

Parish: Bedale
Ward: Bedale
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Committee date: 7 February 2019
Officer dealing: Mrs H Laws
Target date: 15 February 2019

18/00016/FUL

Construction of two dwellinghouses
At: Bancroft, 9 Firby Road, Bedale
For: Penny Home Specialists Ltd

This application is referred to Planning Committee at the request of a Member of the Council

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The dwelling known as Bancroft is a substantial detached brick dwelling that is sited within its own grounds on land to the rear of existing dwellings on Firby Road. The dwelling has a dominant hipped roof with a gable protrusion to the front and rear and a single storey wing resulting in an L-shaped footprint.
- 1.2 The bungalows on Benkhill Drive bound the site to the east at a much lower ground level; the rear boundaries of dwellings fronting onto Firby Road bound the site to the west. The access road and the bungalows at numbers 5 and 7 Firby Road lie to the north; and to the south lies open space associated with Bedale Primary School.
- 1.3 Access to the site is from the eastern side of Firby Road along a driveway shared with the bungalows at 5 and 7 Firby Road. There are two driveways serving Bancroft; one to either side of the plot. It is proposed to use the existing access for the proposed development. The driveway to the eastern side would be used to serve Bancroft.
- 1.4 Bancroft lies on a raised ground level close to its southern boundary; a detached garage block lies on its western side, adjacent to the boundary with 17 Firby Road. The boundary with this dwelling includes a well-established hedgerow and mature trees within the garden of the neighbouring property.
- 1.5 It is proposed to construct two detached dwellings on the land that currently forms part of the domestic garden of Bancroft, along the western boundary of the property. Plot 1, closest to the access and driveway would be a bungalow with first floor accommodation in the roofspace served by dormer windows and a gable to the front elevation. The dwelling would be a four bedroom property finished in render and slate with some areas of cedar boarding to the walls. A new access would be provided directly from the shared driveway and a detached garage would be constructed in the front garden area.
- 1.6 Plot 2 would be positioned on the site of the existing garage block and would be a two storey dwelling with a single storey offshoot (including a double garage) resulting in an L-shape property. The dwelling would be in the style of a coach house with large openings to the ground floor and the first floor accommodation served by eyebrow dormers. The dwelling would be finished in brickwork with a slate roof. A rear single storey flat roofed section would be finished in cedar boarding. The existing western driveway would be used to serve this dwelling.
- 1.7 The originally submitted application included a dwelling on the eastern side of Bancroft, abutting the boundary with the Benkhill Drive bungalows. Concern was expressed regarding the development of this plot due to the difference in heights

between the site and the existing bungalows and the harmful impact on residential amenity that could result from this proximity.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 07/01303/FUL – Construction of a detached dwelling; Refused 4 July 2007 on the grounds of (a) unsatisfactory visibility at the site access that would be prejudicial to highway safety; and (b) the distance between facing main elevations would be detrimental to the amenity of the adjacent residents.
- 2.2 08/00171/FUL – Revised application for construction of a dwelling and improvement works to existing vehicular access; Granted 15 April 2008.

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 CP21 – Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP8 - Development within Development Limits
Development Policies DP32 - General design
Development Policies DP33 – Landscaping
Development Policies DP43 – Flooding and floodplains
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – councillors would wish there to be a restriction on construction traffic between 8.00-9.30am and 2.30-4.00pm, as the site is close to all three of Bedale's schools.
- 4.2 Highway Authority – Following a speed survey, it has been confirmed by the applicant's agent that traffic speeds on Firby Road are not low enough to reduce the visibility requirement under Manual for Streets Guidance. This therefore means the applicant would be reliant on a visibility splay which is under third party ownership. The Local Highway Authority recommends that Planning Permission is refused for the following reason:

The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2.40m metres x 43.00 metres cannot be achieved at the junction with the County Highway and the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

- 4.3 Ramblers Association – no objections
- 4.4 Environmental Health Officer– No objection; the risk of contamination affecting the development or end users is considered to be low.
- 4.4 Public comments – comments have been received from three local residents and are summarised as follows:

- The proposed removal of the eastern hedgerow will reduce ground water uptake by the then absent Cypress hedge;
- The presence of a building near the boundary with a roofline that runs north to south will discharge approximately half of the water collected by the footprint of the building towards the boundary;
- The highway visibility to the north of the existing drive does not meet highway requirements and it would be inappropriate and unsafe to rely on a legally unenforceable offer from a nearby property owner to help resolve this problem;
- For the avoidance of doubt, I would advise that the 5.5 metre area of land to the north of the drive leading to no. 9 is in (separate) ownership and at the present time we are not willing give any undertaking regarding visibility requirements involving this land; and
- All access to Bancroft would be by the eastern access. Currently this is only used occasionally which causes little disruption. Should Bancroft become an independent dwelling there is a probability that a larger number of vehicles would be using the eastern access at regular intervals during the day. This would cause considerable nuisance of noise, mud splashes & dust as the driveway is only 2.2 metres from the bungalow.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of the development in this location; (ii) the effect of the siting on the character and appearance of the surrounding area; (iii) the design of the proposed dwellings; (iv) impact on heritage assets; (v) the effect on the amenity of neighbouring residents; and (vi) highway issues

The principle of development

- 5.2 Development Policy DP8 is supportive of development within Development Limits where it meets the requirements of other relevant policies. The NPPF aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to jobs, education, shopping, leisure and other services and facilities. The proposal is for the construction of a dwelling within the Development Limits of Bedale, which is defined as a Service Centre in the Core Strategy. The site is relatively close to the town centre and facilities such as schools, shops, church and leisure centre are within easy access; therefore it is considered to be within a sustainable location. The principle of an additional dwelling in this location is considered to be acceptable.

Form and character

- 5.3 Not all sites in such locations are suitable for development and consideration must be given to the layout and design and the potential impact of a proposal on features of acknowledged importance such as the form and character of the surrounding area. LDF Policy CP17 requires new development to respect the local context. Backland development is not always acceptable but in this instance there are several examples of such development within the immediate vicinity and this is an established characteristic of this part of Firby Road. The proposed development of two dwellings would not be out of context with the surroundings.
- 5.4 The proposed development is considered to respect the character of the local area and would result in a form of development that would accord with its surroundings in compliance with LDF Policies CP17 and DP32.

Design

- 5.5 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."
- 5.6 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 setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.7 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.
- 5.8 The dwelling at Plot 1 would be similar to the dwelling approved for the site in 2008 and is similar to the existing style of bungalows and dwellings at numbers 5, 7 and 11A Firby Road. Although a relatively large scale bungalow it is fairly low in height and would not be out of place in this locality.
- 5.9 The dwelling at Plot 2 would be of a different style and would reflect the detailing of the existing dwelling at Bancroft. It has been designed with consideration of the proximity to the existing dwelling in mind and has the appearance of an ancillary coach house structure. The proposed dwelling would have an L-shaped footprint to set it within the corner of the plot adjacent to the boundaries in a similar position to the existing detached garage block, which is to be removed.
- 5.10 The design of the proposed dwellings, although of different styles, both reflect aspects of the immediate locality and would be in accordance with LDF Policies CP17 and DP32.

Heritage assets

- 5.11 The existing dwelling is not a listed building, nor are there any in the vicinity, and the application site does not lie within nor adjacent to the Bedale Conservation Area.
- 5.12 Bancroft has been assessed against the Council's published criteria for assessing Non Designated Heritage Assets. The building is considered to meet the following criteria:
- A. Age (usually more than 30 years old); and
 - C. Representativeness (an unusual example of this type of architecture in the locality)
- 5.13 The building is of some historic and architectural merit thought to have been built in the 1930s; is considered to be a non-designated heritage asset and is therefore a feature of acknowledged importance. The NPPF in paragraph 184 requires Local Planning Authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 197 states that a balanced judgement will be required having regard to the scale of any harm or loss of significance of the heritage asset.
- 5.14 The significance of the dwelling is considered to be its aesthetic merit rather than its prominence as part of a wider area or its immediate setting. It is a relatively unusual style of dwelling for this locality, with features such as the steeply pitched roofs and intricate chimneys.

- 5.15 The proposed development would lie within the garden of the existing dwelling and would therefore have the potential to impact on its setting. The proposed dwelling at Plot 1 would repeat the characteristics of the existing bungalows previously constructed within the original grounds of the property, whilst the proposed dwelling at Plot 2 would be viewed within the immediate setting of Bancroft and appear as an ancillary building. It is not considered that either dwelling would detract from the special qualities of the dwelling nor harm its setting. It is concluded that there would be no impact on the significance of the heritage asset.

Residential amenity

- 5.16 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The dwelling at Plot 1 would be relatively close to the boundary with the neighbouring property at 11A Firby Road but would be orientated having had regard to the positioning and openings within the existing property.
- 5.17 The dwelling at Plot 2 would lie close to the boundary with the dwelling at 17 Firby Road but the latter property has a large garden area and adequate separation would exist between the two dwellings to respect the amenity of both properties.
- 5.18 Adequate distance would remain between the existing and proposed dwellings and each would have sufficient amenity space for the residents. The proposed development would comply with the requirements of Policy DP1.
- 5.19 Currently Bancroft is served by two driveways and the use of the driveway at the western side avoids vehicular movements in close proximity to numbers 5 and 7 Firby Road. The proposal is to utilise the western driveway for the proposed dwellings and the eastern driveway would be the sole route for vehicles accessing Bancroft. Albeit currently in infrequent use, the driveway is already available to serve a single dwellinghouse and this would not change. In any event, it is not considered that the vehicle movements associated with a single dwelling would be excessive and would not significantly detract from residential amenity contrary to Policy DP1.

Highway safety

- 5.20 The proposed development would use the existing access onto Firby Road, which currently serves Bancroft and the two existing bungalows. The visibility at the access is substandard in a northern direction. The available visibility is 26m; the required visibility is 43m. The visibility splay crosses a neighbour's land within which there is shrubbery. Although an indication has been received that the neighbour would undertake ongoing maintenance this would not be within the applicant's control and could not be achieved in perpetuity.
- 5.21 Planning permission was granted in 2008 for the construction of a dwelling on the same site as Plot 1 but subject to conditions that were not achievable in practice.
- 5.22 The visibility splay could be protected if the owner of the property was willing to enter into a legal agreement protecting the visibility splay. This has been put to the applicant but has not been progressed as a means of protecting the visibility splay.
- 5.23 The Highway Authority considers this lack of control to be unacceptable and, as the reduced visibility results in an unsafe access for two additional households, refusal of the application is recommended on these grounds.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2.40m metres x 43.00 metres cannot be achieved at the junction with the County Highway and therefore the intensification of use which that result from the proposed development is unacceptable in terms of highway safety and would be contrary to LDF Policies CP2 and DP4.