

Parish: Huby

Ward: Huby

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Committee date: 15 October 2020

Officer dealing: Kate Williams

Target date: 2 October 2020

20/01644/FUL

Part retrospective application for extensions, alterations, changes to the fenestration and proposed change of use of barn/garage building into a self contained dwelling with associated parking.

At Misty Meadows Bell Lane Huby North Yorkshire

For Ms Janine Bower

This application is referred to Planning Committee as the proposed development is a departure from the Development Plan.

1.0 Site, Context and Proposal

- 1.1 This is a full planning application for the conversion of an outbuilding to form an independent dwelling. The proposed unit is for the applicant's own use. The primary dwelling is Misty Meadows, and the building to be converted is within the associated domestic curtilage. The outbuilding is a simple two storey brick building with a pitched roof.
- 1.2 The site is approximately 140m outside of the development limits of Huby and to the south east. The site is within Flood Zone 1 on the Environment Agency Flood Risk Map.
- 1.3 The site is accessed via a shared drive which passes Nooks Cottage and serves Misty Meadows. The application site boundaries are open to the east and south. To the north is a high brick wall, to the west is a recently cleared area which leads to paddocks enclosed by mature trees, beyond this area is a tennis court for another nearby dwelling.
- 1.4 The proposals include extending the outbuilding with simple gable form extensions to the east and west elevations. The proposed accommodation at first floor comprises three bedrooms, and at ground floor comprises a dining/kitchen, lounge and bathroom. The cleared area to the west of the outbuilding would be the garden and parking area for the new dwelling. It is proposed to divide the existing yard to provide separate domestic curtilages for each property.

2.0 Relevant Planning and Enforcement History

- 2.1 The current arrangement within the outbuilding comprises garages and additional, ancillary living accommodation at ground and first floor. There are no planning records of this. The applicants advise the Local Planning Authority that they were in this use for 19 years before their ownership of the property.

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 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 CP18 - Prudent use of natural resources
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP36 - Waste
Development Policies DP42 - Hazardous and environmentally sensitive operations
Development Policies DP43 - Flooding and floodplains
Emerging Local Plan- Hambleton Local Plan Publication Draft July 2019
The following draft policies are considered material:

S5 - Development in the Countryside
E1 - Design
E2 - Amenity
E3 -The Natural Environment
CI2 -Transport and Accessibility
RM3: - Surface Water and Drainage Management

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>
The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration to which only limited weight can be afforded.

4.0 Consultations

- 4.1 Parish Council - Huby Parish Council object to application 20/01644/FUL on the grounds of over-development of the site, it being too close to neighbouring properties, and an unreasonable burden on the road with access problems to Nook Cottage being blocked a possibility. Also, a blind bend in the drive means additional traffic movements would not be practicable.
- 4.2 NYCC Highways Authority - No objection. A standard condition in relation to parking layout is recommended.
- 4.3 Environmental Health Officer - No objection or conditions.
- 4.4 Environmental Health - Contaminated Land - No objection or conditions.
- 4.5 Street Naming & Numbering - An application would be required.
- 4.6 Kyle & Upper Ouse Internal Drainage Board - No objection. A condition is recommended if surface water is to drain to the watercourse.
- 4.7 Yorkshire Water - No objection. Recommend condition to protect Yorkshire water infrastructure.
- 4.8 Public comments – One representation has been received. The adjacent neighbour and owner of the access from Bell Lane objects to the development. Their concerns are summarised as follows:
- Increase in traffic causing disturbance, inconvenience and noise.
 - The increase in vehicles using the access would create an unfair burden on its maintenance.

5.0 Analysis

- 5.1 The main issues to consider are: i) principle of development; ii) impact upon residential amenity; iii) character and visual impact; iv) highway safety; v) contaminated land; vi) drainage; vii) ecology and trees

Principle of Development

- 5.2 Core Strategy Development Plan Document (CS) Policy CP4 is an overarching policy supportive of proposals in settlements or countryside where it would re-use existing buildings without substantial alteration and help support a sustainable rural economy. The Development Policies Development Plan Document (DP) Policy DP9 is also permissive of such development where it meets the provisions of CP4. Policy CP4 generally seeks to permit housing development outside of settlements (including conversions of buildings) only in exceptional circumstances where it meets the objectives of Policies CP1 and CP2.

- 5.3 In terms of Policies CP1, CP2 and CP4 the development site is located close to the village of Huby and is well served by public footpaths into the core of the village, where there are facilities, services and options for means of transport other than the private car. The proposal is substantially a conversion, and therefore already forms part of the existing built form and character of the village and does not encroach unacceptably into open countryside. The proposal is of a scale which is appropriate in terms of housing size. The proposed unit equates to a two bedroom, three person house, where the space standard is 70sqm. The proposed unit is in excess of 120sqm and as such is compliant with the Nationally Described Space Standards. The site is in proximity to a sustainable village in which the increase in population resulting from the development would support the services, both in Huby and the nearby village Sutton on the Forest (Huby and Sutton on the Forest are cluster villages referenced within the IPG). In this case, there is no conflict with the aims of these policies.
- 5.4 Material to the decision on this application is the Council's Interim Policy Guidance (IPG). Although the proposal falls to be assessed against CP4, due to its distance from the village, it would fulfil the specific criteria 1-5 in the IPG.
- 5.5 The National Planning Policy Framework (NPPF) is a material consideration in planning decisions (paragraphs 2 and 47). It advises that Local Planning Authorities may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF (paragraph 48).
- 5.6 The Council's emerging Local Plan (eLP) was published in draft in July 2019, with the Local Plan Inquiry hearings due to commence in October 2020. The eLP Policy S5 is consistent with the NPPF in terms of paragraph 78, specifically, the consistency is the emphasis on supporting rural housing where it represents sustainable development and will enhance or maintain the vitality of rural communities. The proposal would fulfil the objectives of both national and emerging local policy.
- 5.7 Whilst the eLP carries limited weight at this time, the proposal would accord with eLP Policy S5, the NPPF paragraph 78 and the IPG which together are material considerations, which in this circumstance attracts weight in the decision.

Residential Amenity

- 5.8 The maintenance, upkeep and use of the access is not a material planning consideration being a private, civil matter. However, neighbouring residents could be affected by additional vehicles passing their property. The neighbouring dwelling is set in a large plot, with private garden space away from the access. The neighbouring boundary with the access is well formed by a brick wall and planting, and the area in front of the dwelling used for parking. An increase in vehicular movements from one new dwelling is unlikely to have an unacceptable impact in terms of loss of privacy or disturbance or result in a situation significantly different from the current scenario. Amenity in other respects is sufficiently preserved.

- 5.9 The physical relationship and access arrangements with Misty Meadows is close, but direct overlooking would be avoided. Private garden amenity space can be provided. Future occupiers of either Misty Meadows or the proposed dwelling would be aware of the relationship and access arrangements.
- 5.11 The proposal does not provide information regarding the delineation of boundaries, but these details can be controlled by the imposition of an appropriate condition. The aim of the condition for boundary treatment would be to screen part of the curtilage in front of the proposed new residential unit and to provide privacy and amenity. This has been discussed with the applicant.
- 5.12 The proposal overall would provide a satisfactory level of residential amenity for future occupiers. The outlook from bedrooms 2 and 3 is limited, but as they are served by rooflights, this is on balance considered to be acceptable. There is a window to both new gables, one of which would be obscured to the master bedroom where it would reduce the impact upon neighbouring land. The remaining window is to a hall.
- 5.13 The proposal would meet the requirements of Policy DP1 and Policy E2 of the emerging Local Plan, but a condition is recommended to be imposed on any grant of planning permission which relates to permitted development restrictions. This is in order to protect the amenity of Misty Meadows, Nooks Cottage and the wider countryside from possible construction of further extensions and outbuildings in the domestic curtilage.

Character and Visual Amenity

- 5.14 The proposed extensions are not out of character with the host building. The extensions will elongate the building, but they are not substantial alterations. Matching materials are proposed, retaining the overall character of an outbuilding. The site is part of the domestic curtilage of an existing dwelling and well screened from public views, thus there is no unacceptable visual or character impact upon the area or countryside. In addition, landscape around the site is already established.
- 5.15 The proposal respects the character of the settlement and local distinctiveness meeting the requirements of Policies CP16, CP17, DP30, DP32, DP33 as well as Policies E1 and E3 of the emerging Local Plan.

Highway Safety

- 5.16 There have been concerns raised regarding additional traffic. The access is already used by the applicant, and there may be an increase in incidences of having to wait, and minor inconvenience if new occupiers do this also. Whilst the concerns are noted, the access would not be shared by an excessive number of units. This section of Bell Lane is also wide and straight accommodating vehicles that may need to pass, and it is possible for both to reverse back on the driveway. Importantly, the Highways Authority has not raised any concern over the additional use of the access or road safety.

- 5.17 Parking provision is over and above what would be required for a dwelling of this size, but there is space on site to accommodate this. In the interest of suitable drainage, it is recommended that a condition is imposed to ensure the surface treatment for this is permeable. In addition, a condition requiring details of cycle storage is attached to ensure the proposal would accord with Policies DP3 and DP4.

Contaminated Land

- 5.18 The applicant/agent has not identified any potential sources of contamination. The Environmental Health officer considers the risk of contamination affecting the development or end users is low. The proposal would therefore accord with Policy DP42.
- 5.19 There are no details provided regarding refuse collection. However, the site is large enough to accommodate this within its curtilage. In the interests of neighbouring amenity, a condition will be attached to secure this and comply with Policy DP36.
- 5.20 In order to increase options for renewable energy an electric vehicle charging point could be imposed but given the proximity of the dwelling to the parking area, this could be accommodated within the dwelling itself.

Drainage

- 5.21 The applicants have advised that surface water will drain via soakaway. Foul sewage is to be disposed via mains sewer. Consultees raise no significant concerns in this respect and the proposal would meet the requirements of Policy DP6.
- 5.22 The Internal Drainage Board advise soakaways may not work, but given the building is already in situ and the site is predominantly hardstanding there is unlikely to be any significant increase in surface water, and a percolation condition is not considered necessary. The site is also within Flood Zone 1 which is at low risk from flooding. The proposal therefore accords with Policy DP43 and Policy RM3 of the emerging Local Plan.

Ecology and Trees

- 5.23 The building is already in part domestic use and of substantial construction, not showing any visible defects to brickwork or the roof. In the absence of any evidence to the contrary, this would likely preclude the presence of bats. It is not considered necessary to require an ecological enhancement scheme given the scale of this conversion. However, the creation of hard standing for parking should be subject to the imposition of a condition to provide tree protection measures which would meet the requirements of Policy DP31.

The Planning Balance

- 5.24 The application is recommended for approval as a conversion and with support from the Interim Policy Guidance Note. In all other respects the development conforms relevant LDF policies.

- 5.25 Consultees have raised no objections in respect of Highways issues, amenity, contaminated land and drainage. The recommended imposed conditions are reasonable and directly relate to the proposed development. The emerging Local Plan and the NPPF are material considerations which weigh in favour of the proposal, although only limited weight should be applied to the emerging Local Plan at the present time.
- 5.26 Development would entail some economic benefits. There would be temporary construction employment and secondary employment generated through increased spending in the local area by prospective residents, a 'new homes bonus' would be paid and additional Council Tax would accrue. The economic benefits are afforded some limited weight.
- 5.27 Adequate residential amenity can be provided, and neighbour amenity levels are maintained. The proposal would result in social gains through the provision of new housing in a sustainable location.
- 5.28 Environmental benefits would arise from utilising an existing structure without causing harm to the form and character of the village or adjacent countryside, which is afforded weight. The development provides a safe access, and environmental impacts can be mitigated.
- 5.29 The proposal accords with the Development Plan overall and would represent sustainable development when assessed against the policies in the Development Plan and the NPPF.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
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: B262/6 Elevations and B262/2 Block Plan.
 3. The development shall not be commenced until a plan has been submitted to and approved in writing by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. Submission of these details is required before commencement in order to ensure adequate protection of trees at all stages of the development process, including site clearance.
 4. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

5. Prior to the first occupation of the dwelling hereby approved, details of bin storage shall be submitted to the Local Planning Authority for approval. The development shall be implemented in accordance with the approved details and retained for the life of the development.
6. Prior to the first occupation of the dwelling hereby approved details of secure cycle storage shall be submitted for the written approval of the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained for the life of the development.
7. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
8. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
9. The materials to be used for the windows, roof and external walls of the development hereby approved shall match those used in the host building.
10. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference "Block Plan Proposed" drawing no. B262/2. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
11. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public rising main i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand -off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
12. Notwithstanding the submitted details, the first-floor window on the western elevation shall be obscurely glazed, and retained as such for the lifetime of the development. The level of obscure glazing shall be level 3 or above on the Pilkington Glass Privacy level or equivalent.

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 CP17, and DP32.

3. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
5. In the interest of the neighbouring residential amenity and sustainability in accordance with LDF policy DP1.
6. In order to encourage sustainable forms of transport and accessibility in accordance with LDF policies CP2 and DP3.
7. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
8. To ensure surface water runoff is not increased elsewhere in accordance with LDF Policies CP21 and DP42.
9. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
10. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in accordance with DPD Policy.
11. In in order to protect the local aquatic environment and Yorkshire Water infrastructure in accordance with LDF policies CP21 and DP43.
12. In the interests of the amenity of the development in accordance with LDF policies CP1 and DP1.