

**Parish: Flawith**  
Ward: Easingwold

Committee date: 17 August 2017  
Officer dealing: Laura Chambers

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**17/00383/FUL**

**Construction of a dwelling  
At The Cottage, Flawith  
For Mr E Moorey**

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The Cottage is located on the southwest side of the main street through the village of Flawith, which is categorised as an Other Settlement within the current Settlement Hierarchy. The site was occupied by a two-storey dwelling fronting the highway but the first floor collapsed, leaving the ground floor of the property derelict on site.
- 1.2 Flawith is a small linear village with limited services; however it is in close proximity to Tholthorpe to the north and Alne to the east which offer a greater range of services. The village has a predominantly residential character with a small number of farm buildings, some of which have been converted to dwellings.
- 1.3 Permission is sought for a two-storey dwelling of brick and clay pantile construction with a dual pitched roof, gabled to the front and rear. The proposed front elevation is simple with three windows, while the rear elevation principally would be glazed with timber boarding detail. The main access is to the southeast side with glazed panels either side of the door. There would also be large expanses of glazing serving the living and dining rooms at ground floor level and eaves-level windows and roof lights at first floor in the side elevation.
- 1.4 A doorway and small secondary window are proposed within the northwest elevation serving a kitchen and utility area. The remaining front walls of the former dwelling would be retained to form a walled garden to the front; the wall would be 2m in height to the front with pebbledash removed to reveal brickwork.
- 1.5 Improvements have been secured as follows: the originally submitted scheme included a large garage to the front of the site, which is not characteristic of the area. The form of development has therefore been redesigned.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 00/50506/P – Detached dwellinghouse incorporating the conversion of a disused dwelling to a domestic double garage; Refused 24 March 2000, appeal dismissed 9 August 2000.
- 2.2 01/50265/P – Replacement detached dwellinghouse with domestic double garage; Granted 23 March 2001.
- 2.3 15/00210/CAT3 – Investigation into the condition of the dwelling; case closed 18 September 2015.
- 2.4 16/00327/CAT3 – Second investigation into the condition of the dwelling; current.

**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 CP17 – Promoting High Quality Design  
Development Policies DP1 – Protecting Amenity  
Development Policies DP3 – Site Accessibility  
Development Policies DP4 – Access for All  
Development Policies DP9 – Development Outside Development Limits  
Development Policies DP32 – General Design  
National Planning Policy Framework – published 27<sup>th</sup> March 2012

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – would support redevelopment of the site to overcome its existing condition and impact on neighbouring occupiers; however the Council raises a number of concerns regarding the proposed design and likelihood of any approval being implemented in view of the site's history.
- 4.2 Highway Authority – recommends conditions to secure improvements to the existing vehicular access.
- 4.3 Environmental Health Officer – No objection.
- 4.4 Yorkshire Water – no comments received
- 4.5 Public comments – Two objections, summarised as below:
- The existing site is a blight on amenity;
  - The current situation has prevented the sale of neighbouring properties;
  - Loss of privacy/overlooking;
  - Vehicles entering/exiting the site close to the shared boundary with the neighbouring occupier;
  - The proposed design could limit the potential to extend a neighbouring property in the future; and
  - Enforcement action should be taken in respect of the condition of the building; current application is a stalling tactic to delay action being taken.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of development; (ii) design; and, (iii) residential amenity.

##### Principle

- 5.2 The village of Flawith has no Development Limits and as such residential development is constrained by the provisions of Policies CP4 and DP9, which seek to limit development in such locations. However, The proposal relates to the erection of a replacement dwelling, albeit the one to be replaced is derelict following partial collapse and its front wall would serve as a boundary wall enclosing a front garden area. Policy DP9 allows for replacement buildings “where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion”. Considering the size and condition of the remaining part of the original dwelling, conversion is not realistic.
- 5.3 A conversion of the remnants of the current building alone is unlikely to be feasible and an improvement in the environment could be achieved by clearing the site for redevelopment.

## Design

- 5.4 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 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 National Planning Policy Framework Planning 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 The submitted design and access statement describes the character of the surrounding area as linear village with a footpath to the northeast of the road through the centre of the village and a wide grass verge to the southwest. There is a mix of dwellings and farm buildings, some of which have been converted to dwellings. The statement alludes to a mixture of materials in the area; however it is apparent that the predominant materials are traditional brickwork with clay pantiles with very few exceptions.
- 5.8 The existing front wall of the property is proposed for retention, in the original iteration of the scheme it was to form part of the proposed garage, however in the revised scheme it would be used as a boundary wall to the front garden once reduced in height to 2m and the pebbledash removed.
- 5.9 The statement does not identify the reasons the proposed design was chosen or if any other alternatives were considered.
- 5.10 The proposed dwelling has a number of unique features that offer character, however it is evidently a modern design that does not reflect the prevailing character of the village. This must be balanced with the impact the existing derelict property has on the character and appearance of the village and whether redevelopment would be an enhancement even if the design were a departure in architectural style. It is noted in the NPPF that innovation in design should not be discouraged out of hand.
- 5.11 The merit of a modern architectural style could potentially be better justified if the proposal did not seek to retain part of the previous dwelling. The retention of the existing front walls results in an uncomfortable arrangement that is neither the introduction of something new nor a conversion that would preserve existing character or design. The height of the wall is substantial if it is to be viewed as a boundary wall; while many properties in the area have boundary walls to the front, these are of a much lower level of approximately 1m in height. Such a large boundary wall would dominate the appearance of the site and the property built behind it; this also misses the opportunity to achieve a substantial improvement to the environment.
- 5.12 The merits of the proposed development are finely balanced and assessed in the context of the site's current state. Ultimately, the proposed design does not respect local character and is not therefore considered an appropriate form of development for the site, despite the potential benefits of redevelopment.

## Residential amenity

- 5.13 Particular concern has been raised about the impact the existing condition of the site has on the amenities of neighbouring occupiers and the appearance of the village, due in part to the amount of time the site has been in poor condition (first reported to the Council in August 2015). It is apparent there is support for the principle of redeveloping the site to overcome that impact, but concern about the amount of time it could take to achieve the redevelopment. The Council is duty bound to find the most appropriate means to address the issue within the regulatory functions available to it but must also act reasonably in exercising those functions. It is appropriate to consider a planning application for redevelopment of the site as a means to overcome an existing issue and it would be unreasonable to take enforcement action while this application is under consideration.
- 5.14 The Council has encouraged the applicant to find a way to manage the issues on the site in the short term while seeking to identify an appropriate form of development for the site in the long term. This has included the cutting back of overgrown vegetation at the request of officers. Whether pursuing a planning application is a stalling tactic on the part of the applicant to avoid enforcement action being taken is not a material planning consideration. Should this application be refused there are other options available to the Council to address the condition of the site, which would be assessed to determine the most appropriate course of action in that event.
- 5.15 Concern was raised initially that the plans submitted did not accurately reflect the layout of the existing buildings and neighbouring properties and that the proposed layout as originally submitted could have resulted in a loss of light to the neighbouring occupier if that property were accurately drawn. The applicant has since submitted revised plans showing the location of the neighbouring property and redesigning the proposed development, which would be set further away from the shared boundary with the immediate neighbour to the north, The Firs (4.2m at the closest point). Based on the information provided by the applicant and the neighbour regarding the orientation of properties and the location of windows, the revised design would not give rise to unacceptable loss of amenity.
- 5.16 The neighbouring property to the south east, Rivendell, has a number of roof lights along the north west roof plane. The occupiers have objected to the proposed windows in the side elevation, which they consider would allow views into their property. The design and layout of the proposed dwelling is such that one of the proposed windows serves a landing and could therefore be opaque glazed to overcome this issue; however the other window serves a bedroom and is the only window to that room. As a principal window the amenity of future occupiers of the property would be limited if it were necessary to introduce opaque glazing and as such this has not been requested. However the harm such a window could cause in terms of overlooking the neighbour could only be resolved by redesigning the layout of the proposed property. Had the development been considered acceptable in principle, these matters could have been overcome through amendments; however given the concerns already established above regarding design, it is not considered reasonable to pursue changes to the proposed layout and window arrangement.

## 6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The design of the proposed development does not respect the character and distinctiveness of the surrounding area and would not contribute positively to the environment, in conflict with the requirements of Hambleton Local Development Framework policies CP16 and DP32.

2. The window arrangement within the proposed dwelling would give rise to overlooking and would cause unacceptable loss of privacy to neighbouring occupiers, in conflict with Hambleton Local Development Framework Policies CP1 and DP1.