

## HARROGATE BOROUGH COUNCIL

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

DATE: 11 October 2005

<b>PLAN:</b> 01	<b>CASE NUMBER:</b> 05/03303/FUL
<b>APPLICATION NO.</b> 6.125.64.D.FUL	<b>GRID REF: EAST</b> 450170 <b>NORTH</b> 451217
	<b>DATE MADE VALID:</b> 08.07.2005
	<b>TARGET DATE:</b> 02.09.2005
	<b>WARD:</b> Marston Moor

**APPLICANT:** Mrs R M Abbey

**AGENT:** Elaine Graham

**PROPOSAL:** Erection of 1 detached dwelling (Site Area 0.06 ha) (Revised Scheme).

**LOCATION:** Cromwell House Tockwith Road Long Marston York North Yorkshire

#### REPORT

This application was considered at the Planning Committee of 13 September 2005.

Members were of the opinion that the amended details did not overcome their objection to the earlier scheme. (mentioned in the following section - Site and Proposal), and that the previous reasons for refusal were still valid.

Under the "Special Procedures" the views of the Cabinet Member (Planning) and Council Solicitor are sought.

CABINET MEMBER (PLANNING) - Views will be reported at Committee.

COUNCIL SOLICITOR - The reasons given by Committee relate to (1) size and massing resulting in a loss of visual amenity (2) loss of amenity to adjoining dwelling and (3) impact upon the open character of the Green Belt. These are all matters of subjective judgement on which Members are entitled to reach their own view.

#### SITE AND PROPOSAL

Following a site visit, Planning Committee refused a similar application (under special procedures) on this site on 12.4.2005 (ref 6.125.64.C.FUL). That application, for the erection of a 5 bedroomed house was refused for the following reasons:-

- 1. The size and massing of the proposed dwelling is considered to represent over-intensive use of the site with the result that it appears cramped on the plot and harmful to the visual amenity of the locality, contrary to Policies H13, A1 and HD20 of the Harrogate District Local Plan 2001 (as altered 2004).*

2. *The development would result in a loss of private amenity space for Cromwell House and would be harmful to the amenities enjoyed by the occupants of that dwelling contrary to the provisions of Policies A1 and GB5 of the Harrogate District Local Plan 2001 (as altered 2004).*

3. *The size and massing of the proposed dwelling, its proximity to the boundary and the location on the edge of the village, will result in a form of development that would significantly impact up on the open character of the green belt contrary to Policies GB2, GB4 and GB5 of the Harrogate District Local Plan 2001 (as altered 2004).*

Members also expressed concern at the use of the access. The current application is for a modified proposal for a 4 bedroomed house with attached double garage.

The applicant's dwelling, Cromwell House, is a substantial detached house, set in extensive grounds and is served from a private drive.

It is set behind an existing bungalow known as The Paddocks, which fronts onto Tockwith Road and served from the same private drive.

The proposal is to divide the garden into 2 in order to create a further dwelling plot.

The previous proposal provided for a 2 storey house with a rear projecting 2 storey 'wing' and a forward projecting wing of 1 1/2 storeys, incorporating a en-suite above the garage.

The new scheme deletes the rear wing and has no accommodation above the front projecting garage.

The applicant's planning consultant states:-

"Following the Committee decision to refuse consent my clients architect has met with the case officer and has redesigned elements of the scheme to overcome the Committee's previously expressed concerns.

The following significant amendments have been made:

\* The proposed dwelling has been repositioned to enable a greater distance to the adjoining bungalow and a larger plot is to be retained for Cromwell House by amending the application boundary. This leads to a better relationship with both Cromwell House and The Paddocks with greater distances now achieved to both of these dwellings.

\* The scale and massing of the proposed dwelling has been significantly reduced as the northeast two-storey extension has been deleted. This has led to a reduced footprint for the proposed house with a larger rear garden.

\* The width of the proposed drive has been increased and a passing place is now proposed.

Overall these alterations specifically address concerns expressed by members relating to the impact of the previously proposed dwelling on the neighbouring property and the immediately surrounding area.

The starting point for the assessment of these proposals is relevant development plan policies set out in the Harrogate District Local Plan and North Yorkshire County Structure Plan.

Policy H5 identifies the village, as a settlement within which infilling is to be permitted. Development of this infill site accords with the requirements of this policy and is in keeping with a larger scale of development permitted to the immediate west of the site.

Development as proposed accords with Policy HX in view of the status of the site as 'previously developed land' and the scale of development proposed.

The dwelling has been carefully redesigned to ensure that all amenity distances are exceeded and as a result no material impact will arise on existing levels of residential amenity. Thus no conflict with Policies HD20 and A1 arise.

On this basis the applications accord with policy objectives and should be supported".

### **MAIN ISSUES**

1. Development in Green Belt
2. Other Policies
3. Amenity of Neighbours
4. Highway Safety

### **RELEVANT SITE HISTORY**

None.

### **CONSULTATIONS/NOTIFICATIONS**

#### **Parish Council**

Long Marston

#### **The Coal Authority**

Standard Informative

#### **Highway Authority**

No objections - recommends 2 conditions.

#### **DCS - Open Space**

Commuted sum of £1684.00 required for all types of open space and allocated to Long Marston.

#### **Heritage Unit of NYCC**

Advises 1 condition.

### **APPLICATION PUBLICITY**

**SITE NOTICE EXPIRY:** 16.08.2005

**PRESS NOTICE EXPIRY:**

12.08.2005

## REPRESENTATIONS

### **LONG MARSTON PARISH COUNCIL** - Object on the following grounds:-

1. The Parish Council is opposed to this on the grounds that the proposed property is regarded as tandem development.
2. The revised scheme still shows a window overlooking the neighbouring bungalow, The Paddocks.

It is noted that the plans show one gate pillar at the entrance to the proposed property. Presumably there should be one at either side of the drive.

### **OTHER REPRESENTATIONS** - 1 letter of objection has been received from The Paddocks, Tockwith Road with states:-

1. 2 storey house will overlook our single storey bungalow.
2. upstairs window will look into our kitchen and bedroom windows and into rear garden.
3. whilst Cromwell House has upstairs windows these don't look into our garden and are offset so as not to view directly.
4. windows affecting neighbouring property have been removed but those looking at us remain.
5. the roof height of the new dwelling matches Cromwell House and not ours - this is unfair - the validity of erecting a 2 storey dwelling is questioned.
6. rear of our property faces north east and our light will be obliterated by the height of the new dwelling.
7. the east wall of the new dwellings does not align with ours and will jut out and further restrict our light and add to overbearing appearance.
8. current gate pillars form part of our wall - we will not give consent for any alteration.
9. it is not possible to move entrance back and if only 1 pillar is left, this will look odd as current entrance is a village landmark.
10. access is also our pedestrian access and extra traffic - 12 cars daily - will be a serious safety concern for anyone accessing our property by foot - direct interference with our enjoyment of property.
11. all other tandem developments have been refused and this one should be rejected.
12. a 4 bedroom dwelling is not small scale in the Green Belt.
13. reduction in dimensions of building only benefits development (longer back garden) it will still be oppressive for neighbours.

### **VOLUNTARY NEIGHBOUR NOTIFICATION** - None.

## RELEVANT PLANNING POLICY

- |      |   |
|------|---|
| PPS1 | Planning Policy Statement 1: Delivering Sustainable Communities                               |
| PPG3 | Planning Policy Guidance 3: Housing   |
| PPG2 | Planning Policy Guidance 2: Green Belts   |
| 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
- LPGB05 Harrogate District Local Plan (2001, as altered 2004) Policy GB5: Development within settlements in Green Belt
- LPH13 Harrogate District Local Plan (2001, as altered 2004) Policy H13: Housing Density, Layout and Design
- LPR04 Harrogate District Local Plan (2001, as altered 2004) Policy R4: Open Space Requirements for New Residential Development
- 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. DEVELOPMENT IN GREEN BELT** - The village of Long Marston is a "washed over" green belt settlement where PPG2 indicates that the local plan should establish the level of residential development that is appropriate.

Policy GB5 of the Harrogate District Local Plan lists Long Marston as a settlement to which that policy applies and allows for infilling development within the defined built up development limits.

In relation to the scale of development allowed within the development limits, the local plan defines "infill" as a gap in a largely developed road frontage or an area of existing development. The site represents such an area, where infilling, conversions and small scale "in depth" development within the settlement boundary is allowed.

Indeed, the two dwellings which currently surround the site are not infilling by the strict interpretation but do fall within the local plan definition as currently defined. Immediately to the west, in May 2004, a larger scale farm redevelopment was allowed with a cul-de-sac serving 11 dwellings at Hall Farm.

Such developments set the precedent of how Policy GB5 is to be interpreted in this particular context and the current proposal is a logical development which rounds off this part of the settlement and the conclusion is that the proposal is consistent with Policy GB5 in this location.

The reduction in the size of the dwelling reduces the 'bulk' on the boundary, that is visible from public vantage points on Tockwith Road.

**2. OTHER POLICY MATTERS** - The site is clearly the garden of Cromwell House and therefore previously developed, where Policy HX allows for the release of such sites.

At 0.06ha, the site is not of a size to generate a need for affordable housing under Policy H5. Policy H13 seeks a density of at least 30 dwellings/ha and ideally 2 dwellings should be provided to meet that policy. In this instance however, the edge of the settlement location; character of surrounding area; the relationship to other dwellings and the access arrangements are such that the development proposed is an acceptable balance in terms of amenity and meeting PPG3 preference for increased density. A S106 Obligation to meet Policy R4 has been signed and returned.

**3. AMENITY OF NEIGHBOURS** - The position and layout of the proposed dwelling has been designed so as to minimise any impact upon the neighbours with the lower garage element between the adjacent bungalow and the full 2 storey element of the new house.

The position of the garage is such that it would be difficult to look into the neighbours rear garden and the distances involved (14m to the boundary, and 33m window to window) is such that no appreciable overlooking or loss of privacy would result.

As the full 2 storey part of the new dwelling is a significant distance from the neighbours it would not be oppressive and being to the north east, will not unduly restrict light to the property.

The access drive is some 8m from the bungalow which it passes and no appreciable loss of amenity would arise from the use of the access drive. There is thus no conflict with Policies HD20 and A1 of the Harrogate District Local Plan.

**4. HIGHWAY SAFETY** - The use of the private drives to serve a modest number of dwellings is widely accepted and in this instance, the current drive is acceptable. The Highway Authority has raised no objections.

**CONCLUSION** - The proposal is an acceptable development within the development limit of this green belt village in a manner that will not impact upon the neighbours.

**CASE OFFICER:** Mr R Forrester

## RECOMMENDATION

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

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 HW17 PROV'N OF APP'VD ACCESS/TURNING/PARKING ... A/09/1/5705 rev A
- 3 The dwelling shall not be occupied until parking spaces of a size not less than 4.8 m x 2.4m, including one garage or a car parking space capable of accommodating a garage, have been provided within the curtilage of the dwelling, in accordance with standards set out in the North Yorkshire County Council Transport & Development - A Guide 2003. Any garages shall then be positioned a minimum of 6 metres back from the highway boundary. Once create these parking and garaging areas shall be maintained clear of obstruction and retained for their intended purpose at all times.
- 4 CB23 WKS FOR FOUL AND SW DISCHARGES TO BE APP
- 5 CD03 SAMPLES OF MATERIALS TO BE APPROVED
- 6 CL02 LANDSCAPING: DETAILS TO BE APPROVED
- 7 CL04 REPLANTING IF ANY TREES/SHRUBS DIE
- 8 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further windows shall be inserted in the north west and south west elevations of the dwelling hereby approved, without the prior written approval of

the Local Planning Authority.

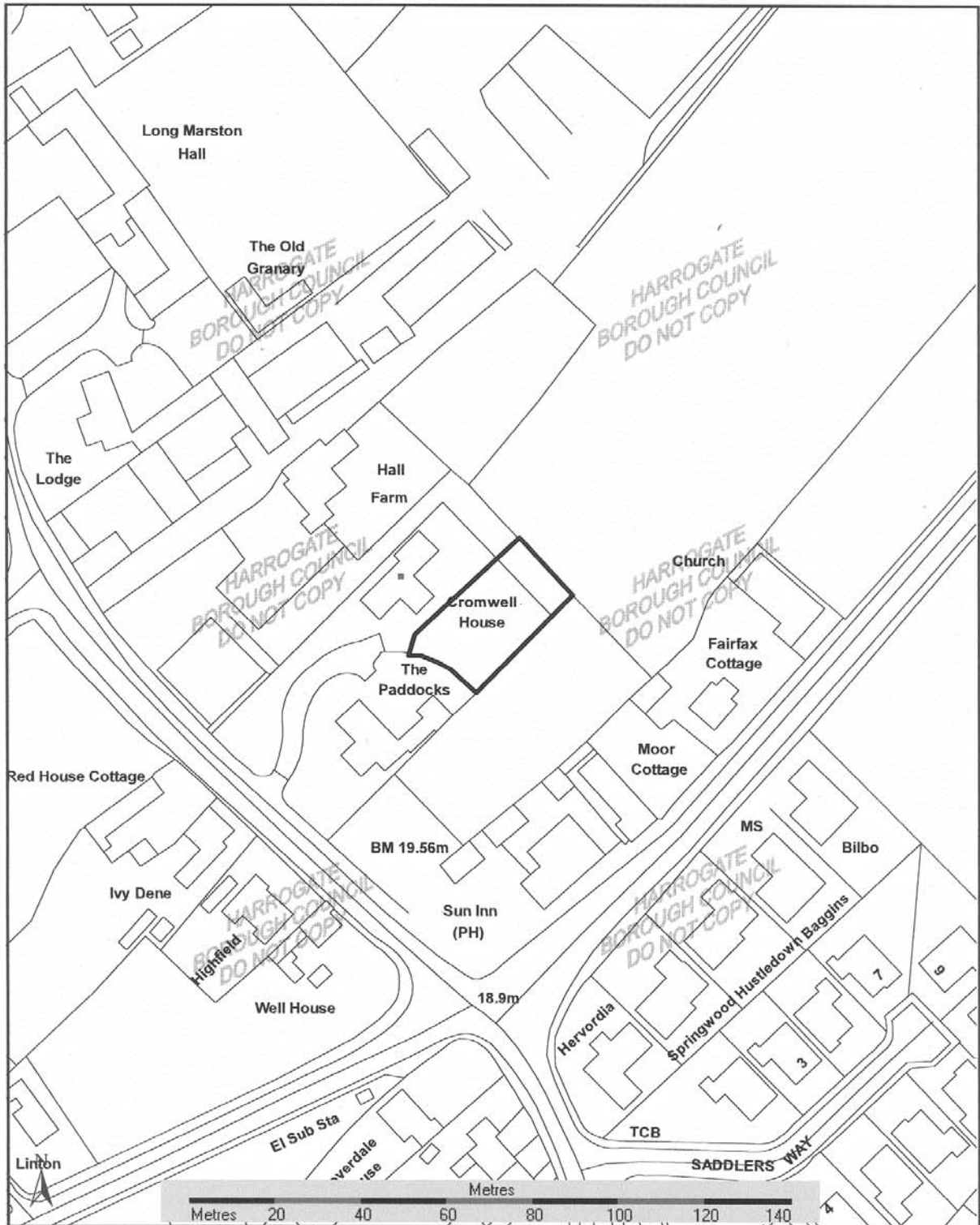
- 9 HW23 GARAGE CONVERSION TO HABITABLE ROOM
- 10 CP02 ARCHAEOLOGICAL INVESTIGATION REQUIRED ... within the application site

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 HW17R ROAD SAFETY REQUIREMENTS
- 3 HW21R ROAD SAFETY REQUIREMENTS
- 4 CB23R TO ENSURE PROPER DRAINAGE
- 5 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS
- 6 CL02R SAFEGUARD RIGHTS OF CONTROL/AMENITY
- 7 CL04R SAFEGUARD RIGHTS OF CONTROL/AMENITY
- 8 CD15AR PRIVACY AND RESIDENTIAL AMENITY
- 9 HW23R ROAD SAFETY REQUIREMENTS
- 10 CP02R THE SITE IS OF ARCHAEOLOGICAL IMPORTANCE

INFORMATIVES

- 1 This development is subject to a Planning Obligation made under Section 106 of the Town and Country Planning Act 1990.



*Harrogate*  
BOROUGH COUNCIL

**Department of Development Services**

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Harrogate Borough Council 1000 19628 2005.

**AREA 2 DC COMMITTEE**

Item No. **1**

App No./Case No. 05/03303/FUL 6.125.64.D.FUL

Scale (at A4 size) 1:1250 Site area 0.06ha Site boundary

Drawn MDTT Date 11/10/2005



