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**15/01355/FUL**

**Construction of a detached dwelling with detached garage and associated access as amended by plans received by Hambleton District Council on 14th July 2015 and 13th August 2015.**

**at Land Adjacent Westwood Bagby North Yorkshire  
for Ms Deborah Barker.**

1.1 This application as amended seeks consent for the construction of a 4 bedroomed detached dwelling with a detached domestic garage to the rear on a vacant site adjacent to Westwood, Bagby.

1.2 The proposal seeks to site the dwelling to the front of the site with vehicular access to the west of the dwelling leading to the domestic garage and garden area to the rear. The amended plans propose a dwelling with three dormer windows in the front elevation. Proposed materials are brickwork and tiles (details are not stated) with UPVC windows and doors.

## 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant

## 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  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Interim Guidance Note - adopted by Council on 7th April 2015  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Development Policies DP9 - Development outside Development Limits  
National Planning Policy Framework

## 4.0 CONSULTATIONS

4.1 Parish Council - no response to date

4.2 Neighbours- 13 objections received. The main areas of concern raised include:

- a) Additional storey above garage - may interfere with neighbour's solar panels and may be used for business purposes and is too high for area and windows may cause overlooking.
- b) Surface drainage has been an issue on this site
- c) Potential for business use of the site is of concern as the applicant runs a haulage business
- d) There are some rights of way across the site to access rear paddocks which must be retained at required width of 3.5m

5 notifications of support for the proposal have been submitted with the comments summarised as:

Development of the site will significantly improve the visual amenity of the village as the site is becoming an eye sore.

The neighbours were re-consulted on the amended plans on 18<sup>th</sup> August 2015 (which have removed the upper floor above the domestic garage). No further response has been received.

#### 4.3 NYCC Highways- conditions recommended

4.4 Yorkshire Water require that the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

4.5 EHO- Senior Scientific Officer recommends a contamination condition to ensure the land is suitable for use.

#### 5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of allowing the dwelling proposed in this location, together with an assessment of the impact upon the appearance of the area, highway safety and neighbours' amenities.

5.2 The site falls outside any defined Development Limits as the village of Bagby does not have any as defined within policy CP4 of the Core Strategy where Policy DP9 states that development will only be granted for development "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) published in March 2012. Paragraph 55 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".

The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.

5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 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. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

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 Bagby is now defined as a Secondary Village and is therefore classed as a sustainable settlement and within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". This goes on to state that "Proposals which are small in scale and which provide a natural infill or extension to an existing settlement will be considered favourably where they also conform with other relevant LDF Policies". In terms of the built form of Bagby it is noted that this site is a vacant plot which is located within a central part of the village with many other dwellings to either side and opposite it. The proposal is to be for a dwelling with a roadside frontage and it is noted that the village as a whole is considered to be primarily roadside development with some further building beyond.

5.6 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwelling would be constructed on a vacant "infill" plot within an existing row of houses where it will acceptably be viewed as part of the existing built up area rather than as harmful to the countryside. The capacity of the existing infrastructure to accommodate the disposal of additional foul and surface water have been raised as concerns. There is no evidence to show that subject to the imposition of conditions that the foul water sewers are inadequate to cope with the level of flows from a single dwelling. Surface water attenuation before discharge to sewer, if a scheme of soakaways or other SuDS are not viable, is considered appropriate for the drainage of the site and can also be the subject of conditions.

5.7 As amended it is considered that the overall design and lowered ridge line of the dwelling ensures that it will satisfactorily respect the street scene, visual amenity of the area and will appropriately bridge the gap in terms of its height between the large 2 storey dwellings to the west and the bungalows to the east.

5.8 In terms of its impact upon the amenities of the neighbours it is noted that a high number of the objections made relate to the potential for business use at this site and the height of the domestic garage. The Agent has stated that the applicants will not be running their business from this site and no business or office use is proposed. In addition the amended plans have removed the upper floor from the garage building resulting in a reduction in its overall height and the removal of any potential space to be utilised for business use. The position of the windows within the proposed dwelling are principally to the front and rear of the dwelling where they will cause no significant loss of privacy to the adjacent dwellings. It is noted that the access way to the rear paddocks has been retained.

5.9 A condition can be imposed to ensure that surface water drainage is carried out appropriately on this site. Conditions are also recommended by the Highways Authority and there are no objections on grounds of highway safety. Approval is therefore recommended.

5.10 Under the Community Infrastructure Levy (CIL) regulations the proposed dwelling is liable for payment of CIL at a rate of £55 per sq. m. The Agent is aware of this with the total CIL charge calculated as £14,245

## 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) and/or details received by Hambleton District Council on 13 August 2015 (Garage) and PP02A and PP03A 14 July 2015 (Dwelling) unless otherwise agreed in writing by the Local Planning Authority.

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. 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 or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

5. 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 a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and Standard Detail number E6. b. Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. c. The final surfacing of any 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

6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference Drawing PP02). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

8. 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. These facilities shall include the provision of wheel

washing facilities where considered necessary by the Local Planning 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 agrees in writing to their withdrawal.

9. 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.

The approved areas shall be kept available for their intended use at all times that construction works are in operation.

10. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.

11. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 11 above.

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) DP32.

3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

4. In accordance with Policy CP2 and in the interests of highway safety.

5. In accordance with Policy CP2 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

6. In accordance with Policy CP2 and in the interests of road safety

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

8. In accordance with Policy CP2 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

9. In accordance with Policy CP2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

10. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

11. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43