF also places great importance on good design. Paragraph 134 says that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Emerging Local Plan

5.3 The emerging Local Plan was submitted for examination on 25 May 2018. Examination hearings took place between December 2019 and September 2022. Consultation on proposed modifications took place in early 2023. The emerging Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

5.4 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the

design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporate trees. In accordance with paragraph 48 of the NPPF policy D11 can be afforded significant weight in the decision making process.

5.5 The Supplementary Planning Document 'House Extensions and Alterations', dated December 2012 and referred to in Draft Local Plan Policy D11, provides guidance on all types on domestic types of development. The SPD provides guidance relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street-scene it is located on. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

ASSESSMENT

Use as annex

5.6 It is proposed that the outbuilding, in existing use as a domestic storage space, would incorporate a home office, WC and external store to the ground floor, and guest bedroom accommodation at first floor. This is considered acceptable providing that this use remains ancillary to the main dwelling, and a condition has been added in this regard.

Impact on the dwelling and character of the surrounding area

5.7 The only proposed external change which would be publicly visible would be the insertion of a door to the eastern elevation of the outbuilding, to form an opening which had previously been bricked up. This alteration would have no significant visual impact.

5.8 The enlargement of the existing rooflights and insertion of 1 no. high level window to the west elevation of the outbuilding, facing the main dwelling, would be screened from public view and would have no undue visual impact.

Cycle and waste storage

5.9 Space for the storage of cycles and bins would be retained, accessible from the highway to the rear.

Impact on neighbour amenity

5.10 The proposed use of the outbuilding as an ancillary annex would not give rise to any harm to the amenity of the neighbours of adjacent properties. The proposed living accommodation would sit adjacent to neighbouring outbuildings and there would be no undue overlooking of neighbouring amenity spaces from the proposed rooflights, which would replace existing openings on the west-facing roof slope and could be enlarged without planning permission, under the terms of the General Permitted Development Order.

6.0 CONCLUSION

6.1 The proposal is considered to comply with National Planning Policy Framework (2021), policy D11 of the emerging Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

7.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing No. 001 (received 2nd March 2023) - Location Plan and Existing and Proposed Roof Plan

Drawing No. 002 (received 2nd March 2023) - Existing and Proposed Ground Floor Plans

Drawing No. 003 (received 2nd March 2023) - Existing and Proposed First Floor Plans

Drawing No. 004 (received 2nd March 2023) - Existing and Proposed South Elevation and Section

Drawing No. 005 (received 2nd March 2023) - Existing and Proposed North

Elevation and Section

Drawing No. 006 (received 2nd March 2023) - Existing and Proposed West Elevations

Drawing No. 007 (received 2nd March 2023) - Existing and Proposed East Elevations

Drawing No. 008 (received 2nd March 2023) - Proposed North and South Sections

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 The annex accommodation within the detached outbuilding shall not be occupied other than for purposes ancillary to the residential use of the dwelling known as 41 Milton Street and shall not be used as a separate residential unit, including letting as holiday accommodation.

Reason: It is considered that the annex accommodation could not be used as a separate unit of residential accommodation without further consideration of the implications for local residential amenity, waste and re-cycling storage, cycle storage and the creation of a separate curtilage. As such it is considered that any proposal to use the development as an independent residential unit would need to be considered on its own merits with regard to the potential impact on these issues and on neighbours.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

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