

Parish: Tollerton
Ward: Easingwold
21

Committee Date: 15 September 2016
Officer dealing: Mr Andrew Thompson
Target Date: 31 August 2016
Date of extension of time (if agreed): 19 September 2016

16/01347/FUL

**Extension to create an ancillary annexe and creation of a new two storey dwelling on hardsurfacing to the northeast with vehicular access via the neighbouring private drive together with associated works
at The Croft, South Back Lane, Tollerton
for Mrs M Hardy**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 The Croft, South Back Lane, Tollerton is a modern detached dormer bungalow which sits in the south eastern portion of its plot with a concrete base of a former agricultural building on the other half of the plot. Established shrubs form the south-western boundary of the application site. The front (south-eastern) boundary is formed of a mature hedge. The north-east and north-west boundaries of the site are delineated by a 2m high close boarded timber fence.
- 1.2 The application is in two parts. First, the proposal is for an extension to the north-eastern side of the Croft to form a new annexe. The annexe would measure 9.6m by 5.8m with a total floors space of approximately 48sqm on the ground floor and approximately 45 sqm on the first floor. The proposal has been designed to present a gable design to the extension to differentiate the design from the main building of The Croft which measures approximately 81 sqm on the ground floor and 70 sqm on the first floor. There would be internal links between the proposed annexe and The Croft on both the ground and first floor.
- 1.3 Second, the proposal is also a form a new two storey, five-bedroom detached dwelling with an associated single garage and utility room, as a single storey element to the rear. Access to the new dwelling would be onto the private drive which accesses onto Main Street. The private drive is constructed of loose stone. There would also be a pedestrian access to South Back Lane. The proposed new dwelling would sit in front of the Croft with the rear elevation on the same position as the front elevation of the Croft.
- 1.4 Tollerton is a Secondary Village in the Hambleton Sustainable Settlement Hierarchy. The Development Limits wrap around The Croft and therefore the proposed annexe would be within them whilst the proposed new dwelling would be outside.
- 1.5 The site is within the Tollerton Conservation Area with the boundary running along South Back Lane.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/00/162/0233 - Alterations and extensions to disused agricultural buildings for use as three dwellings and construction of three detached dwellinghouses; Granted 10 May 2001. This development is now complete.
- 2.2 14/01148/OUT - Construction of a dwelling and formation of vehicular access; Refused 26 January 2015 on highway safety grounds because the road leading to the site was substandard in terms of its width, alignment and visibility at the junction with Newton Road and was therefore unsuitable to cater for the traffic which would be likely to be generated by the proposal.

2.3 16/00470/FUL - Extension to create a granny annex and construction of a new house; Withdrawn 23 May 2016.

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
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP28 - Conservation
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Tollerton Parish Council - No comment received.

4.2 Highway Authority - No comment received, although it is noted that the proposed access for the new dwelling would be to Main Street, not South Back Lane, and the Authority did not object to planning application 16/00470/FUL subject to a condition requiring the annexe to remain an annexe associated with The Croft.

4.3 Ministry of Defence - No safeguarding concerns.

4.4 Public comment - 6 letters of objection have been received (some of which are from the same address). The grounds of objection are:

- The strain on village amenities including sewerage, water and electricity;
- Previous refusal of permission;
- Additional traffic on South Back Lane;
- Traffic and safety on Main Street - access is narrow and the splay at Main Street is insufficient;
- The size of the new dwelling is disproportionate;
- The proposal is not in keeping with the Conservation Area;
- The proposal would harm the amenities of neighbours, in particular The Saddlery and The Granary;
- Insufficient detail within the application relating to landscaping and boundary treatment;
- Impact on trees;
- Approval would set a precedent for other developments;
- The annexe is two-storey, which would be inappropriate for elderly people;
- The annexe is too big and is tantamount to an additional dwelling;

- Private drive is too narrow for additional traffic and could lead to obstruction of access
- No place to turn on the private drive
- The ownership of the private access drive is in dispute; and
- Insufficient parking provision or manoeuvring space

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development and the likely impact on (ii) the character and appearance of the Conservation Area; (iii) residential amenity; (iv) flooding and drainage; and (v) parking provision.
- 5.2 It is noted that neighbouring residents have raised questions about the ownership and maintenance of the private drive. However, the applicant has previously submitted title deeds and information pertaining to the ownership of the private drive to support the declaration of ownership in the application and this issue does not warrant further consideration by the planning authority. A grant of planning permission would not convey private access rights.

Principle of a new dwelling

- 5.3 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. 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".

- 5.4 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 could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.5 Tollerton is a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. As stated the site is adjacent to Development Limits with only the proposed annexe being within them. It is noted that the site is close to other properties within the settlement and close to local facilities including the village shop and public houses. The hard surface of the former agricultural building is also noted. As such the proposed dwelling would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties. Public comments with regard to precedent are noted; however the previous refusal of permission only related to the access issue, not the principle of development on this site. Notwithstanding the history each case must be treated on its own merits and the circumstances of each site.

The character and appearance of the Conservation Area

- 5.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.7 The Croft is an unusual building in the context of the Conservation Area, being set back from the road frontage and of a scale that is uncommon; dwellings and their associated buildings in the area are generally either single storey or full two storeys. That said the extensions to The Croft to form an annexe would be in keeping with the character, style, scale and mass of the current property. The amended scheme now presents a smaller extension than previously considered under application 16/00470/FUL and would present a different design which would be subservient to the size of the main dwelling. Whilst large the extension would not be disproportionate in terms of size and scale. The proposal for the annexe as submitted is therefore acceptable in principle and maintains the character of the property and the Conservation Area. The opportunity to enhance the Conservation Area through loss of the current hard surfaced area should also be considered.
- 5.8 The new dwelling would be a full two-storey proposal. The design on its own may be considered to be more reflective of the style of the Conservation Area in general but the proposal would need to be considered against the impact and relationship with neighbouring properties and the overall character of the site.
- 5.9 Planning application 14/01148/OUT was refused on highway grounds alone with the layout previously considered as acceptable. The refused proposal indicated that a two storey proposal was intended and the layout positioned the dwelling forward of The Croft and set off the boundaries. (The dwelling now under consideration is more closely related to the 2014 outline application than the previously withdrawn scheme.)
- 5.10 The current access proposal via a private drive is a response to problems of the previously refused scheme when access was sought from South Back Lane. The proposed new dwelling now faces South Back Lane, echoing the character of the Conservation Area, and providing a pedestrian access to South Back Lane.
- 5.11 The scale of the new property has also been reduced from the previous application. The new property would be approximately 0.5m higher than The Croft and the overall scale and bulk and mass has been reduced to be more akin to neighbouring properties. The proposed dwelling seeks to replicate features of the surrounding area, specifically Little Grange and in this respect has overcome the concerns previously raised.
- 5.12 Cumulatively, the proposal would also increase the amount of building to South Back Lane, but the gap between the proposed house and The Croft has been increased so that the development would not be seen as a continuous built form. This would also be more in keeping with the character of this part of the Conservation Area.
- 5.13 The concerns with regard to trees are noted; however the only trees that would be affected by the proposal are within the site and are largely overgrown conifers which are neither distinctive to the character of the Conservation Area or of specimen quality. Trees that are planted within The Saddlery, to the north west of the application site, but on the boundary would be unaffected by the proposal and the current relationship between The Croft and the trees would be maintained.

- 5.14 Whilst the comments and concerns of the local residents have been carefully considered and fully noted, it is the view of officers that the proposal now presents a scheme that would be acceptable in terms of the character of the area.

Residential amenity

- 5.15 The proposed annexe has been carefully considered in relation to the relationship to The Croft and to The Saddlery in particular. There is reasonable separation to the other properties. The proposed extensions to The Croft are considered acceptable as these do not alter the existing relationship in terms of separation distances and whilst this would extend the bulk and mass of the building, the proposal is not considered to be sufficiently significant to warrant a refusal.
- 5.16 The proposed new dwelling would be set off the boundary and further away from the neighbouring properties than the Croft. The principal two storey elevation would be approximately 16.5m from the boundary which is considered to be of sufficient distance to maintain a suitable residential amenity.
- 5.17 Having regard to the comments and conclusions raised, although there would be a change to the outlook from neighbouring properties, it is considered that the proposal would not cause harm to the amenities of the occupiers of nearby properties.

Highway impact and parking provision

- 5.18 The proposed annex would increase the potential traffic on South Back Lane above that of The Croft and the existing access. However this would not be as great as a fully independent dwelling. Ensuring that the annexe remains ancillary to The Croft would therefore be crucial. This would be consistent with the view of the Highway Authority on the previous applications.
- 5.19 In terms of the new dwelling, the concerns of residents relating to access and the previous refusal are noted. The proposal would now access Main Street via the private drive. Whilst the private drive is narrow at the access point with the new dwelling however there would be sufficient space within the property to turn. An additional property using the private drive is not considered to be significant to the safety of the private drive. The private drive has sufficient visibility at the junction on Main Street. The proposal would therefore not cause a loss of 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 development hereby permitted shall be carried out in accordance with the details submitted to the Local Planning Authority under drawing references P43-PL-00, P43-PL-01, P43-PL-02, P43-PL-10, P43-PL-11, P43-PL-12A, P43-PL-13A, P43-PL-14A, and P43-PL-15A received on 9 and 21 June 2016.
 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. No part of the development shall be brought into use until the approved garage, vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference P/43-PL-014A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
5. 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; and (b) 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.
6. The annexe extension shown on plan reference P43-PL-10 building hereby approved shall not be used other than for purposes ancillary to The Croft, South Back Lane, Tollerton.
7. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs and boundary treatment, has been submitted to and approved by the Local Planning Authority. No dwelling shall 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.

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. To define the permission and to ensure that the development is in keeping with the character of the Conservation Area, in accordance with Policies DP28 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. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
5. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
6. South Back Lane is substandard in terms of its width and alignment and is therefore unsuitable to cater additional the traffic which would be likely to be generated by a separate dwelling.
7. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Policies DP1, DP28, DP32 and DP33.

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 or by telephoning 01609 779977.