

Parish: Rudby
Ward: Hutton Rudby
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Committee date: 4 April 2019
Officer dealing: Ms H Ledger
Target date: 8 April 2019

18/02591/OUT

Application for outline planning permission with details of access (all other matters reserved) for the construction of a new dwellinghouse and vehicle access

Four Gables Stokesley Road Hutton Rudby

Mr Alan Heath

This application is referred to Planning Committee as the proposed development is a Departure from the Development Plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is currently part of the rear garden at the property known as Four Gables on the edge of the settlement of Rudby. The dwelling and boundary currently form part of the eastern edge of the village.
- 1.2 Four gables is a bungalow with upper floor rooms in the roof space, and a detached garage to the rear of the house. Neighbouring houses on the north side of Stokesley Road are similarly proportioned bungalows. On the south side of Stokesley Road, development includes dormer bungalows and two storey houses. To the north west, the rear boundary abuts the outer end of the long garden associated with a two storey house on Middleton Road, Coich-Na-Oighe.
- 1.3 Outline planning permission is sought to construct one dwelling on this site. Formal approval is sought for proposed means of access to the site and all other matters are reserved for consideration at the reserved matters application stage.
- 1.4 The matters for approval at this stage are access only. The remaining matters, appearance, landscaping, layout and scale would be for a later application if this is approved.
- 1.5 Amendments have been secured to incorporate the appropriate visibility splays into the redline boundary to the satisfaction of the Highways Authority. Whilst this is over third party land the applicant is willing to accept a pre commencement condition to provide the access before development commences on the dwelling.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/01941/OUT - Outline application for a dwelling, with all matters reserved except access – WITHDRAWN
- 2.2 18/01602/OUT. Application for outline planning permission with details of access and layout (all other matters reserved) for the construction of five dwelling houses, OS Field 2719 Stokesley Road Hutton Rudby North Yorkshire – GRANTED 20 September 2018

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Development Policy DP1 - Protecting amenity
Development Policy DP3 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policy DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policy DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework – February 2019

4.0 CONSULTATIONS

- 4.1 Rudby Parish Council – The Council recommends refusal as approval of building in a back garden may set a precedent. Area of access is prone to flooding.
- 4.2 NYCC Highway Authority – initial concerns were raised about the visibility splays and access over third party land. Thanks to a revised plan it was shown that acceptable splays can be achieved in both directions. The applicant has agreed to a pre-commencement condition to ensure the access is constructed first before development commences to construct the dwelling. An amended red line boundary has been submitted, to incorporate both visibility splays and the whole site area. On this basis the highways authority has been able to provide a no objection response subject to conditions.
- 4.3 Northumbria Water – No comments response submitted
- 4.4 SABIC Petrochemical Ltd – No observations to make
- 4.5 Public comments – Nine responses received from eight parties. The issues raised are summarised as follows.

Comments in support of the proposals:

- The development would allow downsizing and the ability to stay in Hutton Rudby.
- It would not have a detrimental impact on surrounding properties.
- It would enable a large house to become available for families.
- As permission has been granted for five dwellings adjacent to this proposal I have no objections.
- No objection to a bungalow being erected.
- Access over the adjacent farm land has been secured meaning a separate access can be made.

Comments in objection to the proposals:

- A building here would be out of character, two houses close together with no gardens.
- Destruction of hedgerows which are a wildlife habitat
- Water run off could cause problems to neighbouring properties.
- Loss of visual amenity from my property
- The village is over supplied with executive homes – there is no evidence of need for this type of accommodation, the availability of modestly priced homes is limited.
- The recent permission for 5 homes is sufficient to meet the needs at this end of the village.
- Allowing piecemeal development is detrimental to village character.
- The development could interfere with a drainage scheme installed to prevent flooding of properties along Stokesley road.

One neutral comment was received making no specific comments.

5.0 ANALYSIS

- 5.1 As the application is submitted in outline with access the only matter for consideration, the main issues to consider are: (i) The principle of development and compliance with the Interim Policy Guidance Note (ii) highway safety; (iii) amenity and (iv) flood risk.

The Principle of Development

- 5.2 The Interim Policy Guidance 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:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.3 Rudby is included in the updated settlement hierarchy as an “other settlement” and particularly taking into account its relative proximity to Hutton Rudby, which is a service village, to which it is linked by a lit footpath, it is considered to be a reasonably sustainable location, which will support local services in Hutton Rudby, which in this case include pubs, shops, school, and a village hall. The NPPF notes at paragraph 78, that development in one village may support services in another nearby and the Interim Policy Guidance identifies Rudby and Hutton Rudby as cluster villages, having a good collective level of shared service provision and linked by convenient public transport, walking or cycling.
- 5.4 As a single dwelling it is small in scale, in compliance with criterion (ii). However, the development does not follow the linear pattern of development on the north side of Stokesley Road. Linear development is also in existence at a right angle to this site in the properties to the north accessed from Middleton Lane and to this extent the proposal is not fully in accordance with criterion 2 of the Interim Policy Guidance, in that it does not reflect the existing built form and character of this part of the settlement. There is no back land type development, or second tier development, in this part of the village that would set a precedent for this form of development.
- 5.5 Due to the location within the built up part of the settlement, the house would be viewed on approach from the east against the background of other development and will not adversely impact on the rural character of the landscape, surrounding the village. The proposal includes taking a strip from the adjacent agricultural field to form a drive. The drive so formed would be a linear feature but this would effectively be screened by the recent permission for five dwellings adjacent, when viewed from the approach into the village from Skutterskelfe. This would therefore not significantly affect the open character and appearance of the countryside.

- 5.6 Policy CP17 requires high quality design that respects and enhances its local context and policy DP32 seeks that design is of the highest quality, and at vi) that proposals must respect local form and character.
- 5.7 The proposal in the rear garden in this context again, would be contrary to the National Planning Policy Framework (NPPF) paragraph 127 bullet points a), b) and c), as it will not add to the overall quality of the area, create appropriate layout and be sympathetic to local character and the surrounding built environment and fails to accord with the requirements of Local Development Framework Policy CP17 and DP32 along with the requirements of Interim Policy Guidance Criterion (ii).

Highway Safety

- 5.8 NYCC Highways have indicated that the visibility splays shown by amended plans are acceptable, subject to use of their standard conditions. As the access route crosses third party land, provided this access route and splays can be included in the red line boundary, this can be secured and its implementation controlled by planning condition.
- 5.9 The applicant has confirmed they are willing to accept a 'prior to commencement of development' planning condition to deliver the access first before development commences on the dwelling. It is considered that the development will have no detrimental impact on Highway Safety.

Flooding

- 5.10 Policy CP21 states that development must seek to ensure that communities and the environment are not adversely affected by natural forces; in particular i) ensure protection from flooding. Policy DP43 states that development will not be permitted where they adversely increase the risk of flooding elsewhere.
- 5.11 There is evidence that this site is subject to surface water flooding, and is shown on the Environment Agency's flood risk maps. A proportion of the site includes all risk categories, from high to low. It is therefore not currently certain that a single extra dwelling can be accommodated within the capacity of the existing infrastructure in contravention of Criterion (v) of the Interim Guidance. It is not certain that the proposal can be accommodated within the existing surface water drainage systems.
- 5.12 The site has been noted as potentially suffering from surface water drainage problems from elsewhere, and this would have to be addressed with an appropriate form of construction and sustainable drainage system. The applicant has confirmed that he proposes that surface water will be disposed of via a soakaway. However, no evidence has been submitted that this development could be accommodated in this way.

Amenity

- 5.13 The application site at the Four Gables is within a substantial garden, which is bordered on two sides by other dwellings, again with substantial rear gardens. A high evergreen hedge is in place around the application site on land controlled by the applicant. This offers some screening and protection for neighbours' amenity. The position of the proposed dwelling would not adjoin the neighbouring dwellings of Beechurst or Coich-Na-H'Oighe in such a way as to have an impact from overshadowing or loss of light. It would be separated by more than 50 metres from the dwellings on Middleton Road. Therefore the proposal is not considered harmful to the amenities of neighbours, subject to detailed design.

- 5.14 Siting and design are reserved to be considered later. However, it can be seen that the size and form of the proposed plot is physically capable of accommodating a dwelling.

Planning Balance

- 5.15 The proposal would create a new dwelling on an existing garden on the edge of an established sustainable settlement, where the principle of new development is supported. However, the proposed development is not compliant with the council's interim policy guidance note or adopted policies with regards to reflecting the existing built form and character of the village. This area is characterised by large detached houses in substantial gardens, and granting consent for this proposal could set a precedent that would be replicable along the rear gardens of a great many of the properties currently facing Middleton and Stokesley Roads. On balance, the proposal fails on criterion 2 of the Interim Guidance- reflecting the existing built form and character and fails to accord with the requirements of Core Policy CP17 and Development Policy DP32.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The development would be contrary to the adopted development plan policies CP17 and DP32 as it does not respect and enhance its local context and that the proposal does not respect local form and character. The proposal is contrary to the council's adopted Interim Policy Guidance note, criterion 2, as it does not reflect the built form and local character of this part of the settlement. The proposal is contrary to the NPPF paragraph 127 bullet points a), b) and c), as it will not add to the overall quality of the area, create an appropriate layout and be sympathetic to local character and surrounding built environment.