

Parish: Husthwaite
Ward: Raskelf & White Horse
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Committee Date : 19 September 2019
Officer dealing : Miss Ruth Hindmarch
Target Date: 16 July 2019
Date of extension of time: 20th September 2019

19/01139/FUL

**Construction of detached dormer dwelling with attached garage.
at Bank Cottage The Nookin Husthwaite North Yorkshire
for Mr John Taylor.**

1.0 SITE DESCRIPTION AND PROPOSAL:

- 1.1 This is a 940 sqm sized greenfield site to the rear of the dwellings on the eastern side of The Nookin, Husthwaite. The parcel of land is domestic garden for Bank Cottage. The site is entirely within the Husthwaite Conservation Area.
- 1.2 This application seeks full planning permission for the construction of a four bedroom dormer bungalow. Access is proposed off The Nookin, between Bank Cottage, and Spring Cottage to the west. A public right of way follows this access and veers to the south east to Gibbet Hill.
- 1.3 The appearance of the bungalow with three pitched roof dormer windows to the front and two to the rear. There is an integrated garage to the western elevation. The dwelling is to be finished in smooth render and pantiles to the roof. Windows are to be timber and aluminium.
- 1.4 During the course of the application, the height of the dwelling has been reduced from 77.5 to 77.1m above datum to reduce the visibility of the ridgeline.
- 1.5 In order to address officer's concerns regarding the scale and massing of the dwelling, the garage has been pushed back off the front elevation so it is recessed by about 0.4m. The catslide roof at the front has been removed, as has one of the front dormer windows leaving 2 simple cottage style dormer windows and a rooflight. The variety of roof heights, eaves and ridges has been amended so the dwelling now has a simpler, squat appearance.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY:

- 2.1 None.

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 CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
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

4.0 CONSULTATIONS:

4.1 Parish Council – Advise of the following observations

Having studied the amended plans, we think that the Rear Dwelling Elevation shown is incorrect as the dormer window for bedroom 3 should be on the opposite side of the proposed dwelling, adjacent to the garage. [Officer: The rear dormer window adjacent to the garage is shown correctly on the amended elevations but is incorrect on the site plan and aerial context plan]

We note the reduced size of the proposed dwelling and the amended internal floor plan, directing views from the main living accommodation to the north away from existing dwellings, and appreciate this consideration of neighbours' amenity.

As previously stated, this area is a drainage route for natural springs, but the Parish Council have no objection to the construction of ONE dwelling on this plot as long as there are protection measures in place for surrounding properties that may be affected by redirected spring water.

4.2 Environmental Health – No objection

4.3 NYCC Highways – Sets out the assessment leading to a finding that although the visibility splays available are below the required standard due to the proposed repositioning of an electricity pole, the relatively low vehicle speeds and low traffic volume the additional traffic allied to an additional dwelling at Bank Cottage would not result in a materially detrimental effect on highway safety. Conditions are recommended.

4.4 Public consultation – 5 letters of objection have been received:

- The development is for one house, but the letter from Sanderson Associates refers to construction of up to 4 dwellings. In the same letter, the plan shows the proposed access road requiring the demolition of at least part of Bank Cottage.
- There are two separate cottages here suitable for renovation which form a very attractive old building and are part of the historic streetscape of the village.
- Access to houses in this part of The Nooking is hazardous even now, concerned that the proposed access will increase the existing risks of collision and injury.
- Development here would be beyond the established building line of The Nookin and would, if permitted, create a precedent for further damage to the valued appearance of the Conservation Area.
- This area has springs and is affected by surface water run off to the front of Bank Cottage. In winter conditions, this run off freezes, creating hazardous conditions along The Nookin.
- Movement of the existing electricity pole will take it nearer to existing dwellings
- The proposed development sits higher up the incline and will loom over the properties that sit below it on The Nookin, which will impact on the privacy and amenity of the existing residents.

5.0 OBSERVATIONS:

5.1 The matters for consideration in this application are i) principle of development, ii) Impact on the Conservation Area, iii) highway impacts, vi) impact on the neighbouring properties

Principle of development

- 5.2 The majority of the site falls outside the Development Limits of Hushwaite. Policy CP4 states that all development should normally be within the Development Limits of settlements. The Development Limits abut the southern boundary of the site, and cross through the access off The Nookin.
- 5.3 Policy DP9 states that development will only be granted for development in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG includes an updated Settlement Hierarchy.
- 5.5 The IPG states that the Council will support 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 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.
- 5.6 In the settlement hierarchy contained within the IPG, Hushwaite is defined as a Service Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that requires proposed development must provide support to local services including services in a village or villages nearby.
- 5.7 The village is served by bus services connecting to the nearby Market Town of Easingwold and York City Centre and by a separate bus service to Thirsk on a Monday and Friday. It has a range of services within the village itself including a primary and nursery school, a pub, village hall, and church as well various community groups and associations.
- 5.8 It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Character and appearance

- 5.9 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for one dwelling and it is therefore considered small in scale as the IPG refers to small scale comprising up to five dwellings.

- 5.10 The site 65m to the east has recently been granted planning permission for the construction of 20 dwellings (18/02100/REM). While the landform of that site is not steep, it rises from north to south and west to east. The heights of the dwellings reach a maximum ridge height of approximately 88m above datum level. The dwelling proposed to the rear of Bank Cottage has a height of 77.1m above datum level. As such it is considered that it would be viewed in the foreground of these taller buildings, and not as an isolated, elevated building.
- 5.11 The dwelling would be to the rear of existing properties, as back land development. There is example of this off High Street at Spring Garth, Sleepy Willows and Sleepy Hollow, as well as the recent approval to the south of Prospect Cottages. In a recent appeal decision (17/01331/OUT) it was noted by the inspector that streets running perpendicular to the main roads are part of the existing built form and character of the village.
- 5.12 In light of the above, the proposal is considered to reflect the existing built form and character of this part of the village.
- 5.13 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The heritage assets will be considered in the next section of the report.
- 5.14 The application site relates to the development of a large rear garden to the paddock to the north of Bank Cottage. There is no significant ecological interest associated with the site itself. It is appreciated that the site is bound by trees and hedgerows and these natural features are to be retained. The scheme would have no significant detrimental impact upon local ecology.
- 5.15 By virtue of the siting of the proposed dwelling all trees and hedges are to be retained. As such the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment.
- 5.16 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
- 5.17 On all boundaries of the site are mature trees and hedgerows and these natural features will be retained. Furthermore, to the east of the site is an open field which will provide a further 'buffer' between the recently granted dwellings and proposed scheme to avoid a high concentration of the built form.
- 5.18 In light of the above, the proposal is considered to not have a detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.

Heritage assets

- 5.19 As the site lies within the Husthwaite Conservation Area; there is a requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 "that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas". The National Planning Policy Framework from paragraphs 189 to 194 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.20 The designated heritage asset which will be affected by this proposal is the Conservation Area. A conservation area is an area which has been designated

because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

- 5.21 Given the distances involved (between 90 and 140 metres) and intervening buildings and landform it is considered there are no listed buildings or previously identified 'non-designated heritage assets' which will be affected by this proposal. Black Bull Cottage at the north end of The Nookin is the nearest Listed Building (90m), beyond which are The White House (135m) also on The Nookin and St Nicholas Church (150m) on the High Street.
- 5.22 The NPPF at paragraph 190 requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- 5.23 The Husthwaite Conservation Area appraisal was produced in 1987, and has not, since that time, been updated. At the time of Conservation Area appraisal the village was described as a variant of the typical North Yorkshire linear street village. There is no specific mention of The Nookin or the pattern of development around the highway. There have been approximately 10 dwellings constructed since the 1987 appraisal, with the additional 20 approved for construction.
- 5.24 Development is centred in a linear manner along the Main Street, Low Street and the Nookin, with little development on the eastern side of Kays Bank. The green, elevated area between The Nookin and Kays Bank has experienced sporadic growth, particularly the northern portion.
- 5.25 The revised, reduced dwelling addresses the previous concerns of the planning officer regarding the size and elevation of the dwelling. As a result, the scheme which develops an otherwise open piece of ground that is substantially screened by trees, hedgerows, landform and buildings is now considered to cause less than substantial harm to the Conservation Area, and this harm is at the lower end of less than substantial harm.
- 5.26 The preservation and enhancement of the Husthwaite Conservation Area is desired and securing appropriate development that will sustain local communities is sought by the provisions of the Local Development Framework and facilitated by the IPG.
- 5.27 NPPF paragraph 194 states that: "Any harm to or loss of the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification." Paragraph 196 states that "where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 5.28 Public benefits of the scheme are that a new dwelling on the site can support the local community by providing a new family home and will generate a modest economic gain. The desirability of making a positive contribution to local character and distinctiveness has been sought through the application process and by the improvements by amendment to the initial design is considered to make a positive contribution to the local character by the removal of a telegraph post from the edge of highway and improve pedestrian safety, this is detailed further in the highways section below. The agents also sets out public benefits arising from the scheme this adds to the above by stating that i) funds from the development will be used to maintain Bank Cottage but does not provide a mechanism to secure this or set out why the development is necessary to secure that improvement, and ii) that the development would result in an efficient use of land that exceeds the requirements of

Bank Cottage, and which cannot be easily maintained by that property due to its scale. Whilst the private benefits of these two aspects are not doubted they are not matters that weigh heavily in the balance of public benefits.

- 5.29 The public benefits must be balanced against, and outweigh the less than substantial harm to the Conservation Area. It is considered that the harm to the Conservation Area will be very limited, and the public benefits of the scheme, outlined above, do outweigh the less than significant harm.

Highways impacts

- 5.30 Original comments from NYCC highways objected to the scheme as it was considered that the required visibility splays of 2.0m x 39.7m cannot be achieved in a northerly direction at the junction where the private access would meet the highway. It was deemed that the Automatic Traffic Count (ATC) speed/volume survey was not recorded at the optimum position. This was undertaken again, at the correct point. This was closer to the point at which traffic approaching from the north would become visible to drivers exiting from Bank Cottage, rather than at the actual access point where the previous ATC was undertaken.
- 5.31 There is an electricity pole on the boundary, which added to the reduced visibility. It is confirmed that the electricity pole is to be moved slightly to just within the site boundary, and this will assist in visibility from both adjacent accesses and increase footway width availability.
- 5.32 The results of the second ATC showed a lower 85 percentile vehicle approach speed and this corresponds to a lower stopping sight distance of 36.4 metres visibility. NYCC highways have advised that there is still a shortfall of some 12 metres over what can actually be achieved, however, given the relatively low speeds and low traffic volumes now recorded, and coupled with the re-positioning of the pole, it is the considered opinion of the NYCC highways engineer that, on balance, the additional traffic allied to an additional dwelling would not result in a materially detrimental effect on highway safety at this particular location, and the revised recommendation is to approve, subject to conditions. The assessment by officers of this council concur with the recommendation additionally noting that the narrow road width and incidence of on-street parking are significant in terms of driver behaviour and that the development proposal would not alter either of these characteristics and that the traffic speeds are likely to remain low.

Impacts on neighbouring properties

- 5.33 The dwelling is positioned at 90 degrees to the dwellings that front onto The Nookin. The western side elevation, which faces The Nookin features no first floor windows, and with a separation distance of 30m to the nearest dwelling is it considered that the scheme complies with policy DP1 which seeks to protect residential amenity.
- 5.34 The existing vehicle entrance which is used to access the rear of Bank Cottage, from The Nookin, at its narrowest point is 3.8m from the eastern corner of Spring Cottage. Given that the scheme is for one dwelling, and the separation distance between Spring Cottage, which is buffered by a mature hedge, and the access drive it is considered that the slight increase in vehicle movements will not unacceptably impact on the residents of Spring Cottage.
- 5.35 Is it recognised that the access does pass immediately adjacent to the Bank Cottage. This property is in the same ownership as the land which is proposed for development however it must be considered that Bank Cottage may change ownership and there would be no relationship between Bank Cottage and the

proposed dwelling to the rear. As such, whether the vehicle movements would be detrimental to the residents' amenity must be tested. The access does already serve an area of parking to the rear of Bank Cottage, for the residents of the dwelling. As with Spring Cottage, it is considered that the very limited increase in vehicle movement which would be generated by one additional dwelling will not unacceptably detract from current or future residential amenity.

- 5.36 It is noted that there are farm buildings to the north of the site and that the use of those buildings have the potential to harm the amenity of future occupiers, there are however many other dwellings close to the farm buildings that could already be affected by the use of the buildings and the absence of representations on this issue and the controls that may be achieved by the Environmental Health section are considered to indicate that this is not an impediment to the approval of an additional dwelling.

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 3816-PD-03F, PD-02E, PD-04C and PD00 received by Hambleton District Council on 16th August, 30th July, 30th July and 21st May 2019 unless otherwise approved in writing by the Local Planning Authority.

3. The development hereby approved shall be finished using the materials set out in the application form, received by Hambleton District Council 21st May 2019, unless otherwise approved in writing.

4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

i. The existing access shall be improved by re-construction in accordance with the Specification shown on Standard Detail no. DC/E9A to cater for delivery / construction traffic during the build phase and domestic / visitor / delivery vehicles allied to occupation thereafter.

ii. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted and agreed with the local planning authority in advance of the commencement of the development and maintained thereafter to prevent such discharges.

iii. The final surfacing of any private access within 1 metre of the public highway boundary shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

5. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel

washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

6. There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction on the site until the following proposals have been submitted to and approved in writing by the Local Planning Authority:

- (i) parking capable of accommodating staff and sub-contractors vehicles clear of the public highway
- (ii) measures to ensure vehicles associated with construction works use the approved parking areas and do not park on the public highway
- (iii) a materials storage area on the site capable of accommodating materials required for the operation of the site and measures to ensure its use
- (iv) the protection of trees

The approved areas shall be kept available for their intended use at all times whilst construction works are in operation.

7. The development shall be undertaken in accordance with the finished levels shown on the site plan 3816-PD-04 Rev C.

The reasons for the above conditions 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 CP1, DP1, CP16, CP17, DP28 and DP32.

3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

4. In accordance with Policy CP1 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

5. In accordance with Policy CP1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

6. In accordance with Policy CP1 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

7. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.