

**Parish:** Alne  
**Ward:** Easingwold  
**1**

Committee date: 13 December 2018  
Officer dealing: Mrs Caroline Strudwick  
Target date: 21 December 2018

18/01354/FUL

## **Construction of dwelling and detached garage as per amended plans received by Hambleton District Council 12th October 2018**

## **At The Croft Main Street Alne**

## **For Mr & Mrs P. Tomlinson**

This application is referred to Planning Committee as the application is a departure from the Development Plan and this application was deferred at the meeting of 15<sup>th</sup> November 2018 in order to issues of the public benefits of the scheme and to investigate the footings of previous development on site.

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site lies to the rear of The Croft, between the two dwellings known as Seymour House to the west and Croft Barn to the east.
  - 1.2 The site has a brick wall along the boundary with Back Lane, and a set of double sheet metal gates adjacent to Croft Barn. The land is a grassed area of land with a pebble dashed roller shutter door garage in the north western corner and a green house on the eastern boundary, at approximately the half way point of the site length. The site is bounded by a mix of brick wall and timber fencing on all sides, with a timber gate in the south eastern corner to access The Croft.
  - 1.3 The site is outside the Alne Development Limits; this boundary runs some 10m north of the rear elevation of The Croft. The site is inside the Alne Conservation Area with the boundary running along the opposite side Back Lane. The predominant character of this area is the narrow Back Lane, bounded by mature trees and hedges to the northern side and the end of the rear curtilages of the Main Street dwellings, demonstrating the historic toft and croft pattern of the village.
  - 1.4 The application seeks permission for the construction of a new independent dwelling on the frontage with Back Lane. The design has been amended a number of times through the application process to address concerns of scale, number of window openings, generation of light pollution, and impact on the Alne Conservation Area.
  - 1.5 It has been shown through historic Ordnance Survey mapping that the application site was formally occupied by a building. A series of pits have been dug on site to expose the original foundations of the building. The footings have not been exposed continuously; however the footings which have been uncovered at various points which do appear to follow the form of the building shown on the 1911 map and follow the line of the rear elevation to match Croft Barn and Seymour House, as shown on the historic maps. The south eastern corner of the original footings measures approximately 5m from the boundary wall and line up with the rear boundary of The Croft and Seymour House. The plans show the south eastern corner of the two storey element of the proposed building to be 5.7m from the wall; the proposed footprint is larger than the footprint of the former agricultural building. The footings have been excavated to a depth of 40cm at this point (3 brick courses). No floor of the building has been found, however a small section of a cobbled surface has been uncovered to the south of one of the footing sections.

- 1.6 The western boundary wall has a number of nibs that line up with the exposed footings and where the external southern walls would have tied into the western wall.
- 1.7 The original boundary wall will either be re-pointed, and where necessary, damaged bricks replaced or will be carefully taken down and rebuilt using reclaimed bricks upon new foundations. The external elevations of the dwelling will then be extended upwards from the position of the existing wall, finished in a weathered timber cladding to replicate a number of other agricultural conversions in Alne (Park Farm, Village Farm and Oak Busks) but to also delineate between the existing wall and new construction on site.
- 1.8 The single storey rear element has a contemporary design, the scheme incorporates six full height glazed panels, a flat green living roof with three slightly raised roof lights.
- 1.9 Amendments have been made to the proposal. The number of glazed panels has been reduced, and the previously proposed roof lanterns have been replaced with roof lights to address concerns of light pollution from the development.
- 1.10 The ridge of the building has been reduced during the course of the application to make it lower than Croft Barn and in line with Seymour House. The pitch has also been altered to reflect the 33 degree pitch on the neighbouring properties. This has been done to respect the existing dwellings either side. The gates to provide access into the site have been relocated south, away from the frontage, previously being flush to the front elevation. This is to give some variety of depths, and break up the continuous development.
- 1.11 The number of windows on the Back Lane elevation has been reduced to reflect the small number of windows on the conversions either side of the application site. The style of the windows has also been amended to a more traditional style. The front elevation has had punctuated brickwork slots added to reflect the similar detail at Seymour House.
- 1.12 A detached garage is proposed within the site, to the rear, in the south eastern corner. The ridge height of the garage has been reduced by 0.5m to 3.8m in response to neighbour concerns of over shadowing.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 17/02085/FUL Application for the construction of a detached dwelling with detached garage, terrace and driveway – application withdrawn 30<sup>th</sup> January 2018

All other planning history relates to development at the host property, The Croft.

## **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 CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 – Promoting high quality design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all

- Development Policies DP9 - Development outside Development Limits
- Development Policies DP28 - Conservation
- Development Policies DP32 - General design
- Interim Guidance Note - adopted by Council on 7th April 2015
- National Planning Practice Guidance
- National Planning Policy Framework

## **4.0 CONSULTATIONS**

4.1 Parish Council – one comment of objection has been received from the Parish Council, received 19<sup>th</sup> July 2018. An additional consultation period has been advertised but no further comments have been received from the Parish Council. The original objection was made because –

- Outside development limits
- Out of keeping with the Conservation Area
- Result in a significant increase of traffic on Back Lane
- Impact on local infrastructure

4.2 Highway Authority – Recommended conditions

4.3 Public comments – 37 comments have been received, in response to both the 21 day and 10 day re-consultation. These consist of 24 objections, two neutral comment, and 11 supports. It should be noted that a number of the objections are multiple submissions.

The objections can be summarised as –

- Over development of the village as a whole.
- Unacceptable cumulative impact of back land development throughout the village.
- Over development of the site.
- Unacceptable impact on the rural character of Back Lane.
- The proposed building is not in character with other properties and will deter from the natural beauty of Back Lane.
- No evidence that a large agricultural building stood on the site, the scale and height to the one proposed.
- Design does not meet the tests of the NPPF's heritage section, and will not protect or enhance the character and setting of the Conservation Area.
- The principle of development in this location will set a precedent for more new homes fronting Back Lane, in rear gardens.
- Back Lane is a village amenity that should be protected as it is used by dogwalkers, joggers, ramblers & horse riders as a safe, quiet area of the village. Back Lane should remain a safe place for children to play and for individuals to enjoy the countryside

- An additional building of substantial height which will block the light, tree and skyline view in between the two existing barns. Proximity to neighbouring properties and potential for overlooking into proposed dwelling and neighbouring properties.
- Impact on Croft Barn by vehicles accessing the site, and disturbance to the neighbouring occupiers.

The 11 comments of support:

- Consider that the proposed plans are entirely sympathetically with the local surroundings.
- Extensive research has gone into ensuring that they are based very much along the style of the previous historic building on this site.
- Back land development is inevitable and it is far more preferable that this is undertaken by someone with a local understanding and empathy as demonstrated by the amount of research and cooperation that has gone into their planning consultation.
- This is excellent in design, taking into account the heritage of the village.
- A natural infill with existing access. There is sufficient turning and parking on site.
- There is a play area in the village, why are children being encouraged to play in the road?

## **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are (i) the principle of development at this location; (ii) the impact of the proposal on the character and appearance of the Alne Conservation Area; (iii) access issues; and (iv) impact on residential amenity, including any loss of recreational use.

### Principle

- 5.2 Alne is categorised as a secondary settlement in the Settlement Hierarchy published in the 2007 Core Strategy and is unchanged in the updated 2014 hierarchy, and therefore has prescribed Development Limits, however this site lies to the north of the Development Limits. For that reason any new housing in this location is contrary to the development plan unless it benefits from an exception as set out in Core Policy CP4. No such exception is claimed in this case. The Council's Interim Policy Guidance (IPG), allows small-scale development to be considered within the village.
- 5.3 The National Planning Policy Framework (NPPF) states, in paragraph 78, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.4 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:

- Development should be located where it will support local services including services in a village nearby.
  - Development must be small in scale, reflecting the existing built form and character of the village.
  - Development must not have a detrimental impact on the natural, built and historic environment.
  - Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  - Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  - Development must conform with all other relevant LDF policies.
- 5.5 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the north edge of the village of Alne. The IPG allows for development on land that is outside the Development Limits of settlements. The proposal would be capable of supporting local services and would be in accordance with the aims of sustainable development, complying with the first criterion.
- 5.6 The development is small in scale as it is for 1 dwelling. The development will occupy land that is considered to be domestic curtilage to The Croft.

#### Impact on Conservation Area

- 5.7 As the site is within the Alne Conservation Area there is a requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 “that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas”. The National Planning Policy Framework at paras 189, 190 and 192 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.8 Paragraph 196 of the NPPF states 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 benefits of the proposal, including securing its optimum viable use. On the topic of conserving and enhancing the historic environment the Planning Practice Guidance (paragraph 003; Reference ID: 18a-003-20140306) states that “Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past.”
- 5.9 The public benefits of heritage assets is set out in the Planning Practice Guidance (Paragraph: 020 Reference ID: 18a-020-20140306 ) as including benefits such as:
- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
  - reducing or removing risks to a heritage asset
  - Securing the optimum viable use of a heritage asset in support of its long term conservation.

- 5.10 Further advice is given in the Planning Policy Guidance (Paragraph: 023 Reference ID: 18a-023-20140306) it sets out that “A conservation area is an area which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance” and development in Conservation Areas must preserve or enhance the character or appearance of Conservation Areas in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.11 There is no doubt that the development will impact on the Conservation Area, but it is considered that this is not a detrimental impact as it will not result in an erosion of the character or create a harmful impact on the place or its setting. It is considered, in accordance with NPPF paragraph 192, that this proposal will sustain the significance of the Conservation Area, put this piece of land to a viable use in a way which is consistent with the assets conservation and ensure that the new development will make a positive contribution to the local character and distinctiveness.
- 5.12 The sensitivity of the location in the Alne Conservation Area and of Back Lane was a significant concern of the Planning Officer during the course of the application; the introduction of a building needed to be carefully designed so that the character and setting of the Alne Conservation Area is adequately protected. The applicant asserts that the principle of a building in this location should be supported as it is demonstrated by historic mapping that there was a substantial building here as early as 1845 through to 1952, and from 1893 the three buildings stood as a row. By reinstating a building which follows the historic footing the past layout of Back Lane will be recreated, mirroring the traditional croft and toft arrangement of the plots, where the main house was at the Main Street end, and an agricultural building at the opposite end, fronting onto a secondary lane, the two separated by grazing or arable land. There is no evidence available of how high the building was or how it appeared in the streetscene.
- 5.13 There is concern from the local residents that the principle of development in this location will unacceptably erode the character and setting of the Alne Conservation Area, particularly the visual amenity of Back Lane and the recreational value.
- 5.14 There are concerns regarding the imposing nature of a building between Croft Barn and Seymour House, and the potential for a tunnelling effect which may result in a sense of increased enclosure of Back Lane at this point. In response to these concerns the ridge line has been reduced to take it below Croft Barn, and in line with Seymour House and the access gates have been pushed back from the frontage to provide a variety of depths of the frontage. The degree of enclosure by the earlier agricultural building is an unknown factor. A degree of enclosure exists through the dwellings of Croft Barn and Seymour House and the boundary wall, the proposed dwelling increases the enclosure but that enclosure is not necessarily harmful, indeed it may reinstate an historic feature and be considered beneficial to the character of the Conservation Area.
- 5.15 As a result of the amendments which have been made to the scheme it is considered that the development will not result in a harmful sense of enclosure when travelling down Back Lane, but will return the row of three agricultural buildings as seen on historic mapping dated from 1845 to 1952. The IPG, section 3 Built Form seeks that: “Small gaps between buildings should be retained where these provide important glimpses to open countryside beyond and contribute to the character and appearance of the area”. The plot between Croft Barn and Seymour House does not allow glimpses into the countryside due to its orientation.
- 5.16 The gaps between the proposed dwelling and the dwellings, Croft Barn and Seymour House, will maintain the glimpses towards the Main Street and preserves the

separation of the dwellings. The gaps also reduce any tunnelling effect. Further by introducing the timber boarding and a reduced ridge height the character of the Conservation Area has been preserved.

- 5.17 The IPG demands that proposals reflect the existing built form and character of the village. The two properties either side of the plot are converted agricultural buildings, built up to the site boundary and highway verge. The proposal reflects this built form and the fact that the building will be “new” does not prevent it from reflecting the character of the older buildings. Following the line of development and providing a “natural infill” with development either side, is in accordance with the tests of the IPG, as set out at section 3, Built Form.
- 5.18 The applicant’s Heritage Statement produced by Humble Heritage assesses the historic wall, which sits on the site boundary, as an important structure within Back Lane but not a “non-designated historic asset”. Historic England has produced a set of four conservation principles which are used to help assess the significance of a place, one of which is ‘aesthetic’. It is considered that the value of this wall in its current condition is aesthetic (where sensory and intellectual stimulation is drawn from a place); and many of the public commentators note that the wall provides character to the Conservation Area which should be retained, whether this is in its current condition or as part of a development. If this wall was to be demolished and rebuilt this aesthetic value would be retained.
- 5.19 No structural report has been submitted to confirm the stability of the wall, however, the value of the wall is not as a result of its architectural detailing and there would be no significant value lost by rebuilding, as long as the bricks are re-used with a suitable, appropriate mortar. It is proposed by the applicant that any bricks which needed replacing would be sourced from the existing boundary walls on site which date from the same period as the front boundary wall. By creating a building of predominantly agricultural appearance an evidential value is introduced to the site; in that the development of a building on site yields evidence about past human activity on the site which adds to the significant of this site within the Conservation Area and making a positive contribution to local character and distinctiveness, in line with NPPF paragraph 102.
- 5.20 The rear of the dwelling is contemporary in its design, with the introduction of large glazing panels, large roof lights and flat living roof. This flat roof element is single storey and there will be limited, if any views, of this part of the dwelling from Back Lane as such the impact on the character and appearance of the Conservation Area would be negligible.
- 5.21 By virtue of the dwelling’s sympathetic design, and amended dimensions it is considered that the construction of a building in this location will cause less than substantial harm and will not result in a loss of significance of the Conservation Area. The scheme will maintain the historic layout of the Conservation Area and allow the traditional croft and toft form to be read.

#### Access Issues

- 5.22 There are a small number of dwellings with primary access from Back Lane and other dwellings have a secondary access from Back Lane. Additionally there are two farms that take access from Back Lane, as a consequence the land is quite lightly trafficked with no through way for motor vehicles.
- 5.23 It is noted that no objection has been raised by the Local Highway Authority Rights of Way officer to the development.

- 5.24 The greatest concern which has arisen from the community is the impact of increased traffic on the people who use the lane to walk dogs, exercise horses and children who enjoy the quiet lane to play. It is considered that the addition of one four bedroom house will not significantly increase the level of traffic on Back Lane to such an extent that those people who currently use it for leisure purposes will be unable to continue to use it for such purposes. It should also be noted that there is a playing field near by which can be used by children for playing.
- 5.25 NYCC Highways had no objection to the previously withdrawn scheme, subject to the attachment of recommended conditions. The NPPF states in paragraph 109 that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe". There will be an increase in traffic as a result of this scheme however is not expected to cause any demonstrable harm or harm to those people who use Back Lane as a pedestrian route or choose to exercise horses here. The proposal is in a location which will provide convenient pedestrian access to the village, thus minimising the need to travel. The scheme is considered to meet the tests of CP2, DP3 and DP4.
- 5.26 There is no evidence to suggest that the capacity of the infrastructure would be exceeded by the development of one dwelling. Accordingly the scheme meets the requirements of the IPG in this respect.

#### Impact on residential amenity

- 5.27 The site is located between two dwellings formed by barn conversions, and will back onto the rear of the properties in Main Street. The scheme originally featured a large glazed expanse at the rear, however, in response to officer concerns regarding light pollution. The potential for light pollution has been reduced by removal of the roof lanterns, these are substituted by roof lights. There will be a level of light pollution, as with any dwelling, however the scheme will not result in an unacceptable level of light escaping.
- 5.28 Concerns have arisen from the neighbours regarding the potential for overlooking into the proposed dwelling and vice versa. Based on the red line location plan, there is a separation distance from the rear elevation of High Gables (south south-east of the site) to the proposed site boundary of 19.7m, there is then an additional 17.9m length of garden from the rear boundary to the rear elevation of the proposed dwelling. This is a total separation distance between the rear elevations of High Gables and the proposed single storey element of the proposed dwelling of 37.6m. It is a very similar separation distance between The Croft and the proposed dwelling. The total separation distance between Birdforth House (south of the site) and the proposed single storey element of the proposed dwelling is approximately 55m. Given these distances it is considered that there will not be an unacceptable loss of privacy or potential for overlooking.
- 5.29 The neighbour at Croft Barn has raised concerns regarding the potential for unacceptable disturbance due to vehicles passing between Croft Barn dwelling and the proposed. The neighbour has anticipated that the disturbance will occur when using the garden. Due to the principal bedroom being at end of Croft Barn which is nearest the application site there is concern that disturbance will occur when the occupants are sleeping. It is accepted that vehicles will be accessing the site, and these vehicles will create noise, however there is nothing to suggest that the occupants would be accessing the site at abnormal frequency or times or that the use of the access would be unusually disturbing.

- 5.30 It has been suggested that the property may be advertised as a holiday rental, rather than being used as an independent primary dwelling. It is not considered that there would be any additional nuisances or concerns to consider should this occur, and no reasonable justification to apply a condition which removes the allowance to use the property as a holiday rental.

#### Drainage

- 5.31 The proposed drainage arrangement of connection to the mains sewer for foul sewage, and soakaway for disposal of surface water, is considered to be acceptable and no objections have been raised by consultees relating to drainage. The site is within flood zone 1 and therefore not within an area of significant flood risk.

#### Planning Balance

- 5.32 There is a supply for land for housing of more than 8 years and no compelling case for additional homes to meet the requirement of the NPPF in this respect however the provision of an additional dwelling is a social gain as it provides an additional home in a sustainable location. It would also result in an economic gain through the investment in the new building and through subsequent spending by residents.
- 5.33 The proposal has public benefit through the creation of a new home in the village with the attendant economic and social gains and retaining the setting of the heritage asset by preserving the character of the site which in turn helps the public understand and interpret the past activity on the site, this is a social and environmental gain.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 753/02/01/J and 753/02/02/H received by Hambleton District Council on 1<sup>st</sup> November 2018 and 753/02/03F received by Hambleton District Council 12<sup>th</sup> October 2018 unless otherwise approved in writing by the Local Planning Authority.
3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. Prior to first occupation a landscaping scheme which sets out the type and number of species to be used on the living roof and a management plan of the roof shall be submitted, and approved in writing, by the Local Planning Authority. Any plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species. Once approved the maintenance of the roof shall be carried out in accordance with the approved plan until such a time it is withdrawn in written agreement with the Local Planning Authority.

5. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
6. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
7. There shall be no demolition of the front boundary wall until a schedule has been agreed with the Local Planning Authority of those materials forming part of the building to be demolished which are worthy of re-use in the reconstruction of the wall and a schedule of additional materials required to replace any failed bricks. The wall shall be carefully taken down or dismantled and the materials contained in the schedule stored for later re-use in the proposed redevelopment. The materials contained in the schedule shall be re-used in the redevelopment of the site in the manner indicated in the schedule, as well as the mortar.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP28 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to help assimilate the development within the rural landscape.
5. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
6. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
7. In the interest of maintaining the character of the area and conservation of existing building materials in accordance with the Hambleton Local Development Framework policy CP28.