

Parish: Kirkby Fleetham With Fencote Committee date: 10 January 2019
Ward: Morton on Swale Officer dealing: Mrs H Laws
7 Target date: 18 January 2019

18/01603/REM

Application for approval of all Reserved Matters (to consider access, appearance, landscaping, layout and scale) following outline planning permission ref: 15/01543/OUT (Construction of a dwellinghouse)

At: Land to the south west of Prospect House, Great Fencote

For: Mr Tim Brierley

This application is referred to Planning Committee at the request of Councillor Phillips

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies on the southern edge of the village, opposite St Andrews Church and Church House and immediately adjacent to Prospect House. The application site covers an area of approximately 0.07 hectares with a frontage onto the village street of approximately 30m and a depth of approximately 28m.
- 1.2 The site is bounded on the roadside by a timber fence and mature hedgerow. An access and entrance gate (granted planning permission in April 2015) lie on the front of the site towards the northern end. Timber fencing forms the boundary with the field beyond. A stone wall and timber fence forms the boundary with Prospect House.
- 1.3 The site forms part of a larger plot of land, which is not included within the application site boundary.
- 1.4 Outline planning permission was granted in 2015 for the construction of a dwelling, with all matters reserved for future consideration. The reserved matters have now been submitted and these include scale, appearance, layout, landscaping and access.
- 1.5 The originally submitted scheme has been amended in respect of the form and design of the proposed dwelling.
- 1.6 The amended scheme proposes to construct a two storey L-shaped dwelling with four bedrooms and an attached double garage. The dwelling would be divided into two sections, one at a lower ridge level with a lean to section at the rear. The taller section would have a protruding gabled section to the rear. The dwelling would be finished in brickwork with natural slate for the roof.
- 1.7 The access is proposed at the north western corner of the site requiring the removal of a section of hedgerow.
- 1.8 Further minor design changes have been requested and will be reported to Planning Committee.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00353/FUL - Retrospective application for construction of an access and entrance gate to agricultural land. Permission granted 17/4/2015.

2.2 15/01543/OUT – Outline application for the construction of a dwellinghouse. Permission granted 20/10/2015.

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 CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

4.1 Parish Council – wish to see the application refused for the following reasons:

Councillors still consider that the planned property is incongruous and entirely out of keeping with the rest of the village. It remains considerably taller than any other property and councillors would like to see the roof-line brought to the level of neighbouring properties before these plans are approved. Traditionally the church has been the focal point at the entrance to the village and this should remain the case. Given that it is in such a prominent position it should reflect other, more traditional, village properties which surround it and councillors note the improvements to the front windows on this point.

Councillors still have considerable safety reservations with regard to visibility around the corner and at the junction as noted in their response to the outline planning application of 2015. Councillors note the railed fencing set back on the corner, which will improve visibility, though the height is unclear on the plans, and assume that the hedge would be completely removed. Councillors would like to see this included as a requirement in the approved plans. Councillors agreed that this application should be considered by the Planning Committee and their response would include a request for this.

4.2 Highway Authority – conditions recommended

4.3 Yorkshire Water – no objection in principle.

4.4 Public comments – the following objections were received from the adjacent residents and from those opposite the site, regarding the originally submitted plans:

- Would result in a loss of light and overshadowing
- the proposed development (should be) reduced in size and moved forward towards the public highway and sited at an increased distance from my South West property boundary
- unacceptable design and appearance
- excessive height would dominate skyline
- the full height glass on the front of the property is not in keeping with the street scene and will stand out as significantly more modern than the rest of the village

- traffic safety issues due to the line of sight between the proposed entrance and the sharp corner and the short distance between the two

Further objections have been received to the amended plans from the same residents, which are summarised as follows:

- There is no change to the height nor aspect of the build that interfaces with my own property (Prospect House).
- The proposed property is sited South West of Prospect House and as such it will become a barrier to sunlight in the early afternoon, causing a detrimental loss of light and generating overshadow to a larger than acceptable portion of my home and gardens.
- With a planned building depth of 13.2m and a height of 8.15m this large dwelling house will be a substantial obstacle to light extending to my property.
- understand that under the Prescription Act 1832, a right of light occurs once light has been enjoyed through defined apertures of a building for an uninterrupted period of 20 years.
- It is a myth that rights of light can be measured by the '45-degree rule' as indicated on the applicants drawings, so I would be willing to participate in undertaking the '50:50 rule' as a more appropriate way to measure light levels.
- noticeably taller than all neighbouring properties; circa 1 meter taller than my own ridge line (Prospect House), and possibly challenges St Andrew's Church, in this regard.
- alleviate the concerns I had about the full height glass windows at the front which leaves my remaining concern to be regarding the height of the property
- the proposed development is not in keeping with the visual context or scale of the local area
- as the front of the property will be directly parallel to my property (Orchard House) I will be overlooked into my front rooms and shadowed from morning sunlight.

5.0 OBSERVATIONS

- 5.1 The issues for consideration in this case relate to the scale and appearance and landscaping of the proposed dwelling and the effect of the development on the character and appearance of the village, the rural landscape, heritage assets, neighbouring amenity and highway safety.

Scale, appearance and landscaping of the dwelling

- 5.2 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.3 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.4 The National Planning Policy Framework Planning supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.5 The application does not include a Design and Access Statement that would explain why the proposed design was selected but as the site does not lie within a

Conservation such a document is not essential, only desirable. The originally submitted plans proposed a contemporary style of property, which in this instance was not considered to relate to its context as an important site at the entrance to the village and would not therefore comply with the Council's policies for development to take into account local character and settings.

- 5.6 The amended plans have reduced the scale of the proposed scheme, albeit still a large detached dwelling. The plot is however a substantial size and the proposal would not constitute overdevelopment.
- 5.7 The changes made are more reflective of the traditional character of Great Fencote, where terraced cottages are particularly common. The front elevation, with its stepped ridge and frontage, is indicative of two separate cottages with features reflective of other dwellings within the village such as sash style windows, flat topped bays and chimney stacks. The dwelling would be finished in brickwork and slate and it would be important to ensure the quality of materials is of a high standard due to the prominence of the site.
- 5.8 The proposed dwelling would be 960mm taller than the neighbouring dwelling, which is not considered significant and, due to the separation between the neighbouring two storey sections, would not have an overbearing impact. The roof pitch of the proposed dwelling is steeper than that of Prospect House thereby resulting in the greater height. The steeper pitch is a more traditional feature and results in narrower gables, more proportionate to the overall size and scale of the dwelling. The gabled section to the rear is at a lower height and stepped in from the side elevation thus breaking down the sections of the dwelling to reduce the visual impact of its overall massing.
- 5.9 A landscaping scheme has been submitted, which proposes to retain the hedgerow immediately in front of the proposed dwelling and the planting of trees and shrubs within the site. A new hedge would be planted to replace the part of the existing hedgerow removed to create the visibility splay.

Character and appearance on village and rural landscape

- 5.10 Not all dwellings in villages are built at the same height. The variation in sizes and design adds to the character of a village with different dwellings located in positions appropriate to their scale and design. The proposed dwelling has separate sections stepping upwards in height as it is approached at the entrance to the village.
- 5.11 The proposed development would require the removal of part of the hedgerow along the south western boundary of the site in order to provide the required highway visibility splays. A greater length of hedgerow would be planted as a replacement and although set further back from the street (behind the splays) would still retain the soft edge to the road. As such it is considered that the development proposed, and the limited loss of openness, would appropriately respect the general built form of the village. There is no identified harmful impact to the built environment.

Heritage assets

- 5.12 The NPPF in paragraph 197 requires the Council to take into account the effect of a development on the significance of a non-designated heritage asset.
- 5.13 St Andrews Church is not a listed building but could be considered to be a non-designated heritage asset. The significance of the building is its history, its use and its prominence on the approach into the village from the south and west. The proposed dwelling has been sited to the north east of the application site and would not detract from existing views of the Church from roadway approaches. The

dwelling would obstruct views from the public right of way, which crosses the field to the south of the application site but as the dwelling would lie immediately adjacent to existing residential properties on the edge of the village, it would not be viewed in the same setting as the Church.

Residential amenity

- 5.14 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed dwellings follow the general building line of the dwellings along this section of the village street and also reflect the spacing between many of the detached dwellings locally. The closest neighbour to the proposed dwelling would be the existing property at Prospect House, which is currently the final property on the southern side of the road. This dwelling has previously been extended with a two storey and a garage extension, the latter being the closest to the boundary with the application site; the rear of Prospect House has therefore enjoyed open and unrestricted views towards the south west across the private land of the application site.
- 5.15 The living accommodation associated with the two storey extension of Prospect House lies at a distance of approximately 6m from the boundary and it is considered that this is an adequate separation for the proposed dwelling not to harm amenity as a result of a loss of light or overshadowing, particularly as it does not directly face onto the proposed development. The right to light mentioned by the neighbouring resident is a legal matter and not a planning matter. For clarification light is a material consideration but the right to light tests alluded to in observations are not an adopted test of the Council. The proposed dwelling does lie to the south west and would affect evening sunlight at certain times of the year but the outlook from the rear of the Prospect House would remain open and unconstrained.
- 5.16 The two storey section at the rear of the proposed dwelling lies approximately 3.5m beyond the boundary and therefore it would not appear as an overbearing and dominant structure to the neighbouring property.
- 5.17 The proposed dwelling would lie almost 30m from the closest point of Orchard House and Church House on the opposite side of the road and therefore would be an adequate distance for there to be no detrimental impact as a result of overlooking or overshadowing.
- 5.18 It is not considered that the proposed development is contrary to LDF Policy DP1.

Highway Safety

- 5.19 Albeit a matter reserved at the outline stage, access to the site was considered by the Planning Authority at that time, to ensure that a safe access was achievable, as it is implicit in establishing the principle of the development.
- 5.20 The details of the proposed access are the same as those considered at outline stage, requiring a visibility splay to be provided in a south westerly direction. It is not considered therefore that the proposed development would adversely impact on highway safety.

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 begin on or before 17 April 2020.

2. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority. Details of discharge to public sewer shall include evidence that sustainable means of drainage have been investigated and reasoning as to why they have been discounted. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
3. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved:
 - a. have been constructed in accordance with the submitted drawing number P04 revision P2.
 - b. are available for use unless otherwise approved in writing by the Local Planning Authority.Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 217063 P01 P9; P02 P10; P03 P9; and P04 P1 received by Hambleton District Council on 27 November and 10 December 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons 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. To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with LDF Policies CP21 and DP43.
3. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
4. 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.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste

1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and

1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977