

**Parish: Brompton**  
Ward: Northallerton North & Brompton  
**2**

Committee Date: 14 November 2019  
Officer dealing: Mrs H Laws  
Target Date: 21 November 2019

**19/01254/FUL**

**Construction of a detached dwellinghouse and double garage**  
**At: Land Adjacent 53 Water End Brompton North Yorkshire**  
**For: Mr & Mrs C Potter**

**This application is referred to Planning Committee at the request of a Councillor**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site lies towards the northern end of the village on the northern side of Water End. The front part of the site, slightly more than half, lies within the Brompton Conservation Area. The site currently forms part of a larger agricultural field; the application site itself fronts onto the road at Water End. It lies between and within an otherwise built up frontage of residential properties to both sides. A terrace of dwellings lies on the western side of the site and a large detached dwelling within a similar sized plot, lies to the east.
- 1.2 The site covers an area of 0.16 hectares and rises upwards in ground level from the road frontage, to the rear. A well established, mature hedgerow bounds the front of the site with the road. Fencing and hedging form the boundaries to either side of the site and there is no boundary with the rest of the field to the rear.
- 1.3 It is proposed to construct a two storey dwelling with a detached garage, approximately 53m from the front boundary, towards the rear of the site. The dwelling is proposed in the style of a barn, with a curved roof and large glazed openings. The two storey element would be lengthways running from front to back with an attached single storey element to the side connected by a lean-to roof. The detached garage would have a pitched roof with a gable facing the road.
- 1.4 The design of the building is proposed to reflect the scale, design and materials of a traditional 'round' or Dutch barn with an ancillary lean-to element. It is proposed to finish the barn in fibre cement sheet walls and roof. The front elevation is inset within an overhang to the roof and walls with a balcony element comprising railings at first floor.
- 1.5 An access would be created directly from Water End in the south western corner of the plot requiring the removal of approximately 7m of the front boundary. A driveway is proposed with landscaping at the front of the site, forward of the dwelling.
- 1.6 The majority of the site and all of the land to the south of the application site, on Water End, lies within flood zones 2 and 3, the latter being the area of greatest risk. The position of the house itself lies within flood zone 1, the area of least risk.

## **2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 09/04035/FUL - Revised application for the construction of a detached dwelling and double garage. Permission refused 29/1/2010 for the following reasons:
  1. The application site lies within Flood Zone 3b defined by Planning Policy Statement 25 as having a high probability of flooding. The development type in the proposed application is classified as More Vulnerable in accordance with table D.2 of PPS25. Tables D.1 and D.3 of PPS25 make clear that this type of development is not

compatible with this Flood Zone and should not therefore be permitted. The development is therefore contrary to PPS25 and Local Development Framework Policy CP21 and DP43.

2. Due to the open characteristics of the site and the size and elevation of the dwelling, the proposed development would be a contrived and dominant feature and would not make a positive contribution to the neighbourhood or the historic context of the locality within Brompton Conservation Area contrary to Local Development Framework Policy CP16, DP28, CP17, DP32.

### **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 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 DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP28 - Conservation  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

- 4.1 Parish Council - no objections to this application subject to wishing to see the requirements of the Environment Agency fully complied with including the construction of an on-site storage pond.
- 4.2 NYCC Highways - conditions recommended
- 4.3 Environment Agency - a condition is recommended requiring the development to be undertaken in accordance with the submitted flood risk assessment.
- 4.4 Brompton Flood Prevention Group - strongly object for the following reasons:
  - Increased flooding risks to neighbouring properties and properties as a whole in the Water End area of Brompton.
  - Water in times of heavy rain would be diverted from the fields and channelled resulting in a faster flow of water through the application site.
  - Water from proposed attenuation features will flow into the beck or the sewer system
  - Attenuation features themselves need permission
  - There is a recent history of flooding in Brompton

- 4.5 HDC Facilities Manager (flood risk) - NPPF paragraph 155 states "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest flood risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere". This part of NPPF is about directing new development towards the areas of lowest flood risk.

The applicant has undertaken a technical exercise to demonstrate that a property can be constructed in the approximately 25% of the proposed development plot that is in flood zone one (an area of low flood risk as assessed by the Environment Agency) the remainder of the proposed development plot is located in flood zones two and three though largely flood zone three, (areas of medium and high flood risk as assessed by the Environment Agency). Whilst the property itself is located in flood zone one, the majority of the application site is located in flood zones two and three, as is the majority of the adjacent publically accessible area of Water End.

The 25% of the proposed development plot in flood zone one is located on the part of the plot that is most distant from the public highway, with the remaining approximately 75% located in largely flood zone three and some flood zone two. The day to day access to the proposed property is located in flood zone three.

The Brompton Flood Prevention Group, whose work is to be applauded in seeking to reduce flood risk to the Brompton community, reference four flood events in 2000, 2012, 2013, and 2015 when flooding affected the properties on Water End with 169 affected by the November 2000 event, the flooding also necessitated closure of public highways on Water End and the day to day access route to the proposed development.

It is more likely that should this development be permitted its occupants will be affected by flooding than a development in an area which is wholly or largely in an area that is in flood zone one.

The applicant has failed to provide a satisfactory access/egress route to the proposed development in the event of flooding to the usual day-to-day access, the access/egress route provided is circuitous and would not be at all obvious. In the event of emergency service need, the call would be more likely to the specialist emergency services.

The granting of this planning application does not support the NPPF's aim of directing development away from areas of highest flood risk. Its development places the avoidable and unnecessary potential burden on our emergency services not only in the potential need for specialist equipment but also the risk to their personnel. I am not supportive of this application being granted planning permission.

- 4.6 MOD - no safeguarding objections

- 4.7 Natural England - no comments

- 4.8 Publicity -Objections have been received from and on behalf of 17 households in the village, the comments of which are summarised as follows:

- Design not in keeping with the rest of the village; too modern
- Would be built on land subject to flooding
- Adding to existing water or sewer, which are already inadequate and overflows putting raw sewage in the street
- Size of development out of character for Water End
- Built on agricultural land and not part of the planning outline

- Dutch barns do not have glazed frontage and farmstead approach is not a plausible rationale
- It is not on the building line
- likely to create flooding problems for the dwellings at Hodgson's Terrace
- Approval would present a dangerous precedent
- Previous application refused on this site
- Affect privacy of adjacent dwellings as it would overlook the rear of those properties
- Brick should be the main building material for any new house
- The removal of part of the front boundary will allow excess runoff from the field to cause problems elsewhere
- Contrary to IPG in respect of form and character and infrastructure
- What has not been mentioned is the fear that comes with knowing that the weather warning issued from "floodline" puts all our homes in jeopardy
- The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. Brompton is clearly at higher risk.

## 5.0 ANALYSIS

- 5.1 The issues to be considered include i) the principle of a residential unit on this site; ii) the impact on heritage assets; iii) the design and layout of the proposed development; iv) the effect on neighbouring amenity; v) flood risk; and vi) highway safety.

### The principle of development

- 5.2 The site lies partly within and partly outside of the Development Limits of Brompton; the position of the proposed dwelling is outside the Limits. LDF 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 NPPF. 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 5.3 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.
- 5.4 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.
- 5.5 In the Settlement Hierarchy reproduced in the IPG, Brompton is identified as a Service Village, which is at the top end of the hierarchy for the purposes of the IPG. 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.
- 5.6 IPG criterion 2 requires development to be small scale. A proposal for the construction of a single dwelling in a relatively large settlement with the status of a Service Village would be considered small scale. It is considered therefore that the principle of an additional dwelling in the village is acceptable.

#### Heritage Assets

- 5.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Brompton Conservation Area.
- 5.8 The NPPF in paragraph 184 requires Local Planning Authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In paragraph 189 the NPPF requires applicants to describe the significance of a heritage asset, including any contribution made by its setting.
- 5.9 The submitted Heritage Statement concludes that the significance of the Conservation Area is in its character as a farming village but that the application site contributes little value other than as a green gap in the streetscene.
- 5.10 The proposed development would alter the character and appearance of the site by introducing built form into the countryside but as the site has much in character with the village rather than the rural landscape it is not considered that this would be harmful.
- 5.11 On assessment of the application it is considered that the proposal would lead to less than substantial harm to heritage assets. The harm would be the closure of an existing green gap between existing developments in the Conservation Area but, as the form of development would reflect agricultural characteristics, it is considered that this harm would not be significant.
- 5.12 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. The benefit would be the construction of a dwellinghouse in a sustainable location. It is considered that the harm caused is at the lower end of "less than substantial" and that the public benefits of the proposals reasonably off-set this harm.

#### Design and layout

- 5.13 Along with the remainder of criterion 2, criteria 3 and 4 of the IPG require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with other policies in the Local Plan.
- 5.14 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."
- 5.15 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.
- 5.16 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 the opportunities available for improving the character and quality of an area and the way it functions.
- 5.17 The application site appears as a typical infill plot, that is, a plot within an otherwise built up frontage. The dwellings to the west are older properties set closer to the street frontage and at a higher density than the dwellings that lie to east of the application site. These are larger detached properties set further back from the street frontage, within larger plots.
- 5.18 The majority of the application site lies within an area of higher flood risk and planning permission would not be granted for this reason should the dwelling be proposed to be sited along the general building line of the existing residential development.
- 5.19 There is a part of the application site that does not lie within the area of highest flood risk, in the north eastern portion of the plot; but constructing a dwelling that resembled the character and design of the traditional style of dwelling within Water End, would appear incongruous and contrived. The applicant has sought to address this by proposing a slightly unorthodox solution in respect of design; the proposed dwelling is agricultural in character rather than domestic.
- 5.20 The proposed building has a round topped roof, in the style of a Dutch barn, which, according to the submitted Design Statement, is a contemporary interpretation of a traditional agricultural building. The proposed materials would also reflect an agricultural building rather than any of the traditional dwellings within the Conservation Area.
- 5.21 The position of the site has much in common with the village but its appearance is agricultural and therefore the proposed development would arguably provide a solution to address both of these aspects.
- 5.22 The criteria of the IPG requires development to reflect the existing built form and character of the village, and it is considered that the contemporary 'conversion' style of the proposed development would allow it to be absorbed into the landscape/streetscene as a feature that is characteristic of both rural and village settings. The development is considered consistent with Local Development Framework and the National Planning Policy Framework.

#### Residential amenity

- 5.23 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.24 The siting of the proposed dwelling lies behind the building line of the properties to either side and therefore there is the potential for overlooking of existing private areas at the rear of the existing dwellings. Adequate distance lies between the proposed dwelling and the neighbouring dwelling at 53 Water End for there to be no overlooking and for the dwelling to be far enough away to prevent it having an overbearing impact on the amenity of the occupants.
- 5.25 The proposed dwelling would lie approximately 2m from the boundary with the dwelling at Rosedene House with its front elevation almost in line with the detached double garage of that property. The position of the garage would prevent overlooking from the proposed dwelling to some degree and the land to the rear of the garage does not form part of the domestic land associated with the dwelling (as approved). The distance between the existing and proposed dwellings and the oblique angle would not lend itself to overlooking and loss of privacy and the smaller dwelling as proposed would not have an overbearing impact on the much larger dwelling that exists on the adjacent plot.
- 5.26 The proposed development would not conflict with the requirements of LDF Policy DP1.

#### Flood Risk

- 5.27 The NPPF in paragraph 155 considers that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 5.28 The sequential test has not been applied in this instance. Although the gardens of the proposed dwelling would lie within flood zones two and three, the footprint of the dwelling would lie within flood zone one. The submitted flood risk assessment demonstrates that the dwelling itself would be located in a position at the lowest risk of flooding. The finished floor levels would be set 600mm above the 1 in 100 year flood level.
- 5.29 NPPF paragraph 163 also requires planning authorities to ensure that flood risk is not increased elsewhere. It is not anticipated that the construction of a dwelling in this position would increase flood risk elsewhere due to the small amount of land affected and the proposal would not displace water, which would still drain downwards towards the beck. A condition can be imposed to ensure the surface water drainage system is designed and agreed with the Lead Local Flood Authority prior to the occupation of the proposed dwelling in order to ensure satisfactory storage and disposal of surface water from the site.
- 5.30 Development is also required to demonstrate that safe access and escape routes are included as part of an agreed emergency plan. The proposed emergency evacuation route is to the north of the application site into the adjacent field and along the rear of properties towards Fullicar Lane to the north east. The route is however circuitous and would not be obvious to the emergency services should the need to access the property arise during a flood event where the usual day to day access route from Water End is not available.
- 5.31 The proposed scheme also includes a plan to register for Floodline Warnings, which would give the occupants the opportunity for advance warning of likely flood events in

order to move high value items to a higher level as well as evacuating people off the site.

- 5.32 In the event of an emergency, however, there may be no safe evacuation route without requiring specialist vehicles and trained operatives, which would put an unnecessary burden on the emergency services. Although there may just be a small chance of such an occurrence, it is not felt that there is such an over-riding requirement for a new dwelling in this location that would outweigh the risk to the occupants from flooding, along with the additional unnecessary pressure on emergency services.

#### Highway safety

- 5.33 The Highway Authority has considered the application and raised no objection to the proposed development, subject to a number of conditions. Therefore, the principle of the development of the site is not considered to be harmful in terms of road safety.

#### Planning Balance

- 5.34 The majority of the proposed development is outside of the defined Development Limits and the applicant does not claim any exceptions under Policy CP4. As Brompton is considered to be a sustainable settlement, the Councils Interim Policy Guidance applies. It is considered that the proposal meets the criteria of the IPG. There are no highways objections and it is not considered that the proposal would have a significant impact on heritage assets or residential amenity but the risk resulting from a flood event outweighs any benefits resulting from the development. In conclusion, the application is recommended for refusal.

### **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reasons:

The reasons are:-

1. The proposal fails to comply with LDF Policies CP21 and DP43 and paragraph 163 of the NPPF as the proposed means of access/egress to serve the dwelling lie within flood zones 2 and 3 and it has not been demonstrated that there is a safe means of escape.