

## HARROGATE BOROUGH COUNCIL

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

**DATE: 18 January 2005**

<b>PLAN:</b> 14	<b>CASE NUMBER:</b> 04/05114/OUT
<b>APPLICATION NO.</b> 6.124.385.C.OUT	<b>GRID REF: EAST</b> 446665 <b>NORTH</b> 452390
	<b>DATE MADE VALID:</b> 19.11.2004
	<b>TARGET DATE:</b> 14.01.2005
	<b>WARD:</b> Marston Moor

**APPLICANT:** Mr And Mrs McEvoy

**AGENT:** Mr R Room

**PROPOSAL:** Outline application for the erection of 1 dwelling with detached garage, including access (Site Area 0.054 ha).

**LOCATION:** Ferncliffe House 41 Westfield Road Tockwith York North Yorkshire YO26 7PY

## REPORT

### SITE AND PROPOSAL

The application site forms part of the domestic curtilage to Ferncliffe House, 41 Westfield Road Tockwith. The site is approx 0.054 hectares in area and forms part of the rear garden to that property. A residential property (No.45 Westfield Road) is located to the rear of the site with the Church of The Epiphany situated to the west. Open fields are located to the east. A brick boundary wall is situated to the west, south and eastern boundaries of the site and is approx 1.8m high to the west falling to 1m to the eastern boundary. Mature trees are situated adjacent to the southern boundary of the site but within the garden area of No.45.

The applicants seek planning consent for the erection of a detached dwelling and garage on the plot with access taken from the access drive serving the church and No.45 Westfield Road to the west of the site.

The scheme is submitted in outline form with all matters other than access reserved for subsequent approval. The applicant has however submitted an illustrative plan indicating how a dwelling could be sited on the plot. Access would be gained via the drive serving the church and No.45 Westfield Road. The entrance to the site will require the removal of a substantial part of the approx 1.8metre high wall. The applicants have indicated that the dwelling would be of single storey construction.

The site is located within Tockwith conservation area.

### MAIN ISSUES

1. Land Use
2. Visual Impact

- 3. Highway Safety
- 4. Residential Amenity

### **RELEVANT SITE HISTORY**

6.124.385.FUL - Erection of rear conservatory PERMITTED 6 November 2002

6.124.385.A.FUL - Erection of detached garage and 3 no. rear dormer windows. REFUSED  
15 December 2003

6.124.385.B.FUL - Erection of detached garage and 2 no. rear dormer windows (revised  
scheme) PERMITTED 29 March 2004

### **CONSULTATIONS/NOTIFICATIONS**

#### **Parish Council**

Tockwith

#### **Highway Authority**

No objection subject to the imposition of conditions

#### **D.L.A.S Arboricultural Officer**

No trees of significance exist on site

#### APPLICATION PUBLICITY

**SITE NOTICE EXPIRY:** 24.12.2004

**PRESS NOTICE EXPIRY:** 24.12.2004

#### REPRESENTATIONS

**TOCKWITH PARISH COUNCIL** - The Council and neighbours OBJECT to this application on the following planning grounds:

1. The proposed development is considered to be disproportionate in scale to the surroundings, as it consists of backland development behind the Main Street of the village
2. The proposals are considered to be inappropriate in a Conservation area
3. The proposed development would have an unacceptable impact on neighbouring properties
4. The access is considered to be inadequate because of the lack of sight lines at the entrance point on Westfield Road
5. There would be a loss of amenity to adjacent properties
6. There would be an unacceptable impact regarding loss of or damage to large, well established trees in the Conservation Area

The Council would be grateful if these comments could be given due consideration during the determination of this application.

**OTHER REPRESENTATIONS** - No other representations received.

**VOLUNTARY NEIGHBOUR NOTIFICATION** - No properties notified

#### RELEVANT PLANNING POLICY

- PPG1 Planning Policy Guidance 1: General Policy and Principles
- PPG3 Planning Policy Guidance 3: Housing
- PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas
- PPG13 Planning Policy Guidance 13: Transport
- PPG15 Planning Policy Guidance 15: Planning and the Historic Environment
- PPG17 Planning Policy Guidance 17: Planning for open space, sport and recreation
- SPH4 North Yorkshire County Structure Plan Policy H4
- SPE4 North Yorkshire County Structure Plan Policy E4
- LPHX Harrogate District Local Plan (2001, as altered 2004) Policy HX: Managed Housing Site Release
- LPH05 Harrogate District Local Plan (2001, as altered 2004) Policy H5: Affordable Housing
- LPH06 Harrogate District Local Plan (2001, as altered 2004) Policy H6: Housing developments in the main settlements and villages
- LPH13 Harrogate District Local Plan (2001, as altered 2004) Policy H13: Housing Density, Layout and Design
- LPH17 Harrogate District Local Plan (2001, as altered 2004) Policy H17: Housing Type
- LPHD03 Harrogate District Local Plan (2001, as altered 2004) Policy HD3: Control of development in Conservation Areas
- LPHD20 Harrogate District Local Plan (2001, as altered 2004) Policy HD20: Design of New Development and Redevelopment
- LPR04 Harrogate District Local Plan (2001, as altered 2004) Policy R4: Open Space Requirements for New Residential Development
- LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity

#### ASSESSMENT OF MAIN ISSUES

**1. LAND USE** - The application site is located within the development limits for Tockwith as identified by Harrogate District Local Plan (HDLP) Inset map No. 45. HDLP Policy H6 and HX are permissive in broad principle, to residential development on previously developed sites within the development limit. The acceptability of such a scheme would be subject to meeting criteria discussed in more detail below. As the site forms part of the domestic curtilage to No.41 Westfield Road, the plot is considered to represent a 'previously developed' site for the purposes of Policy HX.

The site falls below the threshold of affordable housing provision as required by HDLP Policy H5.

The development of one dwelling on this site falls below the density requirements of HDLP Policy H13, which stipulates that development should be constructed at a minimum of 30 dwellings per hectare. The proposed development would provide a density of approx 20 per hectare. To meet the minimum density requirements a second dwelling would need to be provided on the plot. H13 does however allow for a reduced density if the higher density would be detrimental to local character or amenity or there are other constraints upon the

site, which would prevent these densities being achieved.

The application site is located within Tockwith conservation area and as such a primary objective in consideration of this scheme is to ensure that the development either preserves or enhances the existing character of the locality (HDLP Policy HD3, HD20)

The adjacent church (Church of the Epiphany) is a Grade II listed building and hence consideration needs to be taken in respect of how the dwelling would effect the setting of the building.

**2. VISUAL IMPACT** - The scheme is submitted in outline form with all matters other than access reserved for subsequent approval. The applicants have however indicated that the property would be of single storey construction and have included a plan indicating how a property could be sited on the plot.

The dwelling itself would have no road frontage and would be set back behind existing frontage development.

The majority of buildings within Tockwith conservation area are either located on the street boundary or set back slightly behind low walls. The close proximity of the buildings to the road ensures that the village has a reasonably enclosed character, with glimpses down laneways to farm buildings and to the countryside beyond.

In the vicinity of the application site there is however a clear exception to the general grain of development. The churchyard to the Church of the Epiphany (Grade II listed) forms a large area of open space within the street scene. Whilst No.45 Westfield Road (former vicarage) provides a domestic vista when looking down the access drive.

The proposed dwelling represents in depth development that is contrary to the general linear character of Westfield Road. Whilst it is acknowledged No45 is set back further than the application site, this property has an historical association with the church as its former vicarage. The introduction of a further dwelling in the form of a bungalow, requiring the removal of a large section of walling along the access drive would in the opinion of your officer, erode the relationship of No45 to the church , which is Grade II listed and the conservation area as a whole.

**3. HIGHWAY SAFETY** - Access to the site would be gained via the driveway that serves no.45 Westfield Road and the Church itself. The drive is only of single carriageway width and lies immediately adjacent to No.43 Westfield Road.

The highway authority has been consulted and has no objection to the development subject to the imposition of a condition.

**4. RESIDENTIAL AMENITY** - It is considered that the development could potentially impact upon two properties, namely 43 and 45 Westfield Road.

In terms of No.45 the impact arises from the proximity of the site in relation to that dwelling. Clearly the proposal would alter the visual outlook from that property, but such impact need not justify refusal of the scheme subject to appropriate design and siting. The site itself is large enough to ensure that a dwelling could be satisfactorily accommodated on the plot

without detriment to the living conditions of the occupiers of that unit (No.45 is itself sited some 10 -8 metres from the joint boundary with the site. The illustrative scheme indicates a dwelling some 6 -3.5metres from the boundary, although there would be no reason why this could not be sited still further from the boundary. A bungalow in the position indicated would have a cramped appearance in relation to No.45.

The impact upon No.43 is derived from the increased activity generated by the development upon the access drive which lies immediately adjacent to that property. This property has a ground floor obscure glazed window immediately facing the drive. It is considered that the increased activity in close proximity to No43 would have an adverse impact upon the living conditions of the occupiers of that unit.

Sufficient privacy distance exists between the site and dwellings situated on the Westfield Road frontage to ensure that the scheme would have no adverse impact.

**CONCLUSION** - Although the broad land use principle of development is permissive under HDLP Policy H6 and HX, concern is expressed regarding the impact of the scheme upon both the character of the conservation area and setting of the listed church.

In this respect, the proposal represents in depth development having no road frontage that is contrary to the general grain of development in the village. The construction of a bungalow in the location proposed would erode the historical relationship of the No45 to the church, whilst requiring the removal of a large section of high brick walling that encloses the access drive to the former vicarage. The resultant opening up of the site and construction of a bungalow would erode the linear nature of development on Westfield Road and hence the character of the conservation area as a whole.

Concern is also expressed that the introduction of a further dwelling utilising the access drive would create additional disturbance and activity in close proximity to No.43 Westfield Road resulting in harm to the living conditions of the occupiers of that unit.

It is concluded that the proposed scheme is contrary to the provision of the development plan and in the absence of any material considerations of sufficient weight to indicate otherwise, refusal of the application is proposed.

**CASE OFFICER:** Mr A Hough

## RECOMMENDATION

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

- 1 The proposed development would by reason of its location to the rear of dwellings fronting Westfield Road and having no road frontage, represent backland development having a harmful visual impact upon both the historical setting of the vicarage and church, which is Grade II listed and the general form and character of development within the conservation area. The residential development of this plot would therefore be contrary to the provisions of Harrogate District Local Plan Policies

- H6, HD3 and HD1.
- 2 The proposed development would result in an intensification of use of the existing driveway in close proximity to residential property. The increased disturbance and activity generated by users of the drive would have a detrimental impact upon the living conditions of the occupiers of No.43 Westfield Road in a manner contrary to the provisions of Harrogate District Local Plan Policies H6 and A1.



