

Parish: West Rounton
Ward: Appleton Wiske & Smeatons
17

Committee Date: 26 May 2016
Officer dealing: Mrs B Robinson
Target Date: 1 March 2016

16/00033/FUL

**Construction of a dwelling
at land adjacent Dabs Bank, West Rounton
for Mr Gary Cunningham**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a plot of land with dimensions approximately 11 x 22 metres, forward of a house known as Dabs Bank, and formerly part of its garden. The plot is bounded by a low fence at the road side and on the north and south boundaries and by a close boarded fence and leylandii hedge on the boundary with Dabs Bank.
- 1.2 Dabs Bank is set back approximately 30 metres from the roadside. It is mainly two-storey with a forward-projecting single storey wing and a conservatory in the L shape formed by the front wing. Dabs Bank retains its own drive, on the south side of the proposed plot. The adjacent house to the north, Ashcroft is set back approximately 22 metres from the road. In the front garden of Ashcroft there is a mature tree, positioned approximately 4 metres from the boundary. The tree is the subject of a Tree Preservation Order 1995/08. In this vicinity, on each side of the road, the land slopes upwards from the road.
- 1.3 The proposal is a two storey dwelling with first floor rooms partly in the roof space, served by dormers on the front roof slope, and a two storey wing at the rear. The house is positioned fronting the village street. The proposed materials are suggested to be render, with a slate roof. The submitted details show the house set into the sloping ground of the site.
- 1.4 As amended the house has a single storey addition to the rear wing. A single storey utility room, formerly proposed on the north side is now omitted.
As amended two off-street parking spaces are provided at the front of the house and a drive formerly proposed on the north side of the house is omitted.

2.0 RELEVANT PLANNING HISTORY

- 2.1 10/00348/OUT - Outline application for the construction of a dwelling; Refused 6 April 2010, Appeal Dismissed 5 August 2010.
- 2.2 15/00848/OUT - Outline application for a dormer bungalow; Withdrawn 26 October 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATIONS

- 4.1 Parish Council – expiry 02.02.2016 No comments received.
- 4.2 Highway Authority – No objection as amended with parking to front, conditions requested.
- 4.3 Northumbrian Water - no comments.
- 4.4 Public comment -

Objections:

- Harm to tree
- Loss of privacy and sunlight
- Plot cramped
- Visibility and parking concerns.
- Precedent on other frontage plots
- Size of plot not as described.
- Access to services (to nearby property) from site.
- (Following amendment) concerns about number of amendments and timing of re-consultations. Increase in number of windows. Harm to outlook and shadowing to garden, not subservient to host house. Concerns about potential harm to ash tree, and pressure to cut back.

Support:

- Tidying vacant land an enhancement to the village.
- Village has a mix of building types at present.

5.0 OBSERVATIONS

- 5.1 The main planning issues to consider are (i) the principle of development; (ii) the likely impact on character and appearance of the village and the countryside; (iii) residential amenity; (iv) the protected tree; and (v) highway safety.

Principle

- 5.2 West Rounton is not included in the Settlement Hierarchy contained in CP4 in the adopted Core Strategy, therefore a dwelling in this location would not accord with the Development Plan unless it could benefit from one of the exceptions set out in policy CP4, which is not claimed in this case.
- 5.3 In 2015 the Council adopted an Interim Guidance Note which updated the hierarchy and provides for a more flexible consideration of new development at the edge of settlements. Within the updated hierarchy West Rounton is included as a secondary village.
- 5.4 The NPPF states, in paragraph 55, "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".

- 5.5 There is scope therefore to proceed to consider the proposal on its merits within the terms of the Interim Guidance and the NPPF, and thereafter whether it is in accordance with 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.
- 5.6 The Interim Policy Guidance criteria are: "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."
- 5.7 West Rounton has the status of a secondary village and within the terms of the Interim Guidance it is considered to be a sustainable settlement.
- 5.8 As a single house, the proposed development is small in scale. The built form of the village is mainly linear, with some back-land development mainly on the west side of the village. On the east side of the village the historic pattern is linear, with houses set back at various distances from the street. The proposed house would be the forward dwelling of a tandem pair and whilst the built form of the village does not include tandem development as a matter of course, in this case the site is natural infill, and fits well with the form of the older property to the south, and reflects the historic form of the village.
- 5.9 The site is within the main part of the village and will not lead to the coalescence of settlements.
- 5.10 There is no information to suggest that it could not be accommodated with the capacity of the local infrastructure.

Character and appearance

- 5.11 In terms of design, the siting reflects that of the traditional house to the south. West Rounton has some housing well set back from the road, particularly modern development, to the north of this site. Older development to the south of this site tends to be less set back. Overall the proposed position of the dwelling fronting the street with a modest set back accommodating car parking is sympathetic to the character of the village. The proposed cottage style is in-keeping with a small house in a village centre location.

Residential amenity

- 5.12 With regard to the amenity of local residents, the plan indicates that there would be separation of approximately 19 metres between the two storey gable elevation of Dabs Bank and the two storey element of the proposed house, which would usually be considered acceptable in terms of amenity. There would be some oversight from

the first floor of the new house towards the patio and conservatory area of Dabs Bank, and the applicant has agreed to a scheme to provide obscure glazing on the first floor window of the rear wing, which would help reduce the impact. A certain amount of overlooking towards neighbouring gardens is a common feature in residential areas and is not considered to justify refusal on this basis.

- 5.13 Ashcroft, to the north of the site would be approximately 10 metres away at the nearest point but due to the offset location and the raised position of Ashcroft, the proposed house would not have an unacceptable effect on amenities there. North facing windows on the proposed house serve bathrooms, WC and utility rooms, and would not result in overlooking towards the front garden of Ashcroft, which is in any event, in public view. The adjacent house to the south, Moss Cottage fronts the street and is separated by the intervening drive and has a gable elevation towards the site and will not be harmfully affected.

The protected tree

- 5.14 A tree report submitted with the application suggests that the proposed construction (as submitted initially) would affect less than 5% of the total root protection area and subject to a suitable arboricultural method statement (provided) the tree will not be harmed. The arboricultural method statement indicated that protective measures will be required for work during construction (principally the drive) and 'no dig' measures to be used in this location. Foundation construction details have been provided, which show measures to protect the building from the effects of the tree.
- 5.15 An arboricultural consultant was commissioned to give an independent view on behalf of the Council. The consultation response accepted the applicant's professional tree survey report (apart from a higher value given to the amenity value of the tree) and drew attention to lack of detail for no-dig construction method for the drive, potential harm arising from construction of the northern utility room, and future pressure to cut back the crown of the tree due to overhang of the utility room. The report recommends that:

"The root protection area is taken as a no build zone which means that, in this design, the utility room should be removed and left as soft landscape. There would then be no root severance by the construction of the house's footprint, and there would be some distance between the proposed dwelling and the crown of the ash tree".

As the applicant has taken this advice, the result is that the amended scheme will protect the health and longevity of the tree.

Highway safety

- 5.16 The initial response of the Highway Authority drew attention to the limited visibility due to the neighbouring hedge on the north side. As amended the proposal has off-street parking in front of the house and this issue is overcome. On this basis the proposed scheme would not be harmful to highway safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application 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 GC/002 Rev A received by Hambleton District Council on 10 May 2016 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. 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.
8. 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: (i) The crossing of the footway shall be constructed in accordance with the approved details and Standard Detail number E6; and (ii) The final surfacing of any private area shall not contain any loose material that is capable of being drawn on to the existing public highway.
9. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number GC/002 rev A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
11. The dwelling hereby approved shall not be occupied except in accordance with a scheme to provide for obscure/non-opening glazing to the rearmost first floor window on the east elevation.

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 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. In accordance with policy CP2 and DP4 and in the interests of highway safety
8. 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.
9. 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.
10. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
11. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.