

Parish: Thirsk

Ward: Thirsk

14

15/01444/MRC

Committee Date: 17th September 2015

Officer dealing: Mrs Helen Conti

Target Date: 2 September 2015

**Variation of Conditions 04 - vehicle access, parking, manoeuvring and turning areas and 07 - approved drawings - of Planning Permission 08/00654/REM (Drawings No: 3612-02A and 3612-05, 06 and 07).
at 18 Byland Avenue, Thirsk
for Mr & Mrs Snelling.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Members deferred consideration of this application at the August Committee to allow a visit to be made to the site. The site is located at the southern end of Byland Avenue in Thirsk. The street is a cul-de-sac that accommodates several detached bungalows. A reserved matters application was granted in June 2008 for construction of a 4 bedroom dormer bungalow with double garage. Construction work has since commenced and the dwelling has not been constructed in accordance with the approved plans. An application to retrospectively amend the approved plans to accept the built changes was refused by Planning Committee on 19 September 2014.
- 1.2 This application proposes to retain the built alterations to the dwelling and allow for changes to the dwelling to improve the appearance of the north elevation. The main built changes involve the increased height of the eaves from 2.8 metres to 3.9 metres, the positioning of the dormer windows which are now flush with the wall of the dwelling, alterations to the length, width and height of the garage, formation of accommodation in the roof of the garage, alterations to the position and creation of new windows and doors and the formation of a conservatory to the west elevation.
- 1.3 The additional proposed alterations to improve the aesthetic quality of the north elevation consist of lowering the eaves of the north elevation by extending them below the existing dormer windows allowing the rainwater gutter to run beneath the windows, a tiled canopy to wrap around the north and north east elevation, in front of the lobby and dining area, a timber pergola along the north elevation of the attached garage, two roof lights to the north elevation roof above the garage, the repositioning of the front door from the east elevation to the north elevation (including swapping a small window from the north elevation of the lobby to the east elevation) and the addition of French doors on the north elevation into the dining room.
- 1.4 An Enforcement Notice was issued on 1 April 2015 in respect of the built dwelling house and garage. The Enforcement Notice requires the house and garage to be altered to match the approved plans of 08/00654/REM. The applicant has appealed against the Enforcement Notice, listed for a public inquiry and is currently on hold until a decision is made on the current application.

2.0 RELEVANT PLANNING HISTORY AND ENFORCEMENT HISTORY

- 2.1 5/00361/OUT - Outline application for the construction of a detached dwelling – Granted 26 May 2005.
- 2.2 08/00654/REM - Reserved matters application for the construction of a dwelling - Granted 3 June 2008.

- 2.3 13/00290/CAT3 - Development not in accordance with approved plans. Enforcement Notice issued 1st April 2015 to take effect 7 May 2015. Applicant has appealed against the notice.
- 2.4 14/00561/MRC - Discharge of conditions 1-6 of Planning Permission 08/00654/REM and amendments to dwelling by variation of condition 7 - Refused 18 September 2014.
- 2.5 08/00654/DCN - Proposed discharge of condition(s) attached to application 08/00654/REM - Reserved matters application for the construction of a dwelling – Pending consideration.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant local and national policies are:

Core Strategy Policy CP1 – Sustainable development
Core Strategy Policy CP17 – Promoting high quality design
Development Policies DP1 – Protecting amenity
Development Policies DP32 – General design
National Planning Policy Framework
National Planning Practice Guidance

4.0 CONSULTATIONS

- 4.1 Thirsk Town Council - No observations.
- 4.2 NYCC Highways - The Local Highway Authority has previously raised concerns about loose gravel being used adjacent to the public highway. This has now been addressed and the gravel is being retained. It is recommended that the following condition is attached to any permission granted:

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 3612-07). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

- 4.3 Neighbours notified and site notice posted - one response from nearby neighbour.
- Objection to the redesigned joint access. New plan constrains access and therefore cars park on Byland Avenue causing unnecessary congestion. Current ongoing legal challenge to restricted access to Green
 - Full height two storey house that is dominant, overbearing, unapproved and out of keeping with its surroundings
 - Resubmitted plans seek to address problems by making property even larger
 - overhanging roof and tiled canopy do nothing to reduce the overall impact of the property
 - House eaves need to be reduced to approved height to bring the property to an appropriate size and scale.

5.0 OBSERVATIONS

- 5.1 The issues for consideration include the suitability of the scale and design of the dwelling as well as the impact on the surroundings, neighbours' amenity and highway safety.

- 5.2 Paragraph 57 of the National Planning Policy Framework (NPPF) states "it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes". Policy DP32 of the Hambleton Local Development Framework (LDF) requires that the design of all developments must be of the highest quality and in terms of scale, volume and massing, all development should contribute positively and respect the scale of spaces and buildings in the area.
- 5.3 The majority of the properties on Byland Avenue are single storey bungalows with the exception of Greenacres at the head of the cul de sac. This property is adjacent the application site and is a dormer bungalow. The properties running along the south west side of Byland Avenue back onto two/three storey properties located in adjoining street of Barbeck. It is accepted that 18 Byland Avenue is the largest property on the street, however two storey properties in adjoining streets are visible and as such the property is in keeping with the wider street scene.
- 5.4 The increase in eaves height has resulted in a large expanse of brickwork to the north elevation which is currently considered harmful to the character and appearance of the dwelling and to the street scene. It is considered the proposed alterations to lower the eaves of the north elevation, erect a canopy around the north and north east elevation, changes in fenestration details, erection of a timber pergola and installation of two roof lights in the north elevation of the garage would all help break up the large expanse of wall and improve the appearance and design of the property and as such the appearance of the property would be considered acceptable, in contrast to the existing appearance which resulted in service of the Enforcement Notice. The previous alterations to the building including the addition of the conservatory and alterations to the windows and doors are considered acceptable. It is considered the proposed changes will result in the property being in keeping with the requirements of Policy CP17 and DP32 of the LDF and the guidance within the NPPF.
- 5.5 The neighbour to the east has raised concerns that the two storey house that has been built that is dominant, overbearing, and out of keeping with its surroundings. They consider the proposed changes do nothing to reduce the overall impact of the property and are making the property even larger. The neighbour considers the only way to deal with the excessive impact of the house is to lower the eaves to their approved height, bringing the property to an appropriate size and scale. It is noted the proposed changes will make the property slightly larger, however it is considered the alterations will lessen the impact of the property and break up the north elevation which currently dominates the street scene.
- 5.6 The neighbour also has concerns regarding the redesigned joint access to No. 18 and Greenacres, in that it will constrain access to Greenacres and as such visitors to the property will park on Byland Avenue. There is a current ongoing legal case regarding the access to Greenacres and this is a civil matter that cannot be considered by the Local Planning Authority.
- 5.7 The Highway Authority previously raised concerns about loose gravel being used adjacent to the public highway. However the gravel is now retained with the site and this has rectified the issue. The Local Highway Authority have confirmed that the site plan 3612-07 is acceptable and a condition can be included as part of the approval to ensure the access, parking, manoeuvring and turning areas are constructed in accordance with plan 3612-07.
- 5.8 It is considered that the proposed alterations to the design of the dwelling would lessen the impact of the scale, massing and design of the property and reduce the impact of the property on the character and appearance of the street scene. The

application is therefore recommended to be granted. The recommendation of approval is subject to a requirement to implementation of the scheme, (to which the applicant is committing themselves with completion within 12 months of approval as detailed in a Section 106 Agreement) the Enforcement Notice would no longer be necessary and could be withdrawn upon completion of the works.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations the application is **GRANTED** subject to (a) a Planning Obligation to complete the approved works within 12 months of the date of the decision; and (b) 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 drawing(s) 3612-01 rev A, 3612-05, 3612-06 and 3612-07 received by Hambleton District Council on 26th June 2015 unless otherwise agreed in writing by the Local Planning Authority.
3. 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 3612-07). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
4. 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.

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, CP17, DP1 and DP32.
3. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
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.