

Parish: Appleton Wiske
Ward: Appleton Wiske & Smeatons
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Committee Date : 14 November 2019
Officer dealing : Ms Helen Ledger
Target Date: 5 November 2019

19/01919/FUL

Construction of a detached dwellinghouse with associated parking and detached double garage.

At Former Little Hornby Farm Hornby Road Appleton Wiske North Yorkshire for Mr J Adams.

This application is referred to Planning Committee as a Development Plan departure.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located at the western end of Appleton Wiske, accessed off Hornby Road, which leads to Hornby and Great Smeaton. There are several detached properties on the same side of the road, which extend out along the roadside, into the wider countryside. The development to the east of the site extends further back from the roadside, and includes some larger scale agricultural buildings and one dwelling, Green Acres.
- 1.2 The site is currently a vacant, former agricultural field and is bordered by a hedgerow to the north and what was, until its recent demolition a semi-detached former farmhouse to the front of the site. The rear part of the site forms part of the wider farm land and includes a stable block also to be demolished.
- 1.3 This full application is submitted for the development of one detached dwelling on the land to the centre of the site, and parking with one double garage to be shared with the replacement semi-detached dwelling on the frontage. Previous approvals have granted consent for one large detached dwelling to the rear of the site, adjacent the hedge line, reference 19/00689/FUL; and under 19/01611/REM reserved matters for the replacement of the semi-detached dwelling on the frontage.

2.0 PLANNING AND ENFORCEMENT HISTORY

- 2.1 The site has been subject to outline approval previously, 16/02735/OUT, that included access and scale. As the applicant wanted to change the scale of the dwelling approved at outline this latest proposal has been submitted as a full application.
- 2.2 16/02735/OUT - Outline application for one replacement dwelling and construction of two new dwellings with new vehicular access - granted 25.08.2017
- 2.3 18/02411/FUL Creation of vehicular access to proposed site in association with application 16/02735/OUT - granted 22.01.2019
- 2.4 18/02710/REM - Approval of reserved matters for design, appearance, scale, siting and landscaping relating to Planning Application 16/02735/OUT Outline application for one replacement dwelling and construction of two new dwellings with new vehicular access - withdrawn to convert to a full application.
- 2.5 In a separate application the neighbouring site to the west gained approval under 19/00051/REM - Application for the approval of reserved matters (appearance, landscaping, layout & scale) following outline approval 17/00308/OUT for part demolition of dwelling and construction of two dwellings with new vehicular access - granted 18.03.2019

- 2.6 This is the reserved matters on the neighbouring site 17/00308/OUT - Outline Application for part demolition of dwelling and construction of two dwellings with new vehicular access - granted 18.08.2017
- 2.7 17/00308/OUT - Outline Application for part demolition of dwelling and construction of two dwellings with new vehicular access. Approved 18.8.2017.
- 2.8 19/00051/REM - Application for the approval of reserved matters (appearance, landscaping, layout & scale) following outline approval 17/00308/OUT for part demolition of dwelling and construction of two dwellings with new vehicular access - Granted 19.03.2019.

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
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
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
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Appleton Wiske Parish Council - Members expressed concerns about the possible height of the proposed dwelling in light of the fact that it is on a slight rise and also that the Planning Committee had commented on the possible impact of the height of an earlier proposal for an adjacent dwelling (19/00689/FUL).The applicant has subsequently submitted a drawing showing the relative elevations of this proposed dwelling and adjacent dwellings existing or under construction. These appear to show this dwelling being lower than those adjacent. If this is the case we would have no observations but would ask that the Planning Committee and Planning Officers note the relative building heights.
- 4.2 NYCC Highways - conditions recommended to deal with discharge of surface water on the highway, Private Access/Verge Crossings, parking for dwellings, precautions to prevent mud on the highway, on site storage and construction traffic.
- 4.3 Environmental Health contaminated land - no objections based on the submitted PALC form not identifying any contamination risks.
- 4.4 Yorkshire Water - No comments received. Verbal discussion held between a member of the land use planning team at Yorkshire Water and the case officer. It was

confirmed that the plans to connect the new foul sewage to foul sewage were acceptable and the addition of one house would have a negligible impact on capacity. The plans to deal with surface water by on site soakaway were acceptable and met the water hierarchy. There was also a second option of discharge of surface water to land drain to the north which would be an acceptable alternative subject to flow rates and other consents. At the building regulations stage further detailed assessment of these matters can be made under this separate regime.

- 4.5 Environmental health resident services - has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections.
- 4.6 The application was advertised as a Development Plan departure in the Darlington and Stockton Times on 27.09.2019 with a closing date for comments on 21.10.2019.
- 4.7 Site notice posted and neighbours notified, five separate responses were received. The responses are summarised below:
- Object to the size of the dwelling and plot allocated.
 - The bank of windows facing our house yet to be built under 19/0051/REM, and will be overshadowed.
 - Contrary to the outline approval, does not reflect form and character.
 - Consideration needed on the impact on surrounding houses, the new build to the west and Little Hornby Cottage and Green Acres to the East. The size and position of the windows should be taken into consideration. If it was reduced to a smaller, single storey property, with a more agricultural look it would be more acceptable.
 - Site already has consent for very large dwelling at the rear and this second dwelling will again be larger with a larger footprint.
 - Contrary to Council strategic objectives, including CP19 and DP32.
 - A reduction in the overall property size would likely help attain a better ratio of house to external amenity space, and better meet requirements on form and character. It should be single storey.
 - Unacceptable overlooking of neighbouring properties.
 - Property should be relocated west by 3ms to improve impact on amenity.
 - Proposal is too large given size of the other dwellings already approved on site.
 - Clarification on distance to my dwelling is required.
 - The proposal will cause light, visual obstruction to property as well as have potential impacts on noise and boundary wall foundations.
 - Construction and site topography will have impacts on the sewage network. The additional flow into the existing sewage and surface water network for the addition dwellings is a concern. Detailed Capacity and flowrate calculations should be submitted for public consideration. I would ask that council building control publicly comment on the status of the sewer connections (for comment) and if a build over agreement should be sought (Public Sewer) or an agreement from the effected parties.
 - Soak away locations - It is noted that the surface water drainage proposal is via soak away locations, however none are clearly identified, and it is not clear if they are Aquacell or equivalent as opposed to rubble which would not cope with the surface water volumes due to the typology of the ground conditions and locally recorded SPT's and information from the national geological database. I would also question IF location of the planned soakaways complies with building control policy for distance and depth considering national recommendation of 5m from any dwelling (including my own) or structure. The majority of these concerns can be resolved by relocating the design to a distance of 6m from the boundary wall and further consultation on drainage.

- The construction will have an unacceptable impact on the stability of adjacent property and boundary wall, and create noise and dust.

4.8 Following the submission of revised plans a further set of comments were received from two parties who had also previously commented. The following new matters were raised:

- There is only a very slight difference in height to the revised plans; the height is the main objection.
- Reducing size and style of windows overlooking must be considered.
- Ground floor only reduced by 5sqm.
- Windows and Juliet balcony still creates a loss of privacy to my property.
- Elevation plans and boundary wall are not accurate on the plans.
- Closeness to other dwellings is out of character with the village.

5.0 ANALYSIS

5.1 The issues to consider are i) the principle of a new dwelling and double garage in this location, ii) impact on local character and appearance of countryside and setting of the village, iii) impacts on residential amenity and iv) highway safety.

The Principle

5.2 The principle of a dwelling in this location was considered in outline application in 2016. This included an illustrative plan to set out scale by way of a set of linear buildings with a form similar to agricultural barns. This latest plan shows a larger dwelling with a more elaborate design and in order amend the scale previously approved, is submitted as a full application. The double garage will be shared with the house on the frontage and is clearly ancillary to both houses and positioned on the plot in an appropriate location.

5.3 The site outside the Development Limits of Appleton Wiske. Policy DP9 states that development will only be granted for development beyond Development Limits "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) first published in March 2012 and revised this year in February. 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. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

5.4 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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.

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 reproduced in the IPG, Appleton Wiske is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.

Character, Countryside and Setting

- 5.7 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form. The character of the area is influenced by the linear residential form along the roadside and the more informal and low key agricultural development to the rear, which integrates with the wider countryside, avoiding the need for harsh boundary treatments. It was noted in determining the previous outline application, 16/02735/OUT; it is unlikely that a standard residential dwelling type would achieve a suitable design solution, with a more appropriate approach taking cues from agricultural forms found in the locality. Therefore it is important that any development in this location responds positively to this edge of village character. This should be reflected in both the built form and the spaces around the buildings, ensuring a successful transition.
- 5.8 The officer's considerations set out in the outline application report are not considered to have been met by the proposals. During the course of this application the applicant has amended the design to try and meet the requirements in terms of form and character. The resulting design has created a split roof line in order to reduce the impact of the proposed dwelling and provided elevation designs with more consistent features. This creates a dwelling that better reflects the local form and character. The materials will reflect the dwelling to the north, approved in June this year, which uses red brickwork with render on single storey elements, and the light render on the replacement house on the frontage. The proposed garaging to the south would be render again reflecting the finish on the single storey elements. Although it is argued that the proposals do not meet the expectations of the outline permission, the revised proposals have resulted in a design that generally fits with the site and edge of village locality. The design proposed adequately satisfy the requirements of policy DP32 and the requirements of IPG criteria 3 and 4.
- 5.9 There are no indications the proposal cannot be accommodated within the capacity of existing or planned infrastructure. Therefore the proposal is considered to comply with IPG criterion 5.

Residential Amenity

- 5.10 The main consideration has been the implications on the adjacent dwelling Green Acres, which is accessed from the same frontage and set back adjacent the

application site and secondly the dwelling granted consent on farmland adjacent under 19/00051/REM and 17/00308/OUT, but not currently built.

- 5.11 Several objections have been raised through the consultation from one dwelling to the east Green Acres and from the site owners of an adjoining plot with consent for another dwelling to the west. To the west the distance across the proposed garden and access, with a separating hedge line proposed, is sufficiently substantial to limit the impact on the approved dwelling in this location. Although the principle elevation faces toward the yet to be built dwelling, it is noted that the principle elevation of this other dwelling does not face the application site. The proposed dwelling to the west has windows to the ground floor, separated from the proposed development by a distance of 17m. The ground floor windows serve a utility room and secondary windows to a kitchen / dining room. Given the ground floor relationship, secondary nature of the relatively small windows and separation distance, it is considered that the development will not result in a significant loss of amenity to the occupiers of either property.
- 5.12 The dwelling known as Green Acres is set back from the frontage and accessed separately. It would be directly adjoining the rear elevation of the proposed dwelling and separated by approximately a distance of 6.5m. It is noted that the existing neighbouring dwelling is on slightly higher ground which would lessen the impact. The two sites are separated by an existing boundary wall of approximately 1.8m. Green Acres has two dormer windows at first floor level overlooking the site but serving non-habitable rooms. A ground floor lounge area with two of its three windows would also be positioned to the rear elevation of the proposed dwelling. The proposed dwelling has two windows at first floor level, one of which serves a bathroom and would be frosted. The second serves a small single bedroom. Given that the orientation of Green Acres is different with its main rear elevation facing north and subject to adequate boundary treatments the windows at ground floor level would not overlook the neighbouring dwellings. Any overshadowing is minimal given site layout and the orientation of the buildings and tracking of the sun. It is considered the proposed layout would not have a significant impact on residential amenity in this respect.
- 5.13 It is considered this application is able to comply with the requirements of Development Policy DP1 in terms of the potential impacts on residential amenity.

Highway Safety

- 5.14 The local highway authority has considered the application and raised no objections to the proposals subject to conditions. The principle of the access to the development is considered to be acceptable. The proposed development is not considered to have any detrimental impact on road safety in the vicinity of the application site.

Other matters raised through consultation

- 5.15 It is noted that sewage and surface water was a concern raised in representations. Yorkshire Water considers the addition of one house can adequately be accommodated within existing infrastructure. The addition of on-site surface water soakaways was welcomed by the water company. The precise detail of the sewage and surface water disposal can be considered through the building regulations application. The use of private sewage drains is an operational issue and is considered a private civil matter.
- 5.16 Matters pertaining to the stability of the boundaries and neighbouring properties is considered better dealt with under other legislation, in particular the Building

Regulations. Any harm caused to foundations or boundary treatments would be a civil matter.

Planning Balance

- 5.17 The principle of development in this location has previously been established. The proposed new dwelling, whilst significant in size is considered to be acceptable in this location. The design and form of the development is considered to meet the requirements of Local Development Framework policy and is considered acceptable. The scheme is found to result in social gains through the provision of new housing, the economic impact through 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. Overall the scheme is found to be acceptable.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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 2018: 53/05, 53/14, 53/15 received by Hambleton District Council on 25 October 2019 unless otherwise approved in writing by the Local Planning Authority.

3. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(i) The crossing of the highway verge shall be constructed in accordance with Standard Detail number E6 Var.

(ii) Any gates or barriers shall be erected a minimum distance of 12 metres back from the carriageway of the existing highway, and shall not be able to swing out over the existing highway.

(iii) Provision to prevent surface water from the site/plot discharging onto the existing highway shall be constructed and subsequently maintained thereafter in order to prevent such discharges. The existing gully within the footprint of the proposed access is to be removed and backfilled, and a new gully is to be constructed immediately to the east of the proposed access.

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

5. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing, drawing number 2018:53/05 revision M. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

6. 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 in consultation with the Highway Authority agrees in writing to their withdrawal.

7. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway;
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site; and
- (iii) the approved areas shall be kept available for their intended use at all times that construction works are in operation.

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 Policy(ies) .

3. In the interest of highways safety

4. 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. To provide for adequate and satisfactory provision of off-street accommodation for vehicles, in the interests of safety and the general amenity of the development.

6. To ensure that no mud or other debris is deposited on the carriageway, in the interests of highway safety.

7. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.