

Parish: Overton
Ward: Easingwold
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Committee Date : 25 July 2019
Officer dealing : Mr Rowshon Uddin
Target Date: 25 June 2019
Date of extension of time (if agreed): 2 August 2019

19/00976/FUL

**Demolition of existing garage, construction of a domestic garage and workshop and formation of a covered walkway between the garage and the house.
at Church Lodge Overton North Yorkshire YO30 1YL
for Mr & Mrs Lee-Burnsall.**

The application is referred to Planning Committee as the application is a departure from the Development Plan relating to Green Belt policy.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Church Lodge is a large 2 storey detached dwelling with off white rendered walls and facing bricks, terracotta tiles and wide timber windows. Set back from the front highway it sits on a relatively large plot with an expansive gravel hardstanding for vehicle movement to its front and gardens to the rear. A long gravel drive leads to the existing single storey double garage at the back of the site. The plot has tall surrounding hedges and trees screening the property from neighbours.
- 1.2 Facing in the direction of the north west, its neighbour to the west (side) is Prosliff and to the south (rear) is Moat House. Prosliff is currently under construction to become a very contemporary building while Moat House is grade 2 listed building. Together the three are part of the core of Overton, a small and sparse village situated within the York Green Belt close to the River Ouse.
- 1.3 After demolishing the existing garage; the proposal is to replace it with a larger detached outbuilding with multiple uses. On the ground floor would be a new double garage and a separate workshop space to its side, while upstairs above the garage would be an attic to be used as ancillary office and play space for its owners. A covered area would link the two detached parts together.
- 1.4 Dimensions for the outbuilding are 4.7m x 4.2m for the workshop and 7.2m x 9.2m for the garage/attic. The workshop would be single storey while the garage would stand 6m high at its ridge and 4m to the eaves. For illumination 3 rooflights are proposed to the back and 3 combined lights to the front plane of the outbuilding's roof.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 91/1027/FUL - Granted - Extension to dwelling
- 2.2 12/01648/FUL - Granted - Alterations, extensions, construction of a double garage and improved vehicular access
- 2.3 19/00207/PPP - Construction of a replacement domestic garage with domestic workshop and first floor annexe

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policies DP32 - General design

4.0 CONSULTATIONS

- 4.1 Overton Parish Meeting – The representative notes neither supporting or objecting to the application the importance of retaining the south boundary hedge, maintaining the boundaries of the site during construction and making good the grassed area at the entrance to the properties of Moat House and Church Lodge.
- 4.2 Neighbours – Comments received from one neighbour, neither supporting or objecting to the application but noting the importance of retaining the south boundary hedge, maintaining the boundaries of the site during construction and making good the grassed area at the entrance to the properties of Moat House and Church Lodge.

5.0 ANALYSIS

- 5.1 The issues to be considered for this proposal are guided by Hambleton's Local Development Framework or LDF.
- 5.2 The main issues to consider are:
- Heritage Assets
 - Quality of design reflecting the appearance of the house and the character of its locality (CP17, DP32)
 - Impact upon the amenity of neighbours and occupants (CP1, DP1)
 - Developments within the York Green Belt and outside Settlements Hierarchy (CP4, DP9)

HERITAGE ASSETS

- 5.3 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.
- 5.4 The National Planning Policy Framework at paragraphs 189, 190 and 192 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.5 The heritage asset which has the potential to be affected by this application is the 'setting' of the grade II listed Moat House building to the rear of the proposal site. The listed building is a grand and tall rural dwelling house set within landscaped gardens.
- 5.6 On assessment of the application it is considered that the orientation and scale, materials and design detail of the proposal and the separation distance from the Listed Building would lead to no harm to heritage assets as such there is no requirement to undertake the public benefit balancing exercise.

QUALITY OF DESIGN REFLECTING THE APPEARANCE OF THE HOUSE AND THE CHARACTER OF ITS LOCALITY (CP17, DP32)

- 5.7 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."
- 5.8 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 scale, material and design.
- 5.9 At a height of 6m the proposed outbuilding would still be subservient to the substantially taller and larger host property.
- 5.10 Since the host property has timber windows; the windows of the proposed outbuilding should ideally use this material too. However, the host property also has a number of front facing uPVC rooflights which are in clear public view and which detract the appearance of the building away from its traditional appearance; it validates the use of uPVC material for the back facing rooflights and the front facing combined rooflights on the proposed outbuilding. In addition to this, being set back from the highway and orientated diagonal; public views of the proposed windows, especially the ones at the back, are less prominent to view, and are partially screened by its surrounding greenery.
- 5.11 Finally, the proposed design of the outbuilding; its shape, roof, fenestration; are assessed to be sympathetic to the host property and acceptable in the terms of the LDF policies CP17 and DP32.

IMPACT UPON THE AMENITY OF OCCUPANTS AND NEIGHBOURS

- 5.12 Policy CP1 from the Core Strategy Document sets out a list of principles to achieve sustainable development, from which DP1 is to protect the amenity of both occupants and its adjoining properties.
- 5.13 Views from the proposed outbuilding windows would cause no further loss of privacy to adjoining neighbours because the taller and wider host property already contains windows that look out upon them.
- 5.14 Because of the large plot size and the resulting separation distance between Church Lodge and Moat House; the shade cast by the proposed outbuilding would be inconsequential to its neighbours.

DEVELOPMENTS WITHIN THE YORK GREEN BELT AND OUTSIDE SETTLEMENTS HIERARCHY

- 5.15 Policy CP4 provides a distinct spatial guide to the location of developments either inside designated Settlement Limits or out them in the countryside. Policy DP9, for developments in the countryside or in the York Green Belt, states that permission for development would only be granted where it constitutes 'replacement' of a building, where that replacement would achieve a more acceptable and sustainable development than would be achieved by 'conversion' and also states that developments within the York Green Belt would be acceptable only if it satisfies

national policy, referring to the National Planning Policy Guidance, particularly Paragraph 145 point (d) of that document that says;

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces"

5.16 As the existing garage will be demolished and 'replaced' by a new one, point (d) is pertinent.

5.17 The existing garage 'use' is for the parking of vehicles; and while the replacement building would be for that use too, it would also be for use as a workshop, a playroom and an home office all the uses are domestic uses ancillary to the occupation of the dwelling.

5.18 Compared to the 5 x 6m, 30sqm existing garage the proposed outbuilding would provide a building about 7 x 9m partially over two floors with a total floor area o 116.5sqm. The new outbuilding would, undoubtedly, be 'materially larger.' The proposal fails to meet the Green Belt exception test.

5.19 However, when the proposal is also considered against the principle purposes of Green Belts, which is to prevent urban sprawl by keeping land permanently open as defined by paragraph 134 of the NPPF document, it is found to cause no harm to the guiding principles.

5.20 PLANNING BALANCE

5.21 The proposed development is contrary to Policy DP9 as it contravenes Green Belt policy as set in the NPPF. On balance the proposal is considered to not result in harm to the amenity of neighbours, or result in harm to the openness of the countryside or adversely impact upon the stated purposes of Green Belt and is an appropriate standard of design in the context of the residential curtilage in a small village.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED**

1. The development hereby permitted shall be begun within three years of the date of this permission.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered P003 (A), P004 (B) and P005 (B) received by Hambleton District Council on 30 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. 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 CP16 and DP32.