

HARROGATE BOROUGH COUNCIL

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

DATE: 21 June 2005

PLAN: 04	CASE NUMBER: 05/01962/FUL
APPLICATION NO. 6.88.73.A.FUL	GRID REF: EAST 444729 NORTH 460688
	DATE MADE VALID: 26.04.2005
	TARGET DATE: 21.06.2005
	WARD: 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

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 The application was withdrawn following its recommendation for refusal.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 garden. The land is enclosed and comprises grass with a number of fruit trees. The existing access to the site is via two gates from Beech House. It is the opinion of the Local Planning Authority that the land is more accurately referred to as an orchard attached to Beech House. The land 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 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.

Under Policy H6 Little Ouseburn is classed as a smaller village. The site lies within its built-up confines of the settlement and would 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 size of the site has been reduced from 0.11ha on the previous application to 0.097ha. The applicants claim that the size has been amended

in order to leave a strip of land for access to the stables at the rear, which will remain in the ownership of Beech House. However this land is shown within the ownership of the applicants and the owners of Beech House have made representations confirming that they do not own that land. There are naturally defined boundaries to this site and it is obvious that the site has been artificially subdivided in order to bring the site below Policy H5 threshold of 0.1ha.

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. 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 is also an important amenity open space, enhanced by the boundary walls and trees within the site. The proposal would develop this open space and would not enhance the character and appearance of the conservation area, 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 area. 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

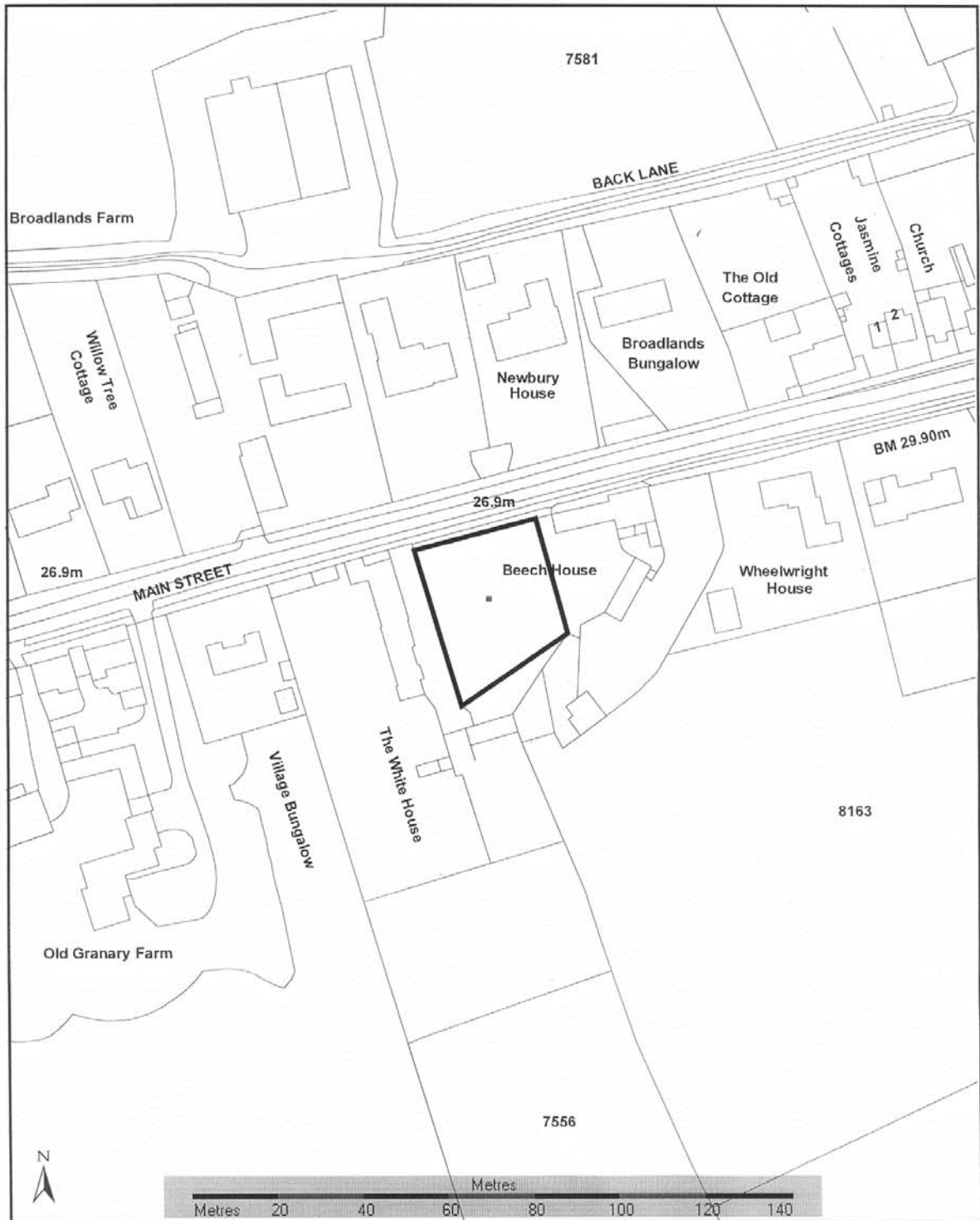
RECOMMENDATION


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.



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		Item No. 4		
App No./Case No.		6.88.73.A.FUL	05/01962/FUL	
Scale (at A4 size)	1:1250	Site area	0.097 ha	Site boundary <input type="checkbox"/>
Drawn	MDTT	Date	21/06/2005	