REPORT OF THE HEAD OF PLANNING SERVICES - HPlg/07/163

SUBJECT: PLANNING AND LISTED BUILDING CONSENT APPLICATIONS FOR CONVERSION OF EXISTING DWELLING INTO 2 DWELLINGS AT 25A ST HILDAS TERRACE, WHITBY FOR K AND D BUILDERS LTD

1.0 THE PROPOSAL

1.1 The proposal is for subdivision of an existing dwelling into two dwellings. The existing dwelling is itself a Victorian conversion of out buildings attached to the Grade II* Listed 25 St Hildas Terrace. As such the applications need to be reported to Committee. If Committee is minded to approve the Listed Building Consent application, this also has to be referred to the Secretary of State first.

1.2 St Hildas Terrace is located in the Whitby Conservation Area & is covered by several entries in the statutory list of Buildings of Architectural and Historic Interest. Many were listed in 1954 and the latest list descriptions from 4 December 1972 describes Nos 1 to 25 (consec) as a long terrace of late C18 date, forming an important group. Dr Young in his “History of Whitby” (1817) calls it the finest street in Whitby, adding that “it forms but one row of houses; but all of them are beautiful and some magnificent”. “ Nos 1 to 25 and associated Garden Walls and Gate Piers to St Hildas Terrace from a group and in addition to historic value in their own right have “Group Value”.

1.3 25 St Hildas Terrace is Listed Grade II*. Its list description comprises:

sash windows and a central Venetian window over open pedimented
doorcase with panelled pilasters and blank fanlight."

25A itself is only visible from Back St Hildas Terrace. Whilst the 2 storey wing
which comprises the application property is not itself described, legally it is still
considered to be listed by virtue of being attached to the principal building.
No joints exist in the brickwork between the wing and the main building so it
was probably built as ancillary accommodation. It has however been
extended at first floor level and now abuts no 24 St Hildas Terrace, also listed
Grade II*. Clearly it is not of the same architectural value as these buildings
but it retains a number of original sash windows and slate roofs. The earlier
part of the roof has slates of considerable size and quality. 25A makes a
positive contribution to this part of the Conservation Area but is in need of
refurbishment.

1.2 The Architects Design and Access statement explains that the applicants, “K
& D Building Ltd are established local builders. Their intention on this project
is to restore and refurbish this important old building and convert it into two
individual dwellings."

The statement outlines the following main works as proposed:-

• The external walls and slate roof are to be completely refurbished using
were possible original and salvaged materials, the existing plastic guttering
is to be replaced with ogee pattern cast metal.

• All existing sash windows to the front elevation will be retained and either
renovated or renewed as necessary and the existing modern top hung
casement windows are to be replaced with traditional timber sliding sash
design. New external doors to the garden are to be provided to both
dwellings as shown.

• A new matching entrance door is to be provided to the second dwelling.
Both front doors will have traditionally constructed period surrounds and
wrought iron side balustrades in keeping with adjacent dwellings.

• A new shared bin store is to be formed in the existing side entrance
passage

• The single storey off shot to the rear is to be retained and refurbished to
form a kitchen to Dwelling No 1

• The applicants propose to carry out general internal re-planning and
refurbishment work in the building to form new high quality modern
accommodation.

• The rear garden area is to be subdivided between the individual dwellings
giving a larger plot to Dwelling 1 and a small private yard to Dwelling No 2.
2.0 CONSULTATIONS AND COMMENTS

2.1 Whitby Town Council – No objections, recommend approval.

2.2 Highway Authority (North Yorkshire County Council) – Although no vehicular facilities are indicated in respect of these premises, there are no highway objections in principle to the application because the surrounding public roads are controlled by a Traffic Regulation Order and there are public parking facilities in the vicinity. However, it should be noted that the Highway Authority does have concerns that the proposed development will increase pressure on the already overstretched on-street parking capacity in the surrounding area. A condition is also recommended that all doors and windows on elevations of adjacent to the highway shall be constructed and installed such that they do not open over the public highway.

2.3 English Heritage – Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion. Recommendation - This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

2.4 Publicity – The consultation period expired on 27 July and the following comments have been received:

- Mr P Bartle, 25 St Hildas Terrace comments

  No objection, subject to approval of my solicitor as to the agreed deed of easement.

- Dr & Mr C M G Ockelton, 24 St Hildas Terrace, Whitby object

  So far as concerns the constructional aspects of the application, we have no objection to make on the assumption that it is not proposed to trespass on our land or buildings (including the end wall of number 24) and the wall between the gardens by excavation into them or building on top of them. So far as materials are concerned, we understand that it is proposed to use materials appropriate to the listed status of the building, and it is clearly important that all windows be wooden with glazing bars of correct gauge, and rainwater gullies similarly to match the age of the house. It should be noted that the roofing slates are of very unusual giant size, which ought to be retained (and where necessary) reproduced in the repairs.

  We wish to make it clear that we do not consider that the property is suitable for conversion into units to be let as holiday flats. The principal reason for that is that when there is a frequent change of occupation there is a frequent long process of car loading and unloading. Back St Hildas Terrace would be very badly obstructed by that process taking place opposite Poplar Row on a regular basis. In any event, there are
good reasons in principle for retaining the properties in this immediate area as dwellings.

We should also remark that we would be strongly opposed to breaking a way through the front wall of the property in question, as we understand may be envisaged for the future. The front walls are listed, and one of the reasons for that is no doubt the way the walls of St Hildas Terrace as a whole reflect the different status of the buildings. 25A having been a service extension to the old rectory (25) it is appropriate that the only access is to the rear and it should remain so.

- Mr and Mrs J R Carritt, Malvern House, 1 Poplar Row, Whitby

Although having no objection to this conversion as regards the building, we do feel that inadequate provision will be made as regards parking, which is automatically centred on back St Hildas Terrace & Poplar Row, which has parking for 5 vehicles only. Dividing & sub-dividing properties has resulted in an increased number of car-owners, but not an increased number of parking spaces. Holiday homes add to the number of cars per property wanting to park in these 2 streets. Poplar Row has become an overflow parking area for Skinner St, Fowergate, Back St Hildas Terrace.

3.0 RELEVANT SITE HISTORY

3.1 None

4.0 PLANNING POLICY

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 54A of The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Attention is drawn to the following Development Plan policies which are considered to be particularly relevant to the consideration of this application:-

Scarborough Borough Local Plan

Policy E14 Extensions and Alterations to Existing Buildings
Policy E22 Development in Conservation Areas
Policy E25 The Change of Use and Alterations to Listed Buildings
Policy H10 Protection of Residential Amenity
Policy T7 Car Parking

PPG15 Planning and the Historic Environment
5.0 ASSESSMENT

5.1 The principal issues to be considered are the effect on the Special Architectural and Historic Interest of the Listed building, the character of the Conservation Area, on residential amenity and on Car Parking and Highway Safety.

The special architectural and Historic Interest of the Listed Building.

5.2 Policy E25 enables alterations to listed buildings only if they would be in keeping with their architectural and historic character and would make use of authentic materials and traditional methods of construction. Whilst no detailed specification has been submitted it is clearly the applicants intention to undertake works in an exemplary manner

- Brickwork & slate roofs are to be refurbished with original and salvaged materials
- 3 Casement windows are to be replaced with sashes, other sash windows are refurbished or renewed
- Plastic gutters replaced with ogee cast metal
- Retention & reuse of internal architraves, doors, skirtings & coving.

Two French doors are to be fitted to the rear. Whilst these are not of original design one does replace a modern casement & is fitted in an original opening to the rear. The other does replace an existing sash but on balance this loss is more than compensated by other enhancements. The works are therefore considered to comply with policy E25 and also the guidance in PPG15.

Character of the Conservation Area

5.3 Policy E22 only permits development where it will preserve or enhance the character and appearance of the Conservation area. None of the works to the garden elevation are visible and no alterations to the garden or garden wall are currently proposed. The elevation to Back St Hildas Terrace is highly visible. An extra panelled door replaces one sash window but both doors have new period surrounds proposed along with metal side balustrades similar to the rear door of number 25. Two casements are replaced with sashes and brickwork, gutters and slate roof are refurbished. Subject to conditions for submission of larger details the works are considered to comply with Policy E22 and the guidance in PPG15.

Residential Amenity

5.4 Policy H10 does not allow development which would have a serious effect on residential amenity. No extensions are proposed and the use of all accommodation remains residential. The only potential conflict with neighbouring property is the creation of French Windows adjoining the side of number 25. A door from number 25 provides access to the rear yard immediately next to the proposed French doors and steps. This access is to a narrow 1.5m section of the yard used to maintain the sidewalk, gutters and
roof to number 25. Whilst there is evidence of a former window, no opening currently exists. The applicants are currently negotiating an easement with the owner. If agreed the works will be implemented as submitted, if not agreed then the window will remain a window. Whilst this would mean the smaller dwelling would have no private garden area this is common in Whitby Town Centre and a shared external bin store is provided with a kitchen large enough for a tumble drier. With minimal effect on amenity the application accords with Policy H10.

Car Parking and Highway Safety

5.5 The Highway Authority’s requirements for no windows or doors to open over the footpath is easily achieved as both existing & new windows will be timber sashes. An exception is recommended in the case of the shared bin store to allow recycling bins to be stored also.

5.6 Whilst neighbours concerns over lack of car parking & obstruction during unloading if used for holiday lets are noted there are no highway objections in principle to the application because the surrounding public roads are controlled by a Traffic Regulation Order and there are public parking facilities in the vicinity. Policy T7, Car Parking, allows lower levels in conservation areas and in areas well served by public transport. The location of this site in the town centre close to bus and railway stations also means that under Government Policy (advocated in PPG3 Housing and PPG13 Transport) car parking provision need not be encouraged.

Other matters

5.7 Concerns raised by Dr & Mr Ockelton over breaking through the front wall are not relevant to these applications. Creation of a gate, gate piers and steps to a garden path would require listed building consent as the wall is listed grade II. An arboricultural report would also be required as at least one mature tree would be affected. Others could also be affected dependant on extent of excavations & foundation/retaining wall design. None of these proposals are included in the current application.

6.0 CONCLUSION

6.1 The conversion of the existing dwelling into two dwellings and associated refurbishment works are considered to be of an appropriate design which would not be detrimental to the historic or architectural character of the Listed Building, nor would the development harm the appearance of the surrounding Conservation Area or the amenities of nearby residents. It is, therefore considered that the proposal would be in accordance with policies E14, E22, E25, H10 and T7 of the adopted Scarborough Borough Local Plan.
7.0 RECOMMENDATION

7.1 That Planning PERMISSION BE GRANTED and that the LISTED BUILDING CONSENT BE GRANTED subject to the approval of the Secretary of State both subject to the following condition(s):-

1 The development hereby approved shall be carried out in strict accordance with the following plans unless otherwise agreed in writing by the Local Planning Authority:-

- Annotated Photographic Survey of Existing Features
- Design and Access Statement as revised 18.06.07
- Existing Plans and Block Plan (ATA-2007-18 Drawing No 02)
- Existing Elevations (ATA-2007-18 Drawing No 03)
- Proposed Plans (ATA-2007-18 Drawing No 04)
- Proposed Elevations (ATA-2007-18 Drawing No 05A)
- Key to Existing Features on Annotated Photographic Survey (ATA-2007-18 Drawing No 06)

**Reason:** In order to ensure the development is carried out in the form hereby approved.

2 The internal and external alterations hereby approved shall be carried out in such a manner as to ensure the retention and preservation of the following features in accordance with a specification which shall be submitted to and be approved by the Local Planning Authority before the commencement of the development hereby permitted:-

(i) the ceiling cornices;
(ii) skirtings;
(iii) the staircase, including the baluster spindles and handrail;
(iv) all four/six-panelled doors.
(v) original fire surrounds
(vi) water pump & timber housing
(vii) lead lined gutter
(viii) chimney pots

**Reason:** In order to ensure that these features are in keeping with the character of the building and to comply with Policy E25 of the Scarborough Borough Local Plan.

3 Other than those shown on the submitted Drawing No. 05A and approved under this Listed Building consent/planning permission, there
shall be no external alterations to the building without the prior written consent of the Local Planning Authority.

**Reason:** To comply with Policy E25 of the adopted Scarborough Borough Local Plan.

4 The roof slates utilised in carrying out the development hereby permitted shall match those of the principal existing building on the site. Those to the west end of the roof shall match the larger slates. A clear distinction shall be retained in line with the chimney stack with the smaller slates used at the east end.

**Reason:** In order to ensure that these features are in keeping with the character of the building and to comply with Policy E25 of the Scarborough Borough Local Plan.

5 All rainwater goods shall be of cast iron construction in black finish and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority. The lead lined box gutter to the garden frontage and hipped roof shall be retained and repaired in lead work.

**Reason:** In order to ensure that these features are in keeping with the character of the building and to comply with Policy E25 of the Scarborough Borough Local Plan.

6 The new windows shall be traditional, painted timber, box sliding sashes, having a flush box with a moulded surround. Full constructional details, at a scale of not less than 1:10, or full scale samples, shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of development. The windows shall be installed in accordance with the approved details and thereafter so maintained.

**Reason:** In order to ensure that these features are in keeping with the character of the building and to comply with Policy E25 of the Scarborough Borough Local Plan.

7 All new and existing window frames, glazing bars and external door frames shall be of timber construction, white painted and thereafter so maintained.

**Reason:** In order to ensure that these features are in keeping with the character of the building and to comply with Policy E25 of the Scarborough Borough Local Plan.

8 Details of the design of all external doors, period surrounds and metal side balustrades including materials and colour to be utilised in the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority prior to their installation and
all external doors used in the development shall conform to the details so approved.

**Reason:** In order to ensure that these features are in keeping with the character of the building and to comply with Policy E25 of the Scarborough Borough Local Plan.

9 Once development and repairs has been commenced no material part of the development and repairs shall be omitted without the prior written consent of the Local Planning Authority and its development and repairs shall be completed (subject to non-material omission) as a whole prior to first occupation of the development hereby approved or as otherwise agreed with the Local Planning Authority.

**Reason:** In the interests of securing a satisfactory finished development in compliance with Policy E25 the adopted Scarborough Borough Local Plan.

10 All doors and windows except for the bin store on the Back St Hildas Terrace elevation of the building adjacent to the existing highway shall be constructed and installed such that they do not open over the public highway. Any future replacement doors and windows shall also comply with this requirement.

**Reason:** To protect pedestrians and other highway users.

Head of Planning Services

**Background Papers:**

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT Derek Green ON 01723 232585 e-mail derek.green@scarborough.gov.uk

APM ........................ Date ........................

07 August 2007