

HARROGATE BOROUGH COUNCIL

PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 6: LIST OF PLANS.

DATE: 23 November 2004

PLAN: 01	CASE NUMBER: 04/04070/OUT
APPLICATION NO. 6.124.267.A.OUT	GRID REF: EAST 446170 NORTH 452499
	DATE MADE VALID: 15.09.2004
	TARGET DATE: 10.11.2004
	WARD: Marston Moor

APPLICANT: Mr P Thistle

AGENT:

PROPOSAL: Outline application for the erection of 1 no dwelling, including siting and access and erection of new detached garage for No 23 (Site Area 0.046 ha)

LOCATION: 23 Fairfax Crescent Tockwith York North Yorkshire YO26 7QX

REPORT

SITE AND PROPOSAL

This application was considered at the Area 2 Development Control Committee on the 26 October 2004 and Members were minded to approve the application contrary to the planning officer's recommendation.

Cabinet Member - The reason to refuse the application is subjective and Members are entitled to take a contrary view and support the application.

Solicitor - "The reason for refusal in this case is concerned with loss of residential amenity and this is a matter of subjective judgement on which members are entitled to reach their own view."

The site comprises a large narrow rectangular shaped flat parcel of land which is currently the side/rear garden of 23 Fairfax Crescent. The parcel of land is in an unkempt condition. There are trees and shrubs within the garden. The boundary of the garden is defined by fences/shrubs and trees. The site lies within a modern residential estate. Fairfax Crescent consists of semi-detached houses. The land immediately to the north is the unkempt garden to No25 and there are bungalows beyond this to the north of the site. Part of the garden to 25 Fairfax Crescent is also the subject of a separate outline planning application for a bungalow, which was submitted to the Council at the same time, reference 6.124.196.A.OUT. To the south of the site is the remaining garden of 23 Fairfax Crescent and beyond that to the south is the garden to 21 Fairfax Crescent.

The proposal is for outline planning permission for a bungalow on the site. The applicant has applied for the siting of the bungalow, including a garage and replacement garage for

No.23 and the means of access to the bungalow off Fairfax Crescent. The proposed bungalow would be located at the eastern end of the plot with replacement double garage to the rear of No.23 and a garage within the new plot for the bungalow. The proposed siting of the bungalow and garage would require the removal of trees and shrubs from the northern boundary of the site. The existing garage will be demolished and an access and turning area provided to the front of the site. See Appendix A attached to application reference 6.124.196.A.OUT which indicates the siting of the bungalows.

MAIN ISSUES

1. Land Use/Principle.
2. Impact on Residential Amenity and the Streetscene.
3. Highway/Traffic.

RELEVANT SITE HISTORY

None.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Tockwith

Highway Authority

No objections subject to conditions..

Environmental Health

No comments received

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 20.10.2004

PRESS NOTICE EXPIRY: 22.10.2004

REPRESENTATIONS

TOCKWITH PARISH COUNCIL - The proposals are believed to be an over-intensive use of the site, would result in a lack of residential amenity for the occupants of adjoining dwellings and would cause unacceptable traffic problems in the cul-de-sac.

OTHER REPRESENTATIONS - John & Joanne Stone 32 The Green. The buildings will be in front of the building line. Removal of mature trees. The proposed dwellings will be too close to the existing bungalow. Noise from cars that will use car parking areas in the grounds of Nos23 and 25.

VOLUNTARY NEIGHBOUR NOTIFICATION - The applicant has confirmed notification of the resident at 21 Fairfax Crescent about the proposed development on the 1 August 2004. No comments received at the time of writing the report.

RELEVANT PLANNING POLICY

- PPG1 Planning Policy Guidance 1: General Policy and Principles
LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity
LPH06 Harrogate District Local Plan (2001, as altered 2004) Policy H6: Housing developments in the main settlements and villages
LPH14 Harrogate District Local Plan (2001, as altered 2004) Policy H14: Housing Amenity
LPHD20 Harrogate District Local Plan (2001, as altered 2004) Policy HD20: Design of New Development and Redevelopment
PPG3 Planning Policy Guidance 3: Housing

ASSESSMENT OF MAIN ISSUES

1. LAND USE/PRINCIPLE - The site lies within the development limits of the village as identified in the Harrogate District Local Plan and Policy H6 states, inter alia, that development will be permitted if it:

- "i) IS OF A SCALE, DENSITY, LAYOUT AND DESIGN APPROPRIATE TO THE LOCALITY.
- ii) IS APPROPRIATE TO THE FORM AND CHARACTER OF THE SETTLEMENT.
- iii) PROVIDES A SATISFACTORY LEVEL OF RESIDENTIAL AMENITY.
- iv) WILL NOT RESULT IN THE LOSS OF OPEN SPACE OF RECREATION OR AMENITY VALUE IN CONFLICT WITH POLICIES R1 AND HD12 OF THIS PLAN.
- v) WILL NOT PREJUDICE THE OVERALL HOUSING STRATEGY OF THE LOCAL PLAN.
- vi) ACCORDS WITH ALL OTHER RELEVANT POLICIES OF THIS PLAN."

The site forms part of the domestic curtilage of the No23 and therefore is classified as previously developed land as defined in PPG3 Housing and Local Plan Policy HX.

Furthermore in relation to Policy H6 the site lies within the development limits of the village and in this case due to the size of the site, 0.046 hectare there is no conflict with Policies HX and H5 of the Local Plan.

Therefore subject to amenity, space about buildings and traffic issues the use of the site for residential purposes is acceptable in principle since it is surrounded on three sides by existing residential development.

2. IMPACT ON RESIDENTIAL AMENITY AND THE STREET SCENE - The main issue to consider in the determination of this application is would the granting of a planning permission for a bungalow and garage on the site unacceptably impact on the amenities of the existing adjacent residents to warrant refusing the application. The residents that would be affected by this application would be the current and future occupants of 23 and 25 Fairfax Crescent.

The main impact of this proposal would be on the existing and future residents of 23 and 25 Fairfax Crescent. The proposed new development and the provision of a new access arrangement for the existing houses at 23 and 25 Fairfax Crescent, and the two new bungalows with new garage provision would it is considered lead to an intensification in the

use of the access, which would be detrimental to the amenities of the existing and future occupants of 23 and 25 Fairfax Crescent. The general increase in activity to the side and front of 23 and 25 Fairfax Crescent would result in a significant loss of amenity for the existing and future residents of Nos 23 and 25 to warrant refusing the application.

3. HIGHWAY/TRAFFIC - At the time of writing the report no formal response has been received from the Highway Officer. However following a pre-application consultation with the Highway Officer for residential development on the site on the 12 February 2004 he raised no objections to the proposal subject to conditions. Therefore there are no highway reasons to oppose the development.

CONCLUSION - The applicant has indicated that the proposed bungalow is "seen as a necessity in the near future to solve aged persons needs and requirements."

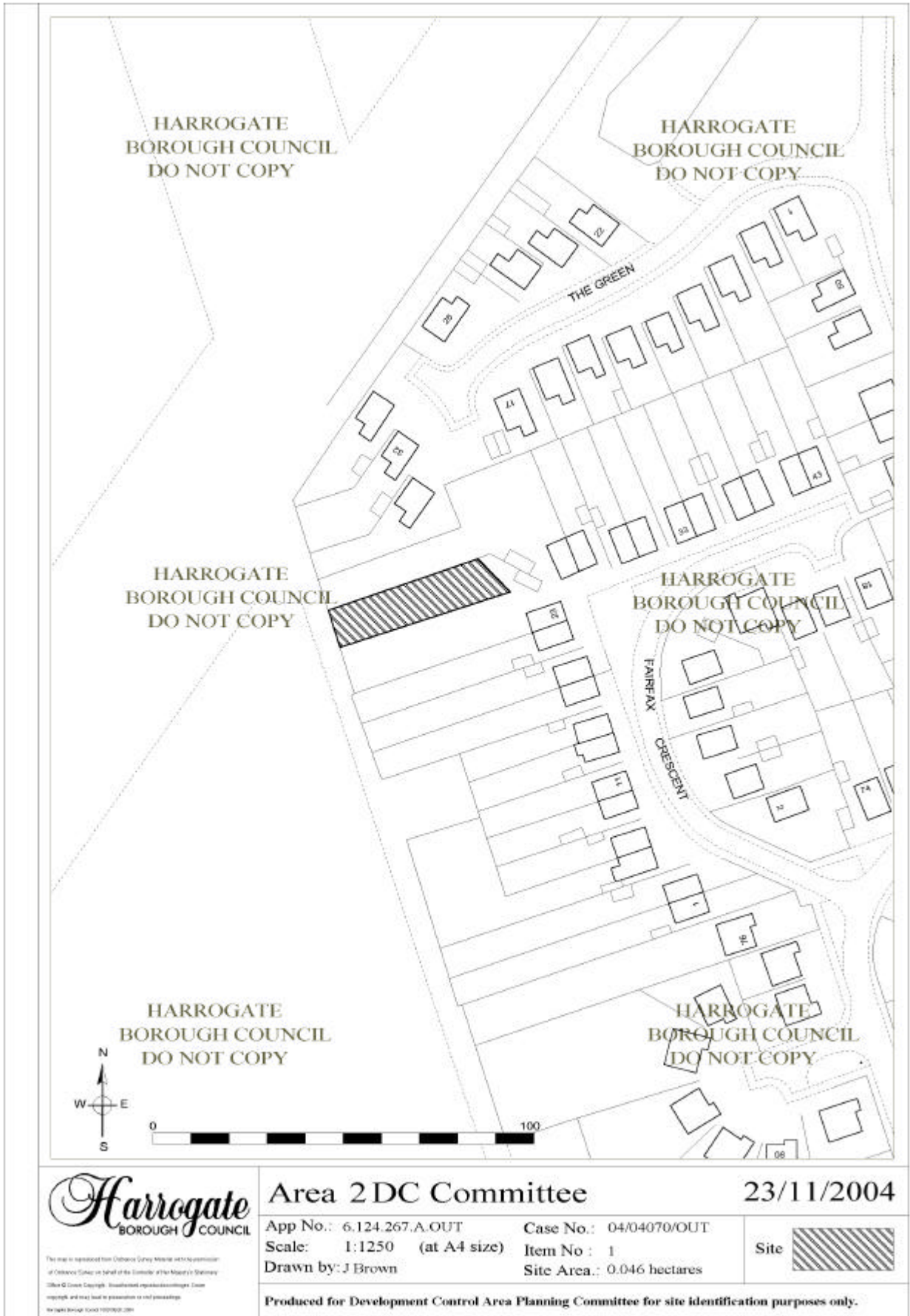
The Council is mindful of the applicant's personal circumstances but the decision to approve or refuse the application must be based on planning and/or highway reasons, although the information supplied by the applicant will of course be taken into account before a decision is made. It is considered that in this case for the reason indicated in the report that application cannot be supported and the application is recommended for refusal on the grounds that the proposed development would result in an unacceptable loss of amenities to the existing and future occupants of the adjacent dwellings.

CASE OFFICER: Mr P Jewkes

RECOMMENDATION

That the application be REFUSED. Reason(s) for refusal:-

- 1 The proposed development would lead to an intensification in the use of the means of vehicular access on to Fairfax Crescent which would result in an unacceptable loss of amenity for the existing and future occupants of 23 and 25 Fairfax Crescent, which would be contrary to Policies A1 and HD20 of the Harrogate District Local Plan.



Harrogate
BOROUGH COUNCIL

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Area 2 DC Committee

23/11/2004

App No.: 6.124.267.A.OUT

Case No.: 04/04070/OUT

Scale: 1:1250 (at A4 size)

Item No: 1

Drawn by: J Brown

Site Area.: 0.046 hectares

Site



Produced for Development Control Area Planning Committee for site identification purposes only.

