

Parish: Danby Wiske with Lazenby
Ward: Morton on Swale
6

Committee date: 9 November 2017
Officer dealing: Mrs H Laws
Target date: 17 November 2017

17/01066/FUL

**Demolition of dwelling and construction of replacement dwelling and change of use of agricultural land to domestic
At Ashwood, Danby Wiske
For Mr & Mrs Aldridge**

This application is referred to Planning Committee at the request of Councillor Phillips

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies in the southern half of the village on the eastern side of the village street, Mounstrall Lane. The existing dwelling known as Ashwood is a single storey bungalow, which lies on the street frontage. To the north of the bungalow are dwellings that front onto the village green; to the south lies the village hall and bungalows and dormer bungalows continue the building line southwards to the end of the village on this side of the road. A paddock area lies to the east of the curtilage of Ashwood, which bounds the neighbouring property Tolbert House to the north and the village hall and Allandale to the west. A timber stable block lies along the eastern boundary of the paddock.
- 1.2 Walls and fencing provide the boundary along the northern side of the paddock; a timber fence lies along the southern and western boundaries of the paddock, and fencing and hedging form the eastern boundary with the agricultural land beyond.
- 1.3 It is proposed to demolish and remove the existing bungalow and construct a two storey dwelling on land that falls partly within the existing curtilage and partly within the paddock. As such the development would be set back behind the footprint of the bungalow. The dwelling would be a three bedroom property with an integral double garage protruding from the frontage at right angles with first floor accommodation above. Accommodation would also be provided within the roofspace at second floor level. A single storey lean to section lies along the rear elevation, part of which provides a terrace. The lean to section continues around the south elevation to provide a utility room.
- 1.4 The dwelling would be finished in brickwork with dressed sandstone to the rear and a slate roof. Amended plans have been received, which alter the design of the dwelling to remove a two storey flat roofed section and large area of terrace on the rear elevation.
- 1.5 Access to the dwelling would remain as existing. The frontage onto the street has a length of approximately 11m. Parking and turning would be provided at the front of the property.
- 1.6 The proposed development includes a detailed landscaping scheme for the paddock to the rear whose use would be incorporated into the domestic curtilage of the proposed dwelling. It is proposed to construct a timber clad potting shed, garden store and greenhouse in the north eastern corner of the paddock.
- 1.7 Part of the paddock lies within flood zones 2 and 3; the position of the proposed dwelling would lie within flood zone 1, which is the area of least risk.

- 1.8 The ground level of the proposed site lies slightly lower than that of the existing bungalow; it is proposed to raise the floor level of the dwelling 400mm above the existing ground level.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/91/038/0048B – Outline application for the construction of a bungalow and detached garage. Permission refused 10 January 1992 on the grounds that (i) a dwelling on this narrow, restricted site would be detrimental to the amenity of adjoining residential property by reason of loss of privacy and general disturbance; and (ii) a dwelling would prove detrimental to the amenities of future occupants due to the proximity of the adjoining Village Hall Car Park by reason of noise, vehicle movements and general activity associated with the use of the car park.

An appeal against this decision was allowed in 1992.

- 2.2 2/92/038/0048C – Details of the construction of a detached dwellinghouse; Refused 12 November 1992 on the ground that the development would be detrimental to the amenities of adjoining properties due to the juxtaposition and overall height of the new dwelling in relation to the existing dwellings.
- 2.3 2/93/038/0048D – Details of the construction of a detached dwelling; Granted 25 June 1993.

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 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
Development Policies DP33 – Landscaping
Development Policies DP43 – Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – Objects for the following reasons:
- Previous refusals of dwelling of more than one storey on the Ashwood site;
 - The supply of bungalows in the area is small and should increase, not decrease;
 - The proposed ridge height is approximately twice that of the existing dwelling;
 - The proposed dwelling is entirely outside the building line on Mountstrall Lane;
 - The size and design of the proposed house is out of keeping with every other dwelling in the village;
 - The design is extremely intrusive and would dominate the community;

- The proposed building is in visual proximity to the grade 2 listed Manor House and Lazenby Hall as well as the grade 1 listed Parish Church;
- Flooding history of the agricultural land forming the application site;
- It is noted that the proposed dwelling has been raised to alleviate its risk of flooding which will increase the likelihood of flooding for all other neighbouring dwellings;
- The sewage system in the village is already overloaded and the properties on this side of Mountsrall Lane have regularly experienced back flows of sewage, the proposed scale and position of this dwelling can only exacerbate the problem;
- The proposed dwelling would be on the site of the foundations of the abandoned village of Danby Wiske which will be disturbed by any excavation. The site would also be in close proximity to the scheduled ancient monument of the lost village of Lazenby;
- The proposed dwelling is virtually touching the boundary of the village hall.

4.2 Highway Authority – No objection subject to conditions.

4.3 Environment Agency – No comment.

4.4 Ministry of Defence – No safeguarding objections.

4.5 Environmental Health Officer - No objection.

4.6 HDC Corporate Facilities Manager (flood risk) - The principle of development is established on this site, the existing property is a single storey bungalow. The proposed development is a two storey dwelling with flood resilience and resistance measures incorporated within the construction. The existing dwelling is located on the higher ground on the site, the applicant has provided information with flooding to a level of 34.8; the applicant has described the flooding as a flash flood of a one-off nature caused by surface water flows from the west. This flood cannot be ignored as it happened and cannot be dismissed as a one-off event. Current understanding of climate change is that weather patterns will change to become more extreme with peak rainfall intensity increasing and the risk of flooding increasing, the long term outlook is that Flood Zone 2 medium risk areas will become Flood Zone 3 high risk areas.

The applicants' proposal will locate the new development on ground with levels 35.0 - 34.5. I can see the benefits of a new development with increased resistance and resilience to flooding and a second storey which will provide a safe refuge in the event of an extreme flood event. The existing single storey dwelling is potentially more vulnerable in a flood event both to the occupants and the building fabric.

The proposed development is located in the Environment Agency's mapped Flood Zone one, though there is evidence to show that a historic flood event has extended beyond the mapped Flood Zone 2 and 3 events and this cannot be ignored. Under the Environment Agency's standing advice compensatory storage should be provided where a development is constructed in Flood Zone 3, this is to prevent an increase in flood risk elsewhere. In this this instance the development is in Flood Zone 1, so there is no requirement to provide compensatory storage.

The EA guidance on floor levels to provide flood resilience is that it should be at least 300mm above the general site level or 600mm above the recorded flood level. In this instance the best estimate of flood level is 34.80m so this is to be used to inform the finished floor level.

On balance I think there are benefits to redevelopment of the dwelling to incorporate a second storey and that improves its resistance and resilience to flooding.

4.7 Public comments – objections have been received from six local residents whose comments are summarised as follows:

- No objection in principal to the demolition and redevelopment of the existing site;
- The ridge line of the proposed dwelling is almost 10m, approximately 5 - 5.5m above that of the existing bungalow;
- The ridge of the proposal would be approximately 4 - 5m above all the adjacent properties and therefore out of character;
- The proposed dwelling would be set back in the site and significantly out of line with the established building line of nearby dwellings;
- Overlooking of adjacent gardens and into windows, loss of privacy;
- The site has flooded on more than one occasion in the last 10 years from both the overflow of the Wiske and from the public sewer located in the front street;
- The house has not been sympathetically designed and is out of character with the rest of the properties in the vicinity;
- The proposed three-storey building will dominate all that surrounds it, including the Church;
- The building increases from 110 sq. metres to 400 sq. metres;
- Permission was refused for a two storey house due to a loss of privacy to adjacent houses before permission was granted for a bungalow;
- The location plan is out of date and does not show the neighbouring properties following extension;
- The submitted photos are misleading;
- The proposed house design is inappropriate for the village;
- The development will increase flood risk for neighbouring properties, especially The Seasons, Allandale and Yarrow Cottage; and
- Two large properties in Danby Wiske have been on the market for some time. With the current demographic and ageing population, bungalows are a precious and popular commodity with a limited and diminishing supply.

Comments in support of the proposed development have been received from a neighbouring resident and are summarised as follows:

- Tolbert House and Hilditch House both exceed the height of nearby bungalows. It could be argued that neither of these houses should have been built and the house style was not in keeping with the rest of the village;
- Instead Hilditch House has no view other than a bungalow roof and garage immediately over the garden wall. There is no gap between the garage and the wall; and
- Appropriate flooding precautions can be secured if permission is granted.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of a replacement dwelling in this location; (ii) the siting of the proposed dwelling; (iii) the design of the proposed dwelling; (iv) the effect of the development on the amenity of neighbouring residents; (v) flooding; (vi) heritage assets; and (vii) highway matters.

Principle

5.2 The village of Danby Wiske is defined within the 2014 Settlement Hierarchy as an Other Settlement. There are no Development Limits within the village.

- 5.3 LDF Policy DP9 supports the replacement of a building outside of Development Limits where the replacement “would achieve a more acceptable and sustainable development than would be achieved by conversion”. The existing bungalow is not structurally unsound and could be retained but it requires renovation and is not considered to be an energy efficient property. The bungalow is not of architectural or historic merit and there are no objections to its replacement with a suitably designed dwelling. A sustainability statement has been submitted with the application, which concludes that the proposed replacement would be built to a high level of sustainability and efficiency. It is considered that the proposed replacement would be a more sustainable alternative to the redevelopment of the existing bungalow.
- 5.4 The replacement dwelling is therefore considered acceptable in principle.

Siting of the proposed dwelling

- 5.5 The existing frontage onto the street is quite narrow, which restricts the size of property on the site and has influenced the existing position of Ashwood. The application site is a large plot and is capable of accommodating a dwelling of the size proposed. The proposed replacement has been set back further within the site encroaching onto the adjacent paddock, and although this does not reflect the existing form of the village to the south, it is not dissimilar to other examples of development within the village, for example, Manor House Farm on the opposite side of the road. The eastern boundary of the proposed garden would follow the line of the neighbouring garden of Tolbert House to the north.
- 5.6 In terms of character and relationship, the existing paddock forms part of the village rather than the adjacent countryside and therefore the construction of a dwelling on part of this land would have a minimal impact on the rural landscape.

Scale and Design

- 5.7 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.”
- 5.8 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.
- 5.9 The National Planning Policy Framework 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.
- 5.10 The dwellings along the eastern side of Mounstrall Lane are generally single storey; the houses on the western side are set at a higher ground level and are generally two storey. The village hall separates Ashwood from the other bungalows along this row. Beyond Ashwood to the north, there are three, two storey dwellings, which immediately adjoin the application site. The principle of replacing the bungalow with a two storey dwelling is acceptable but it is important that the effect of the proposed replacement on the appearance of the streetscene and the amenity of adjacent residents is addressed to ensure the alternative siting and greater scale is acceptable in this position.

- 5.11 The submitted planning statement notes that the design has focused on the massing of the dwelling within the street scene and its orientation to take account of neighbouring property. The proposed replacement is a much larger dwelling than the existing but setting the development further back into the site would reduce its dominance. Although the ground level of the proposed dwelling would be raised 400mm above the existing ground level, the existing neighbouring houses are set 700mm higher than the existing dwelling at Ashwood. The dwelling would be taller than some adjacent properties such as the village hall but due to its position would not be unduly prominent and not out of keeping with the existing character of the village with its different styles and heights.
- 5.12 The proposed design is an opportunity to improve the character and appearance of the site by replacing a bungalow of limited architectural merit with a dwelling of a design that addresses the characteristics of the site and the surrounding area. Alternative options of a more contemporary design have been considered by the applicant but the scheme as proposed has been chosen. The proposal is for a traditional style of dwelling to the front elevation with a more contemporary design for the rear elevation. This would reduce the dominance of the dwelling from public viewpoints to the north east of the site and from neighbouring properties.
- 5.13 High quality natural materials are proposed, which would ensure that the development contributes positively to the appearance of the site. It is considered that the proposed development would comply with LDF Policies CP17 and DP32 and provide a high quality development that respects the local context.

Amenity of local residents

- 5.14 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The proposed dwelling is set back behind the existing building line of the property, which would result in a greater separation distance between some of the existing neighbouring properties to the north than currently exists. The proposed dwelling would lie in closer proximity to its neighbours at Allandale and Tolbert House.
- 5.15 Consideration has been given to the separation distances between the proposed dwelling and its neighbours to the north at Hilditch House and Tolbert House and to the south towards Allandale, an existing bungalow. The distance between the side elevation of the proposed dwelling and the side elevation of Tolbert House to the north would be approximately 23m. There would be no overbearing impact at such a distance and the window at first floor in the side elevation of the proposed dwelling would be obscure glazed therefore causing no loss of privacy.
- 5.16 The neighbouring bungalow at Allandale lies on the southern side of the village hall. The proposed dwelling would be constructed partly to the rear of the village hall and adjacent to the northern boundary of Allandale's rear garden. The closest part of the proposed dwelling, which is single storey, lies at a distance of 9m from the boundary. The closest two storey section lies 11m from the boundary; the closest first floor window lies at a distance of 14m from the boundary (almost 30m from the rear elevation of the bungalow). It is considered that the proposed development is sufficiently separated from the boundary of Allandale and from the bungalow itself for it not to have an overbearing impact and for it not to have an adverse impact on privacy. In addition the proposed dwelling lies to the north and therefore the taller dwelling would not impact on sunlight into the garden or property of Allandale.
- 5.17 The proposed development would not impact on the amenities of the residents of the neighbouring properties and would be in accordance with LDF Policy DP1.

Flood risk

- 5.18 The site of the proposed dwelling lies within Flood Zone 1, which is the area of least risk. Evidence of a flood event has been received, which illustrates flood water on part of the footprint of the proposed dwelling. Notwithstanding the zoning, consideration must therefore be given to the implications of the land flooding again.
- 5.19 The existing dwelling, being single storey, has poor resilience in the event of flooding, but the footprint of the bungalow is outside the area where it has been shown to flood. Flood water has occurred on part of the footprint of the proposed dwelling. A balance needs to be made between the resilience of the proposed two storey property to cope in the event of a flood, against the non-resilience of the existing property, which has no history of flooding.
- 5.20 On balance, although the site of the proposed dwelling lies within Flood Zone 1, there is evidence of flooding and therefore a likelihood of reoccurrence. The proposed dwelling would be more flood resilient than the existing one through the inclusion of upper floors, which would provide safe refuge if required. It is considered therefore that this would improve the current situation where there is a single storey property, which is outside of but close to the evidential flood area where there would be minimal resilience and no safe refuge for occupants or their possessions in the event of flooding.
- 5.21 It is not anticipated that the construction of a dwelling in this position would increase flood risk elsewhere due to the small amount of land affected.

Heritage assets

- 5.22 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.23 The application site lies more than 50m from the nearest listed building, which is The Manor House and more than 150m from the boundary of the grade I listed Parish Church. The proposed dwelling would not be viewed within the immediate context of either of these properties and although the views of the Church may be affected from existing private residences this would not have a detrimental impact on the historic or architectural importance of the listed building.

Highway matters

- 5.24 The highway implications of a one-for-one replacement are limited. The Highway Authority has no objections and recommends the imposition of conditions.

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. 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 window at first floor level on the north elevation of the dwelling (serving the fire escape staircase) shall at all times be glazed with obscured glass.
5. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the Landscape Masterplan drawing number L2.438.1 Rev. 1 received by Hambleton District Council on 16 August 2017 has been carried out. 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.
6. The development hereby approved shall not be undertaken other than in accordance with Drawing number HDC/3104/09B that shows the finished floor level of the development at 35.55, other than with the prior approval in writing by the Local Planning Authority.
7. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference HDC/3104/07). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. 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 wheelwashing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing 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.
9. 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.
10. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/3104/03; 04J; 05J; 06; 07; 09B; and L2.438.1 Rev. 1 received by Hambleton District Council on 12 May, 16 August and 31 October 2017 unless otherwise approved in writing by the Local Planning Authority.

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 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. To protect the amenity of nearby residents in accordance with LDF Policy DP1.
5. 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.
6. To ensure the building is in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
9. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
10. 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.

Informatives

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 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 Hambleton District Council - Waste and Streetscene.

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.