

## HARROGATE BOROUGH COUNCIL

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

DATE: 21 June 2005

<b>PLAN:</b> 11	<b>CASE NUMBER:</b> 05/02188/FUL
<b>APPLICATION NO.</b> 6.80.27.K.FUL	<b>GRID REF: EAST</b> 444850 <b>NORTH</b> 461840
	<b>DATE MADE VALID:</b> 13.05.2005
	<b>TARGET DATE:</b> 08.07.2005
	<b>WARD:</b> Ouseburn

**APPLICANT:** Duncan Biggin

#### **AGENT:**

**PROPOSAL:** Erection of 1 detached dwelling including removal of 1 Leylandi and 1 Apple tree within Great Ouseburn Conservation Area (site area 0.043ha) (revised scheme).

**LOCATION:** Prospect Farm House Main Street Great Ouseburn York North Yorkshire YO26 9RQ

#### **REPORT**

##### **SITE AND PROPOSAL**

The site comprises the side garden to the two storey house known as Prospect Farm. The site has a frontage to Main Street and Churchfield Lane. Prospect Farm, which is a Grade II listed building, lies immediately adjacent to the northern boundary of the site and is constructed of orange mottled brick with a pantile roof. The whole of the site is surrounded by a wall varying in height from approximately 1.4m to 2.5m, which is constructed of a mixture of stone, cobbles and brick. There is large walnut tree at the front of the site with trees and shrubs around the perimeter of the site. The side garden is therefore quite well screened from public view. There are dwellings to the north east of the site the nearest being 3 Churchfield Lane. There are also dwellings on the opposite side of Churchfield Lane. Vehicular access to Prospect Farm is from a driveway to the south east of the site off Churchfield Lane.

The proposal is a full planning application for the erection a detached one bed dwelling on part of the side/rear garden of Prospect Farm. The dwelling would be single storey and would be approximately 4m high to the ridge. The dwelling would be located along the north eastern boundary of the site adjacent to the rear access/driveway. The development would require the removal of part of the boundary wall and a realignment of the driveway off Churchfield Lane. Vehicular access to the site would be at the south eastern corner of the site close to the existing driveway's junction with Churchfield Lane. The applicant has indicated that the dwelling will be constructed of brick, stone and cobble with blue slate

roof. The dwelling would be single storey with a pitched gable roof and a small part of the new dwelling nearest to Prospect Farm House would have a flat roof. This flat roofed area would at its nearest point be approximately 1m from the listed building. The pitched element of the dwelling would be approximately 7m from Prospect Farm House. It should be noted that approximately half of the side garden of Prospect Farm House would be retained as a garden for that house. The proposed dwelling would have a small garden of approximately 17m x 8m with a driveway to the south eastern side of the dwelling.

It is acknowledged that the revised application is an improvement on the previous submission. The main differences are the removal of the two storey element from the dwelling, the reduction in the height of the dwelling to a maximum of 4.1m and the repositioning of the dwelling to the north eastern boundary. There is a concurrent application for listed building consent on the agenda. The applicant has submitted a statement in support of the application and a copy is attached at Appendix 1.

It should be noted that a similar full planning application and listed building consent for a detached dwelling on the site was to be considered at the Committee meeting on the 8 February 2005.

The planning application was recommended for refusal on the following grounds:

"It is considered that the proposed development in such close proximity to the adjacent dwelling Prospect Farm would, by reason of overlooking, overshadowing and overbearing result in an unacceptably detrimental impact on the living conditions of existing and future residents. The development would be contrary to Harrogate District Local Plan Policies H6, HD20, and A1.

It is considered that the proposed dwelling in this particular location would not preserve the listed building or its setting, will not enhance the character and appearance of the conservation area and would have a detrimental impact on the street scene contrary to Harrogate District Local Plan Policies HD1, HD3, A1, HD12 and HD20 and North Yorkshire Structure Plan Policy E4.

The existing access, by which vehicles associated with this proposal would leave and rejoin the County Highway is unsatisfactory since the required visibility of 2m x 23m in the south westerly and 2m x 70m in the north easterly direction cannot be achieved at the junction with the County Highway and therefore, in the opinion of the Local Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

The Local Planning Authority considers that the existing access by which vehicles associated with the proposal would leave and rejoin the County Highway is of insufficient width and therefore, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety."

The applicant withdrew the application on the 3 February 2005.

## **MAIN ISSUES**

1. Land use/Principle.

2. Impact on Residential Amenity and Streetscene.
3. Impact on the Conservation Area and the Setting of the Listed Building.
4. Open Space.
5. Highways.

## **RELEVANT SITE HISTORY**

Detached dwelling withdrawn 3 February 2005, reference 6.80.27.E.FUL.

## **CONSULTATIONS/NOTIFICATIONS**

### **Parish Council**

Great Ouseburn

### **Highway Authority**

No objection - condition suggested re verge crossing.

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

No comments received

## **APPLICATION PUBLICITY**

**SITE NOTICE EXPIRY:** 17.06.2005

**PRESS NOTICE EXPIRY:** 17.06.2005

## **REPRESENTATIONS**

GREAT OUSEBURN PARISH COUNCIL - No objections.

OTHER REPRESENTATIONS - None received to date: any received will be reported to the meeting.

VOLUNTARY NEIGHBOUR NOTIFICATION - The applicant notified the residents at Walnut Farm, Main Street, 3 Churchfield Lane and The Vicarage Main Street, Great Ouseburn on the 17 December 2004.

## **RELEVANT PLANNING POLICY**

PPS1 Planning Policy Statement 1: Delivering Sustainable Communities

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

LPH13 Harrogate District Local Plan (2001, as altered 2004) Policy H13: Housing Density, Layout and Design

LPHD20 Harrogate District Local Plan (2001, as altered 2004) Policy HD20: Design of New Development and Redevelopment

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
- LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity
- LPHD12 Harrogate District Local Plan (2001, as altered 2004) Policy HD12: Amenity Open Space
- LPR04 Harrogate District Local Plan (2001, as altered 2004) Policy R4: Open Space Requirements for New Residential Development
- PPG3 Planning Policy Guidance 3: Housing
- PPG15 Planning Policy Guidance 15: Planning and the Historic Environment
- SPE4 North Yorkshire County Structure Plan Policy E4

## **ASSESSMENT OF MAIN ISSUES**

1. **LAND USE/PRINCIPLE** - The site lies within the village of Great Ouseburn and there are dwellings surrounding the site. The site falls within classification A, that is, "main settlements and larger villages" within Local Plan Policy H6. The erection of residential development on the site would be acceptable in principle in land use terms subject to various criteria in particular the site would be within the development limits, is appropriate to the form and character of the settlement and provides a satisfactory level of residential amenity. The site is currently the front/side garden of Prospect Farm and is therefore a brownfield site. However in reaching a decision on the application the size of the site, the potential impact on the living conditions of adjacent residents and future occupants and the character of the area must be taken into account as well as the context of surrounding development. Subject to these considerations the development would accord with Policies H6 and HX and advice in PPG3.

2. **IMPACT ON RESIDENTIAL AMENITY AND STREETSCENE** - PPG3 promotes higher density development and Policies within the Local Plan reflect this. However, it is recognised that some areas and villages within Harrogate district have a unique character and Policy H6 aims to ensure, inter alia, that development is "appropriate to the form and character of the settlement" and "provides a satisfactory level of residential amenity".

The residents that will be affected by the proposed dwelling will be 3 Churchfield Lane and the existing and future occupants of Prospect Farm. No3 has a side door and three secondary windows facing the site, two of which are obscure glazed at ground floor and first floor. The distance in-between No3 and the proposed dwelling would be approximately 6/7m. (The dwelling on the previous application would have been approximately 10m from No3.) The elevation facing No3 would have a door and a small window to a utility area and two velux roof lights. It should be noted that the proposed dwelling on this revised application would be approximately 4m high to the ridge. (The earlier application was 6m high for the two storey element and 4.8m for the single storey.) Although the proposed dwelling is closer to No3 it is nevertheless considered that the proposal would not have any significant detrimental impact on the living conditions of No3 in terms of overlooking, overshadowing and overbearing to warrant refusing the application.

The applicant currently lives at Prospect Farm. He has indicated that it is his intention, should permission be granted for the dwelling, to occupy the new dwelling. He has stated that he is suffering from a deteriorating muscle condition and requires a new dwelling that can be adapted for disabled living. This matter is not considered to be a significant

material consideration in the determination of this application and Members should not attach much weight to this matter in reaching their decision.

In terms of the impact on the living conditions of the occupants of Prospect Farm it should be noted that there are two side windows and a French door on the side elevation facing the site. Prospect Farm has a rear yard area and a large front garden but the main garden for this property would appear to be the side garden. The proposed dwelling, parking area and garden for the new dwelling would take up approximately half of the side/rear garden area. The main aspect of the dwelling would be across the garden area with windows to a bedroom, a living room and dining room which would have a some detrimental impact on the living conditions of the existing and future occupants of Prospect Farm House in terms of overlooking, overshadowing and overbearing to warrant refusing the application. Although it is acknowledged that some screening in terms of a fence/wall and landscaping could be provided along the rear boundary. The proposed dwelling would not be easily visible from Main Street and Churchfield Lane although the hipped roof of the new dwelling would be seen to some extent. The new dwelling which would be built beyond the line of the existing boundary wall would be clearly visible from the access road off Churchfield Lane. It is acknowledged that the applicant has sought to reduce the impact of the dwelling on the street scene by proposing a single storey building with a hipped roof. There are a mixture of various types of dwellings and buildings within the village and around the site. The dwelling would project beyond the alignment of the boundary wall, which defines the curtilage of the listed building, and it is considered that it would not sit comfortably in this particular location and would therefore not be appropriate to the form and character of the area. It is also considered that this new dwelling with a height of approximately 4m to the ridge would in this particular location be out of character with the area and would therefore have a detrimental impact on the street scene to warrant refusing the application on those grounds.

The development would therefore be detrimental to residential amenity, the character of the area and the street scene and contrary to Policies H6, A1, and HD20.

**3. IMPACT ON THE CONSERVATION AREA AND THE SETTING OF THE LISTED BUILDING** - In considering proposals which affect a conservation area and a listed building or its setting the Local Planning Authority is required to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area and to have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic importance which it possesses. Furthermore, Policy HD3 states that: "Development which has an adverse effect on the character or appearance of the conservation area will not be permitted and this includes the following forms of development: B) The erection of buildings out of scale with their surroundings. C) Proposals involving the loss of open space, which contributes to the character of the conservation area."

Also Policy HD12 seeks to safeguard open sites within settlements, which seek to make a significant contribution to the visual amenity and character of the settlement. The Local Plan indicates at paragraph 6.65 that "Amenity open spaces may or may not have public access."

The proposed dwelling would be located approximately 1m from the north eastern corner of Prospect Farm House although the main bulk of the dwelling would be approximately 7m

from Prospect Farm House, which is a Grade II listed building. The proposal would also require the removal of a substantial part of the garden wall, which surrounds the site and defines the curtilage of the site. The boundary wall which is attached to the listed building, and the side garden is an integral part of the character and appearance of the listed building and the conservation area. Having carefully assessed the revised proposal it is concluded that the development will not sit comfortably on the site and would therefore not preserve the listed building or its setting and will not enhance the character and appearance of the conservation area. Similarly the site comprises the garden area of Prospect Farm House, which contributes in a positive way to the character of this particular village and to grant planning permission for a dwelling on this site would be contrary to the aims of Policies HD3 and HD12.

It is therefore concluded that the proposed development would be contrary to Policies HD12, HD1, HD3 HD20 and A1.

4. OPEN SPACE - As the dwelling is one bedroomed the provisions of Policy R4 do not apply.

5. HIGHWAYS - The Highway Authority have no objection and so there is no conflict with Policy A1 in in this respect.

**CONCLUSION-** It is therefore recommended that the application be refused for the reason indicated at the end of the report. The statutory notice does not expire until 17th June 2005 and if any representations are received after the Opportunity to Speak deadline for sending out letters inviting respondents to the meeting the application would have to stand deferred to enable full Opportunity to Speak notification to be undertaken.

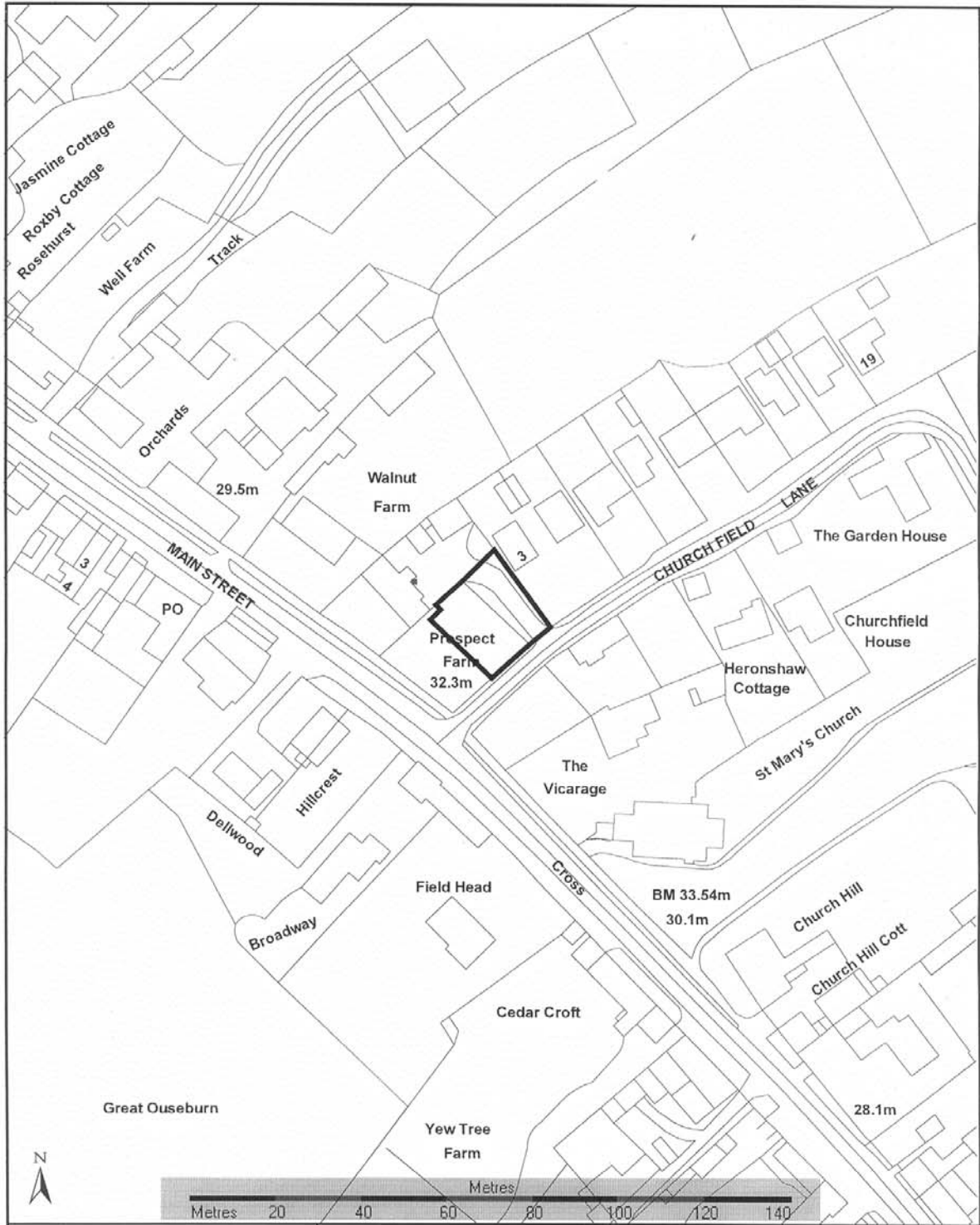
**CASE OFFICER:** Phil Jewkes

## RECOMMENDATION

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

- 1 It is considered that the proposed development in such close proximity to the adjacent dwelling Prospect Farm would, by reason of overlooking, overshadowing and overbearing result in an unacceptably detrimental impact on the living conditions of existing and future residents. The development would be contrary to Harrogate District Local Plan Policies H6, HD20, and A1.
- 2 It is considered that the proposed dwelling, which would require the removal of a substantial part of the boundary wall, in this particular location would not preserve the listed building or its setting, will not enhance the character and appearance of the conservation area and would have a detrimental impact on the street scene contrary to Harrogate District Local Plan Policies HD1, HD3, A1, HD12 and HD20 and North Yorkshire Structure Plan Policy E4.





*Harrogate*  
BOROUGH COUNCIL

Department of Development Services

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Harrogate Borough Council 1000 19628 2005.

## AREA 2 DC COMMITTEE

Item No. 11

App No./Case No. 6.80.27.K.FUL 05/02188/FUL

Scale (at A4 size)	1:1250	Site area	0.043 ha	Site boundary	
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Drawn	MDTT	Date	21/06/2005
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