

HARROGATE BOROUGH COUNCIL

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

**DATE: 19 July 2005**

<b>PLAN:</b> 06	<b>CASE NUMBER:</b> 05/01962/FUL
<b>APPLICATION NO.</b> 6.88.73.A.FUL	<b>GRID REF: EAST</b> 444729 <b>NORTH</b> 460688
	<b>DATE MADE VALID:</b> 26.04.2005
	<b>TARGET DATE:</b> 21.06.2005
	<b>WARD:</b> Ouseburn

**APPLICANT:** Mrs Akre And Mrs Kissack

**AGENT:** Carter Jonas

**PROPOSAL:** Erection of two detached dwellings and the felling of 6 trees within the Little Ouseburn Conservation Area. (Site area 0.097ha)(Revised Scheme).

**LOCATION:** Land Between Beech House And The White House Main Street Little Ouseburn York North Yorkshire

**REPORT**

**REPORT**

This application was deferred at Area 2 Development Control Committee on 21st June for a site visit.

**SITE AND PROPOSAL**

The site is an area of land to the west of Beech House on Main Street. The land comprising cut grass with a number of fruit trees. It is surrounded by a low brick wall with two accesses into the site, both from Beech House. The White House to the west of the site has windows facing onto the site and there are houses opposite. The site is at a higher level to the road with a grass verge to the front with three lime trees within the verge.

The applicant states that the land is used for garden. At the time of the case officer's visit there was no evidence of domestication with the land or use of the land as a garden. Its appearance is as an orchard.

An application was submitted in 2004 for the erection of two dwellings on this land. The application was withdrawn following its recommendation for refusal. This proposal is a revised scheme.

It is proposed to erect two dwellings (one five bedroom and one four bedroom) with detached double garages to the rear. The dwellings would be constructed from brick and tile and would be set back from the front boundary. Two new accesses would be formed in the front wall between the lime trees. The dwellings would lie to the rear of the existing property at Beech House, which has rear facing windows, and to The White House, which has its main windows facing onto the site. The proposal would involve the loss of 6 fruit

trees.

The differences between the previous and current applications are the reduction in site area from 0.11ha to 0.097ha and amendments to the design and siting of plot 1. The garages to both dwellings are sited closer to the dwellings than previously proposed. It is proposed to fell one additional tree.

Beech House and outbuildings is a Grade II listed building. The site lies within the Little Ouseburn Conservation Area.

### **MAIN ISSUES**

1. Policy/Principle
2. Affordable Housing
3. Impact on the Conservation Area
4. Impact on the setting of a Listed Building
5. Residential amenity
6. Open Space requirements

### **RELEVANT SITE HISTORY**

04/02066/CON - Conservation Area application for the formation of 2no openings in existing boundary wall. PERMISSION NOT REQUIRED. 26.04.2004

04/01925/FUL - Erection of 2no detached dwellings and felling of 5no trees within the Little Ouseburn Conservation Area (Site area 0.11ha). WITHDRAWN. 01.07.04.

### **CONSULTATIONS/NOTIFICATIONS**

#### **Parish Council**

Parish Council Comments: Option C - The Parish Council does not object to or support the application but wishes to seek safeguards as set out below:

Access. The proposed plans show two new openings being created in the old wall that forms the boundary along Main Street. The Parish Council considers that this will have a detrimental effect on the streetscape, in that the footpath and grass verge will then be broken in three places within a very short distance. The old wall and lime trees in front of it have an important role in the view along Main Street, which these proposals would destroy.

The Parish Council makes the suggestion that a single access only is created, and notes that the applicants themselves make provision for this option in their submission from Carter Jonas dated 21st April 2005 (under 'Impact on the Conservation Area'). The trees to the front of the site should be retained.

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

Observations provided. See assessment.

#### **DLAS - Open Space**

A commuted sum is required. See assessment.

## **Environmental Health**

No objections.

## **Highway Authority**

The garage at plot 1 has been moved 2.5m closer to the dwelling, as a consequence turning a vehicle within the area shown will be extremely restricted if not impossible. Recommend conditions if permission is to be granted covering the construction of the access, details of turning space and provision of parking.

## **MOD Safeguarding and Byelaws**

Have no safeguarding objections to the proposal.

## **Yorkshire Water**

Comments provided.

## **Local Plans Policy**

Comments awaited.

## **Housing Department**

Comments awaited.

## APPLICATION PUBLICITY

**SITE NOTICE EXPIRY:** 03.06.2005

**PRESS NOTICE EXPIRY:** 27.05.2005

## REPRESENTATIONS

Two letters of objection have been received. The grounds of objection are:

- site is not a garden, has been used for poultry and to graze horses for the past 28 years
- Detrimental to the character and amenity of the area
- Impact on residential amenity, loss of privacy and loss of light
- Over-development
- Orchard is the only remaining area of amenity open space in the village
- Important gap in the village
- new dwellings elsewhere in the village are not a precedent
- site has been reduced in size to avoid policy H5
- detrimental impact on the adjacent listed building
- if permission is to be granted existing wall between Beech House and the site should be increased in height

One letter of support has been received, stating that the proposal is a sensitive and sympathetic approach to development in the village, the size and scale of the dwellings is restrained, that the proposal accords with PPG3 as it's a brownfield site, that the size is less than 0.1ha, that the proposal constitutes infill development, that other gaps in the village have already been developed, that the breaching of the wall would not harm the character or appearance of the conservation area, that the development will not have an adverse effect on the listed building.

## VOLUNTARY NEIGHBOUR NOTIFICATIONS

None.

## RELEVANT PLANNING POLICY

- PPS1 Planning Policy Statement 1: Delivering Sustainable Communities
- PPG3 Planning Policy Guidance 3: Housing
- SPH1 North Yorkshire County Structure Plan Policy H1
- 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
- LPHD01 Harrogate District Local Plan (2001, as altered 2004) Policy HD1: Statutory list of buildings of special architectural or historic interest
- LPHD03 Harrogate District Local Plan (2001, as altered 2004) Policy HD3: Control of development in Conservation Areas
- LPHD12 Harrogate District Local Plan (2001, as altered 2004) Policy HD12: Amenity Open Space
- LPHD13 Harrogate District Local Plan (2001, as altered 2004) Policy HD13: Trees and Woodlands
- 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
- LPR04 Harrogate District Local Plan (2001, as altered 2004) Policy R4: Open Space Requirements for New Residential Development

## ASSESSMENT OF MAIN ISSUES

1 Policy/principle - The land is referred to in the application as a garden. However it does not have the appearance of a garden nor is there evidence on site of it having ever been used as a garden. The land comprises rough grass with 11 fruit trees and is accessed from Beech House through a side gate. There are no structures, formal planting or other indications that the site has ever been used in the past as a garden. It is physically distinct from Beech House, which has a garden area directly to the south of its outbuildings. This view is supported by information from the occupant of The White House who has stated in a letter that the site "has been used for domestic poultry and the grazing of horses for the last 28 years".

It is therefore the opinion of the Local Planning Authority that the land has been used not as a garden but as an orchard attached to Beech House. It has not been domesticated and has not been brought into the domestic curtilage. Therefore under PPG3 the site is not classed as previously developed land but land that has been used for agricultural purposes and is therefore greenfield land. Policy HX does not permit development, unless there are exceptional circumstances, on Greenfield sites and as such the proposal fails to comply

with that policy.

At Area 2 Development Control Committee on 21st June, Members queried whether the land was within the domestic curtilage of Beech House. The Planning Authority has no information to suggest that it has been. Notwithstanding this even if the site was shown to be part of the domestic curtilage, as the land is an orchard that has not been domesticated it is still classed as Greenfield. It was suggested at that committee that the applicant's submit an application under Section 191 to determine the use of the site. No application has been submitted.

Under Policy H6 Little Ouseburn is classed as a smaller village. The site lies within its built-up confines of the settlement and may be considered to represent small-scale infilling as defined in the local plan. However as the proposal does not comply with Policy HX it also does not comply with the criterion contained within Policy H6.

2. Affordable housing - The site is enclosed on all sides by a wall, with access from the southern and eastern boundaries. The previous planning application has a site area of 0.133ha (this was originally measured as 0.11ha but has been re-measured and found to be larger). The extent of the site is shown on the plan attached to this report. The site area for this application has been reduced to 0.097ha.

The applicant's agent claimed at planning committee on 21st June that the site has been reduced in size as the applicant has access along the eastern side of the site (not within their ownership) to the buildings at the rear of the orchard. The owners of Beech House have verbally refuted this claim and have stated that the applicant has no access rights to those buildings. A written explanation of the situation is expected before planning committee and will be reported to Members.

The supporting text to Policy H5 states that the site area under consideration is the net developable area and where this is deliberately subdivided for release or otherwise reduced in area below the threshold size, the policy will apply to such a site on the basis of the composite or naturally defined larger area available. The site has naturally defined boundaries as it is enclosed by a boundary wall and it is therefore clear that the site has been artificially subdivided in order to bring the site below Policy H5 threshold of 0.1ha. The Council's position regarding the sub-division of sites to circumvent policy H5 has been upheld at the appeal on Orchard Spring, Ripley Road, Knaresborough.

The Needs Survey Update 2003 identifies a need for 20 additional affordable dwellings in the sub-area of Ouseburn in the five year period from 2003-2008. Since the publication of the update no affordable housing provision has been made, nor are any other proposal under consideration. There is a need for affordable housing in the area and this proposal seeks to circumvent the policy to avoid having to provide one of the proposed dwellings as an affordable unit. As the site has been artificially sub-divided and the proposal does not propose any affordable housing the proposal is contrary to Policy H5 of the Harrogate District Local Plan.

3. Impact on the conservation area - The village has a lineal form and is strung out along Main Street. Traditionally fields and other gaps have come up to Main Street and have allowed views through the built form of the village and provide visual relief from the strong sense of enclosure found along this part of Main Street. This is an important gap in the

conservation area due to the scarcity of others in the village and it is also an important amenity open space, enhanced by the boundary walls and trees within the site. Policy HD12 states that within settlements open sites which make a significant contribution to the visual amenity and character of the settlement will be protected from development which would lead to the loss of amenity open space. Amenity open space may or may not have public access. The proposal would result in the loss of this open space and would have a detrimental impact on the visual appearance and character of both the settlement and conservation area of Little Ouseburn, contrary to policies HD3 and HD12.

The proposed buildings do not make a positive contribution to the spatial quality of the area and their siting and density do not respect the area's character and layout. The design of the dwellings does not reflect the local vernacular in the conservation area, neither are they good examples of contemporary design. The reduction in site size in order to circumvent policy H5 has resulted in a site layout which is tighter than the previous scheme, and is more over-developed than originally proposed. The proposed buildings are too large to be so close together. The development would therefore have an adverse effect on the quality and character of the conservation area, contrary to policies HD3 and HD20.

Boundary walls are another important feature of the village, many of which are low in height and form enclosed garden areas. The wall surrounding the application site is a typical and intact example of such a boundary and due to its length (29.4m) is an important feature of the conservation area. The breaching of the wall in two areas to gain access to the site would be seriously detrimental to the character of the conservation area. The development would therefore not comply with policies HD3 or HD12.

4. Impact on the setting of a listed building - Beech House and its outbuildings are Grade II listed buildings. The orchard to the side currently enhances the setting of the listed building, allowing views of the side and rear of the listed building and allowing unrestricted views across it. The proposed development would have an adverse effect on the setting of the listed building because it removes the orchard/open space that contributes to its rural character, contrary to Policy HD1.

5. Residential Amenity - The adjacent property, The White House, is orientated so that its main windows on the front elevation of the dwelling face east directly over the site, with little screening in between. Plot 2 is set back from the front of the site by 10m with a significant number of windows on the front elevation. The side elevation would come within 8m of the front elevation of The White House with a dining room window and kitchen door on the ground floor. The driveway to the rear of the site would be between plot 2 and the existing boundary wall. It is considered that the proposal would lead to an unacceptable level of disturbance to the occupiers of The White House through potential for overlooking, particularly from the windows on the front elevation and from the comings and goings of the occupiers of the new dwelling, as this would occur all to the front of the proposed dwelling, in close proximity to the adjacent property. It is considered that the driveway, coming within 6m of the front elevation would also cause an unacceptable level of noise and disturbance to the occupiers of the adjacent property. This is contrary to policies H6, A1 and HD20 of the Harrogate District Local Plan.

6. Open space requirements - A commuted sum of £3671.00 has been requested for open space provision to be allocated to Little Ouseburn, verges within 400m of the development and Great Ouseburn recreational area. A signed unilateral undertaking has been received.

The application therefore complies with Policy R4 of the Harrogate District Local Plan.

## **CONCLUSION**

The proposal for two detached dwellings is not acceptable as the site is a Greenfield site and not previously developed land. The site has been artificially sub-divided in order to avoid having to provide affordable housing under Policy H5. The erection of two large dwellings on the site would result in the loss of an important amenity open space within the village, would be over-development and have a detrimental impact on the setting of a listed building and the character and appearance of the conservation area. The application is therefore recommended for refusal for the reasons stated above.

## **CASE OFFICER:**

Mrs L Drake

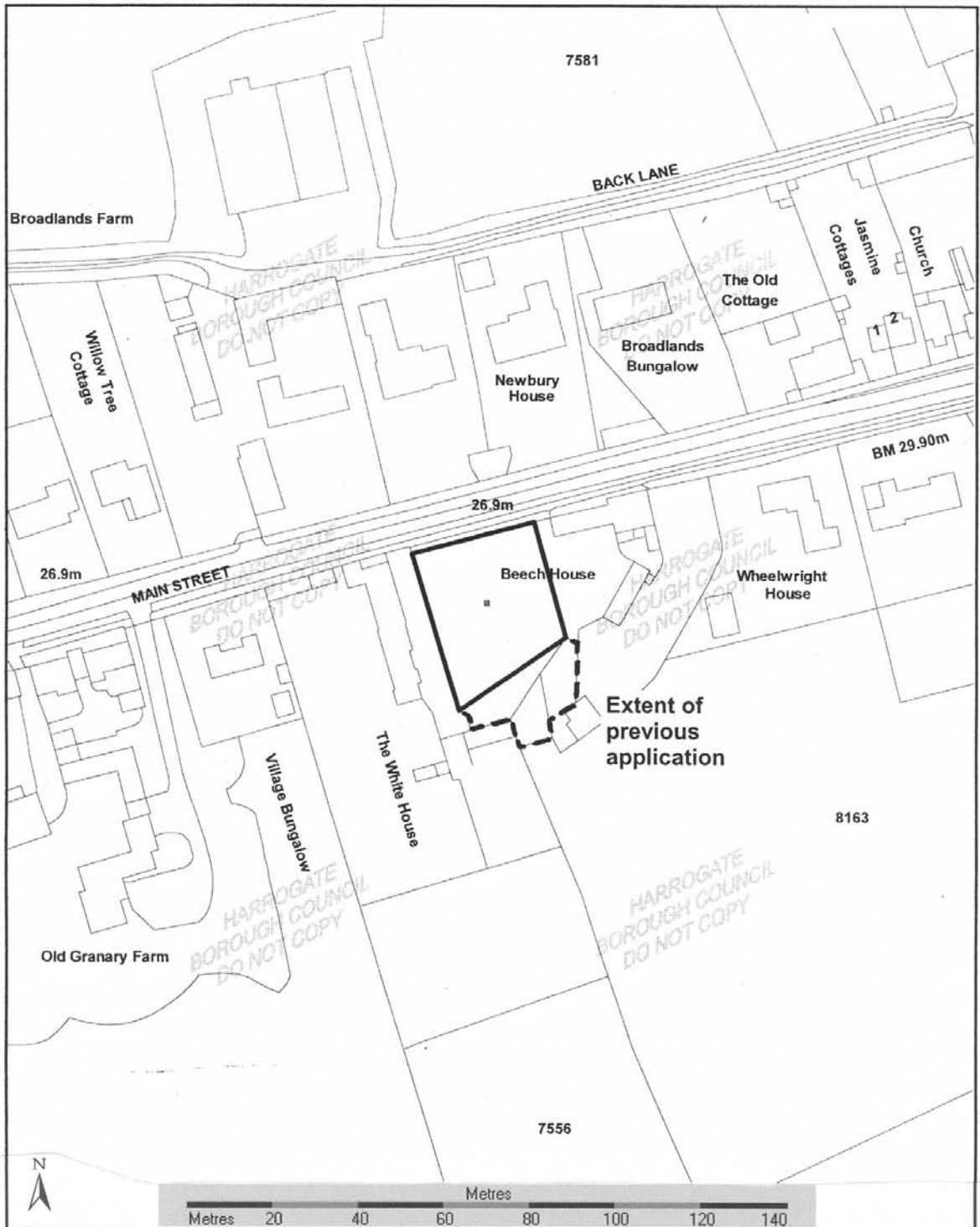
## **RECOMMENDATION**

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

- 1 The application site is land which has been used as an orchard and has not been brought into the domestic curtilage and as such under PPG3 is not classed as previously developed land but land that has been used for agricultural purposes. It is therefore a Greenfield site and as no exceptional circumstances have been shown does not comply with Policies HX and H6 of the Harrogate District Local Plan.
- 2 The proposed scheme represents the sub-division of a larger site for which there would be an affordable housing requirement. The proposal fails to provide any affordable housing for local needs and is therefore contrary to Policy H5 of the Harrogate District Local Plan.
- 3 The site is an important gap within the Conservation Area and is also an important amenity open space. The boundary walls are important features of the conservation area. The proposed development would fill in the gap and breach the wall in two places, which would have a detrimental impact on the character and appearance of the conservation area contrary to Policies HD3 and HD12 of the Harrogate District Local Plan.
- 4 The development of the site would have a detrimental impact on the setting of the listed building by way of reducing views of the listed building, by enclosing it and from the loss of the open space adjacent to it that contributes the listed buildings rural setting, contrary to Policy HD1 of the Harrogate District Local Plan.
- 5 The proposed scheme, due to its close proximity to the adjacent dwelling would have a detrimental impact on residential amenity through overlooking, loss of privacy and noise and disturbance, contrary to policies H6, A1 and HD20 of the Harrogate District Local Plan.







<p><b>Harrogate</b> BOROUGH COUNCIL</p> <p>Department of Development Services</p> <p><small>This map has been reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright.</small></p> <p><small>Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.</small></p> <p><small>Harrogate Borough Council 1000 19628 2005.</small></p>		<b>AREA 2 DC COMMITTEE</b>	
		Item No. 6	
App No./Case No.		6.88.73.A.FUL	05/01962/FUL
Scale (at A4 size)	1:1250	Site area	0.097 ha
Drawn	MDTT	Date	19/07/2005
		Site boundary	<input type="checkbox"/>

