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15/00513/FUL

Construction of a dwelling as amended by drawings and details received by Hambleton District Council on 10 May 2015, 12 May 2015 and 27 August 2015 at Birdforth House, Main Street, Alne for Mrs Sally/Helen Craggs/Coverdale

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This scheme was brought before Members at the August 2015 meeting and deferred to negotiate amendments to the design. The applicant has submitted revised plans in response to Member concerns. The scheme has been revised in the following ways:
- reduction in length and width
 - removal of rear first floor projection
 - indication of adjacent rear projection at Fairhaven
- 1.2 The proposed dwelling would be positioned to the west of Birdforth House and to the east of Fairhaven. The site is within the Alne Conservation Area.
- 1.3 Amended plans were received on 10 May 2015, 9 July 2015 and 27 August 2015 altering the design of the dwelling, the point of access, identifying trees on site and alterations to the existing outbuilding to be used as a garage.
- 1.4 The proposed dwelling, as amended, would measure approximately 11.4m x 7.8m. It would accommodate a snug, lounge, hall, kitchen/dining area and sun room at ground floor level, two en-suite bedrooms, a bedroom and bathroom at first floor level and a study, additional bedroom and WC at second floor level.
- 1.5 Materials for the proposed dwelling would comprise brickwork and clay pantiles.
- 1.6 Access to the property would be via the existing rear access to the site from Back Lane.
- 1.7 Minor alterations are proposed to the existing outbuilding to be used as a garage and a turning area would be formed next to this.
- 1.8 The site is in Flood Zone 1.
- 1.9 The proposed dwelling would be positioned approximately 3m (at the nearest point) to the boundary with Fairhaven. This boundary is formed of a low post and rail fence and shrubs.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/01983/FUL - Construction of detached 4 bedroom dwelling house; Withdrawn 21 January 2015.

3.0 NATIONAL AND LOCAL POLICY

- 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 CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - The Parish Council believes that the Conservation Area Status means that this sort of development namely building an extra house in someone's existing front garden cannot be allowed. It would completely alter the whole nature of that corner with its trees, signpost and Village Hall - the sort of thing the Conservation Area status is there to protect.
- 4.2 Highway Authority (commenting on amendments received on 9 July 2015) - Conditions recommended regarding private access/verge crossings construction requirements, provision of approved access, turning and parking areas, precautions to prevent mud on highway, and on-site parking, on-site storage and construction traffic during development.
- 4.3 Environmental Health Officer - no objections or recommendations.
- 4.4 Yorkshire Water - no response received.
- 4.5 Ministry of Defence - no objection.
- 4.6 Neighbours notified and site notice posted - 18 responses received in summary mainly concerning:
- future development of adjacent site
 - impact on light and disturbance to Fairhaven
 - need for affordable housing
 - impact on highway safety
 - no need for additional housing
 - impact on conservation area
 - access
 - privacy of adjacent property
 - impact on character and appearance of surrounding area
 - loss of outbuilding
 - impact on neighbour amenity
 - loss of trees on site

- increase in surface water
- need for further application and site notice for revised access.

4.7 Conservation Officer - Reflected on site context and consequence of initial proposal to take access off Main Street. Identify that the character of the Conservation Area and street scene could accept the dwelling proposed. Identified improvements to the design of the dwelling.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to (i) the principle of development in this location; (ii) the impact on the character and appearance of the Conservation Area; (iii) the impact on neighbour amenity; (iv) the impact on highway safety; and (v) the liability of the development for the Community Infrastructure Levy.

Principle of development

5.2 The site is within the settlement limits of Alne, which is a sustainable settlement, and therefore the development is acceptable in principle. The inclusion of the site within the Conservation Area does not alter this, but requires careful consideration of the likely effect of the development on the character and appearance of the Area. Development should only normally be permitted within a Conservation Area if it at least maintains the character and appearance of the Area.

The character and appearance of the Conservation Area

5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

5.4 The scheme has been revised to address the concerns expressed by Members at the last Planning Committee meeting the amendments have the aim to improve its overall design and compatibility with the street scene and Conservation Area. Key changes since submission are the removal of the access to Main Street, reduced size to improve the relationship with neighbouring dwellings, improved design detailing to respect the setting and an indication of the position and retention of trees on site and the trees requiring removal to accommodate the dwelling.

5.5 The amended scheme is of a design suited to the Conservation Area and is therefore able to maintain its appearance. The Conservation Area is predominantly residential in character and the dwelling would maintain this as well. The design, scale and materials of the proposed dwelling are therefore considered acceptable. The comments of the Parish Council are noted regarding the position of the dwelling. The dwelling is not positioned in the front garden but is to the side of existing property. This is important to preserve accord with the built form of Alne.

Neighbour amenity

5.6 The amended details have improved the relationship of the proposed dwelling with adjacent property by way of its impact on privacy and shading. The overall design and scale of the structure would not harmfully erode neighbour amenity subject to the obscured glazing of the first floor windows to the western elevation to the master bedroom.

Highway safety

- 5.7 The alterations to the existing access, and the provision of a parking and turning area as part of the amendments received on 9 July 2015 allow the development to not have a harmful impact on highway safety. Subject to recommended conditions the local highway authority are also in support of the scheme.

Community Infrastructure Levy

- 5.8 The development is liable for the Community Infrastructure Levy and the agent has completed the relevant CIL Information Form 0.

- 5.9 In response to the consultation responses not already addressed:

- Future development to the land adjacent to the application site would be assessed on its own merits at the time of application submission.
- The proposal is not considered to be harmfully dominant to Fairhaven and an acceptable separation would remain between the properties. It is acknowledged that there may be limited disturbance during the construction phase.
- The site is in a position and the density of development is such that there is no local policy requirement to provide affordable housing.
- The market demand for additional housing is not a matter of significant weight in this case.
- The loss of the outbuilding to Fairhaven is noted however this feature is not considered such a significant heritage asset to be worthy of protection.
- The loss of trees on site is relatively limited and will continue to contribute to the character and appearance of the conservation area. Clarification over specific tree retention and protection could be required via planning condition.
- Full drainage details will required to be submitted and appraised as part of a planning condition to be attached to any permission granted.
- Re-consultation has been undertaken in regard to the amended dwelling design and altered access point

- 5.10 The scheme is in accordance with LDF policy and is recommended for approval.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application 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 and drawings numbered C224/17, C224/18 received by Hambleton District Council on 9 July 2015 and drawings numbered C224/100, C224/101, C224/102, C224/103, C224/104 received by Hambleton District Council on 27 August 2015 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.
5. The development shall not be commenced until tree guards, comprising chestnut pale fencing, at least 1.5 metres high have been erected on the perimeter of the branch spread (or, in the case of a fastigiated tree such as a Lombardy Poplar, have been erected to enclose an area with a radius of 6 metres from the trunk) of all the trees shown as being retained. The guards shall be maintained in position and in good order during the whole period of works on site. Works, including the removal or deposit of earth or other materials shall not be carried out within the tree guards without the prior consent of the Local Planning Authority.
6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
7. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
8. The first floor windows on the western elevation of the building serving the master bedroom shall at all times be glazed with obscured glass.
9. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
10. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 9 above.
11. The site shall be developed with separate systems of drainage for foul and surface water.
12. 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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: c. The existing access shall be improved by reconstructing in accordance with Standard Detail number E6; g. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details which have been first approved by the Local Planning Authority and maintained thereafter to prevent such discharges
13. 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 "C224/100"). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
14. 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.

15. Unless approved otherwise 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; b. on-site materials storage area capable of accommodating all materials required for the operation of the site; and c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons for the above conditions 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 CP1, CP16, CP17, DP1, DP28 and DP32.
3. 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.
4. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
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6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
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11. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
12. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
13. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
15. In the interests of highway safety.