

Parish: Huby
Ward: Huby
6

Committee date: 31 May 2018
Officer dealing: Mrs C Strudwick
Target date: 8 June 2018

17/02555/FUL

Two bedroom detached bungalow with parking and turning spaces
At: 4 Stillington Road, Huby
For Mr James Williamson

This application is referred to Planning Committee at the request of Councillor Cookman and was deferred at the 3 May meeting for the Committee to inspect the site

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies to the rear of 4 Stillington Road, within the domestic curtilage. The site is within the Development Limits of Huby.
- 1.2 The village has no Conservation Area. There are no listed buildings near to the site. The site boundary abuts Tally Hill, which is a green open space, used for public recreation.
- 1.3 This application seeks full planning permission for the construction of a two-bedroom bungalow, with access off Tally Hill. The ownership of the private road Tally Hill is uncertain. The applicant's agent has advertised the proposal seeking to identify the owner of Tally Hill but no claim for ownership has been made. The application proposes two parking spaces within the curtilage. The boundaries of the site abut 6 Stillington Road to the east, Tally Hill Green Space to the north, 2 Stillington Road to the west and 4 Stillington Road to the south.
- 1.4 The dwelling would be set about 2.6m from the western boundary; this space would provide one of two parking spaces with a further space to the northern side. There is a proposed separation distance of approx. 50cm to 60cm from the eastern boundary with the garden of 6 Stillington Road. To the south side is a strip of 3.3m between the dwelling and the garden of 4 Stillington Road.
- 1.5 A mature conifer hedge to the west of the site has been removed during the course of the application; no consent was required for this. The hedge was on land not in the applicant's ownership and was outside the application site, beyond the red line boundary.
- 1.6 Improvements have been secured by reducing the floor space of the bungalow from 70.5 sq. m to 66 sq. m and its height to 2.5m at the eaves and 4.5m at the ridge.
- 1.7 Members will recall that the applicant highlighted some inaccuracies with the submitted plans when he spoke in support of the application at the 3 May meeting. The agent was asked to consider this and respond but the drawings have not been amended to date.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – Expresses concerns about rear garden development and does not support the application, citing the following concerns:

- Any decision should be subject to agreement on the ownership of the road;
- The hedge-line along Tally Hill must be retained;
- Work vehicles must obtain permission from the Parish Council before accessing Tally Hill;
- Work vehicles must not block any access on Tally Hill; and
- Work on site must be subject to reasonable hours e.g. Monday-Friday 0800-1800, Saturday 0900-1300, no work on Sundays and Bank Holidays.

4.2 Highway Authority – Noted that the visibility splay was outside the application site (red line) boundary. Further comments area awaited following the inclusion of the visibility splay within the application site.

4.3 Public comments – Four observations have been received; one notes that the height should be the same as the others on Stillington Road, and at present could accommodate a loft conversion in the future which would overlook the neighbouring properties.

Three objections, from the same individual, stating:

- The revised plans are still too close to the neighbouring boundaries;
- The site would appear cramped, and at odds with the existing bungalows in the area;
- The height of the proposal would be visible above the roofs of the existing bungalows;
- The proposal would overshadow neighbouring garden;
- The garden of 4 Stillington Road will be completely enclosed by views of brick walls and overbearing roof; and
- The hedge is not under the control of the applicant and so cannot guarantee that visibility splays will be maintained.

5.0 OBSERVATIONS

5.1 The application site is located within the Development Limits of Huby and Local Development Framework policy DP8 sets out that permission for development will be granted within Development Limits provided it is consistent with other LDF policies.

- 5.2 The main issues to consider are therefore: (i) impact on the character and form of the village; (ii) design matters; (iii) impact on the neighbouring properties; and (iv) highways issues.

Character and form of the village

- 5.3 This area of Huby is characterised by 1970s growth, of low level linear development along Stillington Road, with two-storey 1970s development curling round the rear of the bungalows. On the west side of Tally Hill dwellings sit in a less regular pattern but generally relating to the unmade road of Tally Hill.
- 5.4 The site layout has been arranged to accommodate the bungalow and two parking spaces, along with outdoor amenity space. This part of Stillington Road is characterised by low level development, and the proposal is a bungalow where the height has been reduced to bring it in line with the existing bungalow ridges. Despite this, it is considered that the proposal would be visible between the existing bungalows on Stillington Road as a new line of development, which is not currently seen in this part of Huby.
- 5.5 To introduce additional development in this location would therefore be out of keeping with the existing form of this part of the village. This particular part of Huby is typified by detached dwellings within generous curtilages to the front and rear. The form of this plot would appear cramped within the boundaries, and overbearing to numbers 4 and 6 Stillington Road due to the lack of separation distances to the site boundaries.
- 5.6 It is considered that the scale of development in this location does not meet the tests of LDF policy DP32 "General Design", particularly in terms of form, as the proposal does not respect the local linear character when viewed from Stillington Road, nor respect the scale of spaces and buildings in the area. The dwelling footprint has been pushed to the east of the site so that parking spaces can be accommodated at the front of the dwelling; however it is considered that the site is not large enough to accommodate what is proposed without resulting in an overcrowded appearance.
- 5.7 The hedge to the west of the site previously screened the garden and collection of outbuildings at 2 Stillington Road. Without this landscaping the bungalow would be seen beyond the curtilage of 2 Stillington Road, highlighting that the development does not follow the form of development in this area, where it fronts a highway (adopted or otherwise). It is understood that a new hedge is to be established by neighbours to the applicant however this land is not within the control of the applicant and a new hedge cannot be required by a planning condition.
- 5.8 For this reason the application is considered contrary to policies CP1, CP17, DP1 and DP32.

Design

- 5.9 The proposed materials are bricks to match the existing bungalows, with natural clay pantiles to the roof.
- 5.10 The design of the dwelling previously has a circular window proposed to the north elevation, in the roof space. This gave the impression of habitable space but the roof ridge has since been reduced and this window removed.
- 5.11 It is considered that the architectural detailing of the dwelling design reflects and respects the vernacular design in the area.

Impact on the neighbouring properties

- 5.12 The greatest concern for impact on neighbouring amenity is in relation to the outdoor amenity space to the rear of 4 and 6 Stillington Road. The proposed dwelling would be positioned approximately 50-60cm from the boundary with the neighbouring property at 6 Stillington Road.
- 5.13 There is one window proposed in the eastern elevation that would serve a shower room. It is not indicated that this is to be obscured glazed, however that could be conditioned to protect amenity.
- 5.14 The site lies about 10m from the original rear wall of 6 Stillington Road; however that property has been extended to the rear, so the distance to the nearest part of the dwelling would be less. Due to the height and position of the proposed bungalow it is considered that the proposal would adequately protect neighbour amenity in terms of the habitable rooms of the dwellings on Stillington Road. However there are significant concerns regarding the potential for an overbearing impact upon 4 and 6 Stillington Road, due to the increased enclosure and overshadowing of outdoor amenity space given the proximity of the development to the site boundaries.
- 5.15 It is acknowledged that the occupiers of the neighbouring house have raised concerns regarding the loss of their views of the trees and green space at Tally Hill; however, these are not matters that can be protected through the planning system.

Highways issue

- 5.16 As set out above, part of the site was initially bounded by a mature conifer hedge which was not in the applicant's ownership. Comments from the Highway Authority questioned how the visibility splays at the site access point from Tally Hill would be maintained when not within the applicant's control or within the red line boundary. As such the red line boundary was amended to include the necessary part of the hedge, however, this hedge remains outside the applicant's ownership so it was suggested that a S106 agreement would be necessary to ensure adequate visibility splays would be maintained.
- 5.17 The large hedge, from Stillington Road to Tally Hill, has now been removed and so, currently, the line of sight is continuous southward to Stillington Road. It remains the case that the land is outside the control of the applicant and not part of the adopted highway and as such development upon the land could obstruct visibility on to Tally Hill.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposed development would result in a cramped residential environment for the new dwelling and the host dwelling at 4 and harm the amenity of 6 Stillington Road and qualities of the residential area contrary to Local Development Framework Policies CP17 and DP32 that requires development to respect the local character in terms of scale, volume and massing. Development should be of a scale appropriate to the size of the site area and form of the village. It is considered that the dwelling, by reasons of the site location and its scale, is cramped and out of context with the surroundings, constitutes an overdevelopment of the site and would have an adverse impact on the character and appearance of Tally Hill and Stillington Road.
 2. The inter-visibility of the proposed vehicular access and the road known as Tally Hill depends on a view over land that is not within the highway and not in the control of the applicant; as such a satisfactory standard of inter-visibility cannot be achieved. The development is therefore contrary to the provisions of the Local Development

Framework Policy DP4 as the proposal does not ensure safe access for all potential users.