

**Parish: Carlton Miniott**

Ward: Thirsk

**3**

**19/01348/FUL**

Committee Date : 17 October 2019

Officer dealing : Mr Rowshon Uddin

Target Date: 27 August 2019

Date of extension of time (if agreed): 30 September 2019

**Construction of a new detached dwelling and extension of the existing domestic curtilage  
at Carlton House Sandhutton Lane, Carlton Miniott North Yorkshire  
for Mr B Mellor.**

## **1.0 SITE CONTEXT AND PROPOSAL**

- 1.1 The application site is approximately 0.1 hectares (0.35 acres) currently comprises of domestic curtilage used predominantly as a vegetable garden in association with Carlton House, which lies to the east of the site. The site is bound by an established hedgerow on its southern boundary and by a timber post and rail fence on its northern boundary. The western boundary to the Yorkshire Water foul water pumping station apparatus is a 1.8 metre high close boarded timber fence. The site is relatively flat in relation to the finished floor levels of the adjacent curtilage, although is set marginally lower than the level of the carriageway of the public highway (Carlton Road).
- 1.2 The site is located within a cluster of residential dwellings between the two 'halves' of Carlton Miniott adjacent to Carlton Road (A61). Each of the two halves has their own Development Limits.
- 1.3 Both Carlton House and the Dovecote building, adjacent to Carlton House, are Grade II Listed structures.
- 1.4 The proposal is;
  - i. to erect a detached 2 storey dwellinghouse
  - ii. to erect a detached garage
  - iii. to erect a stable outbuilding
  - iv. to erect a store outbuilding
  - v. insert new access road with tarmac driveway
  - vi. to erect a new 600mm brick wall to frontage
  - vii. plant a new hedgerow to part of the site frontage and boundary line with Dovecote at its rear
  - viii. form a new 1.8m boundary plinth and timber fence with Carlton House, and
  - ix. extend the domestic curtilage of the site north to create more garden space
- 1.5 Following objections from Yorkshire Waters to protect public sewerage infrastructure the following amendments were made to the above proposal;
  - i. removal of store building
  - ii. repositioning of garage flush with front wall of house
- 2.0 Relevant planning and enforcement history
- 2.1 91/0303/FUL - Permitted - Conversion of existing disused agricultural buildings to 3 dwellings with domestic garages

- 2.2 02/01694/FUL - Permitted - Construction of a block of 2 stables with tack room and hay store for use in conjunction with the use of existing agricultural land for the keeping of horses
- 2.3 18/01176/OUT - Permitted - Outline application (with access and layout to be considered) for the construction of one detached dwelling and detached domestic garage. The outline approval relates to fundamentally the same site as the current proposal. The main difference between the two is the design of the dwelling has changed from an indication of a Georgian inspired building like Charlton House to a contemporary design.

### **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 CP8 - Type, size and tenure of housing  
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 DP3 - Site accessibility  
Development Policies DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP42 - Hazardous and environmentally sensitive operations  
Interim Guidance Note - adopted by Council on 7th April 2015  
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

- 4.1 Carlton Miniott Parish Council - Object to this being granted with the following comments:
1. The properties modern design, sited in part of the village where the existing properties are of a very traditional character and material.
  2. The proximity to the listed buildings of Carlton House and the Dovecote to the rear of Carlton House.
  3. The need to extend the current garden area. This means they will be pushing the domestic curtilage further into open countryside. This was not part of the proposal on the first application.
- 4.2 Highways North Yorkshire - recommends that conditions are attached to any permission relating to discharge of surface water, verge crossing, visibility splays, parking and construction management.

- 4.3 Environmental Health - No comments
- 4.4 Yorkshire Water Services Ltd - Objected to the proposed site layout because it would impact existing drainage crossing the site, and because habitable rooms were positioned too close to the sewage pumping station located on the adjacent land.
- 4.5 Public Consultation - No comments
- 4.6 Neighbours x 6 - No comments

## **5.0 OBSERVATIONS**

- 5.1 The main issues to be considered are the
  - i. Principle of the development
  - ii. Heritage assets
  - iii. Impact upon the amenity of neighbours and occupants
  - iv. Quality of design reflecting the appearance of the house and the character of its locality
  - v. Protecting the appearance of the countryside
  - vi. Access to all
  - vii. Drainage
  - viii. Type, size and tenure of housing
  - ix. Access for all

### **Principle of the development**

- 5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. 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) published in February 2019.

Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Whilst this site is sustainable it would have little consequence in maintaining the vitality of the village overall.

- 5.3 The IPG allows 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.
- 5.4 According to the IPG; Carlton Miniott is defined as a "Service Village" which means it is a sustainable location for development where new dwellings have the capacity to support local services. A new household would support local shops, amenities and services found in the village satisfying criterion 1 of the 6 point test.
  - 5.5 The proposal is for one dwelling so is small in scale as defined by the IPG, and as such can be viewed to be an organic incremental increase to the settlement. The infill development would not be expanding the shape of the settlement, and its built form reflects the existing settlement pattern of this area. This meets the requirements for criterion 2.
  - 5.6 The proposal site is part countryside and part domestic garden. The ecological value of the adjacent countryside north of the existing domestic garden is not reported to be of importance and does not constrain development.
  - 5.7 The development would have an impact on the historic environment. As detailed later in this report the domestic land historically associated with the curtilage of Carlton House would be separated from that dwelling and the significance of the group of Georgian buildings, two of which are Grade II Listed, would be undermined by the presence of a contemporary building. In consequence, the proposal fails to meet criterion 3.
  - 5.8 The expansion of the proposed domestic garden into the open land would not be detrimental to the open character and appearance of the area. As it is an infill development it would not lead to the coalescence of the settlement. These together satisfy criterion 4.
  - 5.9 In assessment of the IPG criteria the proposed dwellinghouse fails to meet ALL of its tests, failing criterion 3.

### **Heritage assets**

- 5.10 The proximity of the development site to the Grade II Listed Buildings of Carlton House and Dovecote is noted and a Heritage Statement has been submitted in support of this application.
- 5.11 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.
- 5.12 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.
- 5.13 The heritage asset in question is the 'setting' of the Grade II Listed Buildings of Carlton House and Dovecote and, through association, the adjoining properties next to Dovecote. Coming together this group of buildings, now all residential dwellings form a group of traditional properties which are important as they provide the setting to the development site. The submitted Heritage Assessment notes that this group of buildings provide; visual,

evidential, historic and aesthetic value to the site and to the wider Carlton Miniott settlement.

- 5.14 On assessment of the application it is considered that the proposal would lead to harm, that would be less than substantial harm. The identified harm would come from the visual and architectural contrast, as would be viewed from the public highway; of a very contemporary looking residential building next to a group of very traditional Georgian era farm buildings, with no discernible relationship between the two other the new building occupying Carlton House's former garden.
- 5.15 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. No public benefit were provided in the application, and none can be practically found for the development of a private dwellinghouse.
- 5.16 As a result, the proposal fails the development plan policies CP16 and DP28 and the national policy relating to heritage matters.

#### **Impact upon the amenity of occupants and neighbours**

- 5.17 Core Strategy Document Policy CP1 sets out a list of principles to achieve sustainable development, from this DP1 sets out to protect the amenity of both occupants and its adjoining properties.
- 5.18 The separation distance between the proposed house and its neighbours will mitigate any noise, light or disturbance. Expansion of the site into the adjacent countryside would impact the current privacy enjoyed by residents at Dovecote but not enough to cause harm that would justify a refusal of the application since a boundary hedge is proposed to screen views.
- 5.20 In front of the house there will be space to manoeuvre and park more than 1 vehicle. The proposed rear garden will be more than adequate to meet the needs of its occupants. The proposal is considered to meet the requirements of Policies CP1 and DP1 in respect of residential amenity.

#### **Design respecting the site and the character of its locality**

- 5.21 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, scale, material and design.
- 5.22 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.23 A thorough Design Access Statement (DAS) was provided in support of the application. The Statement explains the endeavour to produce a house design following an assessment of neighbouring properties. From its research it found all the houses on this stretch of road were all a little different to each other; either in age, appearance or materials, and that it lacked an established vernacular style. The statement finds that in consequence, the

design of the proposed house took inspiration from several sources which lead to a very contemporary model.

- 5.24 It is considered that the locality does have a vernacular style which is one of simple design and traditional appearance. The traditional designs, albeit from different times in history, are conventional dwellings, this is found for the neighbouring dwellings along Carlton Road: these are Carlton House, Dovecote, The Old Vicarage, The Grange, The Chesters, Carlton Lodge and Wisbech House. The designs of these properties are from the Edwardian or Victorian era, or are sympathetic to them - none portray an overtly contemporary design.
- 5.25 In support of its contemporary house design the applicant has made reference to the recently approved development on the recreational grounds on the opposite side of Sandhutton Lane (19/00485/FUL). However, this example carries little weight in its consideration because it is for the replacement of an old agricultural building that was used as a store and changing rooms in conjunction with the recreational land for a new one and the design was deliberately simple and so to be inconspicuous and does not compete with surrounding properties.
- 5.26 Overall, the proposed house does not reflect local character, uses inappropriate materials and detracts from the traditional identity of the area.

### **Protecting the appearance of the countryside**

- 5.27 The openness, intrinsic character and quality of the District's landscape will be respected, and where possible enhanced, as set out in Policy CP16 and DP30. The openness of the area would be preserved by the proposal as it would be an infill and would maintain the established settlement pattern and built form.

### **Type, size and tenure of housing**

- 5.28 According to Policy CP8 proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. These needs will include appropriate provision for all sectors of the community, from shrinking householder numbers, to the elderly to gypsies to provide for a mix of housing to create sustainable communities, as explained by Policy DP13.
- 5.29 Those Policies informed by the research documents including the HEDNA aims to create more 2 and 3 bedroom houses, flats, bungalows and rental properties in Hambleton. Since the proposal is a 5 bedroom house for private use it does not secure the support of Policy CP8 and DP13.

### **Adverse impact to communities and environment, including flooding**

- 5.30 According to Policy CP21 development proposals must take particular account of the need to avoid causing adverse impact to both communities and the environment by following Policy DP43 in assessing their effects on natural and other forces
- 5.31 The Design and Access Statement states foul drainage from the site will connect to the existing mains sewer, whilst surface water will be drained in accordance with the Environment Agency's drainage hierarchy, with full consideration given to the implementation of sustainable urban drainage systems.

### **Access for all**

- 5.32 Policy CP2 states that transport schemes that lead to improvements in accessibility will be supported. In this regard, Policy DP4 adds that development must ensure that safe and easy access is available to all potential users, regardless of disability, age or gender.
- 5.33 Carlton Road in front of the site has a carriageway and lit footpath which connects it to the rest of the village and can access public transport by bus and train.

### **Planning Balance**

- 5.34 The proposed dwelling does not reflect the existing building design in the locality and causes harm to the setting of the neighbouring listed buildings. The site would provide for an additional home in a sustainable location however the Council has a housing land supply of more than 9 years and despite the need to increase the supply of new homes a single dwelling is not a significant social benefit in this case and no significant benefit is found to exist for the economy and an equivalent benefit to the economy could be found on site that do not cause harm to the setting of a designated heritage asset. The proposal results in harm to the 'setting' of the local heritage assets of Carlton House and Dovecote located on the adjacent site. Overall, the harm caused by the development will outweighs any benefits. There are no other material considerations that outweigh the policy of the development plan.

## **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **REFUSED**

The proposal fails to meet the requirements of the Local Development Framework Policies CP16, CP17, DP28 and DP32 as the design of the dwelling would result in harm to the significance of the heritage asset. Accordingly the proposal cannot benefit from the provisions of CP4 or the Interim Policy Guidance and is also contrary to the provisions of the NPPF as the public benefits of development do not outweigh the harm to the significance of the heritage asset.