

**Parish: Huby**  
**Ward: Huby**  
**5**

**Committee date: 8 February 2018**  
**Officer dealing: Mrs C Strudwick**  
**Target date: 9 February 2018**

**17/01656/FUL**

**Removal of bungalow, double garage, outbuildings, stables, foundations of new dwelling permitted under 14/01379/FUL and construction of one circular dwelling  
At Oaklands, Sutton Road, Huby  
For Mr Richard Oakes**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site lies at the end of a 0.5km unadopted un-metalled road off the south side of Sutton Road, on the bend where it then becomes Bell Lane, in Huby. This access is shared with several other properties. The site is currently occupied by a modest bungalow, and associated outbuilding to the west and a timber stable building to the east.
- 1.2 A previous permission, gave consent for the construction of a traditional two-storey dwelling, and use of the bungalow as a holiday let. Had that permission been implemented the total amount of development on site would amount to 363m<sup>2</sup>.
- 1.3 The site is flat, as is the surrounding land and predominantly in use for equestrian and sheep grazing. There is a public right of way (footpath) from Sutton Lane along the access track, passing the existing dwelling on the eastern side and continuing south to Alcar Farm. This then turns east to connect with Brownmoor Lane. There is an additional link to Brownmoor Lane which passes in front of the stable block. A public footpath crosses the site in a north-south direction, with a spur leading off eastward. A diversion order is currently in progress at the site which, when implemented, will create space for the proposed dwelling.
- 1.4 The boundaries of the site and Brownmoor Lane have extensive mature trees which provide a rural secluded environment.
- 1.5 The application seeks approval for the demolition of the bungalow and the associated outhouses, and to replace them with a circular dwelling incorporating an open inner area, i.e. forming a ring. This dwelling is proposed to be finished in brick and slate. The dwelling is shown as single storey height with four triangular dormer windows on the external roof slope. The roof slope which faces inwards, to the open middle is to have roof lights.
- 1.6 The eaves would overhang the continuous elevation, extending to an overhanging porch supported either end by stone projecting walls. The dwelling is shown with a series of full height windows throughout the external and internal elevations. Triangular dormers and roof lights are proposed to the roof slopes to allow light to the first floor.
- 1.7 The dwelling radius measures 13m from the centre to the outer wall. The total footprint of the dwelling would cover an area of 531m<sup>2</sup>, including the open inner area, which measures 50m<sup>2</sup>. Included with the domestic accommodation is a triple garage. The ridge height of the building is shown as 6 metres, and the eaves height 2.75m.

- 1.8 Improvements have been sought to the scheme. Throughout the application process discussions have been had with the applicant and the agent, with suggestions made from Officer's as to how the scheme may be improved. These include reducing the ridge height and the overhang of the eaves. This has reduced the expanse of the roof slopes, additionally the triangle dormers have been increased to provide more balance between the roof slope and dormers. A timber front door has been added, for a domestic appearance. These amendments have been made, however, despite this it has not been possible to overcome officer concerns regarding the circular form of the dwelling.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/90/070/0188 - Alterations and extensions to bungalow; Granted 20 June 1990.
- 2.2 2/91/070/0188A - Extension to bungalow, construction of a domestic double garage and change of use of agricultural land to domestic use; Granted 19 December 1991.
- 2.3 12/02446/OUT - Outline application for the demolition of dwelling and construction of a replacement dwelling; Granted 16 January 2013.
- 2.4 14/01379/FUL - Construction of new dwelling and retention of existing dwelling as holiday let and workshop; Granted 22 August 2014.

## **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  
Development Policies DP33 - Landscaping  
National Planning Policy Framework - published 27 March 2012

## **4.0 CONSULTATIONS**

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection.
- 4.3 Ramblers Association - A minimum usable footpath width of two metres should be provided at all times, allowing for annual growth of the north east boundary vegetation and any other vegetation.
- 4.4 NYCC Public Rights of Way - the new path alignment (diversion) is open and available for use, however the original path alignment remains the legal line of the right of way as the diversion order is not yet confirmed.
- 4.5 Public comments – Five comments have been received relating to this application

One objects to the scheme on the basis that the form does not reflect the character of the area; there are no other circular dwellings in Huby. A circular dwelling is wholly out of character and would have a significant detrimental impact on the area visually and environmentally.

Two observations support the scheme, noting that the choice of materials and layout are complimentary to the wider area.

A further two neutral observations are made. One points out that the renewable energy details have not been submitted, expressing concern that solar panels may be detrimental to neighbouring views. The other seeks clarification on the removal of all of the buildings currently on site, the continued public rights of way, sewage disposal and how surface water will be drained off the land.

## **5.0 OBSERVATIONS**

- 5.1 The application site is currently has a dwelling on it. In accordance with DP9 development outside Development Limits, new buildings will only be granted where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion. The application would then be subject to compliance with other relevant policy requirements of the Local Development Framework. The main issues to consider are therefore: (i) the principle; (ii) design, (iii) the impact on the open countryside; (vi) access and highway safety; (v) any impact on residential amenity.

### Principle

- 5.2 The site is beyond the Development Limits of Huby and approximately 300 metres from the main road, Bell Lane/Sutton Road, which is an un-metalled, uneven and unlit road. Once at the junction with the Main Road it is then 300m to the development limit boundary of Huby. This route does have a dedicated footway and is lit. At 600m from the main settlement of Huby despite the availability of some services and amenities within the village of Huby it is considered that the site is not in a sustainable location for additional housing development (this is consistent with the findings of the appeal 16/00579/FUL, application refused and appeal dismissed and 15/01063/OUT where a permission was granted in conjunction with a tourism development supported by LDF Policy CP4). However the provisions of DP9 can still allow for a replacement dwelling.
- 5.3 The dwelling proposed for demolition is purported to be a prefabricated structure, with brick cladding. The applicant has not put forward an argument that the dwelling performs badly in terms of heating loss or damp and that a replacement dwelling would overcome these inefficiencies and make a new dwelling more 'sustainable' than the current dwelling. The detailed energy performance scheme has yet to be finalised, it may be subject to a further application but energy efficient methods but will be likely to include photovoltaic cells, solar water heating systems, an air source heat pump and log burning stove.
- 5.4 The sole reason for wishing to replace the dwelling however is to construct one of a circular design, is to meet the applicants' aspirations. The provision of a circular dwelling here would be no less sustainable than the dwelling already present on site, and could be acceptable under the provisions of DP9. However DP has two tests, to be a) "more acceptable" and b) "sustainable", "than would be achieved by conversion". The "acceptability" of the dwelling therefore needs to be considered informed by the LDF design policies, principally CP17 and DP32 which 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.

DP32 sets out that the form of development must respect the local character and distinctiveness by enhancing its positive attribute whilst mitigating its negative aspects.

### Design

- 5.5 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."
- 5.6 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.
- 5.7 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.
- 5.8 The Design and Access Statement describes the character of the surrounding area as:
- The site is a level well screened area with mature trees on the north, west and south boundaries. The eastern boundary being open to the adjacent field that is in my client's ownership. The approach to the site down the private drive is well wooded on both sides and mature trees and hedges shield the site from view until the final approach to the gate into the site is reached. The side field is itself enclosed with mature woodland on all boundaries.*
- 5.9 This assessment of the surrounding area is considered to be an accurate portrayal of the environment.
- 5.10 The applicant's reasons for choosing this particular design options were that the couple has long dreamt of a circular house and has looked at examples abroad. They have an interest that started with the pureness of a circular form in both buildings and art. Given this explicit desire from the client for a circular building on the site the design team set out to achieve their aspirations through a considered approach to the site and design for a circular building.
- 5.11 The applicant sets out the justification for the unique design as:
- Whilst the shape of the circular house is quite unique, the design detail contains traditional elements, such as the use of red brick, grey tile, timber windows, sandstone cills and conservation rooflights. Examples of traditional, circular buildings would include windmills and gin-gangs; however, this design is not an attempt to imitate the standard, local building type, but to show how contemporary design can sit comfortably within its natural landscape, which itself contains curved, natural features, whilst incorporating elements of local distinctiveness in its materials and detailing.*
- 5.12 LDF policy CP1 supports development where it promotes, encourages, protects or enhances the character and quality of local landscapes and the wider countryside. CP17 calls for proposals to respect and enhance the local context and its special qualities, including its urban design, landscape, social activities and historic environment. LDF policy DP30 states that the design of buildings, and the

acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape. DP32 does recognise that development proposals must seek to achieve creative, innovative and sustainable designs but they should promote and local character, identity and distinctiveness.

- 5.13 Paragraph 55 of the National Planning Policy Framework (NPPF) sets out that Local Planning Authorities should avoid new isolated homes in the countryside unless the design is of exceptional quality or innovative nature. Such a design should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
- 5.14 Paragraph 60 goes on to state that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
- 5.15 Whilst it is acknowledged that the circular form of the dwelling is innovative there is no reference to local context of the rural landscape. Huby and the surrounding countryside does not feature circular or round buildings, the inspiration has not been drawn from built design in the local area. The applicant states that the curved design of the dwelling has been linked to the curves within the landscape, the access lane and the curved canopies of the trees. A curved lane and circular tree canopies are not considered locally distinctive features of Huby and this justification lacks weight to support the design.
- 5.16 There are limited negative aspects in the landscape of the current site, which includes the modest bungalow and outbuildings, and it is considered that these negative aspects would not be mitigated by the construction of this proposal. The scheme would not significantly enhance the immediate setting; indeed there is no need to enhance it.
- 5.17 The use of traditional materials is not creative or innovative but does reflect the local vernacular. However cladding a circular form of building which has no link to the local character in traditional materials does not result in an acceptable development.
- 5.18 The use of traditional brick, stone and particularly the slate roof tiles actually works against the acceptability of the proposal. The dwelling does not have the appearance of a home, but of a public building and as such the form does not follow function. This is enhanced through the wide span of the front entrance and stone walls, which guide people in much like a visitors centre or library. Given the high visibility from the public rights of ways it is considered that some confusion will arise from what the building's purpose is. To use innovative materials in place of traditional has the potential to distance the scheme from the municipal appearance it currently projects.
- 5.19 The size of the proposed dwelling is significantly larger (170m<sup>2</sup>) than the existing and previously approved dwelling. This increase in size coupled with the form and design results in a scheme that does not meet the requirements of CP1, CP17 and DP32 or the requirements of the NPPF and for that reason is recommended for refusal.

#### The impact on the open countryside

- 5.20 DP30 seeks to ensure that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced.
- 5.21 The site has a public right of way along the access road, which is proposed to be diverted from the eastern side of the current bungalow to run to the rear of the stable

and along the field boundary to the east of the site. There is also a public right of way along Brown Moor Lane some 140m to the east of the site.

- 5.22 Brownmoor Lane is flanked on the western side by numerous trees, covered by a TPO. During summer months, when the trees are in full leaf these trees will provide some screening of views of the proposed dwelling however in winter months the dwelling will be viewed very clearly in the landscape.
- 5.23 The other public right of way will allow walkers to clearly view the dwelling, in its setting as they walk towards and then walk along the public right of way 500m to the east.
- 5.24 The dwelling will site relatively low in the landscape, at 6m. The expanse of elevation which will be view is extensive, at approximately 25m at any point.
- 5.25 The ridge height is considered to be unobtrusive in the countryside, but the massing of the scheme is significant, emphasised by the use of brick cladding, overhanging eaves and slate roof tiles. The scale of this development is considered to have an unacceptable impact on the open countryside. This scheme does not respect the local landscape, through introducing softer materials in the finishing of the building may have helped assimilate the building into its green surroundings.
- 5.26 Other than remarking on the reduced height of the scheme in comparison to the extant permission and likening the curves of the circular building to the curved road and tree canopies, the Siting and Design Policy Statement does not demonstrate that the scheme has respected the intrinsic character of the landscape and does not meet the tests of CP16 and DP30.

#### Access and highway safety

- 5.27 The access from Sutton Road would remain much as it is for the current dwelling. The Highway Authority has no objection to the scheme and the access arrangements are considered satisfactory.

#### The impact on residential amenity

- 5.28 Given the remote nature of the site, the closest neighbours at Hollin Hill Farm are 200m to the west of the site. It is considered that the proposal will not unacceptably impact on the neighbour's residential amenity.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
- 6.2 The circular form of the dwelling, which has no design connection to the locality, is unacceptable. The form fails to respect the local character and distinctiveness of Huby, and does not promote local identity. The proposed development is contrary to Local Development Framework Policies CP17 and DP32 and the National Planning Policy Framework. The proposed development would have a significant detrimental impact on the views of the landscape due to its form, scale, and external appearance and would harm the openness of the open countryside contrary to Policies CP16 and DP30.