

**Parish: Kirkby Fleetham with Fencote**  
Ward: Morton on Swale  
**3**

Committee date: 25 April 2019  
Officer dealing: Mrs H Laws  
Target date: 29 April 2019

**18/01603/REM**

**Application for approval of all Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission 15/01543/OUT for 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 a member of the Council. Consideration of the application was deferred at the meeting of January 2019 in order to request amendments to the design of the dwelling**

## **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 comprise scale, appearance, layout, landscaping and access.
- 1.5 The originally submitted scheme, which was deferred by Members, has been amended in respect of the form and design of the proposed dwelling.
- 1.6 The amended scheme proposes the construction of 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. The most recently submitted amendments have handed the dwelling so that the lower section and garage are adjacent to the boundary with Prospect House.
- 1.7 The position of the access has been amended due to the handed position of the dwelling and is now proposed at the north western corner of the site requiring the removal of a section of hedgerow.

## **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

### **4.0 CONSULTATIONS**

- 4.1 Parish Council – Wishes to see the application approved with the following comments:

Councillors agreed that the reversal of the house and garages is an improvement on the previous plans, as is the slight reduction in height of the house. However, concerns about the height remain. The additional window does soften the appearance of the gable end. Councillors note that the entrance has been changed to a position which was previously deemed unsafe by NYCC Highways and that the hedge on the corner has been moved closer to the edge of the plot again. This affects clear vision around the corner for both drivers and pedestrians. Councillors would ask that these issues be addressed before approval is given. The new position of the garages is extremely close to the neighbouring drystone wall which may cause damage to the wall and make maintenance difficult. Councillors would ask that an appropriate distance be included as part of the consent to avoid potential problems.

No further comments have been received following the receipt of the most recent amendments.

- 4.2 Highway Authority – Conditions are recommended (as imposed on the outline permission).
- 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:
- The development would result in a loss of light and overshadowing;
  - The development should be reduced in size and moved forward towards the public highway and sited at an increased distance from an adjacent property boundary;
  - Unacceptable design and appearance;
  - Excessive height would dominate the 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; and

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

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

- Height in relation to Prospect House;
- The development will be a barrier to sunlight and will cause a detrimental loss of light to adjacent property, interfering with private rights of light. These rights of light cannot be measured by the '45-degree rule' as indicated on the applicants drawings;
- The dwelling would be noticeably taller (circa 1 metre) than all neighbouring properties; taller and possibly challenges St Andrew's Church in this regard;
- The amendments and the removal of the front glazed element alleviate the concerns about the full height glass windows at the front;
- The proposed development is not in keeping with the visual context or scale of the local area; and
- Overlooking.

No further comments have been received following the receipt of the most recent amendments.

## 5.0 ANALYSIS

5.1 The issues for consideration in this case relate to: (i) the impact on the nearby heritage asset of St Andrews Church; (ii) the scale and appearance and landscaping of the proposed dwelling; (iii) the effect of the development on the character and appearance of the village and the rural landscape; (iv) neighbour amenity; and (v) highway safety.

### Heritage assets

5.2 The NPPF in paragraph 197 requires the Council to take into account the effect of development on the significance of heritage assets, which may be designated or non-designated.

5.3 The site does not lie within close proximity to any designated heritage assets such as a listed building or a conservation area but lies directly east of St Andrews Church, which although not a listed building, could be considered as a non-designated heritage asset. The building is considered to meet the following of the Council's criteria for non-designated heritage assets:

A. age (usually more than 30 years old); and

C. representativeness (an unusual example of this type of architecture in the locality)

5.4 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 the 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 within the same setting as the Church.

5.5 On assessment of the application it is considered that the proposal would lead to no harm to the heritage asset or its setting.

### Scale, appearance and landscaping of the dwelling

- 5.6 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."
- 5.7 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.
- 5.8 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 5.9 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 area 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 setting.
- 5.10 The amended plans have reduced the scale of the proposed scheme, albeit the application still proposes a large detached dwelling. The plot is a substantial size and adequate amenity space would be provided; it is considered that the proposal would not constitute over-development.
- 5.11 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.
- 5.12 The proposed dwelling would be 240mm taller than the neighbouring dwelling (amended from 960mm), 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 its overall massing.
- 5.13 A landscaping scheme has been submitted, which proposes to remove the hedgerow immediately in front of the proposed dwelling and plant 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

- 5.14 Not all dwellings in villages are built at the same height. The variations in size and design add 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.

- 5.15 The proposed development would require the removal of part of the hedgerow along the front 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 visibility 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.

#### Residential amenity

- 5.16 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.
- 5.17 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 material planning matter. 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 Prospect House would remain open and unconstrained.
- 5.18 The two storey section of the proposed dwelling would lie more than 6m beyond the boundary and therefore it would not appear as an overbearing and dominant structure to the occupiers of the neighbouring property.
- 5.19 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.
- 5.20 It is considered that the proposed development accords with LDF Policy DP1.

#### Highway Safety

- 5.21 Albeit a matter reserved at the outline stage, access to the site was considered by the Council at that time, to ensure that a safe access was achievable, as it is implicit in establishing the principle of the development.
- 5.22 The details of the proposed access, as amended, are different to those considered at outline stage, where it was suggested that access would be provided at the south western end of the plot. The same requirements for a visibility splay to be provided in a south westerly direction remain applicable and this is shown to be achievable on the proposed layout plan. The brick pillar located on the site boundary falls within the visibility splay and is to be reduced in height in order to provide the required visibility

in a north easterly direction. It is considered therefore that the proposed development would not adversely impact on highway safety.

### Planning Balance

- 5.23 In assessing this application it is clear that the proposal would create an additional dwelling in a sustainable location without causing harm to the form and character of the village and without harm in terms of highway safety. The scheme is found to result in social gains through the provision of new housing, the economic impact of the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be positive. No other material considerations would preclude a grant of planning permission. The proposed development is found on balance to be acceptable.

## **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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 217063 E02 P5; P01 P13; P02 P13; P03 P12; and P04 P6 received by Hambleton District Council on 4 and 8 April 2019 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. 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.