

**Parish: Thornton-le-Moor**  
Ward: Bagby & Thorntons  
**16**

Committee Date: 15 September 2016  
Officer dealing: Mrs H M Laws  
Target Date: 14 June 2016  
Date of extension of time (if agreed): 23 September 2016

**16/00876/FUL**

**Construction of dwelling and detached garage  
at The Hawthorns, Main Street, Thornton le Moor  
for Mrs Myers**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site is located on the western fringe of the village of Thornton le Moor and is bounded by existing dwellings to the east and west and open fields to the north and across the road to the south. The site comprises approximately 0.125 ha of garden currently associated with The Hawthorns, which is a detached two storey dormer style dwelling on the junction of the main village street with Endican Lane.
- 1.2 It is proposed to construct a two storey detached dwelling. Outline planning permission was granted in July 2015; the current application is not a reserved matters submission, it is for full planning permission.
- 1.3 The application proposes to construct a five bedroom detached dwelling set back behind the building line of the adjacent properties The Hawthorns and Thornton Lodge. A large garden area would be retained to the north of the new dwelling.
- 1.4 The proposed dwelling is a two storey property with a low eaves height and the first floor accommodation within the roof-space. A central gable with a window is proposed on the front and rear elevations and two dormers at eaves height are proposed on both the front and rear elevations. Two separate single storey flat roof sections to the side and rear are proposed, each with a roof lantern. The dwelling would be finished in brickwork with natural stone cills, upvc windows and a slate roof.
- 1.5 A new access would be formed off the existing highway to serve the proposed dwelling with a proposed driveway along the length of the eastern boundary to serve a detached double garage in the north eastern corner of the site.
- 1.6 Amendments have been secured as follows: the scale and design of the dwelling has been amended and the position of the dwelling on the plot has been moved forward.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/01109/OUT - Outline application for the construction of a dwelling; Granted 24 July 2015.

**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 CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all

Development Policies DP9 - Development outside Development Limits  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

4.1 Parish Council - No objection to a dwelling but consider the garage is outside the development permitted area. Two councillors suggest that a bungalow is more suited to this site to blend in with the other two properties. No comments have yet been received regarding the amended plans.

4.2 Highway Authority - No objection subject to conditions.

4.3 Public comments - the following comments have been received with regard to the originally submitted plans:

- Outline planning application 15/01109/OUT was granted for a 3 bedroom dwelling with integral garage. The proposed dwelling is far larger, with 4 bedrooms and a garage sited at the far end of the plot;
- The proposed dwelling is also no longer in alignment with the properties to the east and west;
- My concerns are that due to the size of the proposed house it will overshadow both neighbouring properties and be somewhat incongruous with respect to its surroundings;
- The balcony and large windows on the eastern side will also have an effect on the privacy of the adjoining property and any future development, a problem which is increased by the positioning of the house further up the plot;
- With any neighbouring properties there is going to be a certain amount of overlooking but steps can be taken to minimise the problem e.g. realigning properties, removal of balcony, use of opaque windows etc.;
- The garage in a backland location with an access road thereto would detract from the residential amenity by virtue of general noise and disturbance thereby created;
- The proposed site plan (relating to 15/01109/OUT) detailed a dwelling in both size and alignment with the existing bungalows; the plans now show a house of ridiculous proportion when compared to the size of the site and the adjoining bungalows;
- The proposed garage is excessively large in all aspects;
- I fail to see how a property likely to be in excess of £400k is adding to the sustainability of the community; this is making it harder for someone who was born in the village to buy a property;
- Does not comply with criteria of the IPG;
- No details submitted as required by the conditions of the outline permission;
- The western end of the village has suffered issues with the main foul sewer over many years;
- Barn and little owls and bats often fly around the property; and
- First floor windows will lead to privacy issues, resulting from overlooking of private gardens.

No comments have yet been received regarding the amended plans.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration in this case relate to (i) the principle of a new dwelling in this location outside Development Limits and an assessment of the likely impact of the proposed dwelling on (ii) the character and appearance of the village and the rural landscape; (iii) neighbour amenity; and (iv) highway safety.

#### Principle

- 5.2 Consideration of the principle of development was made last year during the determination of the outline application. That permission remains extant and therefore the principle of an additional dwelling in this location has already been considered in the current policy context and found acceptable.

#### Character, appearance and landscape

- 5.3 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 within a domestic garden which is viewed in the context of the village rather than the surrounding rural landscape. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

- 5.4 It is considered that the development of this site would respect the general built form of the village. It is also considered that the development is capable of being accommodated within the existing infrastructure (both social and utilities). In principle therefore this proposal satisfactorily complies with paragraph 55 of the NPPF and is consistent with the approach set out in the Interim Policy Guidance.
- 5.5 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.6 The NPPF supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.7 A Design Statement has not been provided with the planning application. Amendments have been received that reduce the overall scale and massing of the property. The proposed development, although containing two storeys, has the first floor accommodation within the roofspace. This reflects the bungalow characteristics of the neighbouring properties to either side even though it is significantly taller than either dwelling. The separation between the dwellings ensures that the greater height would not overwhelm or dominate its neighbours.
- 5.8 Thornton le Moor is a village with a variety of styles and designs of building, ranging from traditional cottages to large modern detached properties. There is however a commonality of materials as most of the dwellings are brick. The proposed dwelling with dormer windows would not be out of keeping with the general style of the village

and the proposed use of brick and slate would allow the property to blend in with its surroundings.

- 5.9 The proposed dwelling would be set back behind the general building line of its neighbours to protect the outlook across the front of the property for the dwelling at Thornton Lodge. The set back is not significant and would not detract from the appearance of the streetscene.

#### Neighbour amenity

- 5.10 The application site has a width of approximately 20m and the proposed dwelling has a width of 13.5m. The proposed driveway would lie along the boundary with the neighbouring property at The Hawthorns; there would remain a separation distance of approximately 10m between the boundary and the existing dwelling. A separation distance of approximately 4m would lie between the side elevation of the proposed dwelling and the boundary with Thornton Lodge. Due to these distances and the set back behind the building line, the proposed dwelling would not have an overbearing or overshadowing impact on the existing dwellings.
- 5.11 There are no first floor windows in the side elevations of the dwellings and therefore minimal overlooking. Due to the setback, the windows in the rear elevation of the proposed dwelling would not overlook any private space that lies immediately to the rear of the existing dwellings. For these reasons the proposed development would not be contrary to LDF Policy DP1.

#### Highway safety

- 5.12 No objections have been raised from the Highway Authority regarding the introduction of a new access from the site. It is therefore considered that the proposed development would not adversely impact 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. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
  3. 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.
  4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. The dwelling shall not be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme

situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

5. The development shall not be commenced until details relating to the boundary treatment of the development have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the boundary treatment has been implemented in accordance with the approved details and thereafter retained.
6. 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.
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 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 details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; (d) The crossing of the highway verge shall be constructed in accordance with the Standard Detail number E6; and (e) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved: (a) have been constructed in accordance with the submitted drawing (Reference M060-01-03B Proposed Site Plan); and (c) are available for use 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.
10. 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 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.
11. 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: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway b. on-site materials storage area capable of accommodating all materials required for the operation of the site. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered M060-01-01H and 03B and M060/1/H received by Hambleton District Council on 14 April and 24 and 25 August 2016 unless otherwise approved in writing by the Local Planning Authority.

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. 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.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
8. In accordance with LDF Policies 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 LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
10. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with LDF Policies CP2 and DP4 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.
12. 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.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste  
1 x 240 litre green wheeled bin for garden waste  
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and  
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at [www.hambleton.gov.uk](http://www.hambleton.gov.uk) or by telephoning 01609 779977.