

**Parish: Huby**

Ward: Huby

**5**

Committee Date: 19 January 2023

Officer dealing: Mr Marc Pearson

Target Date: 20 June 2022

Date of extension of time (if agreed):

**22/00786/FUL**

**Revised application for the construction of a terrace of 3 no three bed dwellings with associated garaging & amenity space**

**At: Land West Of The Forge, Tollerton Road, Huby**

**For: Queens Staith Leisure**

**This application is referred to the Planning Committee as it involves further balancing of the weight to be afforded to issues that have previously been considered in the determination of applications on nearby sites.**

## **1.0 Site, Context & Proposal**

- 1.1 The application site is located on the south side of Tollerton Road at the western end of Huby. Access to the site is via a field gate and the boundaries of the site are defined by hedgerows, trees and timber fencing. The surrounding context is defined by a variety of modern residential properties located on both sides of Tollerton Road. This includes a further planning permission for the construction of 3 properties on the north side of Tollerton Road immediately opposite the application site (ref no. 19/02169/FUL and subsequently amended by application ref no. 21/01643/FUL). In addition, a recent appeal decision to allow a proposal for a single dwelling and woodland planting is located immediately to the north the application site following (ref no. 21/00623/FUL and APP/G2713/W/22/3291469).
- 1.2 The remaining context is defined by agricultural land to the west and south that forms part of the rural setting to the village. In addition, immediately to the south of the application are overhead electricity wires with a large metal pylon located immediately adjacent to the south-west corner of the application site.
- 1.3 In July 2020 planning outline planning permission was granted on the application site for the construction of a single dwelling (ref no. 20/01600/OUT) and in March 2022 an application for the construction of two detached dwellings on the site was refused permission (ref no. 21/03002/FUL).
- 1.4 The proposal now involves the construction of a short two storey terrace that would provide 3 no. properties (2 x 2-bed dwellings and 1 x 3 bed dwelling). The terrace would be constructed in brick with a clay tile roof material and would be accessed via single access point that would lead to detached garages to the east and west of the terrace together with three parking spaces to the north of the dwellings. It also proposed to provide a narrow landscape/tree belt on along the western edge of the site.
- 1.5 During the course of the application the proposal was amended to re-position garages, adjust the position of the terrace, provide an alternative housing mix and provide additional parking.

## 2.0 Relevant Planning History

- 2.1 20/01600/OUT - Application for outline planning permission with some matters reserved (considering access and layout) for the construction of a new residential dwelling and associated vehicle parking. Approved.
- 2.2 21/03002/FUL - Construction of 2 detached 3 bed dwellings with associated garaging. Refused on the following grounds:
1. The proposed development of an additional dwelling in contrast to the approved single dwelling (ref no. 20/01600/OUT) in this location is considered to represent over-development in this part of Huby and fails the requirement of Local Plan Policy HG5 because it would not represent incremental growth the village.
  2. The proposed development of two dwellings on this site fails to comply with the requirements of Hambleton Local Plan policies HG2 and HG5, and the adopted Size, Type and Tenure of new homes Supplementary Planning Document (September 2015). The proposal does not provide smaller family homes as required by the policies, nor does it make provision for bungalows as required by the SPD. In the view of the LPA, given the size of the first floor office (greater than 7.5 sqm) this counts as the fourth bedroom in accordance with Nationally Described Space Standards.
  3. The proposal to provide two dwellings on the site is considered to be over-development that results in a cramped site layout that does not allow for sufficient rear garden space for the size of the properties and does not allow for the sufficient landscaping along the western boundary to assimilate the development into the landscape. The scale (noting the high ridge height) and appearance of the two storey houses as result of the double gable design approach would provide substantial massing that is considered to be inappropriate within the context. Furthermore, the cramped site layout is considered to exacerbate the impact of the proposed massing on the surrounding context. On this basis the proposals are considered to be incongruous to the site and the wider area and would fundamentally alter the existing character to the detriment of the character of the area. The proposal therefore fails to accord with Local Plan Policies HG5, E1 and E7.
  4. The cramped site layout and size of the proposed dwellings result in insufficient room to manoeuvre within the site to enable car to leave the plots in a forward gear. As result of position of the garages and the lack of sufficient driveway length, the proposed turning facility would be occupied by parked vehicles and thus result in the need for vehicle to reverse onto the highway and increased likelihood of on-street parking. On this basis the proposal is not considered to satisfy the requirements of Local Plan policy IC2.
  5. The positioning of such a large dwelling in close proximity to the eastern boundary adjacent to the neighbouring property is considered to provide unnecessary oppressive and overbearing impact on the amenity of the neighbouring. In addition, the presence of Juliet balconies on the rear façade is considered to provide the opportunity for overlooking in close proximity to the garden area of the property to the east. Furthermore, the shallow garden

depths and orientation of the site result in rear gardens that would be overshadowed by the retained belt of trees along the southern boundary and thus would have an unacceptable impact on the occupiers. Furthermore, the positioning of a dwelling and its small rear garden area in close proximity to overhead wires and the pylon immediately to the south-west would present a poor and oppressive outlook for the occupiers of the proposed dwelling at the western end of the site. On this basis the proposals fails to protect the amenity of surrounding or future occupiers as required by Local Plan Policy E2.

6. The proposed development does not provide sufficient evidence to demonstrate that surface water can be drained via soakaway and therefore does not accord with Local Plan policy RM3.
7. The proposed development has not demonstrated the delivery of a net gain for biodiversity and therefore fails to meet the Local Plan policy requirements set in Local Plan Policy E3.

### **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 out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Local Plan Policy S1: Sustainable Development Principles  
Local Plan Policy S3: Spatial Distribution  
Local Plan Policy HG5: Windfall Housing Development  
Local Plan Policy E1: Design  
Local Plan Policy E2: Amenity  
Local Plan Policy E3: The Natural Environment  
Local Plan Policy E7: Hambleton's Landscapes  
Local Plan Policy RM3 – Surface Water and Drainage Management  
Local Plan Policy IC2: Transport and Accessibility

### **4.0 Consultations**

- 4.1 Huby Parish Council - Objection on the basis three dwellings on the same site does not change any of the reasons for refusal noted within application ref no. 21/03002/FUL. In addition, development of this site will lead to further creeping development outside the village boundary.
- 4.2 Contaminated Land - No objection based on the submitted PALC form.
- 4.3 Environmental Health - No objection.
- 4.4 NYCC Highways - No objection subject to conditions relating to surface water, access design, visibility splays, parking and turning and a construction management plan.
- 4.5 Yorkshire Water - No response received (expired 25.5.2022).

- 4.6 Yorkshire Wildlife Trust - No response received (expired 25.5.2022).
- 4.7 MOD - No safeguarding concerns.
- 4.8 Kyle & Upper Ouse IDB - No objection subject to conditions relating to surface water.
- 4.9 Site Notice (expired 1.6.2022) and Neighbour Consultation (expired 25.5.2022) - two objections as summarised below:

- Privacy concerns relating to a rear garden of Glenwood (not the immediate neighbour but one further to the west). Concern that if the existing tree line is removed the proposed house would have views to their rear garden area.
- The majority of the points raised on the previous planning refusal remain valid.
- The proposal is on land which is outside of the Huby Parish boundaries.
- The addition of more houses would eventually appear down Tollerton Road removing the open & rural character of the village.
- Despite the use a similar footprint for the previously accepted outline planning permission, the proposal would triple the amount of occupants & vehicles.
- Consider this to be an over-development of the land and not sufficient garden space with trees along the southern boundary contributing to the issue.
- The block of garages at eastern end of the site are positioned very close the boundary fence and would block sunlight into garden during the afternoon.
- The garage to the west is positioned adjacent to the highway and is not in keeping with the context.
- The houses will still be in close proximity to the pylon providing a very poor outlook.
- The driveways do not provide turning areas so cars can exit onto the road in a forward gear.
- The plans are assuming each house only has 1 vehicle especially with garages often being used as storage or home offices. The pedestrian access from the middle house to the garage is also very odd.
- Concerned the soakaways will not be sufficient to drain the excess water from the field adjacent.

Observation following re-consultation exercise – only additional matters noted below:

- Many of the reasons for which I previously objected are still outstanding.

- No room for visitor parking and therefore would result in parking on pavements & verges making it difficult to see when exiting our driveway.
- The block of garages at eastern end of the site are positioned very close to my boundary fence & looks a very tight squeeze to have 2 vehicles parking outside them whilst leaving the occupants enough room to exit without impacting either my fence or the adjacent vehicle.
- The bathrooms are located at the front, overlooking the road. Having frosted glass windows on that elevation is not in keeping with the other houses on the street & would look out of character.
- Still no comment on whether the roadside hedges or rear trees are remaining.

## **5.0 Analysis**

- 5.1 The main planning issues to take into account when considering this application relate to whether or not the proposed development is acceptable in principle, would impact upon the character and appearance of the area, impact upon the amenity of neighbouring properties, drainage issues, biodiversity net-gain and highways concerns.
- 5.2 It is noted the application site has an outline permission for residential development and therefore the principle of development has been established. However, since the approval in 2020 the new Local Plan has been adopted. With regard to the new Local Plan, Huby is still identified as a service village within the settlement hierarchy and is still considered to represent sustainable development in accordance with Local Plan Policy S3 subject to other relevant policies.
- 5.3 To comply with Local Plan HG5 new housing development needs to be located adjacent to the built form of village and must demonstrate there are no suitable and viable previously undeveloped sites within the built form of the village and provide suitable housing mix. The proposal would provide 2 x 2-bed dwellings and 1 x 3 bed dwelling and therefore satisfies the requirement to provide smaller dwellings in accordance Local Plan policy HG2 and the adopted Housing SPD.
- 5.4 Criterion c. of Policy HG5 requires that development, both individually and cumulatively, be commensurate with the size, scale, role and function of the settlement. The explanatory text indicates that in assessing such proposals consideration will be given to the cumulative impact that development would have in order to prevent an overall scale of development that would be harmful to the character of the settlement or likely to have an adverse impact on infrastructure and local facilities. If the proposal is considered to be of such a scale in its own right, or cumulatively, that it would be harmful to the character of the village or potentially overwhelm services and facilities then it will not be supported. This will be a matter of planning judgement and will depend on the particular circumstances involved for each case.
- 5.5 The concept of development adjacent to rural settlements was introduced by the National Planning Policy Framework. Paragraphs 78-79 now state that decisions should be responsive to local circumstances and support housing developments that reflect local needs. Housing should be located where it will enhance or maintain

the vitality of rural communities. At the time of introduction, the Councils Local Development Framework (LDF) did not align with this principle and therefore the Interim Policy Guidance was introduced in 2015 to bridge the gap between the National Planning Policy Framework and the LDF. Since the introduction of the IPG 69 dwellings have been approved in Huby and some 40 have been completed.

- 5.6 The LDF has been superseded by the Local Plan which now requires an assessment of cumulative impact of development on the district's rural settlements. The settlement of Huby currently hosts approx. 440 dwellings. Prior to the IPG approvals the number of dwellings in Huby would have therefore been approximately 400. As mentioned above some 69 additional dwellings have been approved adjacent to the built form of Huby. There is also an allocation for 28 dwellings at Stillington Road Ref HUB1 which would bring the total of anticipated development to 97. This equates to a percentage increase of 24% (approximately a quarter) which is considered to be a significant increase in a relatively short period. It is noted that the provision of 3 dwellings would add a further 1% giving a total of 25% increase in approximately 7 years. This is considered a significant increase in a relatively short period. Consideration must also be given to the impact of a current proposal for 16 dwellings at land to the north of Maple Lane, Huby also pending consideration (ref no. 22/01574/FUL), which would represent an additional 4% increase.
- 5.7 Up until the 1950s the main built form of the settlement had changed very little since the 1800s. The settlement extended only between the junction of Gracious Street and Main Street at its northern extent down to the Public House (Mended Drum) at its most southern extent. The 1950s saw a large extension of the settlement to the north creating the northern extremity that we see today. Development in the 1960s and 1970s filled in the spaces left between the settlement and the 1950s development. Further limited development in the 1980s and 1990s was located in smaller pockets at the southern end of the village. Later development has been somewhat more sympathetic to the form of the settlement which reflects the evolution of planning policy.
- 5.8 The point remains, however, that Huby has seen significant development in recent years and the cumulative impact of this on the character of the area and local services must be considered. In terms of the form of the settlement the development of this site would represent a rounding off the built form (in the context of the approved 4 dwellings to the north). However, the proposal to provide two additional dwellings in contrast to the approved single dwelling (outline application ref no. 20/01600/OUT) in this location was considered to represent over-development in this part of Huby. The immediate context to the application site is defined by the recent approval and completion of eight dwellings together with the approval of a further four houses immediately to the north on the opposite side of Tollerton Road to take the total to 12 dwellings in this short section of Tollerton Road. The proposal for 3 further dwellings would therefore result in the prospect of 15 dwellings along this particular section of Tollerton Road since 2015.
- 5.9 Concern is maintained, however, on the overall impact of development on the rural character of this settlement in how it is perceived by residents and visitors (i.e. bustling service village or a service village that is overwhelmed). The scale of this

individual development and cumulative impact of development overall has been raised by both the Parish Council and public observations.

- 5.10 It is clear that the development would not by itself harm the overall form of the settlement, and therefore does not contradict the advice in the supporting text of Policy HG5 at paragraph 5.70 of the Local Plan, but it does represent further incremental change that cumulatively is changing the scale of the settlement. No harm is identified to the “overall” form of the settlement or to the open countryside, it is considered that a refusal could not be sustained on the basis of a change to the “overall” form of the settlement. However, Policy HG5 requires that schemes have “no detrimental impact on the character and appearance of the village”. For the reasons noted the degree of change at the western part of the village would be harmed by further residential development and thus the proposal fails the requirement of Policy HG5 as it would have a detrimental impact on the character of the surroundings.
- 5.11 The proposal involves the construction of a short terrace of two storey properties. This is similar in design approach to that of the approved development to the north-east of the application site and other existing development to the east along Tollerton Road. On this basis the design approach is considered to be reflective of the surrounding context. The proposed terrace would follow the building line of development to the east and would provide sufficient rear garden space relative to the size of the proposed dwellings. Furthermore, public comments have been received regarding impact of shading by the trees belt along the southern boundary. Whilst it is noted that the trees would provide a degree of shading to the garden areas it is considered there is sufficient distance from the tree belt to the rear elevations and there is also sufficient area of rear amenity space that would not be impacted.
- 5.12 The approved outline application has a restrictive condition (no.13) attached to the permission to control the height of development on this site. This required the approved development to be a single storey or dormer bungalow scale. The proposal for a two storey development that is similar in eaves and ridge height to the context is considered to be appropriate within the streetscene. On the basis of the above the proposal is considered to be acceptable in terms of siting, scale, massing and design, and thus satisfies the requirements of Local Plan Policy E1.
- 5.13 The proposed site layout would retain the existing hedgerow adjacent to the highway access and the tree belt along the southern boundary. In addition, a landscape planting belt is proposed along the western boundary. On this basis the proposal are considered to comply with the requirements of Local Plan policy E1 and E7. In addition, the proposed submission includes a biodiversity net gain assessment that notes a 43% increase in biodiversity as result of the landscape proposals. On this basis the proposal also accords with the requirements of Local Plan Policy E3.
- 5.14 The proposed site layout indicates that the primary elevations would be orientated to face Tollerton Road. Given the separation distance of the dwellings to the approved properties on the opposite side of the highway and the existing dwelling to the east this element does not raise any amenity concerns. Public observations relating to the shading provided the garage to the east of the proposed terrace have been addressed following the submission of revised plans that have shifted the

garage block north to be aligned to adjacent property. Public observations relating to the impact of overlooking from the proposed dwellings to the garden area do not raise any concern. The dwellings are positioned c. 10m from the southern boundary and it is noted that the area in question represents a small portion of the neighbour's large garden area. In any event the trees provide a degree of screening particularly in the summer months when the garden area is more likely to be used. On this basis the proposal does not raise any overlooking concerns. The proposed layout provides sufficient off-set from the overhead wires and the pylon immediately to the south-west and is considered acceptable. On the basis of the above, it is considered that the proposals do not raise any amenity concerns and thus accords with Local Plan Policy E2.

5.15 It is noted that public observations relate to concerns relating to highways matters. NYCC Highways Authority recommends conditions regarding a requirement for the visibility splay, access, parking and turning details. The proposed site layout has been amended to provide additional parking to the north of dwellings, two spaces per dwelling are shown and is therefore considered to provide sufficient parking for the size of the dwellings. On this basis the proposal is considered to satisfy the requirements of Local Plan policy IC2.

5.16 The application submission also includes a drainage assessment that notes that soakaways would be suitable in this location. Whilst Yorkshire Water have not provided a consultation response it is considered that foul sewage can be provided either through connection to the main sewer or through private arrangements. On this basis and subject to a suitably worded condition the proposal does not raise any drainage concerns and would comply with Local Plan Policy RM 1 and RM3.

#### Planning Balance

5.17 The proposed development is not considered to be appropriate for this particular location and does not comply with the relevant Local Plan policy in terms of principle given the proposal would provide three additional dwellings in this area of Huby that is considered to represent a rate of growth that is too great and is not "incremental growth" as envisaged in the Local Plan as the development would provide two additional dwellings in contrast to the approval for one dwelling. It is therefore not in accordance with local and national policy requirements.

## 6.0 Recommendation

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

1. The proposed development of three dwellings in contrast to the approved single dwelling (ref no. 20/01600/OUT) in this location is considered to represent over-development in this part of Huby that would have a detrimental impact upon the character of this part of the village and fails the requirement of Local Plan Policy HG5.