

Parish: Kirklington-cum-Upsland

Ward: Tanfield

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Committee Date: 3 March 2016

Officer dealing: Mrs H Laws

Target Date: 12 February 2016

15/02378/OUT

Application for outline planning permission for the construction of 2 dwellinghouses (single and two storey) with all matters reserved at Rear of Half Acre House, Kirklington for Mr Raisbeck

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Half Acre House lies towards the south eastern edge of the village on the southern side of the road. The application site lies to the rear (south) of the dwelling and covers an area of approximately 0.14 hectares, which is used as a paddock for chickens. Much of the site is overgrown. The ground level rises from the rear boundary with Half Acre House and its neighbours to the east, which include numbers 1 and 2 Hambleton View. Mature trees lie along the south west and east boundaries of the site.
- 1.2 It is proposed to construct two dwellings on the site. The application is an outline application with all matters reserved. However, the access arrangements are clear because the application site includes the existing driveway that serves Half Acre House and lies to the side of the house. An extension to Half Acre House and the detached garage associated with it would have to be demolished to allow this access.
- 1.3 An indicative block plan has been provided illustrating the position of a single storey dwelling and a two-storey dwelling served from the existing access and the driveway shared with the existing house. One dwelling would stand behind Half Acre House and the other behind 1 and 2 Hambleton View.
- 1.4 No affordable housing provision or contribution is proposed.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 None

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 CP9 - Affordable housing
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 DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATIONS

- 4.1 Parish Council - No adverse comments were raised with regard to this application.
- 4.2 Highway Authority - There is a concern about restricted visibility from the existing access in a north westerly direction. I have identified an alternative location for a shared access that could serve the existing and proposed dwellings, giving satisfactory visibility in both directions. This location is centred 8 metres from the boundary with Caurus House. Subject to this access being constructed to an appropriate standard and the existing access closed off, I would have no objection to the proposal.
- 4.3 Environmental Health Officer - no objections
- 4.4 Site notice/local residents - Four letters of objection have been received, which are summarised as follows:
- The proposed houses are large in scale and proportion to the immediate smaller neighbouring properties
 - The scale of the properties is not in proportion to the plot size. The smaller neighbouring properties have large plots, however the gardens of the proposed dwellings are small and are laid predominately to driveway with the two storey house having a driveway, parking and turning space. Given the small size of the gardens and the available space being used for cars the environmental diversity of the space would not be enhanced
 - The proposed development from the top rooms of the two storey house will overlook several of the neighbouring properties resulting in a serious invasion of our privacy. The site is on slight elevation and that coupled with one of the dwellings being two storeys will mean that we are seriously overlooked. Our garden faces south west and we are concerned that the two storey dwelling will cause loss of light to our home and garden, this may addressed if the proposed dwelling was single storey. The proposed development will have a detrimental impact on us and our right to enjoy our property
 - The site is screened by three large mature trees and bushes and supports wildlife habitats which include birds and squirrels. Given that the surrounding land is predominately arable and heavily farmed the trees are invaluable to the local environment. The proposed dwellings are situated very close to the trees
 - Should the application be approved consideration be made regarding hours of operation and how and where construction vehicles and staff gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours
 - I live opposite Half Acre House and am worried about the access to the land. At present I often struggle exiting my drive as the occupants of the above often park on the street alongside my drive. This makes exiting often difficult.
 - Increased noise and activity from extra vehicles
 - The proposed dwellings would have an imposing impact on the surrounding existing properties
 - There is no public transport of any note
 - There appears to be the possibility of further development on this site
 - If approved would like to discuss detailed plans and other concerns regarding construction work.
- 4.5 Five letters of support have been received, with the following comments:

- As a frequent visitor to the village. I believe this development is sympathetic to the surrounding area and helps create much needed housing in our rural areas. It is great to see a plan with adequate parking to help reduce on street parking in the village.
- With reference to the proposed development 15/02378/OUT immediately to the rear of my house. I fully support all parts of the application and have no objections at all. It will not in any way affect my garden, take light from my house or overlook me.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of a new dwelling in this location outside Development Limits, an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, the rural landscape, neighbour amenity and highway safety, and the provision of affordable housing.

Principle

- 5.2 The site falls outside of Development Limits as Kirklington does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that permission will only be granted for development in such locations 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 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".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has 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 In the settlement hierarchy contained within the IPG, Kirklington is defined as an "other settlement"; 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". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies adjacent to the village of Kirklington and lies 2.5km along the B6285 from the edge of Carthorpe, which has a pub. This route is via a country road which is unlit and without footpaths. Facilities in the village itself include a pub, a village hall and a church.
- 5.5 In order for development to be sustainable in smaller settlements, the IPG introduces the concept of cluster villages, which can provide a collective level of services and facilities sufficient to achieve sustainable communities. To be sustainable, a cluster must either include a Service Village or Secondary Village, or comprise smaller settlements that are sufficiently close to function together. The IPG indicates that villages should be approximately 2km apart to allow this and the 2.5km distance to

Carthorpe is considered to meet this. However, the route adjoining the two villages is relatively poor in that the road is unlit and has no footways. However, on balance criterion 1 is considered to be satisfied.

- 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 site lies to the rear of existing dwellings fronting onto the village street. Kirklington is traditionally a village with all its properties fronting onto a village street and with very few examples of backland development. The proposed development would produce almost a second row of development behind the existing frontage properties, which would be completely out of context with its surroundings.
- 5.7 The agent has submitted supporting information to suggest that there is no land that would be available to continue the linear development of the village due to the built and natural environment of the settlement. In order to achieve the Council's 5 year housing land supply therefore, development should take place behind existing frontages, the type of which is already found within the village.
- 5.8 The Council's five year supply of deliverable housing land is a separate matter and notwithstanding the specific figure, it has previously been recognised by an appeal inspector that the contribution a small scale development would make towards addressing the undersupply of housing would not outweigh the harm a scheme could cause through the location of the proposed development. The guidance in paragraphs 47- 49 of the NPPF advises that planning should take account of the different roles and character of different areas.
- 5.9 The examples of backland development within the village are few (two) and are not similar to the proposed development, one being a conversion. This form of development is not therefore commonly found within Kirklington and the development of the application site would be of detriment to the form and character of the village, contrary to LDF policies CP17 and DP32, which require new development to respect local character and distinctiveness.
- 5.10 The site is used as a paddock and is not part of the open rural landscape. Due to its use and the structures that are stored on site, its appearance is more in keeping with the village rather than the adjacent countryside. This is reinforced by the landform, which rises up beyond the houses and screens much of the view of the rural landscape beyond. It is not considered that the development of this site would have an adverse impact on the openness of the surrounding rural landscape and would not therefore be contrary to LDF Policy DP30.
- 5.11 The existing terraced dwellings at Hambleton View have relatively long gardens at approximately 14m in length. The illustrative block plan shows the front elevation of each of the proposed dwellings set back more than 15m beyond the rear elevations of the existing frontage properties. It is considered that this would be a satisfactory distance to prevent overlooking or an overbearing impact and would protect the amenity of both the existing and future residents subject to the submission of a detailed scheme.
- 5.12 Additional vehicle movements would occur along the existing driveway adjacent to the existing dwelling at Half Acre House. This would increase the disturbance experienced by the residents but as it would serve two additional dwellings it is unlikely to be to a level that would be unacceptable and contrary to LDF Policy DP1.
- 5.13 The Highway Authority has no objections to the proposed use of the existing access subject to alterations, which would provide the required visibility splays. On street parking does occur along this stretch of road but the application proposes to provide

adequate facilities for parking within the application site boundary, which should preclude an increased number of vehicles from parking on the roadside.

- 5.14 LDF Policy CP9 requires housing developments of 2 houses or more to make provision for an element of affordable housing. In this instance the requirement is for 40% affordable housing provision. The applicant does not propose to provide any on-site provision and has submitted information regarding the viability of the scheme to support the proposal for a zero commuted sum contribution. The viability details provided however are not considered to be adequate to demonstrate that no contribution can be made and refusal is recommended on these grounds.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, the proposed development does not reflect the existing built form and character of the village as required by the Council's Interim Policy Guidance. The proposal also fail to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy, that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, CP2, CP4 and DP9 and the Council's Interim Planning Guidance (2015).
 2. All new development should be of a scale appropriate to the size and form of its setting. It is considered that the proposal, by reasons of the backland site location, is out of context and character with the surroundings. The proposal therefore fails to respect the character of the local area and would result in a form of development that would have a detrimental impact on the surroundings, contrary to the high quality design principles of LDF Policies CP17 and DP32.
 3. In the absence of affordable housing provision the proposed development is contrary to LDF Policies CP9 and DP15, which require in this instance, a 40% proportion of affordable housing.