

Redcar and Cleveland Borough Council

Planning (Development Management)

APPLICATION NUMBER: R/2023/0782/RS
LOCATION: 5 THE COTTAGES KIRKLEATHAM LANE
KIRKLEATHAM REDCAR TS10 5NN
PROPOSAL: CREATION OF NEW ACCESS TO GARDEN
FOR CAR PARKING (RESUBMISSION)

<https://planning.redcar-cleveland.gov.uk/Planning/Display?applicationNumber=R%2F2023%2F0782%2FRS>

APPLICATION SITE AND DESCRIPTION

Permission is sought for the creation of new access to garden for car parking.

The application relates to 5 The Cottages, Kirkleatham. The application site is located within Kirkleatham Conservation Area.

The proposal is the resubmission of a previously withdrawn application for a similar proposal.

The site is located centrally within Kirkleatham village and seeks planning approval for the alteration of the garden wall to create an opening. The proposal has been amended through the application process to remove any means of enclosure with the opening proposed no longer having a form of a gate.

The application has been accompanied by a site location plan, site layout plan and existing and proposed elevations of the wall.

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

NATIONAL PLANNING POLICIES

National Planning Policy Framework (NPPF)

REDCAR & CLEVELAND LOCAL PLAN (2018)

SD1 Sustainable Development
SD2 Locational Policy

SD3 Development Limits
SD4 General Development Principles
HE1 Conservation Areas

OTHER POLICY DOCUMENTS

Residential Extensions and Alterations Supplementary Planning Document
(May 2013)

Kirkleatham Conservation Area Appraisal (2011)

PLANNING HISTORY

An application (referenced R/2023/0630) for the creation of new access to garden for car parking provision including installation of gates was submitted on the 18.09.2023 and subsequently withdrawn from determination by the applicants on the 20.11.2023.

RESULTS OF CONSULTATION AND PUBLICITY

The application has been advertised by means of a press notice, site notice and neighbour notification letters.

As a result of the consultation period 9 letters of representation have been received from 6 households.

Objections raised include the following comments:

- The proposal removes a large section of the wall
- Planting and hedging would also be removed to allow the removal of the section of wall
- The wall should be retained and repaired as necessary
- The opening of the wall would result in the loss of parking for the neighbouring properties
- The opening up of the wall would set a precedent for future proposals for similar works.
- The wall is an important feature to the conservation area. The opening up of the wall would have an adverse effect upon the character of the conservation area through its loss as part of the garden wall to the cottages.
- Highways Safety for the access onto the highway
- The property had two garage spaces one of which was converted to accommodation with one remaining.

A number of comments raised related to the use of gates oversailing the highway posing risks for blocking the highway and visibility. This element of the proposal has now been omitted from the submission.

One letter of support from the applicants family has been received. The letter provides the following points:

- Parking is limited on the street and the proposal would allow for two off street spaces
- The proposal would not affect highways safety
- The existing outbuilding was built for horses, not cars and the therefore the applicant does not have allocated parking available.
- The Birch tree would not be affected
- A small section of the hedge would be removed
- The proposal would improve the parking availability for the area

Ward Members

CLlr Peter Grogan (15/01/2024) – initially objected and subsequently withdrew the objection.

Redcar and Cleveland Borough Council (Development Engineers)

29/01/2024

No objection

26/02/2024

No objections

Redcar and Cleveland Borough Council (Conservation Officer)

28/11/2023

No objection as the proposal is considered to be capable of preserving the character of the conservation area and the settings of nearby listed buildings, as required by policies HE1 and HE2 of the adopted Local Plan.

Historic OS mapping shows this particular sub-division does have historic provenance as shown on the 1893 edition. The wall itself varies in construction, the western length being of an unidentifiable bond of stretchers and headers and the southern and eastern extents being stretcher bond. The brick in the eastern section also appears to be a harder type, all of which indicates a boundary wall that has evolved and grown rather than being built as a single entity.

It is clear that the southern length has a substantial lean and the existing buttresses are not bonded to it, evidencing that they are potentially later additions to aid stability. It has also been pointed throughout with cementitious mortar and repair using appropriate non-hydraulic mortar would be beneficial.

It is considered that a suitable timber gate hung from the brick pillars as shown on the drawings would provide a sympathetic opening. The proposed gravel surfacing is also considered to be acceptable, dependent on the exact specification as whilst dolomite would be acceptable an overly ornate or resin

bonded gravel would be harmful to character. The following conditions are suggested:

- *Prior to installation, full details of the gate, hinges and surfacing shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.*

REASONS: To safeguard the special character of the conservation area and the settings of nearby listed buildings, as required by policies HE1 and HE2 of the adopted Local Plan.

Following the omission of the gate from the plans verbal discussions with the Conservation Officer have confirmed that subject to amending the wording of the condition to control the surfacing that there remains no objection to the proposal.

CONSIDERATION OF PLANNING ISSUES

The main considerations in the assessment of the application are;

- The principle of development
- The impacts on the character and appearance of the area
- The impacts on neighbour amenity
- The impacts on highways safety

The principle of development

The application site is located outside of any defined development limits but within an established residential area. The principle of alterations to existing built form in this location is acceptable and the proposal would accord with the aims of policy SD3 of the Local Plan.

The impacts on the character and appearance of the area

Policy SD4 amongst other requirements at criteria J, K and L requires that proposals respect the character of the area and seek to improve the character and quality where possible along with being sustainable in design.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places General duty as respects conservation areas in exercise of local authorities in exercise of planning functions.

In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The NPPF provides at Paragraph 205 provides “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”.

Paragraph 206 provides 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...”

Paragraph 207 states “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

Local Plan Policy HE1 when addressing the designated conservation areas provides:

“Development within or otherwise affecting the setting of a conservation area will only be permitted where it preserves or enhances the character or appearance of the conservation area. Development must:

- a. respect existing architectural and historic character and associations by having regard to the positioning and grouping, form, scale, detailing of development and the use of materials in its construction;
- b. respect existing hard and soft landscaping features including areas of open space, trees, hedges, walls, fences, watercourses and surfacing and the special character created by them; and
- c. respect historic plot boundaries and layouts.”

Policy HE2 provides the relevant test for applications affecting heritage assets stating:

“Development involving the alteration, extension or change of use of a designated heritage asset or construction of any structure within its curtilage will only be permitted if the proposal:

- a. preserves or enhances its significance as a heritage asset;

- b. protects existing historically significant hard and soft landscaping, including trees, hedges, walls, fences and surfaces;
- c. retains historic plot boundaries and layouts; and
- d. ensures the sensitive and viable use of the building.

Setting of a Designated Heritage Asset

Any development affecting the setting of a designated heritage asset will only be permitted if the proposal:

- e. preserves or enhances its significance as a designated heritage asset;
- f. protects its immediate setting including the space(s) around the building and the historically significant hard and soft landscaping, including trees, hedges, walls, fences and surfacing; and
- g. retains historic plot boundaries and layouts.

Substantial harm or total loss of a Designated Heritage Asset

Where a development will lead to substantial harm or total loss of a designated heritage asset, permission will not be granted unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss and that cannot be met in any other way, or all of the following apply:

- h. the nature of the designated heritage asset prevents all reasonable uses of the site;
- i. no viable use of the designated heritage asset can be found in the medium term that will enable its conversion;
- j. conservation by grant funding, or some form of charitable or public funding, is demonstrably not possible; and
- k. the harm or loss is outweighed by the benefit of bringing the site back into use.

Other harm to a Designated Heritage Asset

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, it will only be permitted where that harm is outweighed by the public benefits of the proposal, including securing its optimum viable use.

Non-designated Heritage Assets

Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments will be considered subject to the policies for designated heritage assets.

In determining applications that would result in substantial harm to, or the total loss of, a non-designated heritage asset or its setting, the applicant will be required to demonstrate that the benefits of the development would outweigh any harm or loss of the heritage asset, based on its significance.”

The proposal would require the removal of a section of walling of approximately 4.14m to the eastern side of the walling facing toward the highway. The proposal would require the removal of some hedge and boarder planting to the garden area. The type of planting proposed to be removed does not benefit from any Conservation Area protection and could be removed without requiring any approval from the LPA. The comments received note there are trees in the locality which benefit from protection under the Conservation Area designation however these would not be affected by the proposal. The proposed removal of the section of walling and laying of gravel finish to the surface would not result in an appreciable effect upon the character of the Conservation Area or the setting of any nearby Heritage Assets.

As such it is considered that the proposal would serve to preserve the setting of the Conservation Area and is acceptable in this regard with Policies SD4, HE1 and HE2 along with the requirements of the Act and the guidance within the NPPF. The requested condition is considered to be necessary to ensure the quality of the development and, subject to amended wording to address the amendment to omit the gates, should be included on any approval granted.

The impacts on neighbour amenity

Policy SD4 amongst other requirements at criterion B requires that proposals “will not have a significant adverse impact on the amenities of occupiers of existing or proposed nearby land and buildings”.

The key impacts for consideration of this type of proposal are considered to be, the effects from overlooking, overshadowing, and oppression from size scale and massing.

The use of the garden area for car paring would not in itself result in any appreciable effects upon the amenity of any of the neighbouring properties. The proposal is therefore acceptable in this regard with Policy SD4 of the Local Plan.

The impacts on highways safety

Policy SD4 criterion P requires that proposals ‘provide suitable and safe vehicular access and parking suitable for its use and location’.

Notwithstanding the objections raised by neighbours in respect of the proposal. The application has been consulted on with the Highways Officer and no objections are raised on highways safety terms. The proposal following discussions regarding the gates has been amended with no form of gates being proposed. It is considered prudent to attach an informative to any approval granted to draw the applicants attention to the fact that should they wish to in future provide a means of gating the opening planning permission would be required.

The objections raised in regards to the loss of one on street parking space are noted, however the provision of two off street parking spaces would remove some demand for on street parking. As such this is not considered to pose a significant consideration in this respect.

The proposal is considered to be acceptable in this regard with Policy SD4(P) of the Local Plan.

Other matters

The application falls outside of scope for requiring additional information / assessment in relation to nutrient neutrality.

The application raises no issues in terms of crime prevention and the application accords with part m of policy SD4 Redcar and Cleveland Local Plan.

CONCLUSION

For the reasons outlined above the proposals are considered acceptable. The proposals would not have a significant adverse impact on neighbouring amenity and the proposals raise no issues in terms of highway safety or crime prevention. The scale and design is acceptable and the proposals would respect the character of the conservation area and setting of heritage assets. The proposals accord with policies SD3, SD4, HE1 and HE2 of the Redcar and Cleveland Local Plan and the requirements of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDATION

Taking into account the content of the report the recommendation is to:

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not be begun later than the expiration of THREE YEARS from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

Existing and Proposed Plans and Elevations (ref Drawing 02 rev 1) received by the Local Planning Authority on 22/02/2024

Proposed site plan (ref Drawing 03 rev 1) received by the Local Planning Authority on 22/02/2024

REASON: To accord with the terms of the planning application.

3. Prior to installation, full details of the surfacing of the site shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

REASONS: To safeguard the special character of the conservation area and the settings of nearby listed buildings, as required by policies HE1 and HE2 of the adopted Local Plan.

STATEMENT OF COOPERATIVE WORKING

Statement of Co-operative Working: The Local Planning Authority considers that the application as originally submitted did not meet with the local policies and guidance. Following discussions with the applicant / agent a satisfactory scheme has been negotiated.

INFORMATIVES

Informative Note: Please be aware that should there, in future, be a desire to provide a means of gating the opening that further approval under a separate planning application would be required.