

## HARROGATE BOROUGH COUNCIL

### DISTRICT DEVELOPMENT SUB –COMMITTEE – AGENDA ITEM 5

DATE: 8 February 2007

<b>PLAN:</b> 02	<b>CASE NUMBER:</b> 06/05844/REM
<b>APPLICATION NO.</b> 6.79.10400.B.REM	<b>GRID REF:</b> EAST 431444 <b>NORTH</b> 451224
	<b>DATE MADE VALID:</b> 01.12.2006
	<b>TARGET DATE:</b> 26.01.2007
	<b>WARD:</b> Pannal

**APPLICANT:** Mr A Beecher

**AGENT:** Studio Map

**PROPOSAL:** Reserved matters application under outline permission 6.79.10400.OUT for erection of 2 dwellings and detached double garages with access, external appearance, siting and design considered. (Site Area 0.2 ha)

**LOCATION:** Rosemere Walton Avenue Pannal Harrogate North Yorkshire HG3 1EX

#### REPORT

This application was considered by the Planning Committee on 16 January 2007, when Members were minded to refuse planning permission for the following reason:

The proposal was contrary to Policies HD20 and A1 being of a scale, massing and style inappropriate to the area and intrusive from distant views and on highway safety ground in view of the new access onto Drury Lane.

As this was refused in part contrary to the advice the Highway Engineer, the application has been referred to the District Development Sub-Committee for determination.

#### SITE AND PROPOSAL

Rosemere is a detached dormer bungalow set in its own extensive grounds at the end of Walton Avenue, Pannal. The bungalow faces north across Drury Lane. A pedestrian gate leads from the front garden onto Drury Lane, but there is no vehicular access here. There is a hedge along the Drury Lane frontage, and along the boundaries with neighbours. An ash tree behind this hedge is covered by a TPO (Ref TPO 40/2004).

In September 2004 outline planning permission was granted for the demolition of the existing house and the erection of two detached dwellings on this site (Ref 6.79.10400.OUT).

This application is for the matters reserved by outline planning permission; access, external appearance, siting and design. Each house would provide 5-bedroomed accommodation.

A separate application (Ref 6.79.10400.A.DVCON) seeks to delete Condition 4 of the outline permission to allow a new vehicular access from Drury Lane to serve one of the dwellings proposed in this application. This application is considered previously on the agenda, and determination of the considered application pre-supposes that permission has been granted for application Ref 6.79.10400.A.DVCON. The second dwelling would use the existing access off Walton Avenue.

Two detached houses are proposed in line with the outline permission. The two houses would be of a contemporary design, with flat roofs and a variety of building materials including stone, render and timber cladding. Both houses would have access onto their roofs. In accordance with the outline permission the two houses would be in line with the neighbouring houses; Bracken Hill to the west and Newlands to the east.

Each house would be served by a detached double garage to the rear of the site. The new access off Drury Lane would lead to a drive which would pass to the side of the new dwelling, close to the boundary with Newlands, to gain access to the garage. The other garage would be served from the existing access off Walton Avenue. Paths covered by pergolas would lead from the garages to the houses.

The protected ash tree to the front of the site would be retained. The laurel hedge which wraps around the front and east boundary of the site would be felled, together with a small tree close to the boundary with Newlands. A new boundary wall would be set back about 5m from the highway edge with planting to the front and rear.

## **MAIN ISSUES**

1. Policy
2. Access
3. Design & Impact on Streetscene
4. Residential Amenity
5. Public Open Space

## **RELEVANT SITE HISTORY**

6.79.10400.OUT - Outline application for erection of 2 No. dwellings to replace existing dwelling, including siting (site area 0.244ha). Granted 21.09.2004

6.79.10400.A.DVCON - Deletion of Condition No 4 of permission No. 6.79.10400.OUT to allow vehicular access off Drury Lane. Pending determination.

## **CONSULTATIONS/NOTIFICATIONS**

### **DCS Arboricultural Officer**

Recommends condition re tree protection

### **DCS - Open Space (Brandreth)**

Committed sum for provision of off-site Public Open Space calculated at £4592.50. Allocated to Crimple Meadows Sports, Pannal Auction Play and Pannal Auction Open Space

## **Chief Engineer (H and T)**

see assessment of main issues

## **Yorkshire Water**

Recommends conditions re foul and surface water drainage

### **RELEVANT PLANNING POLICY**

PPS1	Planning Policy Statement 1: Delivering Sustainable Development
PPS03	Planning Policy Statement 3, Housing
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
LPHX	Harrogate District Local Plan (2001, as altered 2004) Policy HX, Managed Housing Site Release
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
LPIMP2	Harrogate District Local Plan (2001, as altered 2004) Policy IMP2, Provision of Infrastructure Needs Generated by Development
SPGPOS	Supplementary Planning Guidance, Provision of open space in connection with new housing
PPG13	Planning Policy Guidance 13, Transport

### **APPLICATION PUBLICITY**

**SITE NOTICE EXPIRY:** 05.01.2007

**PRESS NOTICE EXPIRY:** 05.01.2007

### **REPRESENTATIONS**

13 letters received objecting to proposed development, including letter from Harrogate Civic Society and Pannal Village Society. Grounds of objection:

- design out of keeping with area
- intensity of development
- harm to residential amenity through overbearing
- harm to residential amenity through traffic noise on drive

### **VOLUNTARY NEIGHBOUR NOTIFICATION**

None undertaken

### **ASSESSMENT OF MAIN ISSUES**

**1. POLICY** - The site has the benefit of an outline planning permission for the demolition of the existing bungalow and the erection of two dwellings, so the principle of residential

development has already been established.

**2. ACCESS-** Subject to the prior approval of planning application Ref 6.79.10400.A.DVCON, there is no objection to the proposed access of Drury Lane. The comments of the Highway Engineer are included in the report on that application elsewhere on this agenda.

**3. DESIGN & IMPACT ON STREETSCENE** - Members of the Planning Committee were minded to refuse the application in part because of the scale, massing and style of the proposed houses, which were considered to be inappropriate to the area and intrusive from long distance views.

This side of Walton Avenue is characterised by large houses of various styles set in quite extensive grounds. The houses immediately to the east of Rosemere are set in slightly narrower plots and the properties come quite close to the boundaries on either side. Views of the site from Drury Lane are dominated by roadside trees and hedgerows, with only the upper storeys and roofs visible.

The sub-division of the plot by the outline planning permission resulted in two plots about 20m wide. This is slightly wider than the 3 plots to the east, and outline planning permission was granted as it was considered that two detached houses could be accommodated on these plots without detracting from the character and appearance of the area.

The two houses are set about 6m apart, which matches the spacing between the neighbouring houses. Both would be lower than their immediate neighbours at Bracken Hill and Newlands, and with the partial screening afforded by the roadside hedgerows, it is considered that the scale and massing are reasonable and would not dominate the streetscene. The existing house at Rosemere and the neighbouring house at Bracken Hill are visible in long distance views from Leeds Road, together with the houses fronting Drury Lane to the west. The proposed houses would be similarly visible in such views, but as they would be lower than Bracken Hill, are not considered to be intrusive.

Members of the Planning Committee were also concerned that the contemporary design, and in particular the flat roofs, would be out of keeping with the area. However, while there are no flat-roofed houses in the area, there is a wide variety of individual house types fronting Drury Lane, to the extent that it is considered that the proposed designs would not appear unduly incongruous.

**4. RESIDENTIAL AMENITY** - The proposed houses would be built in line with the existing houses on either side, which would minimise any impact on neighbours. The house at Bracken Hill has a large attached garage abutting the application site, so the proposed development would not have any adverse impact on this neighbour through overlooking, overbearing or loss of light.

The house at Newlands comes closer to the boundary, and while there is an attached garage nearest the application site, there is living accommodation above, served by rooflights. The proposed house and new drive both have the potential to impact on this neighbour. The roof of the proposed house nearest to Newlands has been sloped down to mitigate any overbearing impact. This house would be built on the footprint of the existing house and the facing elevation would be blank. Although this elevation would extend up to

6m in height it does not impact on any of the principle elevations of the house at Newlands. The proposed house is therefore not considered to detract from the residential amenities of this neighbour through overbearing or loss of light.

Both houses would provide access to their roofs. The house next to Newlands would have its roof terrace about 19m from the main part of this neighbouring house. Given this separation distance and the relationship of the two buildings, it is considered that this would not cause undue overlooking to the neighbour. The house next to Bracken Hill would have its roof terrace about 6m from the neighbour's garage. The terrace would provide oblique views over the neighbour's garden, but these would be in part screened by two trees in the neighbour's front garden. There would be no direct views into the house at Bracken Hill, and the proposed house is not considered to harm the amenities of this neighbour through overlooking.

The proposed drive would pass along the boundary with Newlands. The drive to Newlands passes along the other side of this boundary, and it is considered that the use of the proposed drive would not cause undue noise disturbance to the neighbour.

**5. PUBLIC OPEN SPACE** - The commuted sum for the provision of off-site Public Open Space has been calculated at £4592. At the time of writing a signed unilateral undertaking had not been received. An update will be provided at the meeting.

## **CONCLUSION**

The development would not harm the spatial quality and character of the area. In addition adequate separation distances exist between the proposed houses and neighbouring houses ensuring that the proposal does not materially harm existing levels of privacy and amenity. The proposal therefore accords with the provisions of the development plan. There are no material considerations in this instance that warrant setting aside local planning policies.

**CASE OFFICER:** Mr M Williams

## **RECOMMENDATION**

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

- 1 The development hereby permitted shall be begun before 2 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details, as amended by letter and or drawings received by the Council of the Borough of Harrogate on the 16 January 2007 and as modified by the conditions of this consent.

- 3 Samples of the materials it is intended shall be used externally in the construction of the roof and walls of the development hereby approved, shall be submitted for the written approval of the Local Planning Authority and the development shall not be started before any such approval.
- 4 A sample panel of the type of stone to be used showing the proposed coursing and pointing shall be erected on the site for the written approval of the local planning authority prior to the commencement of development.
- 5 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 extensions, garages and roof or dormer windows other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.
- 6 The development hereby permitted shall not begin until a scheme has been submitted and approved in writing by the local planning authority for the provision of off-site public open space in accordance with Local Plan Policy IMP2. The provision for off-site public open space shall be provided in accordance with the approved scheme.
- 7
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
  - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of two years from the completion of the development.
- 8 A detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a

landscaping scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and the timing of implementation of the scheme, including any earthworks required.

- 9 In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.
- 10 The site shall be developed with separate systems of drainage for foul and surface water.
- 11 No development approved by this permission shall be occupied until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.
- 12 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
- 13 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3 metres of the centre line of the sewers which cross the site.

Reasons for Conditions:-

- 1 To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
- 2 In order to ensure that the development is carried out in accordance with the approved drawings.
- 3 In order to ensure that the materials used conform to the amenity requirements of the locality.
- 4 In order to ensure that the materials used conform to the amenity requirements of the locality.
- 5 In order to protect the visual amenities of the surrounding area in view of the prominence of this site.
- 6 In order to provide for off-site Public Open Space in accordance with Local Plan Policy IMP2.
- 7 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 8 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 9 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 10 To prevent pollution of the water environment.
- 11 To prevent pollution of the water environment.
- 12 To ensure that no foul or surface water discharges take place until proper provision

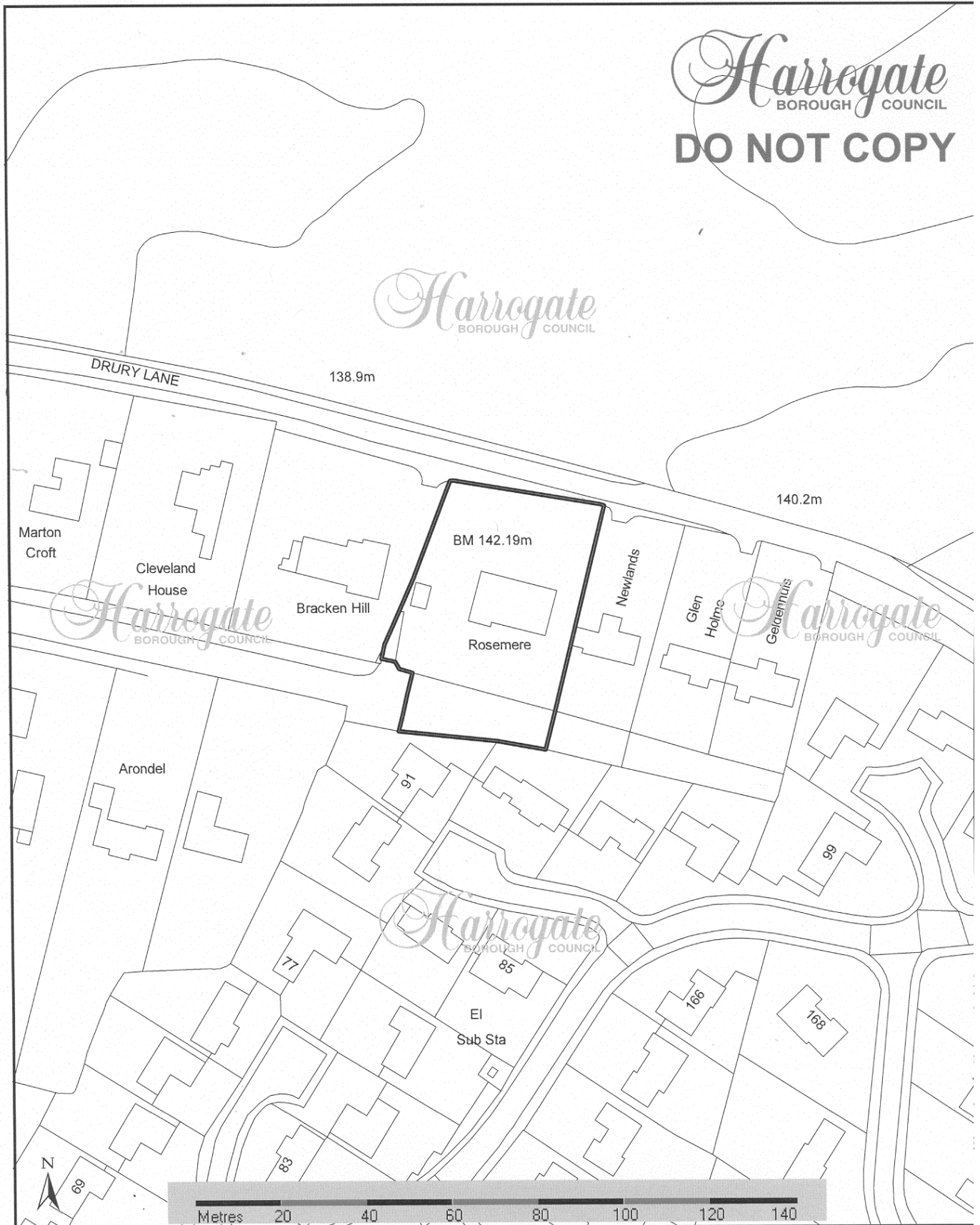
has been made for their disposal.

- 13 In order to allow sufficient access for maintenance and repair work at all times.

## **INFORMATIVES**

- 1 The provision of Public Open Space can be met by payment of a commuted sum through the mechanism of either a unilateral obligation or through a Section 106 agreement.
- 2 Information on the water mains/sewer which crosses the site can be obtained from Yorkshire Water, Western House, Halifax Road, Bradford. BD6 2SZ.





## PLANNING COMMITTEE

Item No. 7

<b>App No./Case No.</b>	06/05844/REM 6.79.10400.B.REM		
<b>Scale (at A4 size)</b>	1:1250	<b>Site area</b> 0.22ha	<b>Site boundary</b> <input type="checkbox"/>
<b>Drawn</b>	MDTT	<b>Date</b>	16.01.2007

