

Parish: Skipton-on-Swale
Ward: Thirsk
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Committee date: 7 March 2019
Officer dealing: Miss Charlotte Cornforth
Target date: 11 March 2019

18/01663/FUL

**Alterations and extension to existing dwelling house and outbuildings to form two dwelling houses with associated hardstanding, new dividing wall and new access and gate from the eastern side
At Skipton Hall, Skipton on Swale
For Mr and Mrs Kitching**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The building of Skipton Hall is a Grade II listed building that was built in Georgian times by the Robb family, who were cattle drovers. The farm house was used by them as a resting place between Scotland and London.
- 1.2 In early Victorian times, the dwelling was extended (the eastern part with the lower roof line and two-storey height). The Victorians altered the windows to make a "two over two" glazing pattern and installed two large bay windows. Only two of the original Georgian windows remain on the ground floor of the west gable wall.
- 1.3 In the 1970s, the farm land was split off and Skipton Hall was left with only a large garden. In the 1980s, the building was run as a bed and breakfast/guest house before changing to a retirement home in 1990, an activity that ceased in 2002.
- 1.4 The house then became a holiday let and was rented out until 2005 when it reverted to private residential only. The house sits in relatively large gardens, with the principal outlook being towards the south.
- 1.5 The site is bounded by Catton Road to the west, the A61 to the north, with the residential properties of Hill Farmhouse, Barrington House and Appletree House to the north east. There is open land to the east and south east beyond the Hall's garden. To the south lies a detached dwelling, Swale House. St John's Church is on the northern side of the A61, some 80 metres from the site entrance.
- 1.6 The proposal seeks to sub-divide the dwelling to create an additional dwelling for the owners to occupy. The proposed new dwelling would be formed within a later extension to the eastern side of the main house. The space between the eastern side of the house and the outbuildings would be infilled with a single storey extension and with the outbuildings forming part of the residential dwelling.
- 1.7 The existing space within the dwelling would comprise a bedroom with en-suite and dining room at ground floor, with two bedrooms and bathrooms at first floor level. It should be noted that this part of the house has an existing staircase. The extension would comprise a kitchen and utility. The outbuilding would accommodate an entrance hall, with cloak room, WC and sitting room.
- 1.8 The new dwelling would therefore have three bedrooms, including one at ground floor level. The existing dwelling would form a seven/eight bedroom dwelling. The details of the internal works to the Grade II listed building are outlined and assessed in the report on listed building consent application 18/01731/LBC, also on this agenda.
- 1.9 Vehicular access to the site is proposed on the southern side of the A61, between Appletree House and Barrington House, using an existing access point. The wall

would be demolished to allow for the access onto the application site. The relevant ownership certificates have been signed on this basis. A hard standing area would be created for vehicles to park and access the new dwelling.

- 1.10 The current entrance to the building is accessed from the public highway and would continue to be. The existing gravel drive and hard standing to the rear of the dwelling would remain with the main house. A new wall would be constructed to the side of the existing utility and the outbuilding to screen off the second dwelling from the main house.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/81/133/0014 - Use of existing dwelling as a guest house; Granted 1981.
- 2.2 2/88/133/0014C - Change of use of existing guest house to a retirement home for the elderly; Granted 1988.
- 2.3 2/99/133/0014D - Application for Listed Building Consent for the part re-roofing of and repairs to existing roof; Granted 1999.
- 2.4 2/02/133/0014E - Listed Building Consent for demolition of part of wall; Granted 2002.
- 2.5 2/03/133/0014F - Application for Listed Building Consent for demolition of part and infilling of part of existing boundary wall; Granted 2003.
- 2.6 2/03/133/0014G - Change of use of existing residential care home to a dwelling and formation of a vehicular access to replace existing access to incorporate the demolition of part and infilling of part of existing boundary wall; Granted 2003.
- 2.7 12/01873/LBC - Application for Listed Building Consent for installation of a window, replacement of three windows and re-pointing of west facing gable; Granted 2012.
- 2.8 15/02750/OUT - Outline application for the construction of a dwelling and detached garage with some reserved matters (access); Refused 18 April 2016, appeal dismissed 24 November 2016. This application was for a site on the opposite side of Catton Road from Skipton Hall.

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 Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP28 – Conservation
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design

Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
Size, Type and Tenure of New Homes SPD - adopted September 2015
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – no response received to date.

4.2 Highway Authority – they confirm visibility leaving the existing access to the east is substandard due to the front boundary hedge of Appletree House overgrowing the boundary fence by approx. 300-400mm.

Condition 8 of planning permission for the construction of both Barrington House and Appletree House in 2001 (2/01/133/0047C) shows a required visibility splay of 2.4 x 90m in a westerly direction and 2.4 x 160 metres in an easterly direction.

Whilst guidance has now changed, the visibility was assessed in line with current guidance set by Manual for streets this morning and I can confirm 2.40 x 43.00 metres was unachievable due to the overgrown hedge.

If the hedge bordering Appletree House was maintained in line with the existing fence a visibility splay of 2.40 x 43.00 metres would be achievable benefiting the existing properties from a highway safety aspect.

Given the access is already constructed to an adequate standard and the proposed on-site parking and turning areas are sufficient a recommendation of refusal from the Highway Authority based on visibility is unlikely given the visibility splay is covered by the decision notice from 2001.

It should be noted that the applicant does not own or control the front boundary hedge.

4.3 Environmental Health Officer – No objection.

4.4 Yorkshire Water – No response received to date.

4.5 Public comments – Four letters of objection have been received from two addresses. A summary of their objections are:

- Appletree House is accessed by a regulated access road from the A61. The access is for and was planned for two dwellings (Appletree House & Barrington House);
- Traffic on the A61 is already a risk due to the extreme speeds of some drivers. Additional traffic exiting/entering would increase the risk of an incident or accident. The build of a new property directly opposite has in effect turned the exit into a cross road;
- The driveway as it is presently, is bordered its full length by allocated parking for Barrington House. Parking extends from the pavement right up to within 32cm of the boundary wall at the top (clearly marked by paved/gravel area) This can accommodate 3-4 cars and when these spaces are in use and those of Appletree House, the area reaches its capacity and feels crowded;
- There is already access to Skipton Hall off the much quieter (in comparison to the A61) Catton Road so there is no justification for the new access, which would cause damage to the Grade II listed boundary wall. There has never been an access road to Skipton Hall in this location;

- The proposed road would mean installing gates in part of the Grade 2 listed building's wall, altering the look of the property and also those of their neighbours;
- This is currently a very beautiful walled garden. The character and history of the garden would be lost;
- If construction traffic for the proposed development were to use the access road between Appletree & Barrington houses many of the points above would be magnified sevenfold, especially those regarding safety, noise and privacy but also an increased danger of damage to building and property given the road is not be suitable for any vehicles other than domestic ones; and
- The proposed access would have a dominating impact on the use and quiet enjoyment of Barrington House.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) housing, size, type and tenure; and the impact on (iii) the character of the village; (iv) heritage assets; (v) residential amenity; (vi) highway safety; and (vii) flood risk and drainage.

Principle

- 5.2 Policy CP4 of the Hambleton Local Development Framework Development Plan Document Core Strategy 2007 (Core Strategy) sets out that development outside of development limits will only be supported when an exceptional case can be made in terms of Core Strategy Policies CP1 and CP2 and where certain criteria are met. The application site does not fall within a defined settlement.
- 5.3 Paragraph 79 of the National Planning Policy Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities such as development in one village may support services in a village nearby. To update its policy following the original publication of the Framework in 2012, the Council, in 2015, prepared Interim Policy Guidance (IPG) in respect of small scale housing development in villages.
- 5.4 The IPG supports small scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where certain defined criteria are met.
- 5.5 Skipton on Swale is included in the updated settlement hierarchy as an Other Settlement. The IPG states that Other Settlements are unlikely to be considered sustainable unless they form part of a cluster with other villages and that development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable. The IPG also indicates that settlements should be linked to each other by convenient public transport, walking or cycling, where the combined settlements offer a range of services contributing to a sustainable community. The IPG also sets out that a cluster is unlikely to constitute a sustainable community if there are few services or if there are significant distances between settlements.
- 5.6 Skipton on Swale has a church, but has no shops, public house, school or other community facilities. Although it is on a bus route, the service is infrequent and does not run at weekends. There are no footways along the A61 outside of the village. Therefore, the A61 does not appear to offer convenient access to services and facilities elsewhere other than by private car.
- 5.7 The nearest settlements with a reasonable range of services and facilities are Carlton Miniott (approximately 3km away) and Topcliffe (approximately 6.5km away). Given the distances between the application site and these places and the limited

opportunities for sustainable travel, future occupiers of the proposed dwelling are likely to be reliant upon the private car for day to day needs.

- 5.8 In light of the above, it is considered that Skipton on Swale does not form a sustainable community with a cluster of villages. This judgement has been made in connection with other small-scale housing schemes and has been supported on appeal, most notably in respect of a site on the opposite side of Catton Road (application refused April 2016, appeal dismissed November 2016).
- 5.9 The site is not situated in a sustainable location for new housing development. The proposal therefore conflicts with Core Strategy CP4 and Core Strategy Policy CP2 which is concerned with minimising the need to travel. It also conflicts with Hambleton Local Development Framework Development Policies Development Plan Document 2008 (DPD) Policy DP9 which is concerned with development outside of development limits. Additionally, the proposal also fails to accord with the guidance set out in the IPG.
- 5.10 It is important to note the National Planning Policy Framework. This sets out national planning policy and at paragraph 79 states that planning decisions should avoid the development of isolated dwellings in the countryside unless one of five circumstances applies.
- 5.11 The fourth of these is d) “the development would involve the sub-division of an existing residential dwelling”. Therefore, this national policy would allow the principle of sub-division of any existing dwelling within the countryside.
- 5.12 This proposal seeks the sub-division of an existing dwelling, but also includes an extension and alterations in the form of a single storey infill extension between the existing dwelling and existing domestic outbuildings. Alterations are also proposed to the existing domestic outbuilding.
- 5.13 The existing space within the dwelling would comprise of a bedroom (with en-suite) and dining room at ground floor, with two bedrooms and bathrooms at first floor. It should be noted that this part of the house has an existing staircase. The extension would comprise a kitchen and utility. The outbuilding would accommodate the entrance hall, with cloak room, WC and sitting room.
- 5.14 The proposal does include some sub-division of the dwelling. However, for it to function as a self contained dwelling there is an extension proposed and alterations to the existing outbuildings that will provide habitable rooms.
- 5.15 It is considered the proposal does not comply with paragraph 79 of the NPPF as it includes extensions and alterations to the dwelling. Paragraph 79 only allows for the subdivision of rural dwellings in the countryside.
- 5.16 To conclude, the principle of development in this location is unacceptable, in accordance with both local and national planning policy.

Housing size, type and tenure

- 5.17 The proposal would form a smaller unit of accommodation (a three-bedroom unit with a ground floor bedroom). The existing dwelling would be retained as a seven/eight bedroom dwelling. The proposal would therefore result in two dwellings that provide one smaller unit and one larger unit. It is considered that the proposal provides a housing mix and helps to meet the shortage of smaller units of accommodation, with a ground floor bedroom, in accordance with LDF Policies CP8 and DP13.

The character of the village

- 5.18 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."
- 5.19 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.
- 5.20 There would be glimpsed views of the proposed extension when travelling north along Catton Road. The works (including the extension and the car parking area) are within the existing domestic curtilage of the building that is enclosed by a wall and other planting.
- 5.21 It is considered that the proposal would not be harmful to the character and appearance of the village. This is by virtue of the scale, form and detailed design of the extension and the minimal alterations to the outbuildings. The overall design of the works is considered to be high quality and respects the character and appearance of the heritage asset. Heritage assets will be discussed in the next section of the report.

Heritage assets

- 5.22 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.23 Case law leads to an approach that any degree of harm to the significance of a heritage asset or the setting of a heritage asset where that setting contributes to significance must give "considerable weight and importance" in decision making.
- 5.24 The heritage asset which will be affected by this application is the Grade II listed building of Skipton Hall. The listed building is a detached dwelling within a small settlement which has been designated because of its special architectural or historic interest.
- 5.25 As defined by the NPPG glossary, significance is the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. The setting of a heritage asset is defined in the NPPF as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 5.26 Great weight and importance is given to the significance of the heritage asset. The significance of the building lies with its historic value as a farm house that was used by the Robb family as a resting place between Scotland and London and aesthetic value as a grand three storey Georgian building, built with red brick with a Flemish Bond under a slate roof.
- 5.27 The building was extended by the Victorians (the eastern part with the lower roof line and two-storey height). This extension has its own separate staircase to the upper

part of the house and is considered to be the least historic and significant part of the building.

- 5.28 The infill extension would be single storey, with a flat roof and glazed lantern. It would not project further than the southern elevation of the main dwelling. It would be constructed from brick. The outbuilding would be altered to include double floors on the eastern elevation that would form the entrance to the dwelling. This would be formed through an existing window opening. In terms of the utility room the north, a new entrance door is proposed to enter the larger dwelling.
- 5.29 The proposal seeks to extend this eastern part of the house through the infill extension and alterations to the outbuildings. It is considered that the proposal would not harm the significance of the Grade II listed building. The most significant part of the Georgian building would be retained and its aesthetic value would not change. The extension is a light weight, mainly glazed structure that has been kept to single storey in height.
- 5.30 A three metre section of the boundary wall would be demolished to incorporate the access through to the proposed new dwelling. This wall is of an age and is curtilage listed. It forms the boundary between the neighbour's dwellings to the north and encloses Skipton Hall to create a walled garden area. This wall is visible from the public realm and its part demolition would result in a change in the enclosed nature of the garden and the listed building.
- 5.31 The agent has advised that they require separate vehicular access to serve this property because the existing dwelling that will be retained is of a size that is desirable to have its own access and parking area. This part demolition of the wall was granted listed building consent in 2002. This was based on the fact there was special justification to improve the exit from the premises. The 2002 report acknowledged that the wall within the grounds of the Hall is a feature worthy of retention. However, a new access point off Catton Road, to the north of the former access has since been implemented that improved the exit to the site.
- 5.32 There is an existing vehicular access that serves Skipton Hall off Catton Road at present with on-site turning and car parking. Officers are of the opinion that this area can be utilised for the second dwelling, which has suggested to the agent during the course of the applications. The agent has advised that they do not want to do this as it is more desirable for each dwelling to have its own access point.
- 5.33 When considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a development would lead to less than substantial harm, paragraph 196 of the NPPF states that this harm should be weighed against the public benefits of the proposal. This includes, where appropriate, securing its optimum viable use.
- 5.34 It is considered that the part demolition of the wall would cause harm but this is "less than substantial harm" in the terms of the NPPF. The creation of an additional dwelling is a public benefit. However, this benefit is not great enough to outweigh the harm to the heritage asset is therefore contrary to the provisions of the NPPF.

Residential amenity

- 5.35 A new wall would be constructed to the side of the existing utility and the outbuilding to screen off the second dwelling from the main house. This would ensure that there is a degree of separation between the new and existing dwelling. There would be a boundary formed to the front (south). This would be a low lying hedge to ensure that the character of the listed building is retained but to also create a boundary.

- 5.36 Due to the distance of the proposed dwelling to the neighbouring dwellings, the proposal would not prejudice residential amenity by being overbearing in presence, and would not cause a loss of light or loss of privacy.
- 5.37 The comments from the neighbours are noted in terms of increase activity affecting their amenity. However, it is considered that the passing of vehicles to one private dwelling would not be detrimental to amenity and would not substantiate a reason for refusal. The comments regarding the construction phase are noted and the details can be secured by planning condition.
- 5.38 The dwelling would have adequate private amenity space commensurate to its size and number of bedrooms. There is adequate bin storage as shown on the submitted layout plans within the garden of the proposed dwelling.

Highway safety

- 5.39 If the front boundary hedge bordering Appletree House was maintained in line with the existing fence a visibility splay of 2.40m x 43.00m would be achievable benefiting the existing properties from a highway safety aspect. However, this hedge is not within the applicant's ownership and cannot be secured to provide the visibility as part of this planning application. This could be addressed by enforcing the visibility splay condition from the 2001 planning permission for the construction of Barrington House and Appletree House, which both use the access.
- 5.40 The comments from the neighbours are noted in terms of parking, turning and the construction phrase. However, it is considered that planning conditions could address these concerns.

Flood risk and drainage

- 5.41 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The site has been assessed as being at low risk from other forms of flooding.
- 5.42 Foul drainage would be disposed of via a septic tank and surface water via a soakaway. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development (in respect of drainage) would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

Planning balance

- 5.43 Consideration has been given to the benefits of providing an additional home, the social and economic gains that can be derived from new housing. This is to be weighed against the harm as set out above in terms of development in an unsustainable location and harm to the heritage asset.
- 5.44 Accordingly, it is considered that the harm outweighs the benefits in this case and the proposal is recommended for refusal on that basis.

6.0 RECOMMENDATION

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

1. The proposed new dwelling would be located in a village that is identified as an Other Settlement in the revised Settlement Hierarchy for Hambleton at Local Development Framework Policy CP4. Skipton on Swale does not form a sustainable community with a cluster of villages. The proposal therefore is therefore contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework and the National Planning Policy Framework. Furthermore, it is considered the proposal does not comply with paragraph 79 of the National Planning Policy Framework as it includes extensions and alterations to the dwelling. Paragraph 79 simply allows for the subdivision of rural dwellings in the countryside.
2. The demolition of part of the listed curtilage wall is considered to result in less than substantial harm to the significance of the enclosed nature of the garden, and the significance of the Grade II listed building, without clear and convincing justification in accordance with paragraph 194 of the NPPF. The creation of an additional dwelling is a public benefit. However, this benefit is not great enough to outweigh the harm to the heritage asset and is therefore contrary to the provisions paragraph 196 of the NPPF. The development has a detrimental impact upon the interest of a natural or man-made asset that is contrary to Policy CP16 and it fails to preserve or enhance the Grade II listed building, contrary to DP28 of the Hambleton Local Development Framework.
3. The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway (A61) is unsatisfactory since the required visibility cannot be achieved at the junction with the County Highway as the hedge is not within the applicant's ownership or control and therefore, in the opinion of the Local Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety. The development is therefore considered contrary to Policies CP1, CP2, DP1 and DP3 of the adopted Hambleton Local Development Framework and the National Planning Policy Framework.