

Parish: East Harlsey
Ward: Osmotherley & Swainby
4

Committee Date : 7 January 2016
Officer dealing : Mrs B Robinson
Target Date: 6 January 2016

15/02407/FUL

**Construction of dwelling to include existing stable/store building, and construction of detached garage..
at May Cottage East Harlsey North Yorkshire DL6 2BL
for Bennett.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a plot with dimensions 30 x 37metres, located at the rear of a two storey property, May Cottage. The land appears to be in use as an informal garden. The site shares an access with May Cottage from which a grass track proceeds to the site. There is a single storey single stable / store building, dimensions 16 x 4.5 m, positioned on the north boundary with May Cottage, and a small woody area in the north west corner of the site. The existing building is rendered and has a clay tile roof. To the east the site abuts a garage/parking area at the rear of the terraced houses along the village street, and the boundary is a mix of fencing. To the west the site abuts the rear garden of Westgarth and the boundary is hedged. The south boundary is post and rail fence.

1.2 The village is mainly linear. On the south side of the street there are a small number of properties in tandem or back-land positions. Harlsey Hall and St Oswalds church are set back from the village street by approximately 130 metres.

1.3 The proposal is a new dwelling, positioned in the north-east corner of the site, and incorporating the existing single storey building, together with a detached double garage and garden store, located in the north west corner of the plot. The proposed house is single storey. The new build is L shaped, and is proposed to have coloured render on the walls, and clay tile roof. The proposed garage has a hipped roof and has matching materials.

2.0 RELEVANT PLANNING HISTORY

2.1 None

3.0 NATIONAL AND LOCAL POLICY:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

National Planning Policy Framework
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
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

4.1 Parish Council - The Parish Council unanimously agreed that this application should be REFUSED by Hambleton District Council for the following material considerations:

a) Granting of this planning application would change the characteristic of the village by creating a second row of properties;

- b) Should this application be granted, then there would be a large number of places in the village where this type of planning would be possible.
- c) The cumulative impact would significantly change the make-up of the village;
- d) The privacy of the residents of Airedale House is seriously compromised and needs to be considered either by moving the double garage, or ensuring that their privacy is maintained in another way.

The Parish Council has consistently believed that an increase of housing between 5-10% in the village is a reasonable amount. There are already 5 planning applications that have been approved by Hambleton District Council with two more being currently considered. The Parish Council feel that this is reaching the limit to what would be considered acceptable to the village.

The Parish Council would also like to point out that they would not necessarily reject any planning applications for brownfield sites should these arrive in the future.

4.2 Neighbours, site notice and press notice - last expiry 21.12.2015

Observations to date:

Object - did not move to village to have two properties built, with refuse bins.

Neutral - do not object in principle. View would be slightly impeded but due to angle, not objected to. Concern about proximity of proposed garage to boundary gives rise to concerns about vehicle noise. Retention of orchard screen would overcome this concern.

Concern about 'rearward' additions and the effect on the layout of the village if this would change the current rural layout and atmosphere, and precedent should be taken into account.

4.3 Environmental Health - no objection.

5.0 OBSERVATIONS

5.1 The main issues are whether the proposed site is acceptable in principle in terms of the character and form of the village and whether the development would have any detrimental impact on residential amenity or road safety and whether the proposed design is acceptable in this location.

Policy principles

5.2 East Harlsey is a village without status within the hierarchy set out in CP4 as adopted 2008. In response to the guidance of the NPPF, in 2015 the Council has adopted an Interim Guidance Note which updates the hierarchy and includes East Harlsey as a secondary village. The Guidance provides for a more flexible consideration of new development at the edge of settlements. Accordingly the main consideration is whether the development is in accordance with the criteria of the Interim Guidance, and thereafter whether it is in accordance with any other relevant policies of the local plan including the amenity of nearby occupiers (CP1 and DP1, design (CP17 and DP32) and any highway safety issues.

Interim Guidance Criteria:

5.3 Small scale housing development will be supported 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.

5.4 The inclusion of East Harlsey in the updated settlement hierarchy as a secondary village indicates it is considered to be a reasonably 'sustainable' location where an additional dwelling can be considered to support local services, which in this case include a pub, and a village hall.

5.5 As a single dwelling it is small in scale. In terms of the form of the village, the proposal is a back-land development which is not typical of the village, although there are some examples on the south side of the village street.

The development is aligned with existing domestic land on each side, and is contained in the body of the village. It would not intrude into open countryside, or be visible from the street, or on approach from the south. Whilst not representative of the main form of the village, and thus not fully in accordance with the criteria of the Interim Guidance Note, the effect on the form of the village would be minimal. Taking into account that the existing character of the village includes some back-land development on this side of the village street, the proposal is considered to accord with the requirements of policy.

5.6 Neighbouring properties at this west end of the village have similar 'garths' at their rear, which have mainly been incorporated into domestic curtilages, and which have the potential to come forward for consideration for housing development. Each would have to be assessed on their own merits. The circumstances of this case, including the existing building on the site, the close proximity to development on the neighbouring plot, the readily available access and unobtrusive nature of the scheme, indicate that this proposal is acceptable and refusal on the basis of precedent for future development would not be justified.

5.7 The site is predominantly garden ground and does not include the trees at the rear of Airedale house and there would be little harm to the natural environment. The site is well separated from any Listed or other significant historic building. The proposed house is relatively modest and self-effacing in design and the use of traditional materials and restrained colouring would be sympathetic to the local built environment.

5.8 The site is within the 'body' of the village and will not be detrimental to the surrounding countryside or lead to the coalescence of settlements.

5.9 There is no evidence that a single extra dwelling cannot be accommodated within the capacity of the existing infrastructure.

5.10 In conclusion, the proposal falls short of full compliance with the Interim Policy Guidance in terms of the main form of the village, but has the potential to be an acceptable exception to the principles of sustainability contained in CP1 and CP2.

Other issues

Design

5.11 The house has simple gable end walls, traditional clay roof tiles and a chimney. The H shape plan is not a traditional form although the overall effect is cottage-like and appropriate to the village setting. The proposed garage is appropriate in design and located unobtrusively.

Amenity

5.12 With regard to the amenity of neighbours, the house will not be in the line of sight of neighbouring properties, and while the garage will be to the rear of Airedale House, there is existing screening between the properties. If the screening were to die or be removed the proposed garage would not be unacceptably harmful due to its single storey nature, hipped roof and relatively unobtrusive roof materials.

5.13 With regard to highway safety, the Highway Authority point out that some adjustment to the hedge line to the east would be beneficial, and overall do not object to the scheme on highway safety grounds.

5.14 The Parish Council and others raise concerns about the principle of back-land development, and precedent, which are discussed in the preceding paragraphs, and which are not considered to justify refusal in this particular case.

The privacy of Airedale house is not compromised by the new garage development, and as discussed above, the potential impact on outlook is very limited. Occupiers have expressed concerns about noise arising from the use of the garage but this would be typical of activity in residential areas and would not justify refusal.

With regard to concerns about the proliferation of new development and the consequent impact within the village, the current policies allow only for modest scale development and the implications of each can be considered as they arise.

5.15 The development is CIL liable.

5.16 Due to its size design and location the proposal is appropriate to the village setting and will not have an unacceptable harmful effect on the amenities of neighbours or on highway safety and is able to comply with the above policies.

5.17 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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 1435.2.2.301; 1435.2.2.300 Rev B; 1435.2.2.101 Rev A received by Hambleton District Council on 5 November 2015 unless otherwise approved 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. 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.

5. 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 4 above.

6. The development 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

7. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

8. 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 in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

9. 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 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 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.

10. 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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (i) the visibility splay to the east of the access

11. No part of the development shall be brought into use until the approved visibility splay approved under condition number #: is available for unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

12. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no 1435.2.2.101 REV A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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 Policy(ies) .
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 order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. In accordance with policy CP2 and DP4 and in the interests of highway safety.
9. In accordance with policy CP2 and DP4 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.
10. In accordance with policy CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with policy CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
12. In accordance with policy CP2 and DP4 and 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.