

HARROGATE BOROUGH COUNCIL

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

DATE: 19 July 2005

<b>PLAN:</b> 05	<b>CASE NUMBER:</b> 05/01920/FUL
<b>APPLICATION NO.</b> 6.141.157.A.FUL	<b>GRID REF: EAST</b> 432588 <b>NORTH</b> 449119
	<b>DATE MADE VALID:</b> 29.04.2005
	<b>TARGET DATE:</b> 24.06.2005
	<b>WARD:</b> Spofforth With Lower

Wharfedale

**APPLICANT:** Mr And Mrs G Kilroy

**AGENT:** Mr S Peach

**PROPOSAL:** Erection of 1 replacement detached dwelling (Site Area 0.11ha).(Revised Scheme)

**LOCATION:** Tremain Barrowby Lane Kirkby Overblow Harrogate North Yorkshire HG3 1HQ

**REPORT**

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This application was considered at the last meeting of the Area 2 Development Control Committee on 21 June 2005, when Members were minded to grant planning permission contrary to the officer's recommendation. Members considered that the size and scale of the development was acceptable and that the development would have no impact on the Green Belt. They requested that permitted development rights be removed if permission is granted.

The application therefore needs to be considered under Special Procedures, and the views of the Cabinet Member (Planning) and the Council's Solicitor are set out below:

**Cabinet Member** - "Since it can't be denied that the footprint of the proposed building is 30% larger than that it is replacing, Policies H20 and GB4 are clearly compromised."

**Solicitor** - The reasons for refusal are:

1 It is not considered that the size and scale of the proposed dwelling complies with Criterion B or C of Policy H20, nor does it comply with the aims of PPG2 and PPS7.

2 It is considered the proposed dwelling, by reason of its increased height, mass, bulk and prominence on the site would result in harm to the openness and visual amenity of the Green Belt, contrary to Policy GB4 of the Harrogate District Local Plan and PPG2.

Reason 2 is a matter of subjective judgement on which members can take a different view. However the conflict with criterion B of Policy H20 referred to in reason 1 is a matter of fact and members should say what planning consideration in this case persuaded them to sanction a breach of that Policy"

Members expressed concern at the meeting over the lantern rooflight proposed to the rear of the dwelling. Amended plans have now been received removing the lantern rooflight and replacing it with a recessed lightwell positioned below the ridgeline of the roof at the rear.

## **SITE AND PROPOSAL**

Tremain is a detached dwelling sited on the southern side of Barrowby Lane, accessed via a single width track which also serves two other dwellings as well as the two either side of the access. A public right of way runs along this track. The site lies on a steep slope and as a result the existing dwelling is partially set into the hillside. The dwellings on Barrowby Lane are at a higher level to the site with Griffin Garth to the south set lower on the hillside.

The site lies outside of the Kirkby Overblow development limit, which runs along the northern boundary. It also lies outside of the conservation area, which runs along the northern and eastern boundaries. The site lies within the Green Belt.

The proposed replacement dwelling would incorporate part of the existing dwelling and would be two storey with a single storey section to the rear. Four bedrooms are proposed. The building would be set further into the hillside than the existing in order to provide a double garage and store room. The main accommodation would be on the upper floor with large glass windows and terraces making use of the aspect over the valley. The dwelling would be constructed from random stone to match with the retained sections of the existing building.

The ground floor area of the existing dwelling is 206.16 sqm. The proposed dwelling would have a ground floor area of 270sqm.

## **MAIN ISSUES**

- 1 Policy/principle
- 2 Over-development
- 3 Impact on the Green Belt
- 4 Amenity
- 5 Impact on the Conservation Area

## **RELEVANT SITE HISTORY**

04/06328/FUL - Erection of 1 replacement detached dwelling (site area 0.11ha). WDN. 21.01.2005.

## ***CONSULTATIONS/NOTIFICATIONS***

**Parish Council**  
Kirkby Overblow

**Highway Authority**

Recommend approval subject to conditions requiring parking provision and preventing the conversion of the garage to a habitable room (s).

### **Housing Department**

Comments awaited.

### APPLICATION PUBLICITY

**SITE NOTICE EXPIRY:** 10.06.2005

**PRESS NOTICE EXPIRY:** 10.06.2005

### REPRESENTATIONS

KIRKBY OVERBLOW PARISH COUNCIL - Parish Council objects on the planning grounds set out below:

The Council believe that the revised scheme does not contain any significant changes to the original scheme which was withdrawn, and therefore continues its objections on the following grounds.

- (i) Although the ridge height has been lowered, it still remains 1.3m higher than the existing ridge and will reduce the view enjoyed by adjoining properties to the north of the site.
- (ii) The properties will also suffer a loss of amenity being overlooked by the new roof windows and the balcony. The Council would not like to see the ridge height any higher than at present and this could only be achieved on this scheme by lowering the height of the footings.
- (iii) The size of the new development is significantly greater than that of the existing dwelling.
- (iv) The front elevation contains large areas of glass which is not in keeping with other properties in this area of the village.
- (v) The provision of roof and lantern lights in the scheme in the pitched roof is not appropriate in this part of the village.
- (vi) If the Planning Committee intend to visit the site, the following owners have requested that the Committee view the proposed development from their properties to assess the impacts.

Mr and Mrs R Henderson Compton Cottage  
Mrs B Bennett The New House  
Mrs R Roughley Rosemary Cottage  
Mr and Mrs I Murray Wharfe View

OTHER REPRESENTATIONS - 6 letters of objection have been received. The grounds of objection are:

- too big and high
- out of character with the village
- prominent
- windows on the south side will reflect across the valley

- over-looking and loss of amenity
- original permission for house had strict control over height
- could set a precedent for other replacement dwellings
- neighbours hedge likely to be damaged
- loss of trees a concern

## VOLUNTARY NEIGHBOUR NOTIFICATIONS

None.

## RELEVANT PLANNING POLICY

- PPS1 Planning Policy Statement 1: Delivering Sustainable Communities  
 PPG2 Planning Policy Guidance 2: Green Belts  
 PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas  
 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  
 LPHX Harrogate District Local Plan (2001, as altered 2004) Policy HX: Managed Housing Site Release  
 LPGB04 Harrogate District Local Plan (2001, as altered 2004) Policy GB4: Requirements of Development in Green Belt  
 LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity  
 LPGB02 Harrogate District Local Plan (2001, as altered 2004) Policy GB2: The control of development in Green Belt  
 LPGB06 Harrogate District Local Plan (2001, as altered 2004) Policy GB6: Existing Dwellings in the Green Belt

## ASSESSMENT OF MAIN ISSUES

1 POLICY/PRINCIPLE - Under Policy HX replacement dwellings are permitted.

As the site lies outside of the development limit, policy H20 is relevant, which permits replacement dwellings as long as all the criteria set out in the policy are met, including that the new dwelling is no larger than the existing dwelling and is of a design which in terms of scale, mass, materials and architectural detail is sympathetic to the local vernacular character.

Policy GB2 states that permission will only be given to development that preserves the openness of the green belt.

Policy A1 permits development that does not have a detrimental impact on the environment or amenity.

2 Over-development - Policy H20 of the Harrogate District Local Plan allows replacement dwellings, subject to satisfying all the criteria of the policy. Although the proposal would meet criterion A, C, E and F, it does not meet the remaining criterion.

Criterion (B) states that the new dwelling should be no larger than the existing and the justification for the policy further clarifies this by stating that the proposed replacement

should be of a similar size or smaller. The proposed dwelling would be 64 sqm larger than the ground floor area of the existing dwelling. This represents an increase of approximately 30% and is contrary to policy.

Criterion D states that the new dwelling must be of a design which in terms of scale, mass, materials and architectural detail is sympathetic to the local vernacular. The site constraints have dictated its form resulting in its part single/part two storey form. The proposed dwelling would excavate further into the hillside on the northern part of the site in order to provide an enlarged ground floor, making the dwelling substantially larger in volume and mass. In addition the height of the proposed dwelling would be 1.1m higher than existing. The design is different and utilises large areas of glazing on the front elevation, and in a different location could be considered as acceptable, however the mass and scale of the dwelling is not sympathetic to the local area, contrary to that criterion.

It is not considered that the size and scale of the proposed dwelling complies with Criterion B or D of Policy H20, nor does it comply with the aims of PPG7.

3 Impact on the Green Belt - Policy GB4 states that where proposals for development or redevelopment, which are considered appropriate in the green belt, they will only be permitted where it can be shown that the scale, location and design of any building would not detract from the open character and visual amenity of the Green Belt.

Paragraph 3.6 of PPG2 states that the replacement of dwellings in the Green Belt is not inappropriate providing the new dwelling is not materially larger than the dwelling it replaces. The commentary to the PPG goes on to say that 'materially larger' should not be judged by floorspace alone; a building's bulk, height, mass and prominence is also relevant. The floorspace of the proposed dwelling is significantly larger than the existing. The bulk of the building has increased with the majority of the dwelling two storey. Although seen as single storey to the north side and rear, the bulk and mass of the dwelling is significantly increased, resulting in the dwelling becoming more prominent. It is considered the proposed dwelling, by reason of its increased height, mass, bulk and prominence on the site would result in harm to the openness and visual amenity of the Green Belt, contrary to policy GB4 and PPG2.

4 Amenity - Concerns have been raised from neighbours that the proposal would result in the loss of privacy and overlooking of their properties. The loss of a view is not a valid planning matter. A cross section of the site has been provided and this indicates that the ridge of the proposed dwelling would be lower than the ground floor of Lavender Cottage to the north. The proposed dwelling would be more than 21m from the rear of existing dwellings on Barrowby Lane which lie at a higher level to the site. There are established hedges on the northern, eastern and southern boundaries of the site. Although the proposed dwelling would have more windows on the southern elevation than the existing, this elevation lies 15m from Griffin Garth, with substantial planting and a large garage lying in between. It is not therefore considered that the proposed dwelling would result in a detrimental impact on residential amenity and there is no conflict with policy in that regard.

5 Impact on the conservation area - The conservation area runs along the northern and eastern boundary of the site. It is not considered that the proposal would have a detrimental impact on the character or appearance of that conservation area. There is no

conflict with policy.

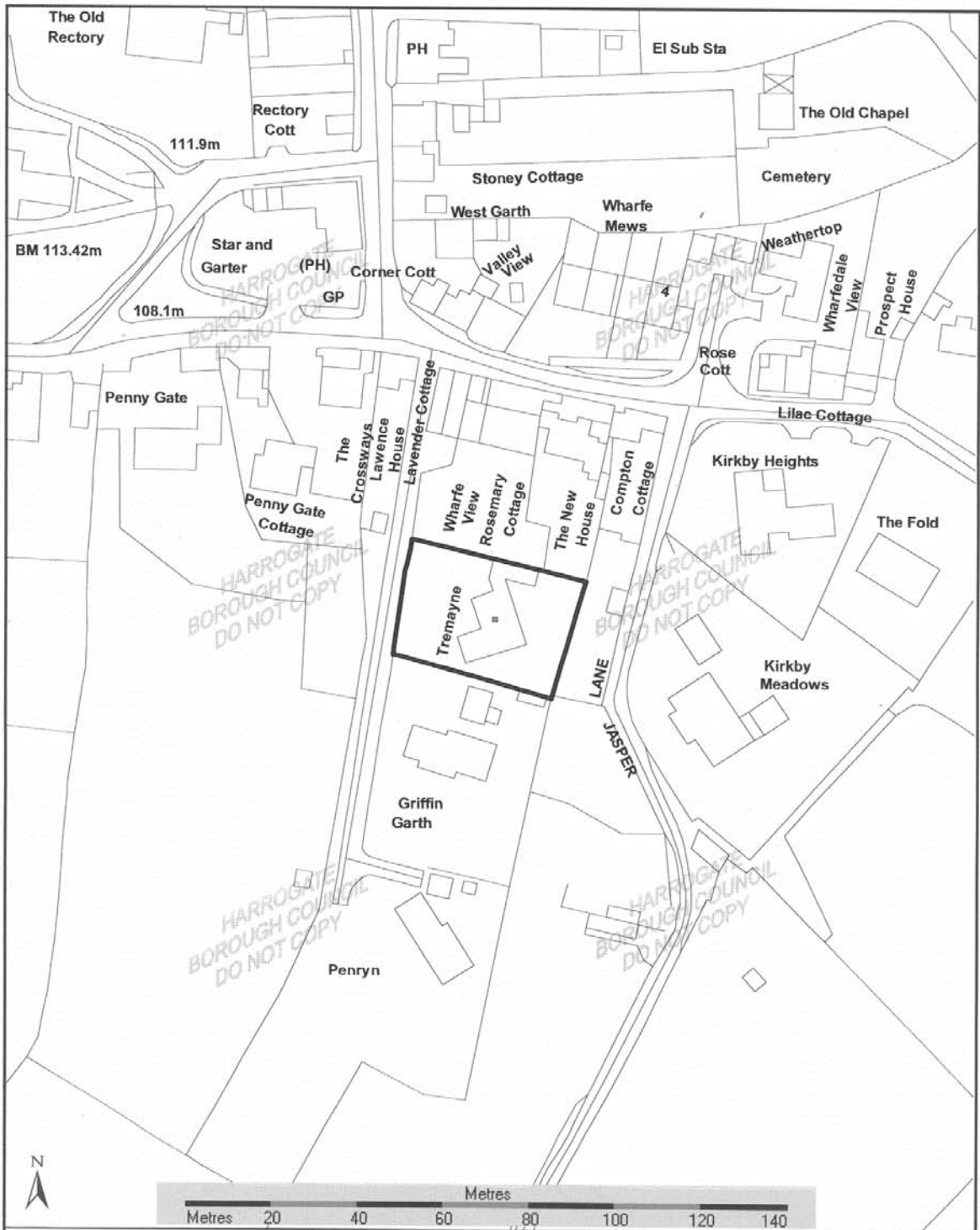
**CONCLUSION** - The replacement dwelling is unacceptable as a larger dwelling with more mass and bulk is proposed which would be more prominent on the site, resulting in harm to the openness of the Green Belt. It is considered that the proposal would not comply with policies on replacement dwellings or Green Belts, as stated above. The application is recommended for refusal.

**CASE OFFICER:** Mrs L Drake

#### RECOMMENDATION

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

- 1 It is not considered that the size and scale of the proposed dwelling complies with Criterion B or C of Policy H20, nor does it comply with the aims of PPG2 and PPS7.
- 2 It is considered the proposed dwelling, by reason of its increased height, mass, bulk and prominence on the site would result in harm to the openness and visual amenity of the Green Belt, contrary to Policy GB4 of the Harrogate District Local Plan and PPG2.



**Harrogate**  
BOROUGH COUNCIL

Department of Development Services

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Harrogate Borough Council 1000 19628 2005.

## AREA 2 DC COMMITTEE

Item No. 5

App No./Case No. 6.141.157.A.FUL 05/01920/FUL

Scale (at A4 size) 1:1250

Site area 0.11 ha

Site boundary

Drawn MDTT

Date 19/07/2005

