

HARROGATE BOROUGH COUNCIL

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

DATE: 8 February 2005

PLAN: 04	CASE NUMBER: 04/06477/FUL
APPLICATION NO. 6.64.606.C.FUL	GRID REF: EAST 439040 NORTH 464889
	DATE MADE VALID: 20.12.2004
	TARGET DATE: 14.02.2005
	WARD: Claro

APPLICANT: Mr G Proctor

AGENT:

PROPOSAL: Demolition of existing farmhouse and erection of 1 detached dwelling (revised scheme, site area 0.195ha).

LOCATION: New House Farm Minskip York North Yorkshire YO51 9HZ

REPORT

SITE AND PROPOSAL

The application site is located at the northern edge of the village of Minskip just beyond the development limit and is presently occupied by a two storey house and a detached dutch barn and lean to. The house is of traditional design and brick construction under a pantile roof and the dutch barn and lean to have a sheeted roof structure supported on poles with partial timber cladding now in a very dilapidated state. The dutch barn has planning permission to be used for domestic garaging. From the main street, (A6055) views of the site are filtered by trees, a number of which are on the site itself. Beyond the south west boundary of the site are a range of traditional two storey buildings formerly comprising Lodge Farm but now converted to dwelling houses.

Committee last considered proposed development on this site on 4 May 2004. This was in respect of a proposal to replace the existing dwelling with a bulky three storey dwelling of uncompromising "modern" design. Committee deferred consideration of the application and asked the Head of Planning Services to give guidance to the applicant to produce a development which would be appropriate to the character and appearance of the area. Accordingly discussions took place between the Head of Planning Services and the applicant, the outcome of which is this new application which proposes a dwelling of traditional brick and pantile design with a total height to eaves of 6m with a ridged roof of 9m and an "L" shaped footprint with a frontage of 13m and extending in depth to 13m.

Vehicular access to the site is proposed via the existing access to the south western end of the frontage towards the Lodge Farm dwellings. The closest distance between the footprint of the proposed house and the Lodge Farm dwellings would be 35 metres.

MAIN ISSUES

1. Land Use
2. Visual Impact
3. Residential Amenity
4. Highway Safety
5. Open Space Provision

RELEVANT SITE HISTORY

6.64.606.FUL - demolition of existing buildings and erection of one detached dwelling; refused planning permission 9/12/2003 for the following reason:

"The proposed replacement dwelling would as a consequence of its size, design and massing represent a substantial increase in built form at the site, over and above that of the existing dwelling currently occupying the plot. The proposal would as a consequence be detrimental to the visual character of the locality which lies beyond the main built up form of the settlement in a countryside location in a manner contrary to the provisions of Harrogate District Local Plan Policy HD20, H7 and C15 and North Yorkshire County Structure Plan Policy H5 and E2."

6.64.606.A.FUL - demolition of existing buildings and erection of one detached dwelling; consideration deferred at Area 2 DC Committee on 4 May 2004.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Boroughbridge

DLAS - Open Space

Consultation not applicable

Highway Authority

No objection subject to the imposition of conditions

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 14.01.2005

PRESS NOTICE EXPIRY: 14.01.2005

REPRESENTATIONS

BOROUGHBRIDGE TOWN COUNCIL - Have no objections.

OTHER REPRESENTATIONS - None.

VOLUNTARY NEIGHBOUR NOTIFICATION - None.

RELEVANT PLANNING POLICY

- PPS1 Planning Policy Statement 1: Delivering Sustainable Communities
- PPG3 Planning Policy Guidance 3: Housing
- PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas
- LPH20 Harrogate District Local Plan (2001, as altered 2004) Policy H20: Replacement Dwellings in the Countryside
- LPHD20 Harrogate District Local Plan (2001, as altered 2004) Policy HD20: Design of New Development and Redevelopment
- 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 is for a replacement dwelling on a site which is located outside the development limit for the village as identified on Harrogate District Local Plan. Policy H20 is therefore relevant:

"In the countryside and outside the settlements covered by Policy H6 (includes Minskip), proposals to replace existing dwellings will be permitted provided that all the following criteria are met:

- A) The new dwelling is located on the site of, or close to, the existing dwelling to be cleared.*
- B) The new dwelling is no larger than the existing dwelling.*
- C) The new dwelling has satisfactory access arrangements.*
- D) The new dwelling is of a design which in terms of scale, mass, materials and architectural detail is sympathetic to the local vernacular character.*
- E) The new dwelling is sited to preclude retention of the existing dwelling or there is a condition or legal obligation to ensure its demolition on completion of the new dwelling.*
- F) The existing dwelling is not a listed building."*

This policy is therefore permissive towards the replacement of existing dwellings subject to meeting the listed criteria. Considering each in turn:

Criteria A) is met because the new dwelling is sited on approximately the same footprint as the existing dwelling.

Criteria B) is not met because the new dwelling is larger than the existing dwelling. There has been considerable debate during the processing of the two previous applications regarding the size of the existing dwelling and what outbuildings should be taken into account within the calculation. Officers' best estimates have resulted in footprint figures for the existing and proposed dwelling of 71m² and 133m² respectively. Accordingly it has been concluded that the proposed development does not comply with Criteria B). However if outbuildings, some of which have been demolished were to be taken into account, the footprint ratio between existing and proposed is more balanced at 143:133m².

Criteria C) is met because the site has an existing satisfactory access and there are no objections from the Highway Authority.

Criteria D) is met in your officers' opinion because the design of the proposed dwelling in terms of its scale, mass, materials and architectural detail is sympathetic to the local vernacular character.

Criteria E) is met because the new dwelling is sited in such a way that it would be impossible to retain the existing dwelling.

Criteria F) is met because the existing dwelling is not an listed building.

The overall conclusion therefore is that the proposed development is contrary to Policy H20B. However it is necessary to understand the objectives of the Policy and the justification in the Local Plan is helpful in this respect. It indicates that there will normally be sympathetic consideration given to applications for replacement dwellings but that in order to protect the existing landscape and minimise the impact of a replacement dwelling, it is important to control the location, size and design so that it enhances the environment. The determining consideration therefore is whether the replacement dwelling in its context would have a harmful and inappropriate visual impact. This is discussed in the next section.

2. VISUAL IMPACT - The site is beyond the development limit as shown on the Local Plan. However it appears to be very much part of the village and from the main public viewpoint from the northeast and west is seen within the context of the village. Given this the proposed dwelling, albeit larger than the existing house, will sit comfortably within this large site of 0.195ha in area. Due to its traditional design and the spacious relationship with the existing dutch barn and Lodge Farm development, the proposed dwelling will neither appear unduly large or out of character. Historically the site accommodated a similar footprint of building. Subject to the use of appropriate materials and the implementation of a landscaping scheme to both manage the existing tree cover and implement new planting, visual amenity will not be harmed as a result of this development, which has the potential to enhance the character of the area. Accordingly the proposal is compliant with Policies HD20D and A1 which expect new development to respect the character of an area and improve the environmental quality of the area.

3. RESIDENTIAL AMENITY - Due to the distance between the proposed new house and the dwellings at Lodge Farm the scheme whilst altering the outlook from these properties, will have no demonstrable impact on those dwellings from a privacy, overbearing or day lighting standpoint. The proposal is therefore compliant with Policy A1 (B) which seeks to protect residential amenity.

4. HIGHWAY SAFETY - The proposed development would utilise an existing access off a secondary road which leads off the A6055 and to which the Highway Authority have raised no objections subject to the imposition of conditions. The proposal is therefore compliant with Policy A1 (A) which seeks to prevent development which would give rise to problems of road safety and traffic flow.

5. OPEN SPACE PROVISION - The scheme represents a replacement dwelling and as such the provisions of Harrogate District Local Plan Policy R4 are not applicable.

CONCLUSION - The relevant policy against which this application is considered is Policy H20 as detailed above. The proposed development meets all the criteria of that Policy except for Criteria B) that the new dwelling be no larger than the existing dwelling. Section 54(a) of the Town and Country Planning Act states that applications for planning permission shall be determined in accordance with the Development Plan unless material

considerations indicate otherwise. In this instance the objectives of the policy; the design of the development and the location and characteristics of the site and its surroundings are material considerations. These have led your officer to the conclusion that, notwithstanding the fact that the proposed dwelling is larger than the existing dwelling, it is of a scale, mass, materials and design which is appropriate to the character of the area; will not harm visual amenity and has the potential to enhance. Support to the application is therefore given and approval is recommended.

In the circumstances where officers are recommending approval of an application which is contrary to an objective policy of the Local Plan the Constitution requires consultation with the Cabinet Member (Planning) and the Solicitor to the Council. This has been carried out.

Cabinet Member (Planning) - Supports the officer's conclusion that the replacement dwelling is appropriate to the character and appearance of the area.

Solicitor to the Council: - Members do in these circumstances have a discretion to go against an objective policy of the Local Plan. Whilst there is a technical breach of the policy, reasonable justification has been put forward to support approval of the application.

CASE OFFICER: Mr T P Richards

RECOMMENDATION

That the application be APPROVED subject to the following conditions:-

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 CC03 DEV IN ACCORD WITH DRAWINGS/CONDITIONS
- 3 CD03 SAMPLES OF MATERIALS TO BE APPROVED
- 4 The sample roofing materials to be submitted under Condition 3 above shall be natural red clay pantiles of traditional profile and no other type of roofing material shall be submitted unless otherwise approved in writing by the Local Planning Authority.
- 5 All doors and windows shall be set back a minimum of 75mm from the external face of the walls to form reveals unless otherwise approved in writing by the Local Planning Authority.
- 6 Prior to the commencement of any other part of the development hereby permitted, the access(es) to the site shall be laid out and constructed in accordance with the following requirements:-
 - (ic) the crossing of the highway verge and/or footpath shall be constructed in accordance with the approved details and/or the Specification of the Local Highway Authority;
 - (iv) that part of the access(es) extending 4.5 metres into the site from the carriageway of the existing highway shall be made up and surfaced in accordance with the approved details and/or the Specification of the Local Highway Authority;
 - (v) provision shall be made to prevent surface water from the site/plot

discharging onto the existing or proposed highway in accordance with the approved details and/or the Specification of the Local Highway Authority.

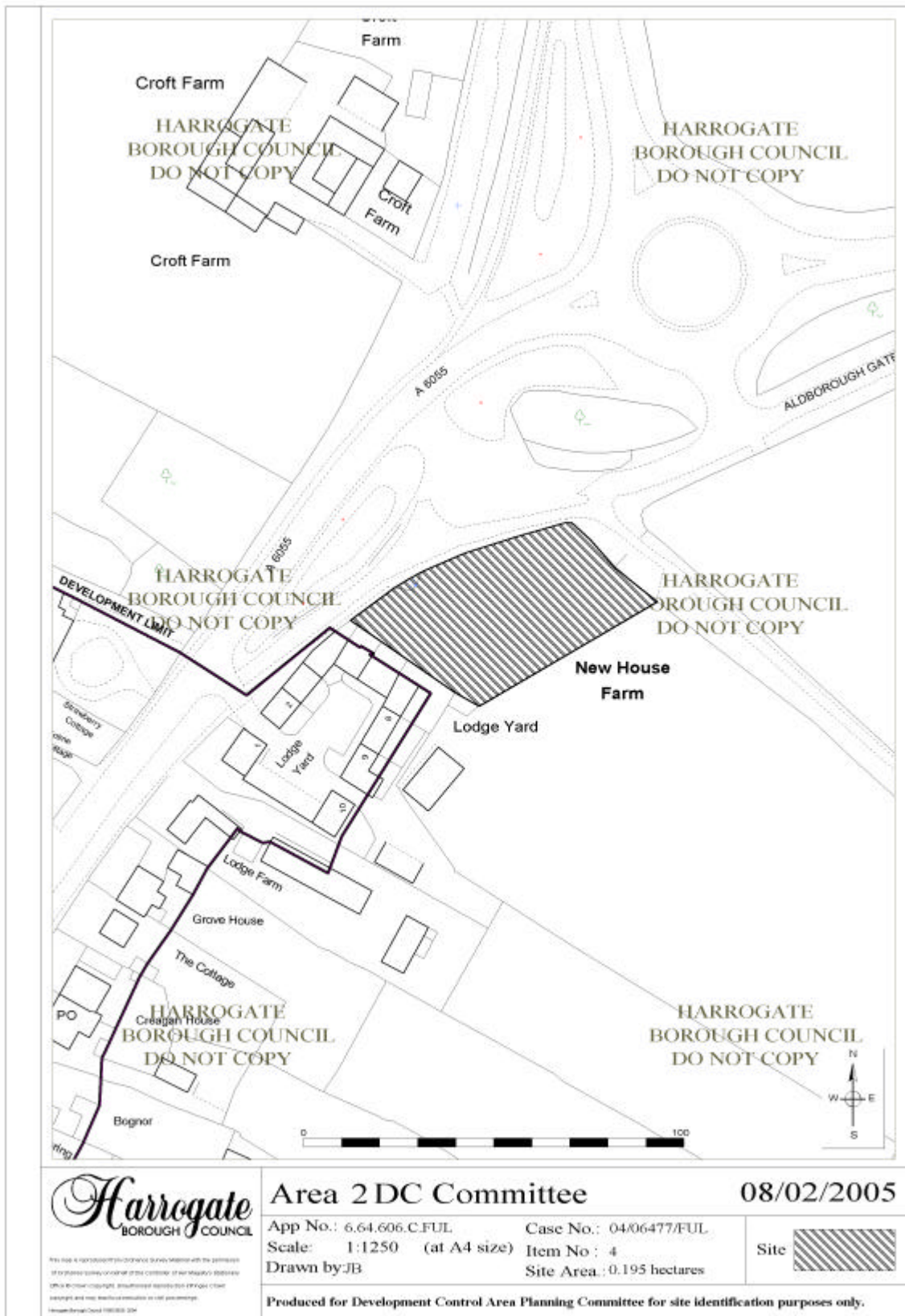
NOTE:

You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

- 7 CD13X TIMBER VERTICAL SLIDING SASH WINDOWS
- 8 CL02 LANDSCAPING: DETAILS TO BE APPROVED
- 9 CL04 REPLANTING IF ANY TREES/SHRUBS DIE

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CC03R TO SECURE SATISFACTORY IMPLEMENTATION
- 3 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS
- 4 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS
- 5 CD05R VISUAL AMENITY
- 6 HW07R VEHICLE AND PEDESTRIAN SAFETY REQ'MENTS
- 7 CD13XR DEV IN CHARACTER WITH LOCALITY
- 8 CL02R SAFEGUARD RIGHTS OF CONTROL/AMENITY
- 9 CL04R SAFEGUARD RIGHTS OF CONTROL/AMENITY



Harrogate
 BOROUGH COUNCIL

Area 2 DC Committee

08/02/2005

App No.: 6.64.606.C.FUL Case No.: 04/06477/FUL
 Scale: 1:1250 (at A4 size) Item No: 4
 Drawn by: JB Site Area: 0.195 hectares

Site 

This map is reproduced from a survey conducted with the permission of the Harrogate Borough Council. It is not to be used for any other purpose without the written consent of the Council. It is not to be used for any other purpose without the written consent of the Council.

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