Item Number: 14

Application No: 15/01420/FUL

Parish: Nawton Parish Council

Appn. Type: Full Application **Applicant:** Miss J Bulmer

Proposal: Erection of a 2no. bedroom dwelling together with formation of vehicular

access and associated parking area.

Location: Land Rear Of Number 1 Chapel Street Nawton Helmsley

Registration Date:

8/13 Wk Expiry Date: 26 January 2016 **Overall Expiry Date:** 28 December 2015

Case Officer: Alan Hunter Ext: Ext 276

CONSULTATIONS:

Environmental Health Officer

Land Use Planning

Parish Council

Highways North Yorkshire

No views received to date
No objection - comments made
Recommend conditions

Neighbour responses: Mr & Mrs D Pearson, Ms Bridget Forman, Ryan Martin

Lazenby And Miss Claire Sherrington, A Lee, Mr Peter

Wright, Mrs Penny Harper, E M Kendall,

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SITE:

The application site is located to the rear of No.1 Chapel Street within the development limits of the Nawton. There is a stone wall located on the northern boundary.

The site has been fenced off but remains part of the rear garden of No.1 Chapel Street in terms of the planning unit. The application site approximately measures 13m in width and 15m in depth.

There is a former Chapel to the western side, gardens of existing properties ob Chapel Street to the southern side, and established residential properties to the north. No 1 Chapel Street is located to the eastern side.

PROPOSAL:

Full planning permission is sought for the erection of a single-storey 3 bedroom detached dwelling with vehicular access from School Lane.

The proposed dwelling will be 'L' shaped and approximately measure 8.8m in width across its front elevation and 10.8m in depth at its maximum, with an eaves height of 2.3m and a ridge height of 4.4m. The building is proposed to be constructed of stone under a clay pantile roof. UPVC doors and windows are proposed.

The proposed development will also incorporate a reduced amenity area for No. 1 Chapel Street and a parking space.

HISTORY:

Recent planning history includes:

2015: Planning permission refused for the erection of a 3 bedroom dwelling.

2014: Planning permission refused for the erection of a 3 bedroom dwelling. Dismissed on appeal.

POLICY:

National Policy Guidance

National Planning Policy Framework 2012 (NPPF) National Planning Policy Guidance 2014 (NPPG)

Ryedale Plan - Local Plan Strategy - adopted 5 September 2013

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and distribution of housing

Policy SP3 - Affordable Housing

Policy SP4 - Type and mix of new housing

Policy SP11 - Community Facilities and Services

Policy SP16 - Design

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

APPRAISAL:

The main considerations in relation to this application are:

- 1. The principle of the proposed development;
- 2. The siting, scale and design of the proposed dwelling;
- 3. Highway safety;
- 4. The impact of the proposed development upon the amenity of the adjoining neighbours;
- 5. Drainage; and
- 6. Developer contributions

There have been two recent applications on this site seeking planning permission for a dwelling. The first application, a two storey dwelling facing Chapel Street was refused planning permission and dismissed on appeal. The Inspector dismissed the appeal because of the unacceptable reduction in garden for No. 1 Chapel Street, the unacceptable potential overlooking, and the impact of the proposal upon the sense of enclosure that exists within the streetscene, particularly relating to the three open access ways, and the re-location of the existing stone wall. A second planning application was submitted last year featuring a two-storey dwelling with a side-on relationship to Chapel Street,. Planning permission was also refused for that proposed dwelling. The reasons for refusal related to the inadequate level of amenity space for No. 1 Chapel Street, the reduction in openness between buildings, and that the proposal including the re-location of a the stone wall will adversely affect the visual amenities of the area, and the limited private amenity space for the proposed dwelling.

Principle of Residential Development

The proposed dwelling is located within the development limits of Nawton, which is classed as a 'Service Village' in the adopted Ryedale Plan. The village has the benefit of local facilities including schools, a shop, public houses and public transport links. The proposal seeks permission for development in depth behind No.1 Chapel Street to accommodate a detached dwelling.

Whilst the proposal is located to the rear of No.1 Chapel Street it is not a typical 'back land' plot because the rear curtilage of No.1 Chapel Street also has a frontage onto Chapel Street, albeit behind a stone wall.

The development site is within a 'Service Village', and the principle of development complies with the locational requirements of Policy SP2 and Policy SP19.

The proposed development reduces the amount of residential curtilage available to No. 1 Chapel Street, to an area measuring 85.6m2, excluding the parking space and private rights of access. This proposed retained area of amenity space for No. 1 Chapel Street is larger than the two earlier planning applications. This area of amenity space is now considered on balance to be acceptable and similar to the garden sizes of some other properties in this terrace and elsewhere in the village.

The siting, design, scale and layout of the proposed development

Policy SP16 requires new development to reinforce local distinctiveness, and places emphasis on views, vistas and skylines.

The policy also requires that new development "respects the character and context of the immediate locality and the wider landscape/townscape" and 'The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings'

The Inspector noted in his decision on the first planning application, that the character of the area included a sense of enclosure in this particular area. This is due to the arrangement of immediate buildings in the street scene and the position of the existing stone wall and the narrow road width. The Inspector stated:

"Chapel Street is characterized by stone dwellings many of which abut or sit close to the road. There is a general sense of enclosure created by the narrow lanes and building forms. The exception to this is at the bend in Chapel Street, adjacent to the gable wall to No 1. Here the road becomes wider and a bus lay-by has been created opposite the site. The properties to the north are also set back from the road, although an outbuilding running along the boundary of one of the properties retains some sense of enclosure to part of this frontage. At the appeal site the existing boundary wall and its proximity to the cottage opposite, which abuts the road, re-establishes this sense of enclosure at street level. This is particularly evident when viewed from the junction between Chapel Street and High Street.

The proposal would result in a wide gap in the street enabling the creation of three driveways and pedestrian access located side by side. A paved forecourt is also proposed along approximately half of the site frontage, almost immediately opposite the bus lay by. The proposal would therefore result in a large area of hard-surfacing at a point in the street where the road width is already greater than is characteristic of Chapel Street generally. This aspect of the design would be visually unattractive and would result a significant loss of the important sense of enclosure at this point in the street.

I accept the appellant's point that the wall could be removed without the need for planning permission. However, there is nothing to suggest that this would be a likely fallback position in the absence of this re-development proposal. I acknowledge that a condition could be imposed requiring the installation of tall gates to the site frontage. However, the increased perception of road width would remain due to the paved forecourt and set back replacement wall. It is also likely that the gates, at least to the space serving No. 1, would be left open as there would only be space to park a small car on that driveway clear of the gates. This is also the situation with the space for No. 2 although I accept that, as this is an occasional space, it is more likely that the gates here would be kept closed when the space is not in use".

I note that there are instances where two driveways sit side-by side elsewhere in the village, including opposite the site. However, I saw no instances where three driveways and a pedestrian access sit side-by side as is proposed in this case. Furthermore, many of the wider gaps for driveways also have planting areas to the side or along the frontage to soften the overall impact of the hard surfacing. Insufficient space has been provided in the appeal proposal to allow for the softening or breaking up of this hard-surfaced area. This feature of the proposed design would be harmful to the street scene

and would fail to reinforce local distinctiveness or respect the character and context of the immediate locality as required by Policies SP16 and SP20 of the LPS.

I have referred above to the sense of enclosure at street level, but the Council are concerned at the loss of openness provided by the existing site. I agree that the site does provide a sense of openness above street level where views can be gained of the sky above the existing boundary wall. However, I do not consider this to be the most important aspect of the streetscene, nor is it a significant characteristic of the surrounding area. Furthermore, the proposed dwelling would provide a gap between it and the former chapel to the west which would still allow open views of the sky above the proposed boundary wall."

The existing stone wall has been reduced in height by the applicant, and it is noted from earlier applications that it is not a designated heritage asset and does not have any protection in its own right. It is therefore considered to be unreasonable to object to the principle of demolishing this wall.

There was objection previously to the re-positioning of this stone wall and the formation of three accesses along that boundary. This submission includes two new accesses, but not side-by-side. The wall is built on angles at either side of the new proposed vehicular access in order to obtain visibility. Unlike the application determined at appeal the stone wall is proposed to be aligned with the gable end of No. 1 Chapel Street which will help to reduce the width of Chapel Street, and there is no hard surfacing proposed in front of the wall. Instead the area will be seeded or planted. Whilst this contrived wall re-arrangement is designed for visibility reasons, it is considered that the proposed dwelling comprising part of the wall, together with the reduced number of accesses to two, along with the re-aligned wall on the eastern side and revised ground surfacing materials. It is now considered to be difficult to argue on balance that the proposal does not retain that important sense of enclosure. It is considered that this submission has made a reasonably good attempt at addressing the issues raised by the Inspector. As a result the proposal is not on balance considered to be prejudicial to the visual amenity of the area in terms of the re-arrangement of the wall and access positions.

A single storey dwelling is proposed of stone under a clay pantile roof. The front elevation of the proposed dwelling includes part of the newly constructed front wall to the application site. This arrangement is not considered to be out of keeping in this location and reinforces the sense of enclosure in this immediate area. The proposed dwelling gives the appearance of an outbuilding to No. 1 Chapel Street, and the use of rooflights on the front elevation reflects this approach. A condition is recommended to ensure that these are conservation rooflights. The proposed rear wing, at 6m is large, however, there are very limited public views of this rear wing to substantiate this as a reason for refusal. The use of UPVC is not encouraged on such properties, a condition is recommended to control the type of windows to ensure that they befit this type of dwelling. At this stage UPVC is not ruled out depending on the type of windows, their reveal and external finish. Subject to conditions the siting, scale and design is therefore considered to be appropriate.

Residential Amenity

Policy SP20 requires that new development should not have a "material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design...and proximity to neighbouring land uses."

To the western side is the Old Methodist Chapel, which has two tall window openings on its eastern elevation facing the site. One of these windows is boarded and one is obscured. An objector states that the building is used by a local building company. No objections or representations have been received from the occupiers of the former chapel. The Environmental Health Officer has not raised any objection in regard to the inter-relationship, nor did the Inspector on the earlier appeal. There is considered to be no evidence to suggest the two uses cannot co-exist. Furthermore the land at present is the garden of No. 1 Chapel Street.

Hillcrest, a cottage which is located immediately adjacent to the road and opposite the site. The rear elevations and gardens of No.'s 1-4 Chapel Street are located to the eastern and southern side of the

site. The proposed building is single storey and orientated away from the streetscene with two rooflights on its front (northern) elevation and window on its southern elevation, together with a door and two windows on the eastern side. The single storey design is considered to ensure that there will not be an unacceptable level of potential overlooking towards any surrounding properties.

In terms of Hillcrest, there is a road that is located in between that and the proposed dwelling with a minimum separation distance of 6m between Hillcrest and the front elevation of the proposed dwelling. Given the separation there is not considered to be an unacceptable loss of day lighting or sun lighting to this property.

On the last planning application a reason for refusal was included in relation to the size of the garden area, being 65m² for a 3-bedroom dwelling. This proposal is a 2-bedroomed smaller dwelling, and excluding the parking area, it has at least 60m² of private amenity space. It is considered that on balance this is a satisfactory level of private amenity space for this smaller sized property.

In summary the proposed dwelling is not considered to have an adverse effect upon the amenity of the adjoining neighbours and to retains satisfactory level of residential amenity space.

Highway Safety

The Highway Authority has responded to the application and sought clarification on the size of the on-site vehicular parking spaces. The spaces are below the minimum sizes required by the Highway Authority. The block plan has been amended to increase the parking area and the Highway Authority have confirmed that they have no objection to the application subject to conditions.

In assessing the development the Highway Authority have considered both vehicular and pedestrian safety, together with the location of the bus stop and associated traffic that is accommodated in this area, before concluding that there are no Highway safety reasons to object to the application.

Drainage

The Local Planning Authority has consulted Yorkshire Water in relation to the proposed development. No response has been received, however based on their earlier consultation response of no objection to a single dwelling there is unlikely to be objection.

Developer Contributions

In accordance with Policy SP11 of the Local Plan Strategy a financial contribution of £2,518 is required in relation to off-site Public Open Space provision. In accordance with Policy SP3 of the Local Plan Strategy a contribution based on 9% of the private sales revenue of this proposed dwelling is required as an off-site affordable housing contribution. The valuations for the dwelling to calculate the contribution have not been received from the agent to date. Therefore, if Members are minded to approve this application, a S106 agreement to secure the above contributions is required before any such decision can be issued.

Other issues

The Parish Council has stated no objection to the proposal, but asks that consideration is given to highway safety particularly around school drop-off and pick-up times. The proposal has on-site parking for 2 cars, and the Highway Authority does not raise objection to this single 2-bed dwelling. The impact upon the local highway network has been considered by the Highway Authority before they issued their recommendation to this application.

Objections have been received from occupiers of 8 properties. The following issues have been raised:

- Rights of way across the site;
- Car parking arrangements;

- That the plans do not accurately show the current landownership;
- Privacy issues;
- Narrow road width;
- Highway safety;
- The quality of the drawings;
- The scale on the drawings and being able to measure the drawings;
- Suggest restrictions on loft conversion;
- How the application compares to Land Registry plans;
- Boundary disputes;
- The loss of the existing stone wall;
- On-street parking;
- Overlooking from and overlooking of Hillcrest;
- That the application is purely for financial gain;
- The site is near the school bus stop;
- The design of the proposed dwelling and its impact upon the visual amenity of the area;
- Pedestrian safety;
- The potential impact upon the residential amenity of the dwelling from the Chapel used by a local building company;
- That there are new dwellings built elsewhere in the village;
- Cramped form of development; and
- Reduction in the garden area for No. 1 Chapel Street.

In this case, the suggestion that the plans do not accurately show current land ownership, the quality of the plans, boundary disputes, the suggestion that the application is purely for financial gain, and other dwellings built elsewhere in the village are not material planning considerations on this application. The plans as submitted have been validated as meeting the national requirements for planning applications.

The private rights of way mentioned by third parties relate to land at the rear of No. 1 Chapel Street, and not the application site. The agent has advised that the applicant's Solicitor will be responding separately in regard to this issue.

Road width, parking arrangements, the location of the bus stop, pedestrian safety, and all aspects of highway safety have been appraised by the Highway Authority who do not object to the application. Privacy and amenity issues; the relationship with the former Chapel use; the reduction in garden area for No. 1; the design and impact of the proposal upon the visual amenity of the area; the loss of the existing stone wall; and the suggestion of the development being a cramped form of development have also been addressed in the appraisal above. A condition is recommended in regard to withdrawing permitted development rights, which includes loft conversion without the submission of a planning application.

Further conclusion

On balance, it is considered that the earlier reasons for refusal have been overcome and the application can be recommended for approval.

RECOMMENDATION: Approval subject to S106 Agreement in relation to Affordable Housing and Public Open Space contributions

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

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

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.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

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

Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed

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

Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by PPS1- Delivery Sustainable Development.

5 Prior to the commencement of the development, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy H7A (ii) of the Ryedale Local Plan

Prior to the commencement of the development of the development precise details of spot ground levels and ground floor finished floor levels measured in relation to fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

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

Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted development) Order 1995 (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.

Reason:- To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy Policy H7A criteria (i) and (ii) of the Ryedale Local Plan

- Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (ii)(b) The existing access shall be improved by upgrading of construction in accordance with the approved details and/or Standard Detail No. E6 (copy attached).
 - (ii)(c) The crossing of the highway verge and/or footway in relation to the proposed dwelling shall be constructed in accordance with the approved details and/or Standard Detail number E6 (as above).
 - (iii) Any gates or barriers shall be erected a minimum distance of 2.4 metres back from the carriageway of the existing highway and/or clear of the conditioned visibility sight lines and shall not be able to swing over the existing or proposed highway.
 - (v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted, and agreed in advance, of the commencement of the development and maintained thereafter to prevent such discharges.
 - (vi) The final surfacing of any private access within 2.0 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility through to the western extremity of the application site frontage with Chapel Street and to the north-western corner of the dwelling No.1 Chapel Street (shown in blue as being under the control of the applicant) from a point measured 2.4 metres down the centre line of the proposed access road (as generally indicated on the submitted plan Drawing No. PL1 A). The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility 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 in the interests of road safety.

No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number PL1 A. 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 interest of safety and the general amenity of the development.

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.

- Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on 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 storage facilities, in the interests of highway safety and the general amenity of the area.

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- Prior to the commencement of the development hereby approved, precise details of the guttering and downpipes shall be submitted to and approved in writing by the Local Planning Authority.
 - Reason:- In order to ensure a satisfactory external appearance, and to satisfy Policy SP20 of the Ryedale Plan Local Plan Strategy.
- Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. 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 in 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:- In order to ensure a satisfactory external appearance, and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

Prior to the commencement of the development, precise details of all ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

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

The rooflights shall be conservation rooflights with details to be submitted to and approved in writing by the Local Planning Authority prior to their first installation.

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

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

Drwg No: SL1; and Drwg No: PL1

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

INFORMATIVES:

- You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
- 2 An explanation of terms used above is available from the Highway Authority.

Background Papers:

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