

Parish:

Committee date: 09 January 2020

Ward:

Officer dealing: Aisling O'Driscoll

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Target date: 6 September 2019

19/00912/FUL

**Construction of 3 bedroom dormer bungalow
At Bluebarn Cottage, Middleton Road, Hutton Rudby
For: Mr Eric McMordie**

This application is referred to Planning Committee as the development is a Departure to the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The application site comprises a corner plot on the northern side of Blue Barn Lane. The land currently forms part of the garden of an existing detached dormer bungalow, Blue Barn Cottage, which is to the west of the application site. Blue Barn Lane slopes gently up to the east resulting in Blue Barn Cottage being slightly elevated over the application site and the application site similarly elevated over Middleton Road, a public highway.

1.2 The site is currently laid to grass with mature hedging to the eastern boundary and post and rail fencing to the south boundary. Vehicle access is to the east of the site, this access currently serves the existing property and leads to a detached garage. This garage and access was the subject of application 12/00716/FUL which was allowed on appeal. To the north of the application site is the penultimate dwelling in the settlement.

1.3 This is a revised application (previously withdrawn) seeking permission to construct a three bedroom dormer bungalow. The proposed dwelling would be detached sited parallel to the sites front boundary. The existing access and garage forms part of the proposed new unit.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 16/01586/FUL - Extension and alterations, including the installation of dormer windows, to form two storey dwelling house – Appeal Allowed

2.2 16/01812/NMC - Proposed non material amendment (to amend the proposed West and South elevations from hipped roofs to half hipped roofs) to previously approved application ref: 15/00706/FUL - Alterations to roof with dormer windows, and garden room extension as per amended plans received by Hambleton District Council on 18 August 2015 and 14th September 2015. – Granted

2.3 16/01954/MRC - Removal of condition 2 for application reference number: 15/00706/FUL - Alterations to roof with dormer windows, and garden room extension as per amended plans received by Hambleton District Council on 18 August 2015 and 14th September 2015.

2.4 18/01897/FUL - Proposed construction of 3 bedroom dormer bungalow - Withdrawn

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

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 DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
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 – The Council recommend refusal. The orientation of the proposed dwelling does not fit with the existing building. No clear defined parking areas for the existing house. No provision for garage for the existing house. Trees, which are not shown on the plan, should not be disturbed.

4.2 Highways – No objections but recommends conditions relating to parking provision, surface water drainage and construction management measures.

4.3 Street Naming and Numbering – An application would be required.

4.4 Northumbrian Water – Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration)
- Discharge to a surface water body
- Discharge to a surface water sewer, highway drain, or another drainage system
- As a last resort, discharge to a combined sewer

4.5 Natural England – No comments.

4.6 SABIC – No Comments.

4.7 Public comments – At the time of writing, there have been 7 objections to the proposal. In summary, the grounds of objection are:

- Over-development of site.
- Out of character with the existing properties and surrounding area.
- The proposal is too large for the site.
- The angle is inappropriate to its aspect from the road.
- Prominent position, proposal would dominate the area

- Loss of privacy to neighbouring dwelling
- Close to boundary and screening hedge could be removed
- Proposed house crosses the existing building line.
- Garage and access for Bluebarn Cottage not considered
- Plans do not show the relationship with neighbouring property accurately
- Height of proposed dwelling will be overbearing
- Loss of outlook.
- Potential impact on power and telephone lines.
- The existing hedge that provides screening could be removed later.

5.0 OBSERVATIONS

5.1 The main considerations with respect to this proposal are: i) the principle of housing development in this location; ii) the impact on the form and character of the area; iii) design issues; iv) impact on residential amenity; v) road safety and; vi) drainage.

Principle

5.2 Paragraph 78 of the NPPF states that “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 Policy CP4 of the Local Development Framework states that outside defined development limits development will only be supported where an exceptional case can be made for the proposal. Policy DP9 indicates that permission will only be granted for development outside development limits in exceptional circumstances having regard to the provisions of policy CP4.

5.4 In order to ensure consistency with the NPPF the Council adopted Interim Planning Guidance (IPG) which allows more flexibility for housing development outside of development limits where the following criteria are met:

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 Alongside the IPG the Council issued a revised settlement hierarchy detailing the sustainability of settlements in the district. This hierarchy guides the application of the IPG.
- 5.6 Hutton Rudby is detailed in the hierarchy as a Service Village and is therefore considered a sustainable settlement. Rudby is categorised as an “Other Settlement”. “Other Settlements” may also meet the sustainability requirements particularly when considered as a cluster with other villages. In this case Rudby and Hutton Rudby are sufficiently close together to be considered as a sustainable cluster.
- 5.7 It is therefore considered that, in principle, the proposed development meets the first criterion of the IPG and is in a sustainable location.

The impact on the Form and Character of the area

- 5.8 Criterion 2 of the IPG states that the development must be small in scale, reflecting the existing built form and character of the village. The application site is a prominent corner plot. Development in this area is generally set well back from the public highway. The immediate area is heavily landscaped with mature trees and planting lining the west side of Middleton Road. The junction with Blue Barn Lane is characterised by sweeping bends and general feeling of spaciousness. This character is also reflected at the junction between Middleton Road and Rudby Bank.
- 5.9 The proposed dwelling would be located slightly forward of the building line on Blue Barn Lane. This is mitigated somewhat by the positioning of the neighbouring property to the north. The proposed dwelling is to be sited almost parallel to the road but at an angle to the neighbouring properties and north and west site boundaries.
- 5.10 It is considered that due to the siting and orientation the proposed dwelling, the development would not reflect the existing built form and character of the village. The addition of a separate dwelling in this plot would have a detrimental impact on the spaciousness and character of the area. The application does not, therefore, meet the requirements of criterion 2 of the IPG. The proposal is also contrary to Policy DP10 which states that “permission for development will only be granted where it respects (by protecting or enhancing) the intrinsic qualities of open areas that have particular importance in contributing to the identity or character of settlements”.
- 5.11 With regard to the remaining criteria it is considered that, given the existing domestic use of the application site, the proposal would not have a significant impact on the natural, built and historic environment.
- 5.12 Whilst the application site is located outside of development limits it is not an isolated position in the countryside and is read in the context of surrounding development. It is therefore considered that the proposal would meet the requirements of criteria 4 and 5.
- 5.13 It is considered that the development by virtue of its contrived development form, location on the site and impact on the character of the area in terms of a loss of

openness, fails to accord with the requirements of the Council's Interim Policy Guidance note and Development Policy DP10 and DP32.

Design

- 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 proposed dwelling is a 3 bedroom dormer bungalow comprising kitchen, utility room, lounge, snug, cloakroom and one en-suite bedroom at ground floor. The second floor accommodates 2 en-suite bedrooms.
- 5.18 The proposed dwelling would be slightly smaller in height than Blue Barn cottage and constructed in brick with tiled roof and UPVC fenestration. The area features a wide mix of materials including brick and concrete tile.
- 5.19 It is considered that the proposed dormer windows are of a poor design and dominate the appearance of the roof form to the front and rear elevations of the building. It is acknowledged that similar dormer windows feature on Blue Barn Cottage. However, the dormer window on the rear elevation of the proposed dwelling is approximately 4 metres in width and will be clearly visible from Blue Barn Lane. The dormer is boxy in form and detracts from the character and appearance of the rest of the building. It is considered therefore that in this regard the proposal does not represent good design as outlined in Policy DP32 which states that "the design of all developments must be of the highest quality" and that development should "incorporate high quality building design and detailing".

Residential Amenity

- 5.20 The proposed site layout shows a distance of 16.5 metres between the proposed dwelling and the neighbouring property to the north. This plan, however, does not show the existing conservatory which is located on the southern elevation of the neighbouring property and close to the site boundary. The distance to the boundary is therefore considered more relevant in this case. The smallest distance between the proposed development's first floor windows and the northern boundary is approximately 14 metres with less than 21m between the proposed first floor windows and the conservatory attached to the property to the north. Given the proximity of the neighbouring conservatory to the boundary, it is considered that the proposed development would have an unacceptable detrimental impact on neighbouring amenity in terms of overlooking. This is

contrary to Policy DP1 which states that developments must “not unacceptably affect the amenity of residents or occupants”.

- 5.21 The layout plan shows separation distances of 13, 36 and 39 meters between the proposed development and other neighbouring dwellings in the vicinity. The windows on the west elevation are a secondary kitchen window and a utility room window. Given these uses the separation distances to the east, west and south boundaries are considered acceptable.
- 5.22 In conclusion the proposed development will result in an unacceptable loss of amenity to the occupiers of the property to the north owing to the proximity of the first floor windows to the neighbouring conservatory.

Highways

- 5.23 North Yorkshire County Council Highways Officer was consulted on the application. The Highways officer commented that no parking provision had been shown for the original dwelling, Blue Barn Cottage. The highways Officer recommended that should the application be approved a condition should be included to ensure the adequate provision for access turning and parking at Blue Barn Cottage. In addition conditions relating to surface water drainage and construction management measures are recommended. Subject to these conditions covering development on land within the control of the applicant, it is considered that there are no significant impacts on highway safety.

Drainage

- 5.24 Northumbrian Water has been consulted and has not commented. The site is within Flood Zone 1 subject to the lowest risk of flooding. The site is otherwise within the village and it is considered drainage details could be adequately controlled by use of a planning condition should the application be approved.

Planning Balance

- 5.25 It is considered that whilst the proposed development is located in a sustainable location, the development will result in an unacceptable loss of visual amenity owing to the loss of an area of open space. The layout of the proposed development is considered contrived to ‘fit’ into this corner plot formed by Blue Barn Lane and Middleton Road. The development is considered to result in a significant loss of amenity to the occupiers of the dwelling to the north of the site. Whilst there are considered to be benefits resulting from the development from the provision of a house, which would support local services to a minor degree along with short term economic benefits through the construction phase, these benefits are not considered sufficient to off-set the harm resulting from the development.

6.0 RECOMMENDATION

That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. The proposed development is considered to result in a contrived development form which will have a harmful impact on the character and appearance of the settlement. The proposed development will result in a loss of an open space that contributes positively to the character and visual amenity of the area. The proposed

development is considered to fail to meet the requirements of the Council's Interim Policy Guidance along with Development Policies DP10 and DP32.

2. The proposed design is considered to fail to accord with the high standards of design set out within Development Policy DP32. The proposed roof form is dominated by the proposed dormer windows, which detract from the development form as a whole. In particular the large rear box dormer dominates the roof form resulting in a poor quality of development. Owing to the orientation of the property and its relationship to the road, the rear box dormer will be a prominent feature of the proposal.

3. Owing to the proximity of the proposed first floor windows to the rear of the property, to the conservatory attached to the property to the north of the site, the proposed development will result in a significant loss of amenity owing to the loss of privacy caused by the proposed development.