

**Parish: Thirsk**  
Ward: Thirsk  
**11**

Committee date: 14<sup>th</sup> September 2017  
Officer dealing: Miss Charlotte Cornforth  
Target date: 22 September 2017

**17/01561/FUL**

**Construction of a detached bungalow with associated vehicular access and parking  
At Land to the rear of 131 Long Street, Thirsk  
For Mr Mark McColmont**

**The withdrawn 17/01115/MRC was referred to Planning Committee at the request of Councillor Janet Watson. Therefore, this planning application is referred to Planning Committee.**

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 This application seeks planning permission to construct a detached single storey bungalow on land to the rear of 131 Long Street Thirsk. The bungalow is proposed to have 3 bedrooms.
- 1.2 The bungalow will be accessed via a driveway between the residential dwellings on 131 and 135 Long Street. (Note, there is no 133 Long Street.) This piece of land is currently gravelled and fenced along the northern and western boundaries and is used as accessway and parking for 135 Long Street.
- 1.3 The parking area is proposed to be sited to the eastern side of the new bungalow with the main private garden area to the western side.
- 1.4 The site is located within the Conservation Area and within Flood Zone 1.
- 1.5 The main difference between this planning application and the 15/02851/FUL that was allowed at appeal is that the access to the dwelling has been amended. The previously approved access was under an archway adjacent to 129 and 131 Long Street, with the upper floor of 131 above it. However, this scheme will use the existing accessway that serves 135 Long Street (formerly occupied by a garage on the south side of 135). It will also incorporate 2 car parking spaces for 135 Long Street to the immediate west of this dwelling. The layout and detailed design of the proposed dwelling that is the subject of this planning application is identical to that of the 15/02851/FUL approval.

**2.0 RELEVANT PLANNING, ENFORCEMENT AND APPEAL HISTORY**

- 2.1 14/02395/FUL - Increase to width of the access way as amended by plan received by Hambleton District Council on 8 January 2015 – Planning permission granted 19<sup>th</sup> January 2015.
- 2.2 15/01334/FUL - Construction of 3 no. dwellings with garages and associated access as amended by plans received by Hambleton District Council on 30<sup>th</sup> July 2015 – Planning permission refused 13<sup>th</sup> October 2015.

The application was dismissed at appeal (Reference APP/G2713/W/16/3141641) 26<sup>th</sup> May 2016.

- 2.3 15/02851/FUL - Revised application for the construction of a detached bungalow and associated parking as per amended plans received by Hambleton District Council on 24 February 2016 – Planning permission refused 7<sup>th</sup> April 2016

Members refused this application for the following reasons:

*1. The site lies beyond the Development Limits of Thirsk and in a location where development should only be permitted exceptionally. No exceptional circumstances have been found to exist and the proposal is therefore contrary to the Hambleton Local Development Framework Policies CP1, CP2, CP4 and DP9.*

*2. The proposed development is within and straddles the boundary of the Thirsk and Sowerby Conservation Area and construction of a dwelling and the resulting domestic paraphernalia would cause visual harm to the Conservation Area. As a consequence of the back land location of the proposed dwelling the scheme would not respect the historic form of frontage development in this part of Thirsk. The proposal is therefore contrary to the Hambleton Local Development Framework Policies CP16 and DP28 and the provisions of the National Planning Policy Framework.*

*3. The proposed development is contrary to the Hambleton Local Development Framework Policies CP1 and DP1 due to the harmful impact the use of the vehicular access will have upon the amenities of the neighbouring dwellings.*

*4. The use of the proposed vehicular access will result in a loss of highway safety due to the lack of appropriate pedestrian safety measures on the site frontage with Long Street where the vehicular access crosses the footway contrary to the Hambleton Local Development Framework Policies CP1, DP3 and DP4. Furthermore the measures proposed would cause harm to the character and appearance of the Thirsk and Sowerby Conservation Area contrary to Hambleton Local Development Framework Policies CP16 and DP28, CP17 and DP32.*

This application was allowed at appeal (Reference APP/G2713/W/16/3158519) 21<sup>st</sup> December 2016. The Inspector concluded the following:

*19. Whilst I find some conflict with the development plan, i.e., CS Policy CP4, I consider that the site is in a sustainable location. I find no harm in respect of the character or appearance of the conservation area; living conditions or highway safety. In the absence of demonstrable harm, I allow the appeal subject to conditions.*

- 2.4 17/01115/MRC – Application withdrawn - Variation of conditions 2 (approved drawings) and 5 (landscaping) of application 15/02851/FUL (appeal ref APP/G2713/W/16/3158519) - Revised application for construction of a detached bungalow and associated parking.

This application was withdrawn as the proposed alterations included land that was not included in the approved permission 15/01334/FUL / APP/G2713/W/16/3141641, thus altering the red line boundary. As such, the required changes could not be considered under a modification of conditions application. Therefore, this planning application was submitted.

### **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 DP28 - Conservation  
Development Policies DP32 - General design  
National Planning Policy Framework

#### **4.0 CONSULTATIONS**

##### **4.1 Parish Council – Recommend refusal**

*Planning permission already exists for a property on this site with access which was found to be adequate at appeal. We support all the objections and concerns of local residents in respect of this application and all previous applications on this site.*

*Have Highways considered the effect of an extra access on this length of pavement?*

*If permission is granted, we suggest that conditions should be applied to limit traffic to the new property and to number 135 Long Street only.*

##### **4.2 Highway Authority – comments awaited.**

##### **4.3 Swale and Ure Drainage Board – advised that a condition is attached to the Decision Notice to advise that no person shall, without the previous consent of the Board shall introduce water in the District.**

##### **4.4 Environmental Health – there will be no significant impact on the local amenity and therefore the Environmental Health Service has no objections.**

##### **4.5 MOD – no safeguarding objections to the proposal.**

##### **4.6 Public comments (from both the previously withdrawn application 17/01115/MRC and this application)**

All object to the proposal and a summary of their objections include the following:

- The access between 131 & 129 Long Street will also be in use and this will result in 2 vehicle access roads within 5m of each other and the access. Furthermore, the access to 137 Long Street is only 10m away from this you will have 3 vehicle accesses within 20m.
- The dwelling is within 20m of the property of 137 Long Street and could cause a loss of amenity.
- Requests that the height should be restricted to 4.5m to prevent a dormer window being installed at a later date that would infringe on privacy.
- Extra vehicular activity would result in risks to pedestrians using the footpath along Long Street and cyclists
- The view of vehicles (including emergency vehicles) leaving the site is restricted due to the close proximity of buildings either side.
- The removal of a large proportion of the garden of 135 Long Street and the introduction of a dwelling will result in noise and loss of privacy from passing cars and people will have an adverse impact upon amenity.
- Visual intrusion of the proposal upon the Conservation Area and the general character of the area.
- Flooding implications

## 5.0 OBSERVATIONS

5.1 The main issues to consider are:

- (i) The principle of development
- (ii) Impact upon the character and appearance of the Conservation Area
- (iii) Impact upon the amenity of neighbouring occupiers
- (iv) Impact upon highway safety

### The principle of development

5.2 Whilst it is noted that the site is located outside of the Development Limits of Thirsk, the principle of development has been established by the appeal decision. It was considered that the due to the sites proximity to the main Town Centre of Thirsk, it was regarded as a sustainable location and complied with local and national planning policy.

### Impact upon the character and appearance of the Conservation Area

5.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Thirsk Conservation Area.

5.4 The Planning Inspector concluded in the appeal decision letter that the pattern of development surrounding the site is irregular and made up of plots of varying sizes, layout and densities. The proposed dwelling will be constructed from brick and slate, with timber windows and doors. By virtue of its scale, form and the use of materials it is considered that the proposed development would preserve the character and appearance of the Thirsk Conservation Area.

5.5 The design of the proposed bungalow is changed from the previous appeal scheme. The principle of the development, the impact upon the character and appearance of the Conservation Area have already been considered. The permission is extant until 21 December 2019. The appeal decision is therefore a material consideration of significant weight.

### Impact upon the amenity of neighbouring occupiers

5.6 In the previously approved scheme (15/02851/FUL) access was through an archway adjacent to 129 and 131 Long Street, with the upper floor of 131 above it. The proposal is to use the existing access way that serves 135 Long Street and not use the archway. It is considered that the number of associated traffic movements resulting from the proposed dwelling will be unchanged from the previous scheme and any impact on users of the path on the frontage will be neutral. The potential impact on the occupiers of 129 and 131 will be removed. The access is not enclosed and reverberation in the archway is no longer an issue. The width of the access between 131 and 135 is also wider than the archway between 129 and 131. It is therefore considered that the potential impact on occupiers of 131 and 135 from the revised access will be less than in the previously approved scheme. Accordingly there is no justification for finding an unacceptable level of harm to the living conditions of the adjoining occupiers.

5.7 The main outlook of the proposed dwelling is to the west, overlooking its own domestic garden area. It is considered that this will not result in any major overlooking of the dwellings along the frontage. It is noted that there are also 3

windows on the eastern elevation that will overlook the garden area of 135 Long Street. However the boundary to this garden is formed by a 1.8m high fence and a hedgerow is also proposed here. The bungalow is sufficient distance away from the neighbours to the north and south sides to not result in any significant overlooking or loss of privacy. The impacts to the neighbours to the north and south are as the previously approved scheme and as noted above the previous decision is a material consideration of significant weight. The proposal is considered to avoid significant harm to the amenity of neighbours and complies with the requirements of the Local Development Framework Policies CP1 and DP1.

#### Impact upon highway safety

- 5.8 This scheme will use the existing accessway that serves 35 Long Street. It will also incorporate 2 car parking spaces for 35 Long Street to the immediate west of this dwelling. The level of parking provision is sufficient to meet the needs of residents. The appeal scheme required pedestrian protection measure at the junction of the access to the site with the crossing of the footway on Long Street. The crossing of the footway at the appeal site resulted in vehicles crossing the footway as they emerged from the archway. In the revised position greater visibility is available and does not present the same level of hazard and the requirement for protection measures is less.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission 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 following approved plans:

Location Plan PP01A

Proposed Plans-Elevations – PP03

Proposed Site Plan – PP02 D

Hard and Soft Landscaping Plan – PP04 D

3. No development shall commence until details of the means of enclosure, including walls, fences and gates have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the dwelling is first occupied. The completed scheme shall be maintained thereafter.
4. No construction shall take place until samples of all external facing and roofing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
5. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing PP04 D) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season 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. 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 DP28 and DP32.
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