

Parish: Aiskew

Ward: Bedale

Committee Date : 17 September 2015

Officer dealing : Mrs H Laws

Target Date: 25 September 2015

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15/01469/FUL

**Construction of a single storey 2 bedroom dwelling.
at 38 Leases Road Leeming Bar North Yorkshire DL7 9DA
for Mr Brian Follen.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site lies on the eastern side of Leases Road and currently forms part of the garden of number 38 Leases Road. The existing dwelling is a single storey detached property that lies in a row of properties fronting onto the street. To the rear of the property lies a single storey detached property at 9 Low Street.

1.2 It is proposed to construct a single storey detached dwelling on the application site. The existing dwelling is set below the road level of Leases Road and the garden slopes downwards towards Low Street to the east. The dwellings at Low Street are at a lower ground level.

1.3 The proposed dwelling would have two bedrooms, a bathroom and a living/dining/kitchen space. Access would be via the existing driveway served from Leases Road, which lies immediately to the side of the existing dwelling. Parking for two vehicles would be provided on site, with space for manoeuvring.

1.4 It is proposed to install boundary fencing at a height of 2m and provide additional planting to be allowed to grow to 2.4m in height.

1.5 The application is presented to Members of the Planning Committee at the request of the Ward Member.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 None

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

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 DP8 - Development Limits
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - no observations

4.2 NYCC Highways - conditions recommended

4.3 MOD - no safeguarding objections

4.4 HDC Environmental Health - I have considered the potential impact on amenity and likelihood of the proposed development to cause a nuisance and consider that there is significant potential for the proposed development to have a negative impact on adjacent and nearby residential premises. The Environmental Health Service objects to the proposed method of heating the dwelling, as air source heat pumps are designed to run for extensive periods of time and are a source of audible and significant noise. The proposed location for the air source heat pump is at a point closest to the nearest adjacent dwelling and it is foreseeable that local amenity, particularly at night time, would be adversely affected. It is recommended that an acoustic assessment be undertaken and a condition be imposed.

4.5 Site notice/local residents - one letter of objection has been received, as follows:
This building is planned to be built within a few metres of my property. I feel it would devalue my property and impact negatively on my quality of life. It is completely out of line with current lines of development and by being situated so close to my property will affect my privacy.

During the build I will suffer a large amount of disturbance and disruption from noise, air and dust pollution as it is within a few metres of the conservatory where I spend my time.

I am also concerned about the amount of light that will be blocked. The current boundary fence is under 1 metre high and I am dismayed at plans to build a 2.4 metre wooden fence which combined with a 4 metre high roof line, will block a significant amount of light and make my conservatory feel completely blocked in.

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of an additional residential use in this location; the effect on the character and appearance of the surrounding street-scene and; the impact on residential amenity and highway matters.

5.2 The principle of an additional dwelling in this location is accepted as the LDF aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to; jobs, education, shopping, leisure and other services and facilities. The proposal is for the construction of a two bedroom dwelling within the Development Limits of the village, which is defined as a Service Village in the Core Strategy. The site is relatively close to the centre of the village and the industrial estate and is considered to be within a sustainable location. It is considered that the proposal is therefore acceptable in principle.

5.3 Not all sites in such locations are suitable for development and consideration must be given to the potential impact of a proposal on features of acknowledged importance such as the character and appearance of the village, the amenity of neighbouring residents and highway matters.

5.4 The site constitutes a form of backland development, which is a type of development that exists in the village but is not common; most of the properties have a frontage onto a highway. The latter is the more traditional pattern of development and therefore more appropriate within the village. The construction of a dwelling in this location would not result in a development of a high standard as required by Policy CP17.

5.5 It is noted that whilst Hambleton do not have a policy in relation to garden ground development, the NPPF states at para. 53 that Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. In this case the dwelling is considered to be an over-development of the plot and would have an unacceptable impact on its neighbours, particularly those of the existing dwelling and those to the rear at 9 Low Street, which lies at a distance of approximately 12m from the edge of the proposed dwelling. It is appreciated that as all the properties are single storey, appropriate fencing and boundary treatment could be installed that would prevent direct overlooking into both the existing and proposed dwellings. However, due to the proximity of

the boundary fencing, the position of the new dwelling close to the boundary and the difference in ground levels it is likely that the sense of enclosure experienced by the residents of 9 Low Street would be greater. The applicant's agent states that an outbuilding of the same size could be built in a similar position to the proposed dwelling. However, such a structure would not be used as the principle dwelling space for a separate household. The use as proposed would result in additional activity in much closer proximity to both the existing dwellings at 9 Low Street and also at 38 Leases Road, as the driveway serving the new dwelling lies immediately adjacent to the side elevation.

5.6 There are no objections to the design of the dwelling per se, which is similar to other dwellings within the locality. The Environmental Health officer is concerned regarding the effect of the noise from the proposed air source heat pump on the amenity of nearby residents. The effects of the pump could be controlled by a planning condition regarding its siting and to ensure that it meets the Microgeneration Certification Scheme Planning Standards.

5.7 The Highway Authority has no objections, subject to conditions, regarding the proposed development.

5.8 The development would be liable for Community Infrastructure Levy (CIL) contributions for new market residential floor space following the Council's adoption of a CIL Charging Schedule on 7 April 2015.

5.9 The proposed development is contrary to Policies within the Local Development Framework and refusal of the application is recommended.

6.0 RECOMMENDATION: that subject to any outstanding consultations the application be REFUSED for the following reasons:

1. All new development should be of a scale appropriate to the size and form of its setting. It is considered that the proposal, by reasons of the backland site location, is out of context and character with the surroundings. The proposal therefore fails to respect the character of the local area and would result in a form of development that would have a detrimental impact on the surroundings, contrary to the high quality design principles of LDF Policies CP17 and DP32.

2. The proposed development would cause a substantial loss of amenity to neighbouring residential properties by reason of an overbearing impact, an increased sense of enclosure and loss of privacy to the existing neighbouring properties contrary to LDF Policies CP1 and DP1, which require proposals to adequately protect amenity.