

Parish: Thirsk

Ward: Thirsk

**16**

**15/01334/FUL**

Committee Date : 17 September 2015

Officer dealing : S Leeming

Target Date: 20 August 2015

**Construction of 3 no. dwellings with garages and associated access as amended by plans received by Hambleton District Council on 30th July 2015.  
at 131 Long Street Thirsk North Yorkshire YO7 1BB  
for Mr Mark McColmont.**

#### 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application, as amended seeks consent to construct 3 detached dormer bungalows on a site to the rear of 131 Long Street Thirsk. The site is described as "garden to rear 131 Long Street" on the application form and part of it has recently been fenced in to create more formal rear gardens for 127,129 and 131.

1.2 The proposal is for the construction of the 3 dwellings on the northern part of the site. Vehicular access will be taken through the archway which exists between 129 and 131 Long Street. Existing hedgerows are to be retained to the northern boundary and new ones proposed to the southern boundaries. Each dwelling is proposed with on site parking and rear garden areas.

#### 2.0 RELEVANT HISTORY

2.1 14/02395/FUL - Increase to width of the access way approved 2015

#### 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  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP28 - Conservation  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

#### 4.0 CONSULTATIONS

4.1 Town Council - concerns and comments

1. Access to the properties is under an archway which is unlikely to be adequate for emergency vehicles.

2. Concerns regarding the flood plain, back land development, privacy for neighbours. (K Baker Design & Development Ltd quote HDC. DP1 where reference is made to protecting amenity particularly in respect of privacy)

3. Some neighbours have still not had any information or consultation which was promised and which the applicant/agent says have taken place.

4. There is no scale on the plans so the height of the buildings cannot accurately be assessed.

5. It is difficult to assess which are the front or rear elevations (i.e. which way they face)

4.2 NYCC Highways - notes that The proposed development will be served through an archway which has been widened to provide 2.7 metres. Developments served through archways are not uncommon and there are examples within Thirsk town centre itself. This archway leads directly to the public footway and it will be necessary to provide measures to protect pedestrian priority on the footway. Consequently the Local Highway Authority recommends that the following conditions are attached to any permission granted:

1) 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 full technical details of proposals for pedestrian protection at the junction of the site access with the footway have been submitted to and have been approved in writing by the Local Planning Authority in conjunction with the Highway Authority. The measures shall provide and protect pedestrian priority across the footway at its junction with the site access. The approved measures shall be implemented before the development is first brought into use unless otherwise approved in writing by the Local Planning Authority and retained for their intended purpose at all times.

Other conditions relating to parking and turning, precautions to prevent mud on the highway and on site parking and storage of construction traffic are also recommended.

4.3 EHO - no objections

4.4 Yorkshire Water - conditions recommended relating to the discharge of surface water

4.5 Neighbours/local residents - there have been 4 letters received in support of the application. These are all copies of the same letter and state they have no objections with some additional comments made including that it will "improve the area". There have been 7 objections to the scheme with concerns including a) Overlooking and loss of privacy b) Increase in volume of traffic using the blind alleyway directly onto a footpath - some details have been submitted to illustrate the lack of visibility to car users on exiting this alley with the cars exiting the alley directly on to the footpath and then having to cross a cycle path and enter the main highway at the point of the pedestrian crossing. c) Query about how emergency vehicles will access the site as they will not fit through the archway d) Concern about lack of consultation by the applicant (He has stated he has consulted local residents but has failed to do so) e) Concern about the removal of trees and outbuildings/agricultural buildings and the erection of fencing within the site recently f) Noise generated during and also after construction due to proximity of access and turning space to neighbouring dwellings g) Possibility of increased flooding to the area h) lack of space for offloading and storage of construction materials (as lorries will not fit through the archway)

## 5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of allowing development on this site in particular noting the fact that the 2 western most dwellings proposed fall outside the Development Limits for the town and are also situated within the Conservation Area where its impact upon the character and appearance of the area need to be assessed. This is in addition to any impact the proposal may have upon the amenities of the neighbours, impact upon highway safety and the visual impact and design of the proposal.

5.2 In regard to the principle of the development of this site, it is noted that the site is closely related to the main built up area and development limits of the town. The plans have been amended and the dwellings are now roughly in line with those on Bradbury Close immediately to the south. As such whilst the Interim Housing Policy does not include residential development on the edge of development limits within Market Towns it is considered that the construction of dwellings on the site proposed will in principle be acceptable due to its location.

5.3 The majority of the site is located within the Conservation Area and it is clear from evidence submitted by neighbours and from local knowledge of the site that a number of recent changes have been made to the site including the removal of some trees and outbuildings/agricultural buildings and the erection of boundary fencing to create more formalised gardens to serve the dwellings to the front. The proposed development will however introduce additional hedge and tree planting and the general layout of the site will satisfactorily respect that of the surrounding area and particularly Bradbury Close to the south.

5.4 Due to the location of the site there is the concern that this is an example of "back land Development" bringing with it a number of likely concerns and problems associated with such proposals, for example noise and disturbance and overlooking impacts particularly upon the dwellings to the front of the site. It is noted that the occupants of these dwellings have no objections to the proposal and also noted that the applicant owns one of these properties (131). The dwellings themselves as proposed with their main windows to the front and rear elevations will not result in any major overlooking of the dwellings along the frontage but it is expected that they will result in an increase in noise and disturbance due to the general activities associated with the 3 new dwellings and their gardens. It is the vehicular access which will result in a harmful impact upon the amenities of the neighbours particularly those to either side of the access at 127, 129 and 131 Long Street. The vehicular access which will serve the 3 new dwellings (in addition to possibly the 3 existing dwellings that do have vehicular rights to use it but presently park on the highway at the front) will lead to an increase of a minimum likely 18 car movements per day. The access will run directly adjacent to the dwellings at 129 and 131 and underneath the upper storey of 131. The agent has clarified that there has been the addition of soundproofing to the archway itself but the rear of these properties themselves as well as their rear external courtyard areas are likely to suffer from a harmful impact of noise and disturbance from use of the access road. In addition, although to a lesser extent, the use of the access track and turning circle may also result in noise and disturbance to the residents of neighbouring Bradbury Close.

5.5 There is also the concern that the use of the access may result in highway safety concerns as there is a lack of visibility on exiting the archway resulting in possible safety issues for pedestrians walking on the pavement outside. As a pedestrian there is no indication and no view of the archway meaning that pedestrians have no warning of a vehicle exit ahead. The Highway Authority had suggested a condition to help overcome this and introduce safety measures. The Agent has suggested through discussions with The Highway Authority the introduction of a speed bump within the archway. This however will result in more noise to the neighbours and may slow down the cars but will not offer any further protection or warning to the pedestrians. A further suggestion has been to introduce bollards on the pavement possibly either side of the archway. These will however need to be placed on the pavement itself which at this location is narrow and also runs alongside the bay windows of the terraced properties. As such there may be difficulties in providing these and achieving the pedestrian safety measures required.

5.6 The general design of the dwellings is simple but considered acceptable and the fact that they are dormer bungalows has resulted in a lower ridge height and a satisfactorily reduced level of overlooking to the neighbours to the north and south. However, for the reasons and concerns outlined above this application is recommended for refusal.

## **6.0 RECOMMENDATION:**

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

The reasons for the above conditions are:-

1. The proposed development will be contrary to LDF Policy DP1 due to the harmful impact the use of the vehicular access will have upon the amenities of the neighbouring dwellings
2. The proposed vehicular access will result in highway safety concerns due to the lack of pedestrian safety measures.