

## COMMITTEE REPORT

**Date:** 5 March 2015                      **Ward:** Fulford  
**Team:** Major and                      **Parish:** Fulford Parish Council  
                    Commercial Team

**Reference:** 14/02580/FUL  
**Application at:** Turpin Smithy 83C Main Street Fulford York YO10 4PN  
**For:** Change of use from coach house to residential dwelling (Use Class C3) with single storey extension  
**By:** Mack and Lawler Builders  
**Application Type:** Full Application  
**Target Date:** 16 January 2015  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This is a full application, partly retrospective, for alterations to an existing outbuilding and the change of the building into a detached one bedroomed dwelling with ground floor rear extension on a site to the rear of 81 to 85 Main Street formerly known as The Forge but now known as Turpin Smithy, Fulford.

1.2 The site is located on the east side of Main Street and is accessed via an archway within the buildings into a court yard. The courtyard and access point currently serves four existing dwellings (81, 83a, 83 b and 85 Main Street). There is also a right of access through the court yard to a fifth property, 83 Main Street. To the north of the site is a narrow public right of way between Main Street and School Lane to the south and east is existing residential development and to the west is Main Street, the residential frontage properties and the access point to the site. The frontage buildings are located on the back edge of footpath. The property to the rear, east, of the site is a detached bungalow.

1.3 The application site is a small area on the south east corner of the courtyard occupied by a detached brick built structure which has formerly been used for ancillary purposes to the previous uses of 81 and 85 Main Street. 81 and 85 Main Street have recently been converted back into separate dwellings but had formerly been used as a hotel and house in multiple occupation.

1.4 The proposal is to convert the outbuilding into a one bedroomed dwelling this will involve the following works some of which are retrospective:-

- Retrospective permission for the increase of the height of the building by two brick courses at the eaves and the corresponding increase in the ridge height of the building (applicant specifies that the building has increased from 5.1 to 5.35 m). (Other external alterations have been made to the structure including

the bricking up of doors and windows. These other works did not require planning permission).

- Alterations to the existing structure to allow for the new residential use including the insertion of new windows and doors in the elevations of the building.
- New velux windows to the northern facing roof slope
- Construction of a single storey flat, parapet roof, extension with atrium insert on the eastern elevation of the building to provide the kitchen/dining space for the conversion.
- Alterations to the external space around the building to provide a dedicated parking space for the dwelling.
- New boundary treatment the southern boundary wall being retrospective
- Retrospective alteration to existing lean-to structure on the southern boundary
- Associated parking and turning facilities

1.5 The site is within Fulford Village Conservation Area (no.30). The conservation area was first designated in 1998 and its boundaries extended in 2008.

1.6 The application has been called into committee by Cllr Aspden. The reason for the call-in is principally because of the harm to the character of the conservation area, including destroying the buildings rural character.

## PLANNING HISTORY

1.7 In 2008 planning permission was refused for the erection of a three bedrooled, two storey house replacing the existing building on the plot (planning ref: 08/00180/FUL - May 2008). The reasons for refusal related to the size, scale and position of the building which were considered to be an overdevelopment of the site and detrimental to the appearance of Fulford Conservation Area and the development having an unacceptable level of traffic movements from the site when considered in the context of the amount of development within the site and the substandard nature of the access. Such additional traffic movements were considered to be detrimental to highway and pedestrian safety.

1.8 In 2009 a further permission was refused for the conversion of the existing outbuilding together with two storey extension to create a 1 bedrooled house ( planning ref: 09/00146/FUL- March 2009). The scheme was considered detrimental to the character setting and appearance of the conservation area and lack of a bat assessment given the high potential for roosting bats within the area.

1.9 Although not the actual site of the application the following permissions have been granted and implemented within the courtyard.  
- Certificate of Lawful development relating to the erection of a dwelling originally granted permission in the 1980's within the courtyard was granted in March 2007 (

planning ref: 06/02090/CLD). The certificate was granted and the new dwelling has been constructed.

- Planning permission was granted for the extension and alteration of 81 and 85 Main Street to revert back to three and four bedroom dwellings in June 2013 (planning ref: 13/00779/FUL). This permission has been implemented.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation: Conservation Area: Fulford

2.2 Policies:

CYH4A	Housing Windfalls
CYGP1	Design
CYHE2	Development in historic locations
CYHE3	Conservation Areas

## **3.0 CONSULTATIONS**

### INTERNAL

#### Highway Network Management

3.1 Initially Highway network management raised concerns that no turning area was shown within the site as part of the development. Following the submission of an amended plan they have verbally confirmed that there are no objections to the scheme. Their formal response will be reported to committee.

#### Conservation Officer

3.2 No comments received

#### Countryside Officer

3.3 No objections. Features to provide for bat activity should be included in the design of the scheme.

### EXTERNAL

#### Fulford Parish Council

3.4 Object to the application on the following grounds:-

- Unauthorised development - The building has already been altered beyond all recognition. It has been increased in height and width, the roof has been completely renewed, original brick work has been replaced, double walls with insulation have been installed, original openings have been removed and new openings have been introduced, services have been installed, a high brick wall has been constructed along the southern boundary. It would be regrettable if the

applicant were to benefit from these changes by misleading the Authority on the true extent of the development already undertaken.

- Bats - Prior to the submitted bat survey, the developer undertook a clandestine early morning clearance of the interior of the building, following which at least one dead bat was found on the ground nearby. This was reported to the Council at the time, but no action was taken. It is therefore inevitable that the submitted bat survey carried out at a later date would not reveal the presence of bats. The developer was well aware of the likely presence of bats at the time of the clearance work and his actions and misleading submissions are to be deplored.
- Design - The rural charm of the original building has been lost through its reconstruction into a stark and undistinguished building which does not reflect its setting. In particular, the unsightly blank wall of the west elevation is highly visible from within the site but fails to respect the local vernacular.
- Parking/Access - The courtyard access is not of sufficient width to serve a sixth dwelling. Vehicles can not safely reverse from the site.
- Harm to Fulford Conservation Area - The outbuilding is visible in views from Main Street and, prior to its alteration contributed positively to the historic character of the village. The changes are not in keeping with the historic function of the building and is detrimental to the character of the conservation area and views within it. Significant concerns have been raised about previous applications. There is no basis to override the strong presumption in favour of the preservation in conservation areas set out in S.72 of the Planning (Listed Building and Conservation Area) Act 1990. The outbuilding would be more suitable used as a garage and storage space.

#### Neighbour Notification/Publicity

3.5 Eight letters of objection have been received covering the following points:-

- No details have been provided of boundary between the site and 83a Main Street. A brick wall would be supported.
- Car parking is inadequate for the number of dwellings.
- Car parking should be specifically delineated.
- The building has inappropriately increased in height and width.
- Original openings have been removed and replaced.
- A high brick wall has been constructed along the rear garden boundary.
- Parking and access concerns within a very constrained site.
- This backland site should be utilised for the variety of existing occupiers of the site.
- Property has been largely rebuilt
- Bats were knowingly displaced a long time ago
- Displacement of vehicles on to the highway will affect local businesses along Main Street.
- Safety concerns about entrance/exit of the site.

3.6 One letter of support has been received which says that the alterations and extensions are considered to be in-keeping with the Conservation Area's character and appearance.

## **4.0 APPRAISAL**

### **4.1 Key issues**

- Retrospective development
- Impact on Fulford Conservation Area
- Residential Amenity
- Highways, access and parking arrangements
- Protected species

## **NATIONAL PLANNING POLICY FRAMEWORK**

4.2 Paragraph 14 says that at the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include designated heritage assets).

4.3 The core planning principles at Paragraph 17 include the expectation that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, promoting the vitality of our main urban areas, conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

4.4 Section 6 of the NPPF seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities through local plan allocations.

4.5 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.6 Section 12 of the NPPF is relevant to the site's Conservation Area Status. Paragraph 129 says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.7 Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including its optimum viable use.

4.8 The Planning (Listed building and Conservation Areas) Act 1990 section 72(1), with respect to any buildings or other land in a conservation area, places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

## LOCAL PLAN POLICY

4.9 Policies in the DCLP are considered to be relevant to this development where they are consistent with the advice within the NPPF. In this respect the most relevant policies to the proposal are GP1 'Design'; H4a 'Housing Windfalls'; HE2 'Development in Historic Locations'; and HE3 'Conservation Areas'.

## FULFORD CONSERVATION AREA

4.10 The site is located to the rear of 81 to 85 Main Street, within the Fulford Conservation Area. The Fulford Conservation Area Appraisal (FCAA) refers to the properties specifically in paragraph 7.10 when it says 'On the east side of Main Street the age and status of the houses starts to increase after the Bay Horse pub, starting with No 95 and including a terrace of more modest houses Nos 79-89 which form an intact and attractive group where the street curves. The ancient and narrow path Chapel Alley leads off under No 81 towards School Lane on the eastern village boundary, with its two timber posts (to bar animals) a reminder of the village's agricultural origins.'

## RETROSPECTIVE DEVELOPMENT

4.11 Work has already been carried out to the structure and there are varying views from the Parish Council and the Applicant's Agent about the extent of works that have already taken place. The agent says in his Design and Access Statement that certain works have already been carried out to the building these include: -

repointing of brick work, replacing roof rafters, new roof tiles, new inner block work, new first floor joists and replacement of a close boarded fence with low walls and railings. After being sent a copy of the survey drawings from the 2009 permission the agent later confirms that the roof has been raised (by 0.25 metres) and that existing openings have been removed/replaced although but that the building has not increased in width. The Parish Council believe that the increase in the roof height is nearer to half a metre, they also consider that the building has been widened considerable (1.6metres) and that windows have been bricked up with other openings added. From officers own observations it is clear that the height of the building has increased. The exact increase is not known but the pitch is steeper and there is an appreciable difference in the stature of the building. The openings in the structure have been altered in particular the front double doors have been removed. The position and shape of other openings has also changed. The works that have taken place, where they are not within the building, in Officers view require planning permission by virtue of Section 55 (2) of the Town and Country Planning Act 1990 which says, in effect, that development that materially affects the appearance of a building will require planning permission. In addition the boundary wall that has been constructed on the southern boundary is above 2 metres in height requiring planning permission and there is a small store area within the court yard on the southern boundary which has been increased in size this also requires planning permission. The acceptability of these building works is considered retrospectively as part of this application.

4.12 A structural report has been submitted which indicates that a new internal block wall and roof structure as well an internal concrete raft has been installed. The front elevation of the building has been reconstructed. The building is considered structurally sound now although the elevation of the building on the southern boundary needs repointing.

4.13 In addition it should be noted that the parking layout shown in this application is slightly different from the approved layout when the housing conversion to the front of the site was granted permission.

## IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.14 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, this development proposal falls within a designated heritage asset (conservation area). In accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply.

4.15 The whole of the site is located within Fulford Conservation Area and the various documents referred to in the policy section above all require that regard is had to preserving or enhancing the character and appearance of the conservation

area. Indeed such a requirement is a duty under the Act. The FCAA describes the character of the area with specific reference to the site. The buildings and curtilage of 81 to 85 Main Street and the footpath to the north of the range of buildings are important element of the village's history.

4.16 The proposals is for the retention of the outbuilding with its additional height, the insertion of three roof lights, the insertion of new/ changed window openings in the northern elevation and the construction of a rear extension measuring 4.5 metres in length by approximately 4 metres in width. The extension will project forward of the existing northern wall by 0.5 metre and will be a flat roof parapet structure with atrium roof light insert. The height of the extension will be 3 metres to the parapet and 3.5 metres to the top of the glass atrium. Various new boundary walls are sought to be retained or constructed and car parking provided for the use.

4.17 The building has some visibility along the Main Street frontage. Its general proportions, front elevation and roof are clearly visible. Officers would agree with the Parish Council that the removal of the front double doors has reduced the quality of the appearance of the building however the changes to the height and other external changes do not, in any appreciable way, detract from the longer views of the building from adjacent properties and from the street frontage. The structure will look slightly more domestic with the insertion of roof lights. The projection of the rear extension by 0.5 metre beyond the existing northern wall will not be seen from the street frontage although the extension and boundary walls will be seen from the properties to the east and south. In Officers opinion the changes to the building and its new use would not erode the established character of this part of the conservation area; the building will still appear subservient to the surrounding structures and would have a neutral affect on its character and appearance. Furthermore when paying special attention to the desirability of preserving or enhancing the character or appearance of the area as set out in Section 72(1) the impact of the development on the character and appearance of Fulford conservation area is still considered to be neutral.

4.18 In the officer's view there will be less than significant harm to the heritage asset; the proposed development will secure a new use for an existing structure and an additional house in a sustainable location. The development would accord with the guidance within the NPPF and with the duty in section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990.

## RESIDENTIAL AMENITY

4.19 The building is surrounded by residential properties. The presence of the existing building means that the properties to the Main Street frontage and the new dwelling on the northern boundary will see little difference in their current outlook. New window openings at ground and upper level will not impinge on their amenity.



4.20 The bungalow to the west of the site shares a common boundary with the rear and side garden area of the proposed dwelling and the ground floor extension will be visible from within their garden area. The bungalow is sited so that its garden is adjacent to the extension with its windows set away from the extension area. The height of the extension at approximately 3 metres high will not detract from the amenities of the bungalow and the proposed boundary walls will provide good privacy between the two dwellings.

4.21 The bungalow to the south of the site has a substantial corner garden. The new boundary wall that has already been constructed along the joint boundary is set well away from the bungalow and does not detract from the amenities of the property, in fact it's design and construction are of good quality and provide a good addition to the boundary treatment. The additional height on top of part of the wall to provide for the single storey extension will increase the wall by 1 metre for 4 metres of its length. This additional height is well away from the property and will not detract from the property's amenities.

4.22 The space within the courtyard has to provide for the existing four properties, the proposed additional dwelling and retain access for 83 Main Street. The success of the courtyard arrangement depends on the good organisation of space and relies upon occupiers using those spaces properly. The previous approvals for the frontage properties provided bin and cycle storage for all four properties and a single parking space each. This scheme provides for bin storage and cycle storage for the additional dwelling in an extended communal storage area it also shows a dedicated car parking space with turning area. With these facilities in place there is no planning reason to suggest that the site will cause detriment to adjacent residential amenity as the needs of the proposed unit are provided for within the site.

## HIGHWAYS ACCESS AND PARKING ARRANGEMENTS

4.23 The turning area provided within the site is considered adequate and the levels of parking and cycle provision for the development are acceptable.

## PROTECTED SPECIES

4.24 The application is supported by a bat survey. The comments of objectors are noted in relation to works undertaken before planning permission for the development was submitted. The bat survey was undertaken prior to any works taking place, at an appropriate time of year, following best practice methodology and it found no evidence of roosting bats. The works carried out in early 2014 were undertaken in accordance with the survey work. The work undertaken will have removed the features identified as suitable for use by bats and therefore development can proceed without impacting on bats. A condition is proposed to require the incorporation of features suitable for bats in the conversion of the building.

## 5.0 CONCLUSION

5.1 The proposal, subject to conditions would not cause undue harm to interests of acknowledged importance, with particular reference to the impact of the development on the Fulford Conservation Area, residential amenity, highways, access and parking arrangements and ecology issues relating to bats. As such the proposal complies with advice in the National Planning Policy Framework and Policies of the City of York Development Control Local Plan in as much as these policies are compatible with the National Planning Policy Framework. Consideration of the scheme has had regard to the duty under section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The scheme is considered to be acceptable for the reasons set out in this report.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Prior to the commencement of the development a large scale detail of the proposed boundary walls to the northern and eastern boundaries showing the finished height and capping detail shall be submitted to and approved in writing by

the Local Planning Authority. Thereafter the details approved shall be implemented to the satisfaction of the Local Planning Authority before the dwelling is first occupied.

Reason: In the interests of the amenity of the adjoining occupier and the appearance of the Fulford Conservation Area in accordance with the National Planning Policy Framework.

5 The dwelling shall not be occupied until the area shown on the approved plans for parking and manoeuvring of vehicles has been constructed and laid out in accordance with the approved plans; thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents and the appearance of the conservation area the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7 The dwellings hereby approved shall not be occupied until the cycle parking and bin store areas have been provided within the site in accordance with the approved plans, Thereafter these areas shall not be used for any purpose other than the parking of cycles and storage of bins and shall be made available at all times.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads, in the interests of the amenity of neighbours and to ensure the limited space in the rear court yard can function adequately in the interests of residential amenity.

8 No development shall take place until details have been submitted to and approved in writing by the Council of the measures to be provided within the design of the conversion and extension of the building to enhance the biodiversity of the area. The work shall be completed in accordance with the approved details prior to the occupation of the dwelling. NB. Features suitable for incorporation include measures for species that use buildings such as bats and birds.

REASON - This is proposed to take account of and enhance the habitat and biodiversity of the locality in accordance with the submitted ecology report and to

accord with guidance in paragraph 118 of the National Planning Policy Framework.

## **7.0 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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Amended plans discussed to ensure that the scheme relates to that which has been carried out on site and to address concerns raised by Highway Network Management.

#### **Contact details:**

**Author:** Diane Cragg Development Management Officer (Mon/Tues/Wed)

**Tel No:** 01904 551351