

**Parish: Huby**

Ward: Huby

**3**

Committee date: 3<sup>rd</sup> May 2018

Officer dealing: Mrs C Strudwick

Target date: 11<sup>th</sup> May 2018

**17/02555/FUL**

**Two bedroom detached bungalow with parking and turning spaces as amended plans received by Hambleton District Council 22 March 2018**

**At: 4 Stillington Road, Huby, North Yorkshire, YP61 1HW**

**For Mr James Williamson**

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

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

1.1 The site lies to the rear of 4 Stillington Road, within the domestic curtilage. The site is within the development limits of Stillington.

1.2 The village has no Conservation Area. There are no listed buildings near to the site. The site boundary abuts Tally Hill, which is a green open space, used for public recreation.

1.3 This application seeks full planning permission for the construction of a 2 bedroom (3 bed space) bungalow, with access off Tally Hill. The ownership of the private road 'Tally Hill' is currently unknown. The applicants agent has advertised the proposal seeking to identify the owner of Tally Hill but no claim for ownership has been made. The application proposes 2 parking spaces within the curtilage. The boundaries of the site abut 6 Stillington Road to the east, Tally Hill Green Space to the North, 2 Stillington Road to the west and 4 Stillington Road to the south.

1.4 The dwelling is set about 2.6m from the western boundary, the space provides one of the two parking spaces, a further space is shown to the northern side. There is a proposed separation distance of approx. 50cm at its narrowest, and 60cm at its widest from the eastern boundary with the garden of 6 Stillington Road. To the south side is a strip of 3.3m between the dwelling and the garden of 4 Stillington Road.

1.5 At the time of the application being made, the site was bounded by a mature conifer hedge. During the course of this application the hedge has been removed.

1.6 Improvements have been secured as follows:

The bungalow has been reduced in size from 70.5m<sup>2</sup> to 66m<sup>2</sup> and height to 2.5m at the eaves and 4.5m at the ridge. (66m<sup>2</sup> is above the 63m<sup>2</sup> minimum standard of the Nationally Described Space Standard.)

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

2.1 None

## **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 CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP8 - Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

4.1 Parish Council – - concerns about rear garden development and do not support.

- Any decision should be subject to agreement on the ownership of the road
- The hedge-line along Tally Hill must be retained
- Work vehicles must obtain permission from the Parish Council before accessing Tally Hill
- Work vehicles must not block any access on Tally Hill
- Work on site must be subject to reasonable hours e.g. Monday-Friday 0800-1800, Saturday 0900-1300, no work on Sundays and Bank Holidays.

4.2 Highway Authority – No formal comment other than to note that the visibility splay was outside the application site (red line) boundary and following the inclusion of the visibility splay within the application site boundary comment on the scheme are awaited.

4.3 Public comments – 4 observations have been received, 1 notes that the height should be the same as the others on Stillington Road, and at present could accommodate a loft conversion in the future which would overlook the neighbouring properties.

3 objections, from the same individual, notes that:

The revised plans are still too close to the neighbouring boundaries

The site would appear cramped, and at odds with the existing bungalows in the area.

The height of the proposal would be visible above the roofs of the existing bungalows.

The proposal would over shadow neighbouring garden.

The garden of 4 Stillington Road will be completely enclosed by views of brick walls and overbearing roof.

The hedge is not under the control of the applicant and so cannot guarantee that visibility splays will be maintained.

#### **5.0 OBSERVATIONS**

5.1 The application site is located within the development limits of Huby, DP8 sets out that permission for development will be granted with the settlement Development

Limits as defined on the Proposals Map, provided that it is consistent with other LDF policies.

- 5.2 The main issues to consider are: (i) impact on the character and form of the village; (ii) design matters; (iii) impact on the neighbouring properties; and (vi) highways issue;

#### Character and form of the village

- 5.3 This area of Huby is characterised by 1970s growth, of low level linear development along Stillington Road, with 2 storey 1970s development curling round the rear of the bungalows. On the west side of Tally Hill dwellings sit in a less regular pattern but generally relating to the unmade road of Tally Hill.
- 5.4 The site layout has been arranged to accommodate the bungalow and 2 parking spaces, along with outdoor amenity space. Stillington Road is characterised by the low level development, and the proposal is a bungalow where the height has been reduced to bring it in line with the existing bungalow ridges. Despite this, it is considered that the proposal will be visible between the existing bungalows on Stillington Road as a new line of development which is not currently seen in this part of Huby.
- 5.5 To introduce additional development in this location is out of keeping with the existing form of the village. The form of the village, in this particular part of Huby, is one of detached dwellings within generous curtilages to the front and rear. The form of this plot would appear cramped within the boundaries, and overbearing to numbers 4 and 6 Stillington Road due to the lack of separation distances to the site boundaries.
- 5.6 It is considered that the scale of development in this location does not meet the tests of DP32 General Design, particularly "Form" as the proposal does not respect the local linear character when viewed from Stillington Road, nor respect the scale of spaces and buildings in the area. The dwelling footprint has been pushed to the east of the site so parking spaces can be accommodated at the front of the dwelling, however it is considered that the site area is not large enough to accommodate what is proposed on site without resulting in an overcrowded appearance.
- 5.7 The hedge to the west of the site previously screened the garden and collection of outbuildings at 2 Stillington Road. Without this landscaping the bungalow will be seen beyond the curtilage of 2 Stillington Road, highlighting that the development does not follow the form of development in this area, where it fronts a highway (adopted or otherwise).
- 5.8 For this reason the application is considered contrary to CP1, CP17, DP1 and DP32.

#### Design matters

- 5.9 Materials proposed are matching brick with the existing bungalows, with natural clay pantiles to the roof.
- 5.10 The design of the dwelling previously has a circular window proposed to the north elevation, in the roof space. This did give the impression of habitable space. The roof ridge has since been reduced and this window removed.
- 5.11 It is considered that the architectural detailing of the dwelling design reflects and respects the vernacular design in the area.

#### Impact on the neighbouring properties

- 5.12 The greatest concern for impact on neighbouring amenity is in relation to the outdoor amenity space to the rear of 4 and 6 Stillington Road. The proposed dwelling is positioned just over 50cm from the boundary with the neighbouring property at 6 Stillington Road.
- 5.13 There is one window on the eastern elevation that serves the shower room. It is not indicated that this is to be obscured glazed, however that can be conditioned to protect both future occupants and neighbouring amenity.
- 5.14 The curtilage of the proposed development is about 10m from the original rear wall of the 6 Stillington Road and less to the extended dwelling. Due to the height and position of the proposed bungalow it is considered that the proposal adequately protects the neighbouring amenity of the habitable rooms of the dwellings on Stillington Road. However there are significant concerns regarding the overbearing impact upon 4 and 6 Stillington Road, due to the increased enclosure and overshadowing of outdoor amenity space given the proximity of the development to the site boundaries.
- 5.15 It is acknowledged that the occupiers of the neighbouring house have raised concern regarding the loss of the view of the trees and green space at Tally Hill, however, these are not matters which can be protected through the planning system.

#### Highways issue

- 5.16 As set out above, part of the site was initially bounded by a mature conifer hedge which was not in the applicant's ownership. Comments from the Highways Authority questioned how the visibility splays at the site access point from Tally Hill would be maintained when not within the applicants control or within the redline boundary. As such the red line boundary was amended to include the necessary part of the hedge, however, this hedge remained outside the applicant's ownership so it was suggested that a S106 agreement would be necessary to ensure adequate visibility splays would be maintained.
- 5.17 The entire hedge, from Stillington Road to Tally Hill has now been removed and so, currently, the line of sight is continuous southward to Stillington Road. It remains the case that the land is outside the control of the applicant and not part of the adopted highway and as such development upon the land could obstruct visibility on to Tally Hill.

#### Conclusion

- 5.18 The development proposed would create an additional dwelling in a reasonably sustainable location. The development would however result in a cramped form of development that would harm the residential quality and character of the area.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposed development would result in a cramped residential environment for the new dwelling and the host dwelling at 4 and harm the amenity of 6 Stillington Road and qualities of the residential area contrary to Local Development Framework Policies CP17 and DP32 that requires development to respect the local character in terms of scale, volume and massing. Development should be of a scale appropriate to the size of the site area and form of the village. It is considered that the dwelling, by reasons of the site location and its scale, is cramped and out of context with the surroundings,

constitutes an overdevelopment of the site and would have an adverse impact on the character and appearance of Tally Hill and Stillington Road.

2. The inter-visibility of the proposed vehicular access and the road known as Tally Hill depends on a view over land that is not within the highway and not in the control of the applicant; as such a satisfactory standard of inter-visibility cannot be achieved. The development is therefore contrary to the provisions of the Local Development Framework Policy DP4 as the proposal does not ensure safe access for all potential users.