

Item Number: 14
Application No: 15/00866/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Dr Gordon Malan & Mrs Heather Thornes
Proposal: Erection of 3no. bedroom detached dwelling and detached garage (revised details to approval 12/00438/FUL dated 27.06.2015).
Location: Land To Rear Of Gilross 67 Middlecave Road Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 21 September 2015
Overall Expiry Date: 13 September 2015
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Parish Council	No views received to date
Highways North Yorkshire	Recommend conditions
Land Use Planning	No comment
Tree & Landscape Officer	No views received to date

Neighbour responses: R And J Rogers, Mr & Mrs P G Shipley, Margaret Makins, Dennis & Jean Kay, Mr L and Mrs S Thackray, D And P M Bowers, Alan & Donna Chaplin,

SITE:

The application site comprises land that was formerly part of the rear garden of Gilross, which is a substantial detached dwelling located on Middlecave Road. The application site is located to the rear of No's. 7, 9, 11 and 13 Middlecave Drive and No. 1 Middlecave Close. The access to the site is achieved over a green track between No. 1 and No. 2 Middlecave Close, which is approximately 3m wide. The site is located within the development limits of the town and is currently laid to grass with the foundations of the approved dwelling excavated and filled. There is mature hedging on all boundaries. There are also several silver birch trees on the western boundary. The main part of the application site approximately measures 27m in width by 44m in depth at its greatest.

PROPOSAL:

Planning permission is sought for the erection of a 3 bedroom dwelling (revised details to approval 12/00438/FUL dated 27.06.2012) that will approximately measure 10.8m in depth by 15.6m in width and be 6.2m to its ridge height.

It is proposed to construct the dwelling of brick under a clay pantile roof with UPVC windows. It is also proposed to utilise the existing hedging as boundaries for the proposed dwelling.

The additional changes to the approved scheme include the following:

- A double garage measuring 6.5m by 7.5m and 2m to the eaves height and 5.2m to the ridge height.
- The installation of a first floor dormer window on both the southern and northern elevations together with a reduction in the number of rooflights;
- Fenestration changes to the ground floor including the loss of the integral garage; and
- The insertion of a first floor window within the gable on the northern (rear) elevation.

Access to the site is via an existing access track between No. 1 and No. 2 Middlecave Close, which is consistent with the earlier approval.

HISTORY:

2012 : Planning permission is sought for the erection of a single two-storey dwelling (revised details to the dwelling approved on appeal in 2011)

2011: Planning permission refused for 1 three bedroom dwelling with detached single garage - allowed on appeal.

2010: Planning permission refused for 2 detached dwellings on land to the rear of 67 Middlecave Road - dismissed on appeal

POLICY:

National Policy Guidance

National Planning Policy Framework 2012
National Planning Policy Guidance 2014

Local Plan Strategy

SP2 - Delivery and Distribution of Housing
SP3 - Affordable housing
SP4 - Type and mix of new housing
SP11 - Community Facilities and Services
SP14 - Biodiversity
SP16 - Design
SP19 - Presumption in Favour of Sustainable Development
SP20 - Generic Development Management Issues

APPRAISAL:

The main considerations on this application are:

- The principle of the proposed development;
- The siting, scale and design of the proposed dwelling;
- Impact upon the amenity of the adjoining neighbours;
- Highway safety;
- Whether the dwelling has a satisfactory level of residential amenity; and
- The impact of the proposal upon existing trees and landscaping;

Members will note from the planning history above that there is an extant planning permission for a dwelling on this site, and this application relates to two first floor dormer windows and a first floor window and a reduction in the number of rooflights, a detached double garage, and minor fenestration changes to the ground floor of the property. The dwelling approved under reference 12/00438/FUL has lawfully commenced on site and can proceed to be constructed without providing any off-site developer contributions. In this case, it is considered that no developer contributions in accordance with Policy SP3 and SP11 can be sought from the developer.

Plans and elevations showing the proposed scheme and that previously approved in 2012 are appended to this report for Members information. The planning application approved in 2012 for amendments to the scheme previously allowed on appeal was for a dwelling measuring 10.8m in depth by 15.6m in width and 6.2m to the ridge height, which is identical to the dimensions of the proposed dwelling. The proposed dormer windows on the front and rear elevations are considered to relate well to the design and scale of the approved property. The fenestration changes are also

considered to be in keeping with the overall character of the dwelling. The detached double garage is to be located to the southern side of the dwelling adjacent to the boundaries of No. 1 Middlecave Close and No. 11 and No. 13 Middlecave Drive. Its scale is representative of other detached double garages elsewhere in the District and its design relates sympathetically to the design of the main dwelling. It is not considered that the limited views of the proposed development and detached garage between existing buildings would have an adverse impact upon the character of the area.

A level of potential overlooking towards No. 1 Middlecave Close was previously accepted by the inclusion of a first floor bedroom window on the 2012 planning permission. A first floor dormer window is also proposed in southern elevation, also looking towards No. 1 Middlecave Close. Given the separation distances (33m between the dwellings, and 17m to the boundary) no harmful impact would occur especially given the existing boundary treatment being a hedge approximately 3 -4m in height. To the northern side, is Gilross a substantial detached property and there is a separation distance of approximately 50m from the nearest proposed dormer window and first floor window to Gilross. There is considered to be an acceptable separation distance to Gilross to avoid any unacceptable potential overlooking. Any potential overlooking to other properties will be at oblique angles and not considered to be objectionable. The ground floor fenestration changes are not considered to have a material adverse effect upon surrounding properties. In terms of the proposed garage, it has been designed with hipped elements to reduce the impact upon the adjoining properties. Furthermore, there is a substantial hedge and a fence on the adjoining boundaries, that will restrict views of the proposed garage. In view of the above, the proposed changes to the approved scheme are not considered to have a material adverse effect upon the amenity of the adjoining neighbours.

The use of the access track between No. 1 and No. 2 Middlecave Close remains as approved, and there are considered to be no additional amenity impacts arising from these changes to the use of that access track. North Yorkshire Highways Authority has recommended the imposition of conditions, consistent with the earlier approval.

The views of the Tree and Landscape Officer are awaited.

No response has been received from Malton Town Council to date. 6 letters of objection have been received.. The issues raised in the letters of objection are :

- Privacy and impacts upon residential amenity;
- Construction disturbance and inconvenience;
- No building operations after 5.30pm;
- Access to the site;
- Access to the site for emergency vehicles;
- Damage to fences;
- Retention of existing hedgerows;
- Restrictive covenants;
- Vehicle noise to surrounding properties;
- The scale of the detached double garage;
- The impact upon the character of the area;
- Can the garage not have a flat roof;
- Whether the garage could be a dwelling at a later date; and
- Whether the conditions on application 12/00438/FUL been discharged

The issues of privacy and residential amenity along with the impact upon the character of the area has been appraised above. The access to the site and associated impacts of vehicles remains as already approved. A condition is recommended to protect the existing hedgerows. A flat roof garage would not be an acceptable design solution, and there is considered to be no requirement to seek amendments to the design of the proposed garage. A separate planning application would need to be submitted should the applicant wish to consider changing the garage into a separate dwelling, which would require public consultation and the application would be considered against the adopted development plan at that point in time. Members should note that there is no indication that this is the

intention of the applicant. A further letter dated 1 September 2015 from the applicant's agent in response to the various points made by third parties is attached to this report. The relevant planning conditions on application 12/00438/FUL have been discharged. A condition is imposed to require details of the parking of construction vehicles. There are normally no controls imposed on planning applications regarding the construction of development, as this is often seen to fall outside the scope of the planning system. It is noted that no such controls have been imposed on the previous application. However, an informative could be added to advise the applicant/developer to consider subscribing to the Considerate Construction Scheme, which covers protection to the existing community. Restrictive covenants are not material planning considerations.

In light of the above, and in the absence of any other material considerations, the recommendation is one of approval.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

3 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

4 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

Class H: Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

Reason:- To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 19C. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 6 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 7 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway.

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

- 8 The existing hedges along the northern, southern, eastern, and western boundaries of the site shall be retained and maintained, and details of proposed maintenance measures shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development. In the event of the existing hedge(s) dying, it/they shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. Any new hedgerow plants shall be maintained for a period of five years from being planted and replaced if they die or become diseased by plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason:- It is considered that the existing hedges are an important visual amenity that should be retained and help to protect the residential amenity of surrounding properties and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Drawing 19(C) Proposed Site and Ground Floor Plan - Revised details

Drawing 20 C Proposed context elevations, schematic section, revised details first floor plan & garage details

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE:

- 1 The applicant/developer is advised to consider subscribing to the Considerate Construction Scheme to protect the amenity of surrounding properties.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties