

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

Committee Date : 01 July 2021  
Officer dealing : Naomi Waddington  
Target Date: 04 May 2021  
Date of extension of time (if agreed): 5 July 2021

**21/00630/FUL**

**Construction of a detached 4 bedroom dwelling**  
**At: Land adjacent to Ashdale, Gracious Street, Huby**  
**For: Mr And Mrs A Cahill**

**This application is referred to Planning Committee as the proposed development is a departure from the Development Plan.**

## **1.0 Site, context and proposal**

- 1.1 The application site is located on the southern side of Gracious Street and comprises part of the domestic garden of Ashdale, between the existing dwellings of Ashdale to the west and Duncan House to the east. Opposite the site across Gracious Street are residential properties of Juniper Berry, Field View, Rowan Cottage and Greenbank Cottage. The site is at a lower level than Ashdale and is bound by hedges to the east boundary with Duncan House, and to the north roadside boundary. There is an existing vehicular access serving the site, and the site is planted with some fruit trees.
- 1.2 Full planning permission is sought for the erection of a 4 bedroomed detached dwelling. As originally submitted a 5 bedroomed dwelling was proposed with integral garage, forward projecting gable and canopy, approximately 11.6m wide x 10.7m deep, along with a 3.5m high fence to the east. Improvements have been secured including amending the design to one which is more traditional and locally distinctive, reducing the width and height, and reducing the height of a new fence to the east. The revised scheme proposes a four bedroomed dwelling of traditional double fronted design, with two storey rear gabled wing and single storey flat roofed rear section. The existing vehicular access is utilised, three parking spaces are provided within the curtilage, new hedges are provided to the south and west boundaries and 10 trees are to be planted along the new hedgerow. A new fence is proposed beyond the retained hedge to eastern boundary. Proposed materials include brick and clay tiles, with timber windows and doors and gravel drive.
- 1.3 The site is outside of and immediately adjacent to the Development Limits which runs along the north and west boundaries of the site and is located in Flood Zone 1 having the lowest risk of flooding.
- 1.4 The application is supported by a Design and Access Statement.

## **2.0 Relevant planning history**

- 2.1 None to application site.

## 2.2 Further east on south side of Gracious Street: -

16/02064/FUL Development of a detached dwelling with associated works.  
Approved 14.11.2106 (now Duncan House)

18/01669/FUL Construction of four, 4 bedroom detached dwellings with detached garages at Land to the south of Gracious Street, Huby (East of Duncan House)  
APPROVED 09.07.2019. (Not yet implemented)

20/01040/OUT Outline application with access and landscaping to be considered (all other matters reserved) for a residential development (East of the four dwellings approved under reference 18/01669/FUL) APPROVED 07.08.2020. (Not yet implemented)

## 3.0 Relevant planning policies

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

3.2 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 DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 – Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 – Landscaping  
Development Policies DP43 - Flooding and floodplains  
Interim Policy Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

## **4.0 Consultations**

### **4.1 Huby Parish Council – Objection summarised as follows:-**

- The number of car parking spaces needs to be at least four to prevent car parking issues on the highway and damage to verges.
- A detailed rain water soak away scheme is required to prevent water entering the drainage system.

### **4.2 Highway Authority – Recommend conditions in relation to the provision of parking and the submission of a Construction Management Plan.**

### **4.3 RAF Linton on Ouse - no safeguarding objections**

### **4.4 Yorkshire Water – No response received.**

### **4.5 Public comments - A site notice has been displayed and neighbours consulted. Three representations of objection, and two neither supporting or objecting have been received, summarised as follows:-**

#### **Objections:-**

- Too large
- Overdevelopment
- Parking, lack of space for delivery drivers, no turning spaces, highway congestion
- Loss of light
- Loss of privacy
- Hedgerows should be retained in interests of ecology and character
- Drainage must ensure the road does not flood further
- Noise and disturbance
- Displacement of verge parking

#### **Comments neither supporting or objecting:-**

- Concern regarding parking issues and the impact on parking for the cottages opposite

## **5.0 Analysis**

### **5.1 The main issues for consideration in this case relate to (i) the principle of a new dwelling in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) design; (iv) residential amenity; (v) the effect on the existing trees and biodiversity; and (vi) highway safety.**

#### **The principle of a new dwelling in this location outside Development Limits**

### **5.2 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than**

a material consideration. The site falls outside of Development Limits of Huby. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that permission will only be granted for development outside of Development Limits "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). Paragraph 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 5.3 To ensure appropriate 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 now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 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.
- 5.5 In the settlement hierarchy contained within the IPG, Huby is defined as a Service Village. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. Huby is considered to be a sustainable community where the principle of development under the IPG will be supported and therefore the proposed development satisfies criterion 1.

## **Impact of the proposed dwelling on the character and appearance of the village and the rural landscape**

- 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. Paragraph 170 of the NPPF requires decisions to, amongst other considerations, to recognise the intrinsic character and beauty of the countryside. The proposal relates to one dwelling and satisfies the first part of criteria 2. The second part of criterion 2, part of criterion 3 and criterion 4 together require the proposal to reflect the existing built form of the village, not to harm the natural and built environment, nor the open character or appearance of the surrounding countryside
- 5.7 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, and provides a natural infill or extension to a settlement. 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"..... "Small gaps between buildings should be retained where these provide important glimpses to open countryside beyond and contributes to the character and appearance of the area" ..... "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."
- 5.8 Gracious Street includes a variety of house types and ages, principally two storey and traditional design and has a suburban/rural village street character. The buildings on the northern side of Gracious Street extend further east than those on the southern side, although there are extant permissions for 5 further dwellings to the east. The proposal would infill a gap in the streetscene between two existing dwellings. Whilst the gap is pleasant visually it is already domestic land and contained by residential accommodation to each side and across the road, relates visually to the built form rather than the wider rural landscape, and is not considered to provide important glimpses of countryside contributing to the character and appearance of the area. The provision of new hedges to the boundaries is considered to be in keeping with the area. The proposal to infill the gap is considered to be in keeping with the character of the area.

## **Design**

- 5.9 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.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.

- 5.10 The National Planning Policy Framework Planning supports this approach and, at paragraph 130, 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.
- 5.11 The submitted Design & Access Statement includes a brief assessment of the character of the surrounding area and explains the approach is to continue this established character and create a traditional brick built house with traditional detailing, scale and proportion. Amendments have been secured to achieve a more traditional design and a modest reduction in size. The scheme involves fence at the far side of the hedge on the eastern boundary, originally shown at 3.5m the fence has now been reduced to 2.5m and the agent has confirmed the applicant owns the lands where the fence is to be erected, the hedge is taller than the fence and the hedge is to be retained. The size of the dwelling and bedroom sizes comply with the requirements of the Nationally Described Space Standards. Overall, the design is considered acceptable.

### **Residential amenity**

- 5.12 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. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development.
- 5.13 The proposal is not considered to result in harm to existing levels of residential amenity afforded to occupants of the dwellings to the east and west of the application site. There are first floor windows in the proposed east gable serving a bathroom and secondary bedroom, these will be fitted with obscure glazing.
- 5.14 Concerns have been raised from occupants of the cottages across the road from the application site relating to loss of light and privacy. There is a separation distance in excess of 21m between the facing elevations of the cottages and the application site, and therefore the proposal is not considered to result in material harm existing levels of residential amenity afforded to occupants of those dwellings.
- 5.15 Regard must also be had to the level of residential amenity likely to be afforded for future occupants of the proposed dwelling. Given the relationship with the surrounding dwellings, occupants of the proposed dwelling will be afforded an acceptable amenity level

### **Effect on trees and biodiversity**

- 5.16 Policy CP16 seeks to preserve natural assets, policy DP30 seeks to protect the character and appearance of the countryside, and DP31 seeks to protect natural resources including biodiversity and nature conservation. Paragraph 170 of the National Planning Policy Framework states “planning policies and decisions should contribute to and enhance the natural and local environment by... (d) minimising impacts on and providing net gains for biodiversity”. Paragraph 175 of the requires developments to avoid significant harm to biodiversity.

- 5.17 The proposal shows the retention of the existing roadside hedge and eastern boundary hedge. Six trees are required to be removed to accommodate the dwelling. Ten replacement trees are proposed comprising 1 Cherry, 2 Hawthorne, 1 Rowan, 3 Crab Apple and 2 ornamental Pear. In addition, a new mixed thorn hedge is proposed to the west and south boundaries. Whilst unfortunate that some trees are required to be removed, the replacement planting exceeds the existing.

### **Highway matters**

- 5.18 Policy DP4 requires development proposals to be safe and ensure high standards of access for all. The submitted Design and Access Statement states the house will have no impact upon highway safety. Three off street car parking spaces are provided within the curtilage which meet the requirements of the highway authority, whom have no objections and recommend conditions. The Parish Council have raised concerns regarding the dwelling having sufficient off street parking to avoid damage to verges and it is clear some local residents park on highway verges and are concerned about the loss of the verges for parking, and parking displacement. Highway verges are not authorised parking spaces and the proposed dwelling provides suitable and sufficient off street parking. The issue of residents parking on highway verges is a separate issue to the consideration of this application.

### **Flood risk and drainage**

- 5.19 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The site has been assessed as being at low risk from other forms of flooding.
- 5.20 Foul drainage would be disposed of via the existing foul sewer and surface water via a sustainable drainage soakaway in the rear garden. Yorkshire Water have not responded to the consultation. The agent has indicated the existing house Ashdale has a soakaway for surface water drainage and a condition in relation to percolation tests is considered appropriate. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development (in respect of drainage or any other matter) would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

### **Planning Balance**

- 5.21 The proposal would create one new home in a sustainable location, without causing harm to the appearance of the settlement or to highway safety, residential amenity or the capacity of local infrastructure. The proposal is considered to comply with the policies of the Local Development Framework and the interim Policy Guidance. The scheme is found to result in social gains through the provision of new housing, the economic impact through the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be neutral. There are no other material considerations would preclude a grant of planning permission. Overall, the scheme is found to be acceptable.

## **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. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 9 March 2021, drawing numbered D420025/01B received by Hambleton District Council on 17 May 2021, and drawing numbered D420025/02B received by Hambleton District Council on 18 May 2021 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to construction of any building or regrading of land commencing detailed cross sections shall be 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 and the relationship to adjacent 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. These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.
4. 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
5. Prior to the construction or alteration of above ground external surfaces commencing, details of the cross section of the window frames and glazing bars, together with details of the method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all installed windows shall conform to that approved specification.
6. 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 drawing number D420025/01B received by Hambleton District Council on 17 May 2021 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.
7. The site shall be developed with separate systems of drainage for foul and surface water on and off site.



8. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
9. No part of the existing boundary hedge along the north and east boundaries of the site shall be uprooted or removed, the northern hedge shall not be reduced below a height of 1.5. the eastern hedge shall not be reduced below a height of 2.5m other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
10. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference "Proposed Site Layout D420025/01B. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times. The final surfacing of any parking area shall not contain any loose material that is capable of being drawn on to the existing public highway.
11. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:
  - i) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  - ii) the parking of contractors' vehicles;
  - iii) areas for storage of plant and materials used in constructing the development clear of the highway;
  - iv) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
12. The first floor windows on the east elevation of the dwelling hereby approved shall at all times be glazed with obscured glass and the bedroom window shall not be capable of opening.
13. 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.

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. 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 CP17 and DP32.

3. To ensure that the development is appropriate in terms of landscape impact in accordance with Local Development Framework Policies CP1, CP4, CP16, DP30 and DP32.
4. 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.
5. 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.
6. In order to help assimilate the development within the rural landscape.
7. In the interest of satisfactory and sustainable drainage
8. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network
9. The hedges are of important local amenity value and their protection is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
10. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
11. In the interest of public safety and amenity.
12. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
13. 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.