

HARROGATE BOROUGH COUNCIL

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

DATE: 8 February 2005

PLAN: 13	CASE NUMBER: 04/06210/FUL
APPLICATION NO. 6.113.161.FUL	GRID REF: EAST 446584 NORTH 455779
	DATE MADE VALID: 10.12.2004
	TARGET DATE: 04.02.2005
	WARD: Ribston

APPLICANT: Mr And Mrs D Gough

AGENT:

PROPOSAL: Erection of detached dwelling (site area 0.02ha).

LOCATION: Land At Grid Ref 446583/455789 Rathmall Lane Kirk Hammerton York
North Yorkshire

REPORT

SITE AND PROPOSAL

The site is an area of land measuring 20m x 12m located to the south of the railway line at the northern end of Rathmall Lane. The site comprises an access track to the applicant's property, South View Gardens, which is accessed via a level crossing. The track runs north-south through the site and is on an embankment approximately 2m higher than the land either side. There is a telegraph pole central in the site and the crossing gates to the north. To the west lies a dwelling which has been extended to the side and has a large side and rear garden. To the east lie the playing fields and grounds of Kirk Hammerton primary school.

It is proposed to erect a one bedroom bungalow on this site, measuring 16.5m x 4.7m with an overall height of 5.3m. It is orientated so that the main windows face west and south with a kitchen window facing east. It is proposed to re-align the access to run along the front of the dwelling so that it now approaches the railway at an angle. A parking space is proposed and no garden area is shown. The dwelling would be 2.3m from the railway line and set off the eastern boundary by 0.5m. No information is given on whether the telegraph pole is to be relocated nor is any indication given as to the amount of infilling required either side of the track enable the development.

The site lies just within the development limit for Kirk Hammerton with the boundary running along the northern and eastern boundaries of the site.

MAIN ISSUES

- 1 Policy/Principle
- 2 Residential Amenity

3 Impact on Railway
4 Open Space Provision

RELEVANT SITE HISTORY

None.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Kirk Hammerton

Highway Authority

Parking space shown on plan in-accurate. Turning area should be provided.

DLAS - Open Space

A commuted sum of £121 is requested.

Environmental Health

No comments received

Network Rail

Comments provided - see assessment.

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 21.01.2005

PRESS NOTICE EXPIRY: 21.01.2005

REPRESENTATIONS

KIRK HAMMERTON PARISH COUNCIL -

OTHER REPRESENTATIONS - 1 letter of concern has been received from 16 St Johns Grove raising concern over the re-siting of the road, its close proximity to their boundary and resultant loss of privacy, potential damage to their hedge, and stating that the proposal is out of character with the area, it would lie outside the building line, squeezed in next to the railway track, that there would be a loss of amenity. Concern is also raised over increased use of the road.

VOLUNTARY NEIGHBOUR NOTIFICATION -

16 St Johns Grove, Kirk Hammerton.
Kirk Hammerton CE Primary School

RELEVANT PLANNING POLICY

PPS1 Planning Policy Statement 1: Delivering Sustainable Communities

PPG3 Planning Policy Guidance 3: Housing

LPHX Harrogate District Local Plan (2001, as altered 2004) Policy HX: Managed

Housing Site Release

- LPH06 Harrogate District Local Plan (2001, as altered 2004) Policy H6: Housing developments in the main settlements and villages
- 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. POLICY/PRINCIPLE - Policy HX permits certain types of development subject to proposals satisfying other policies within the local plan. Policy H6 permits development within the development limit of Kirk Hammerton provided the development proposed is of a scale, density, layout and design appropriate to the locality, is appropriate to the form and character of the settlement and provides a satisfactory level of residential amenity.

Policy HD20 provides design guidance. Policy A1 states that development will not be permitted where they would cause significant problems related to access or have an unacceptable effect on residential amenity.

As the site lies within the development limit of Kirk Hammerton in principle the erection of a dwelling on this site is acceptable and would satisfy Policy HX. However the proposal does not accord with other policies in the local plan as outlined below.

2. RESIDENTIAL AMENITY - The level of amenity which would be afforded to future residents of the dwelling is very poor. The dwelling would be significantly closer to the railway line than the adjacent houses and the bedroom would be only 2.5m from the railway line. This would result in an unacceptable level of noise and disturbance to any occupier. The need to retain the access road to South View Gardens results in no private amenity space being available for the occupants. In addition future occupants would have the residents of South View Gardens and their visitors and coming within 1m of the living room window and 2m of the bedroom window. If a train was imminent it could lead to vehicles waiting, probably with their engines running, at the level crossing waiting to cross. This would be significantly detrimental to residential amenity and there would be no privacy at all afforded to a future occupier. The level of amenity that would result from the development would therefore be extremely poor and is not acceptable, contrary to Policies H6, A1 and HD20.

The proposal would result in a dwelling being constructed approximately 2m higher than the adjacent dwelling on St Johns Grove. This would lead to an unacceptable loss of privacy to the occupiers of that dwelling as the elevated position of the new dwelling would lead to significant overlooking of its private garden area, contrary to Policies H6, A1 and HD20 of the Harrogate District Local Plan.

It is not clear whether the applicant has fully considered the impact of the proposal on his own amenity. The road is the only access to his property. Construction vehicles may obstruct the access making it difficult to enter and exit his property and in the future it could be possible for any future occupier to control that level of access to the further detriment of residential amenity.

3. IMPACT ON RAILWAY - Network Rail have raised no objection to the proposal but have

raised a number of points which are relevant. They state that any re-alignment of the track must be carried out so that the angle and profile of the new road must not have any detrimental effect on the safe passage of the largest vehicles in crossing over the railway. The largest vehicle must be able to cross in one manoeuvre without having to stop and reverse, for instance to avoid a gate post. In addition it is important there is no obstruction caused to the sight lines of the crossing and its signs. Network Rail have also raised concerns over the impact of the development over the physical support for the railway and that during construction plant and machinery must be operated so that any item if dropped is more than 3m from the nearest railway line.

The existing access road faces the railway line at right angles and there are clear sight lines and no obstruction of signage. The re-aligned road would approach the railway at an angle and vehicles would be expected to approach the crossing at an angle of 48 degrees within 2.5m of the crossing. This angle is not sufficient to allow vehicles to cross safely and would cause a hazard. The proposed dwelling would lie 2.5m from the railway and would obstruct the existing signage. No details have been forwarded on the level of infill required on the site to enable the development to take place. It is therefore not clear as to the possible level of disturbance to the railway support. The proposal would have a detrimental impact on the safe use of the level crossing contrary to Policy A1.

4. OPEN SPACE PROVISION - A commuted sum of £121 has been requested as payment for the provision of open space under policy R4. The Council had not received a signed unilateral undertaking from the applicant at the time of writing this report. Members will be updated on the situation at planning committee.

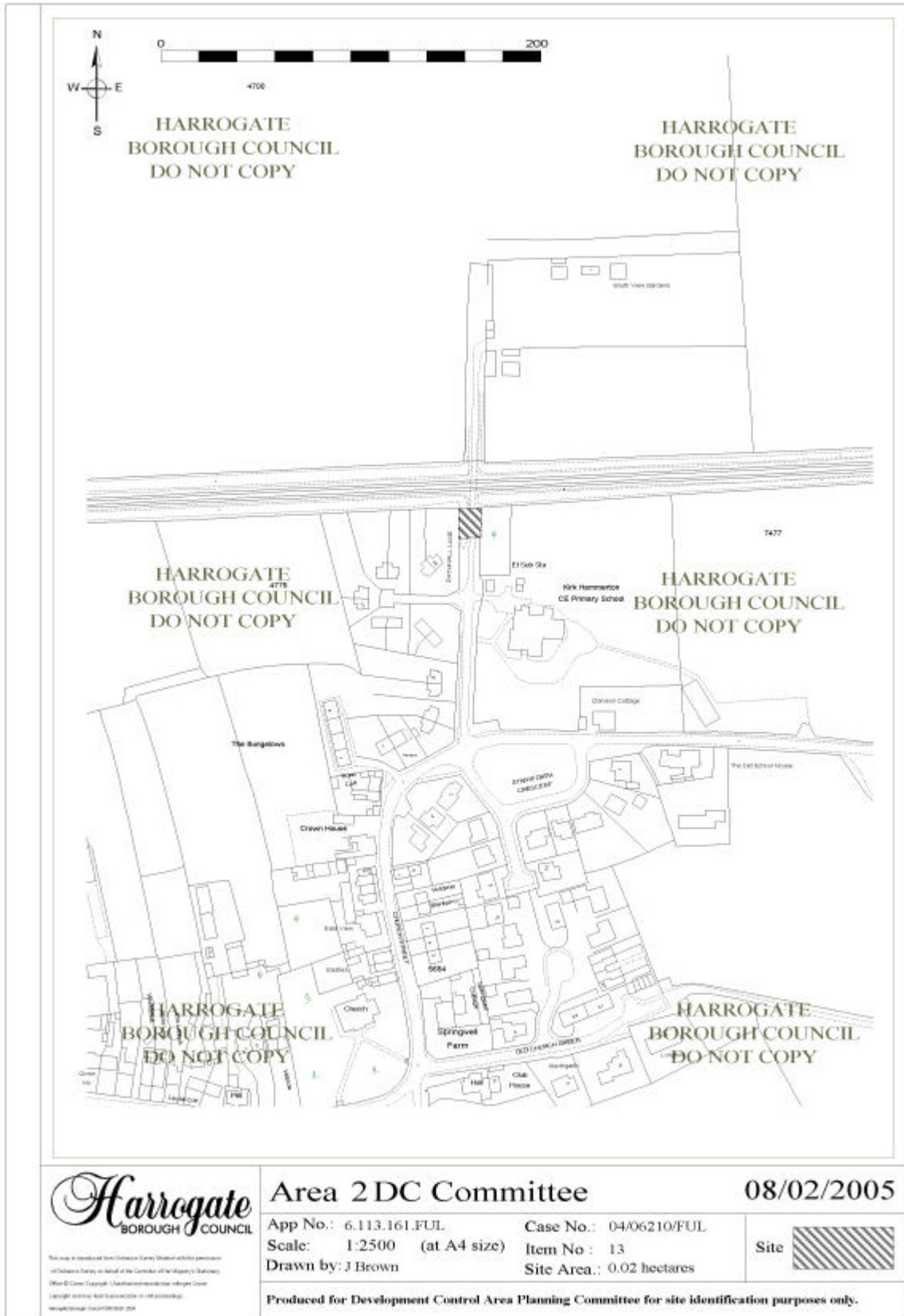
CONCLUSION - Although the proposed dwelling lies within the development limit of Kirk Hammerton it is not acceptable due to the poor level of residential amenity which would be afforded to any occupier and the detrimental impact the proposal would have on the residential amenity of the adjacent dwelling. In addition the re-aligned access road would not allow the safe crossing of the railway and no details have been submitted to show that the development would not have a detrimental impact on the railway support. The application is recommended for refusal for the reasons given above.

CASE OFFICER: Mrs L Drake

RECOMMENDATION

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

- 1 The proposed dwelling would result in an unsatisfactory level of residential amenity for future occupiers and would have a detrimental impact on the residential amenity of the adjacent dwelling, contrary to Policies H6, A1 and HD20 of the Harrogate District Local Plan.
- 2 The realigned access road and the development in general would have a detrimental effect on the safe use of the level crossing, contrary to Policies H6 and A1 of the Harrogate District Local Plan.



Harrogate
BOROUGH COUNCIL

Area 2 DC Committee

08/02/2005

App No.: 6.113.161.FUL Case No.: 04/06210/FUL
 Scale: 1:2500 (at A4 size) Item No: 13
 Drawn by: J Brown Site Area.: 0.02 hectares



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