

**Parish: South Otterington**  
**Ward: Morton on Swale**  
**5**

**Committee date: 5 April 2018**  
**Officer dealing: Mr K Ayrton**  
**Target date: 6 April 2018**

**17/02613/FUL**

**Alterations to existing dwelling and construction of one bungalow and associated access**

**At Crosby Lodge (and land to the rear), South Otterington**  
**For Mrs J Robson**

**This application is referred to Planning Committee at the request of Councillor Phillips and as it would be a departure from the Development Plan**

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site is located in the south of South Otterington, which is a Secondary Village in the Settlement Hierarchy. It forms what appears to be the rear curtilage of Crosby Lodge, a two-storey detached property. The curtilage is significant in size, with the majority of the rear part being more horticultural in appearance, which provides a gradual transition from the residential character of the front of the site and the countryside to the rear.
- 1.2 The predominant form and character in this part of the village is linear. Elsewhere in the village there are examples of development extending back from the road, however the only examples in close proximity to the site are Oaklands and The Laurels to the north of the site, with the latter being the more prominent. These jar somewhat with the overall character. The applicant advised that Oaklands and The Laurels were constructed at the same time as Crosby Lodge and Woodstock, the dwelling beyond Crosby Lodge. This description is supported by the neighbour as part of their representation. In contrast, the agent's updated supporting letter explains that The Laurels, Crosby Lodge and Woodstock were all constructed within the garden of Oaklands. This is understood to be incorrect. However, it can be seen that whilst The Laurels is set back, its relationship with Oaklands is such that it does not represent tandem development.
- 1.3 The existing arrangement of Crosby Lodge and neighbouring property of Woodstock creates a successful transition to the adjoining countryside to the south. The dwellings are set back from the road and the large, undeveloped rear curtilages assist with this.
- 1.4 The scheme as originally proposed was for the construction of two detached bungalows, sited to the rear of Crosby Lodge. The bungalows were to be sited one behind the other, extending to the back of the site.
- 1.5 During the consideration of the application, the rear most dwelling was removed, reducing the scheme to one dwelling. An access would be formed between the host property and Woodstock. To facilitate this, the existing garage would be reduced in width.
- 1.6 The proposed dwelling has wood cladding on the walls with lower brick walls and pantile roofs. The dwelling would have an attached garage.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 13/01582/FUL - Alterations and extension to dwellinghouse and detached garage/store to rear garden; Granted 30 September 2013.

- 2.2 09/00006/OUT - Outline application for the construction of two dwellings; Refused 20 February 2009.

This application related to land to the rear of both Crosby Lodge and Woodstock. The dwellings were sited to mirror the siting of the two existing dwellings. The application was refused on the following grounds:

- Without clearly identifiable and justified exceptional circumstances the dwellings were contrary to Core Strategy policies that seek to resist new development outside Development Limits in order to prevent the spread and coalescence of settlements and to maintain the open character of the countryside;
- The absence of affordable housing; and
- The likely adverse impact upon the amenities of the occupants of the existing dwellings through noise and disturbance due to the siting of the dwellings and the access.

### **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development  
Core Policy CP2 – Access  
Core Policy CP4 - Settlement hierarchy  
Core Policy CP8 – Type, size and tenure of housing  
Core Policy CP16 – Protecting and enhancing natural and man-made assets  
Core Policy CP17 – Promote high quality design  
Development Policy DP1 - Protecting amenity  
Development Policy DP3 – Site Accessibility  
Development Policy DP4 - Access for all  
Development Policy DP9 – Development outside Development Limits  
Development Policy DP10 – Form and character of settlements  
Development Policy DP13 – Achieving and maintaining the right mix of housing  
Development Policy DP30 – Protecting the character and appearance of the countryside  
Development Policy DP32 – General Design  
Interim Policy Guidance Note – adopted by Council on 7th April 2015  
Written Ministerial Statement – Small-scale developers, November 2014  
National Planning Policy Framework - published 27 March 2012

### **4.0 CONSULTATIONS**

- 4.1 Yorkshire Water – No objection in principle, subject to the development being constructed in accordance with the revised plans.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Parish Council – No comments received.
- 4.4 Public Comments – One letter of objection making the following comments:
- The properties will have a direct line of sight into the upper storey of our property;
  - The proposed drive will adjoin our boundary and cause additional traffic noise;
  - The plans do not include details of existing sewer arrangement. The proposed access goes over the existing sewer;
  - The proposed cladding is not in keeping;

- An outline application was refused in 2009;
- Approval could create a precedent for further backland development; and
- There are errors in the planning documents.

## 5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of development; (ii) the impact on the character and appearance of the area; (iii) the impact on residential amenity; (iv) highway safety; and (v) affordable housing.

### Principle

- 5.2 The site (other than the front part) falls outside the Development Limits for South Otterington as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4.

- 5.3 Although the proposal is considered to be a departure from the Development Plan, 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 consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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 relates to new housing in villages.

- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies.

- 5.6 In the Settlement Hierarchy reproduced in the IPG South Otterington is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating

small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.

- 5.7 Criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. In this instance the proposal for one dwelling is considered to be an acceptable scale.

#### Character and appearance

- 5.8 Along with the remainder of criterion 2, IPG criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with policies in the Local Development Framework.
- 5.9 In this instance there is concern that the siting of the dwelling to the rear represents tandem development in what is a predominantly linear form of development. The only examples of development set back from the frontage are The Oaks and The Laurels. As described in the site description, these somewhat jar with the predominant form. The application site is also sited closer to the wider countryside and the development of the land to the rear of the host dwelling would be more prominent when compared with The Laurels. The Laurels is visible on the approach to the village from the south. The proposed dwelling, whilst single storey, would be clearly visible and encroach into the countryside, out of character with South Otterington's established linear settlement pattern of dwellings principally sited along road frontage. Consequently the development would fail to accord with the IPG or policy DP30, which requires development to protect the character and appearance of the countryside and respect (and where possible enhance) the openness, intrinsic character and quality of the District's landscape.
- 5.10 The appearance of the dwelling is of a good quality. Whilst not necessarily matching other dwellings in the vicinity, its appearance and scale would be reflective of its more natural surrounds, with the predominant use of timber. Were the principle of development supported, it is considered that the design solution would accord with policy DP32.

#### Residential amenity

- 5.11 Concerns have been raised from the occupants of the neighbouring property in respect of their residential amenity. The closest part of the nearest dwelling (which is a garage) would be sited approximately 24 metres to the rear of the host property, Crosby Lodge. The distance to the neighbouring property is greater and at more of an angle. Considering that the dwelling proposed is single storey, the relationship is considered to be acceptable.
- 5.12 Perhaps the potential cause of a greater impact is the creation of the driveway to serve the proposed development. This would pass alongside the site of the neighbour's garage and alongside the boundary of the garden. In assessing the impact, consideration needs to be given to the site's context, which is semi-rural. It was considered that the introduction of two new dwellings as originally proposed, which included the long length of driveway along the length of the boundary would have resulted in a degree of harm that may have warranted a recommendation of refusal.
- 5.13 With the scheme being reduced to one dwelling, this lessens the impact to an extent. Whilst there would still be a degree of harm, it is considered that with the use of conditions to ensure additional mitigation (e.g. boundary treatments and landscaping), the scheme would not result in an adverse level of harm to residential amenity and therefore is considered to accord with policy DP1.

### Highway safety

- 5.14 The existing access serves both the host and neighbouring property. As part of their representation, the neighbour has advised that they own 50% of the access off the highway. The scheme will require the existing highway access to be increased in width. The double garage would be modified to a single garage to allow the provision of a driveway between the dwellings to the proposed bungalow beyond. The Highway Authority has not raised an objection.

### Affordable housing

- 5.15 The second reason for refusal of application 09/00006/OUT related to the lack of affordable housing provision. The provisions of the November 2014 Written Ministerial Statement removed the requirement for affordable housing provision on small sites such as this from national policy and the Council has accepted that in local decision since. Accordingly, no affordable housing is required in this instance.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The proposed development would be located on the edge of a village that is identified as a Secondary village in the revised Settlement Hierarchy for Hambleton. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, the proposed development does not reflect the existing built form and character of the village and would have a detrimental impact on the open character of the surrounding countryside. The proposal fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits. The Development would therefore be contrary to LDF Policies CP1, CP2, CP4, CP16 and DP30 along with the Council's Interim Planning Guidance (2015).