

Parish: Burrill with Cowling
Ward: Tanfield
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Committee date: 3 May 2018
Officer dealing: Mrs H Laws
Target date: 11 May 2018

17/02319/FUL

Construction of a detached dwelling with integral single garage
At: Ivy Cottage, Cowling Road, Burrill
For: Clifton & East Witton Estate

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site, which is 0.01ha in size, lies on the northern side of the village street towards the eastern end of the village leading towards Bedale.
- 1.2 The site is currently part of the garden of Ivy Cottage, a detached two storey listed building. The land forms the side garden, and is partly separated from the remaining garden by a mature hedge. The site is bounded at the front by a stone wall.
- 1.3 There is currently a gated vehicular access to the application site at the western end of the plot, immediately adjacent to the neighbouring property known as The Row. The access track is separated from the main part of the plot by a stone wall.
- 1.4 The existing access to Ivy Cottage is at the eastern side of the dwelling and not therefore adjacent to the application site.
- 1.5 It is proposed to construct a two storey detached dwelling on the plot, with the dwelling facing southwards onto the village street. The dwelling would be L-shaped and finished in stonework and clay pantiles with timber windows and doors.
- 1.6 The original submission proposed to set back the dwelling further into the site from the frontage.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/00330/OUT - Outline planning application for a single detached dwelling with all matters reserved. Application withdrawn August 2017.

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 DP10 - Form and character of settlements
Development Policies DP28 – Conservation

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Development Policies DP43 - Flooding and floodplains

Domestic Extensions Supplementary Planning Document

Interim Guidance Note - adopted by Council on 7th April 2015

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – The proposed entrance appears to be very narrow, approximately only 8' wide and is between the end of a house and a wall which is subject to a preservation order. It is felt that the proposed entrance would be very crowded for existing properties and for the proposed new properties. The garage could be turned around and entered from the other end. The materials used for the proposed properties should match the existing properties and not be red brick.

The Parish Council is still not happy with this application and does not support it. It is situated close to Ivy Cottage and takes away a large part of its garden. The shared access with The Row is not ideal either.

4.2 Highway Authority – No objection; conditions recommended.

4.3 Yorkshire Water – No comments received.

4.4 Ministry of Defence – No safeguarding objections.

4.5 Public comments – objections have been received from residents of five properties within the village, which are summarised as follows:

- This will inevitably cause congestion problems, indeed I have suggested this could even be construed as an excessive use and derogation from the original grant;
- There have been regular issues with the village mains drainage and whilst the installation of a treatment plant has taken the waste away from the beck, the sewerage pipe through the village is narrow and has caused a number of problems within the village in the recent past;
- The proposed dwelling does not fit comfortably enough within the plot to allow for vehicular access independently of The Row. To my knowledge there is currently no existing shared access between the identified plot and The Row;
- The garden is a productive vegetable plot and adds positively to the traditional cottage building and the village setting;
- detached dwelling would seem to do little to support the needs of those who are unable to purchase properties within small villages;
- I am sure that land could be found within the village for the building of affordable housing and I would fully support this;
- Squeezing a Modern house between Ivy Cottage and the Row, all within the garden of Ivy cottage will overshadow and detract from this fine 18th Century Grade 2 Listed Building, and it's near neighbour the 19th Century Row Cottage;
- It would spoil what is a well-balanced row of properties, Especially the finely proportioned Grade 2 Ivy Cottage and gardens;
- Ivy Cottage is a Grade 2 listed building and the garden is a noteworthy setting for this property. The property is surrounded by stone walls which are fundamental to the overall character of the property and the setting of this building makes considerable contribution to its significance;
- There have been occasions when raw sewage comes up through the drains after heavy rain;

- The proposed development would have a detrimental impact on the setting of a heritage asset. Any infilling would affect the prevailing linear character of the village and the loss of the garden would leave Ivy Cottage very disproportionate to its surroundings;
- There is a question as to whether the access is adequate and fit for purpose and there would be a major adverse effect on the residential amenity of neighbours by reason of noise , disturbance and loss of privacy should this development go ahead;
- The existing access is narrow and unsuitable for access, both for any building contractors and any future occupants;
- Moving the proposed property forward towards the road boundary in order to reduce the overshadowing of the adjacent properties, will only obscure more of the 17c Grade 2 Listed Ivy Cottage;
- The Row will lose the sole use of its drive and privacy, after decades of maintenance;
- The amendment does not in any way address any of the original objections and concerns particularly with regard to access and the residential amenity of neighbours by reason of disturbance, privacy and daylight;
- A matter for serious consideration must be how a detached dwelling could be built within such a confined site without construction vehicles or worker's vehicles being parked on the highway;
- The impact it would have on the existing mains drains, as services are already inadequate for current housing needs with a history of sewer problems and blockages; and
- The driveway tapers considerably at the house corner. The idea that this would be a suitable shared driveway for traffic from 2 dwellings or for the equipment needed to build a new house is hard to understand.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location outside Development Limits; (ii) the impact on the character and appearance of the village; (iii) the design of the proposed development; (iv) an assessment of the likely impact on the character and appearance of the existing heritage asset; (v) the effect on residential amenity; (vi) surface water flooding; and (vii) highway safety.

The principle of development

- 5.2 The site falls outside of Development Limits as Burrill does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, 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".

- 5.3 The NPPF identifies special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.

- 5.4 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 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 residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 In the Settlement Hierarchy contained within the IPG, Burrill is defined as an "other settlement"; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Burrill in which there are no services but it lies approximately 1.5km from the edge of Thornton Watlass, which is defined as a Secondary Village with facilities including a school, a pub and a church. The site also lies within 2km of the edge of Bedale, which is a Service Centre. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proposed development satisfies criterion 1.

Character and appearance of the village

- 5.6 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. There have been no other dwellings granted planning permission in the village since the introduction of the IPG and it is considered that the proposed development is small scale.
- 5.8 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

- 5.9 The dwelling would be on an infill plot between existing dwellings, following the general building line and form of the existing village street. It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the built form of the village and as such the proposed development is considered to be in accordance with these aspects of the IPG.

Design

- 5.10 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.”

- 5.11 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.
- 5.12 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.
- 5.13 The submitted Design and Access Statement considers the proposed dwelling to be typical of the village and in keeping with the adjoining properties and the streetscene. The dwelling is a two storey property with traditional proportions and detailing including a steeply pitched roof and relatively narrow gables. It is considered that the scale, proportions and materials of the proposed dwelling would be appropriate to the village and the neighbouring property.

Heritage Asset

- 5.14 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.
- 5.15 The submitted Heritage Statement concludes that there is potential for harm to result due to the proximity of the application site to the grade II listed building that is Ivy Cottage. It considers that part of the significance of Ivy Cottage is the visibility of its west gable within the streetscene. The position of the dwelling, as originally submitted, was set further back into the site to maintain the views of the gable from the road and to maintain the break between buildings to the west. It is appreciated that this siting protects the setting of the listed building but it is suggested that it introduces another issue of concern, which is the position of the proposed dwelling in relation to the neighbouring dwellings and the effect of this on the appearance of the street. The positioning behind the rear wall of Ivy Cottage, and well behind the rear wall of The Row, appeared contrived and not a natural reflection of the form and character of the village.
- 5.16 The siting of the dwelling has now been amended and it has been moved forward on the plot by 3 metres. This means it no longer lies wholly behind Ivy Cottage and therefore part of the gable, would be obscured. A drawing has been received that shows that more than 75% of the gable remains visible when viewed from the same position along the street to the west. The full gable remains visible but not from as wide a viewpoint as is currently available.
- 5.17 Notwithstanding the limited restriction in the view, the siting of the proposed dwelling would retain the aspect of Ivy Cottage as the more prominent property, thereby retaining its overall dominance in the streetscene.
- 5.18 Although the existing gated access is narrow, its use, rather than the creation of a new access in the front boundary wall, would have less of an impact on the importance of the listed building.
- 5.19 On assessment of the application it is considered that it would not cause harm to the character or setting of the listed building.

Effect on residential amenity

- 5.20 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 relationship of the dwellings to Ivy Cottage and The Row is such that there would be adequate separation distance to avoid any overlooking or overshadowing that would harm the amenity of existing or proposed residents.
- 5.21 The existing access is shared with the neighbouring dwelling at The Row although this property has a separate access allowing parking at the front of the house. Vehicles accessing the proposed dwelling would therefore pass closely to the existing dwelling but as the access already exists and is available for use by the occupier of Ivy Cottage it would be possible for an element of disturbance to occur at the moment. The proposed development, although in practice would result in increased usage, would not serve more than a single dwelling unit, as it currently does.
- 5.22 The dwelling opposite the site, at Manor House, lies more than 21m from the application site frontage and therefore the proposed development would not detract from the residential amenity of that property.
- 5.23 The proposed development would not therefore be contrary to LDF Policy DP1.

Surface water flooding

- 5.24 There have been several concerns raised regarding drainage within the village and with regard to surface water flooding. There is a mains sewer and it is proposed to discharge foul drainage into the existing system. Yorkshire Water has no comments to make regarding this proposal.
- 5.25 The Environment Agency website suggests there is a low risk of surface water flooding in small areas within the village but this would not affect or be affected by the application site.

Highway matters

- 5.26 The Highway Authority has no objections to the additional dwelling being served from the village street. The existing access is narrow but capable of being used. Conditions are recommended.

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. No above ground construction work shall be undertaken until detailed cross sections have been submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
5. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. 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. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: The existing access shall be improved by reconstructing in accordance with Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference SK1B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. 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 wheel washing 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.
10. Unless otherwise approved 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; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 16/1466 SK1B; and SK3 received by Hambleton District Council on 24 October 2017 and 27 March and 3 April 2018 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 ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
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 that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
8. 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.
9. 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.
10. 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.
11. 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.

Informatics

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 its own Neighbourhood Services.

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.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
3. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.