

Item Number: 9
Application No: 16/01887/73A
Parish: Settrington Parish Council
Appn. Type: Non Compliance with Conditions
Applicant: Mr S Benson
Proposal: Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state that the approved plans shall be "619/21K Site Layout, 619/20D House Type Design, 619/22B Window Details Eaves Details and 619/23 Additional Door Details"
Location: Land At Corner Of Chapel Road And Forkers Lane Settrington Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 25 January 2017
Overall Expiry Date: 5 January 2017
Case Officer: Charlotte Cornforth **Ext:** 325

CONSULTATIONS:

Building Conservation Officer No objection
Parish Council Object

Neighbour responses: Mr Richard Clark, Mrs Rosemary Mitchell, Keith & Sue Herdman, Mr Alan Mitchell,

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SITE:

The application site lies at the junction of Chapel Road and Forkers Lane within the Settrington Conservation Area and also within the village's Development Limits. The site lies on a corner plot to the north of the village on the boundary of the Settrington Conservation Area. Twentieth century housing lies to the north and Grade II listed buildings neighbour the site to the west and south.

Land to the east across Forkers Lane falls within the wider Wolds Area of High Landscape Value. To the west of 17 - 19 Chapel Street is a designated VIUA, which follows the path of Settrington Beck southwards. The site falls outside the historic core of Settrington, which lies to the west and south of the application site.

PROPOSAL:

Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state that the approved plans shall be "619/21K Site Layout, 619/20D House Type Design, 619/22B Window Details Eaves Details and 619/23 Additional Door Details"

Members should note that the principle of residential development on the site has already been established as part of the 09/01372/FUL planning permission and other more recent planning permissions. This application will therefore appraise the changes from planning permission reference 12/00809/73A to this application. Members should note that the proposal is still for 2.no two bedroom semi-detached dwellings.

The main timber frame structure has already been constructed at the site. It was brought to the attention of the Local Planning Authority that there was a breach of planning control in terms of the height and positioning of the proposed dwellings, which differed from the approved drawings as part of the 12/00809/73A planning application.

The applicant was therefore advised to cease work and submit an application to seek to vary the approved plans condition of the original approval 12/00809/73A.

The agent has submitted a letter explaining why the breaches of planning control have occurred. The full letter is attached to this report, but in summary the height of the dwellings has increased due to disparities in the ground and finished floor levels. The positioning of the dwellings is also different to that approved due to the rear boundary disparities and the squaring of the plot for a timber frame like construction. Furthermore, the agent has stated that the dwelling would have had to be sited at least 1 metre off the rear boundary due to the inclusion of windows in the rear elevation to allow for fire escape purposes.

The dwellings as approved under application 12/00809/73A had a ridge height of 7m based upon a ground floor finishing level of 37.31 AOD (above ordnance datum). The dwellings as now drawn and as constructed with the timber frame structure have a ridge height of 7.1m based upon a ground floor finished level of 37.71 AOD. The levels disparities has resulted in a 0.4m increase in height and the timber frame construction has resulted in a 0.1m increase in height, totally an overall 0.5 increase in height.

The dwellings as drawn as part of this application and as constructed with the timber frame structure are positioned 1.3m further south (forward) than approved.

Members should note that an additional street scene plan has been received showing the proposal in context of the Grade II listed buildings to the immediate west of the site and also showing how the dwellings are viewed from Forkers Lane. This plan is appended to the agenda.

Members should note that the application has been brought before them as the application has received a variety of consultation comments., including some objections.

Settrington Parish Council have objection to the proposal and 2 objections have been received from the occupiers of Brook Farm Barn, which is located approximately 290m to the south west of the application site along the Back Lane.

A letter of support has also been received from the occupier of Willowbeck Lodge, which is located immediately to the north west of the application site. Comments have also been received from Mr Richard Clark who was the applicant for a previous scheme that was refused. These comments will be elaborated upon within the appraisal section of the report.

LEGISLATION AND PLANNING POLICY:

Section 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP12 Heritage
Policy SP13 Landscapes
Policy SP16 Design

Policy SP18 Renewable and Low Carbon Energy
Policy SP19 Presumption in Favour of Sustainable Development
Policy SP20 Generic Development Management Issues

National Planning Policy Framework (2012)

Chapter 7. Requiring good design

Chapter 12. Conserving and enhancing the historic environment

National Planning Practice Guidance (2014)

HISTORY:

The site has an extensive planning history, including:

- 08/00417/FUL - Planning application withdrawn - Erection of a four bedroom dwelling with detached double garage and formation of vehicular access.
- 09/01372/FUL - Planning permission granted 16.03.2010- Erection of 2 no. two bedroom semi-detached dwellings with associated parking/ amenity areas.
- 12/00809/73A - Planning permission granted 29.11.2012- Variation of Condition 21 of approval 09/01372/FUL dated 17.03.2010 to state "The development hereby permitted shall be carried out in accordance with the following approved plans: 858-GA10-01-A Site Layout Plan, 858/105A Proposed elevations, 858/106 Floor Plans proposed"
- 15/00738/73A - Planning permission refused 28.08.2015- Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state "The development hereby permitted shall be carried out in accordance with the following approved plans: 1411/14 - Location plan 1:1250, 1411/15 - Site Plan as Existing, 1411/16 - Site Plan as Proposed, 1411/17 - Ground Floor Plans as Proposed, 1411/18A - First Floor Plans as Proposed, 1411/19 - Elevations as Proposed 1, 1411/20A - Elevations as Proposed 2, 1411/21A - Aerial View"

This application was refused due to the siting, scale and detailed design of the proposed dwellings. The dwellings were positioned 5m further forward than the neighbouring listed buildings and proposed 2 storey cross wing gables to incorporate a third bedroom in each of the dwellings.

Members should note that all of the pre commencement conditions of 12/00809/73A have been agreed as part of the discharge of conditions application 15/01130/COND.

APPRAISAL:

The main considerations to be taken into account are:

- i. Impact upon the character of Settrington Conservation Area and impact upon the setting of the neighbouring Grade II Listed Buildings
 - ii. Impact upon neighbouring amenity
 - iii.. Other matters - Consultation responses
 - iv. Conclusions
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- i. **Impact upon the character of Settrington Conservation Area and impact upon the setting of the neighbouring Grade II Listed Buildings**

The Building Conservation Officer has stated the following with regard to the proposal:

No Objection

This application lies at the junction of Chapel Road and Forkers Lane within the Settrington Conservation Area. The site lies on a corner plot to the north of the village on the boundary of the conservation area. Twentieth century housing lies to the north, and Grade II listed buildings neighbour to the west and south. As set out in my consultation response of 4th July 2008, a strong aspect of part of the existing character of Settrington is the position on the plot of the buildings. 'They have a strong relationship to the streets and the beck either running parallel to the road with their roof ridges and long elevations running in tandem or they are gable end on. Either way, the relationship is a strong one of either parallel or perpendicular placing on their plots.'

The site is prominent being a corner plot. It is however, predominantly viewed at close distance only. Due to the topography, high hedges and street layout, the predominant experience of the site is at close quarters. When travelling from west-east, Chapel Road rises up to the bend.

The above application seeks a 'Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state that the approved plans shall be 619/21K site layout 619/20D House Type Design 619/22B Window Details Eaves Details and 619/23 Additional Door details'

It is apparent from the submitted documents that the height of the building varies c. 500mm higher than the '12/00809/73A' approved application. c. 400mm of this can be accounted by a ground level difference and c. 100mm of this can be accounted for a construction detailing, resulting in a space between the first floor window lintels and the eaves. The position of the building on the plot is c. 1.3m further south of the approved scheme.

In my opinion the ridge height difference is regrettable but is however, relatively minor. The effect of the height difference is mitigated by the way the surroundings are experienced as Chapel Lane rises in height as it travels west-east. This natural topographic experience of the surrounding rising land mitigates the ridge increase of c. 300mm. The spacing distance of c. 12m between the neighbouring listed buildings to the west also mitigates the difference in ridge height as do the trees in between.

Careful consideration was given to the approved design in respect of the detailing. This included first floor windows set directly below eaves level. This application for consideration, seeks to vary that design detail and sets the eaves level. c 100mm above the window lintels. In my opinion this alteration is regrettable ,but is also relatively minor. The fact that the building is set back c. 25m from the footpath also helps to mitigate this effect.

In my opinion the alteration that has greatest impact is moving the building forward by c. 1.3m. The impact of this is most apparent when viewed travelling from west to east along Chapel Road. Due to screening and topography however, the most significant view of the impact is restricted to the immediate locality looking east from the western end of the listed buildings. Due to the rise in the land, set back position of the buildings, separation distance between the existing buildings and new buildings and the tree screening, the impact of the set forward is mitigated. The overall effect of the building and its relationship with its neighbour still retains the characteristic eaves and ridge parallel to the road and its predominantly set back from the roadside position being c. 25m away from the road.

In my opinion the alterations set out above do cause some harm to the character of the conservation area. In my opinion however the degree of harm is very much on the minor end of the scale and is so slight, as to cause very much less than less than substantial harm. The c.12m separation with the neighbouring building, localised topography, and the way views of the buildings are taken in, help to mitigate the very minor harmful effects.

ii. Impact upon neighbouring amenity

The dwellings as now drawn as part of this application and as constructed with the timber frame structure are positioned 1.3m further forward than previously approved. Whilst the height of the dwellings has increased, it is considered that due to the separation distance of the proposed dwellings to Fair View to the immediate north and 18 Chapel Road to the immediate west of the application site, there will not be a material adverse impact upon neighbouring occupiers. This is in terms of being overbearing in presence, causing loss of light or loss of privacy, complying with Policy SP20 of the Ryedale Plan - Local Plan Strategy. No comments have been received from the occupiers of either of these properties.

iii. Other matters - Consultation responses

Settrington Parish Council

Settrington Parish Council object to the proposal. Their full letter of objection is appended to the agenda. Members should also note that the Parish Council did not object to the 12/00809/73A application. A summary of the current objection is as follows:

- The approved buildings matched the height of the adjacent Grade II listed cottages on Chapel Road.
- The application has a detrimental impact on the character of the Settrington Conservation Area as the building have been brought forward of the building line by over 1.3m.
- The coming forward of 1.3m fails to respect the building lines of the adjacent listed buildings.
- The variation drawings do not show the adjacent buildings which are critical
- The chimney should be constructed in materials suitable for the Conservation Area.

Occupiers of Brook Farm Barn, Settrington

Two objections have been received from the occupiers of Brook Farm Barn which is located approximately 290m to the south west of the application site along the Back Lane. Their full letters of can be viewed on the Council's website. A summary of their letters are as follows:

- This application is some 1.3m forward of that building line and the building itself is about 400mm higher than the adjacent cottages. The building is partially constructed and the timber frame has been erected. It is described locally as 'sticking out like a sore thumb'.
- The application clearly does not maintain the building lines or ridge height. It is forward and higher than the adjacent terrace, giving the proposed building a greater prominence in comparison to the listed buildings, which is inappropriate and is not merited. Door details and window heights at eaves have been revised.
- Reducing this ground level by some 400mm is not technically difficult and is quite a common building process. Undermining of foundations of the adjacent, stone shed could be avoided either by some local underpinning (refer Party Wall Act) or by using an rc raft foundation.
- I see no technical reason why the building line has been brought forward.
- To approve this scheme would undermine the planning process, the value of Conservation Area status and the rigorous conditions applied.

Occupiers of Willowbeck Lodge

A letter of support has been received from the occupier of Willowbeck Lodge, which is located to the north west of the application site. The full letter can be viewed on the Council's website. A summary of the letter is as follows:

- If the proposed variations are not passed then the properties being built would have to be taken down and moved nearer the fence on the northern boundary which adjoins our property.
- If the proposed variations are not passed then the moving of the properties nearer the fence would have an adverse impact on the owners of Fairview which is a bungalow and would be even more overlooked and dominated by the new properties.

Richard Clark

A letter has been received from Richard Clark who was the applicant for a previous scheme that was refused (Reference 15/00738/73A). The letter makes reference to the comments made by Settrington Parish Council. The full letter can be viewed on the Council's website. A summary of the letter is as follows:

- The brief for 15/00738/73A scheme was to bring the building forward by 2m from the rear boundary as the proposed plans were unworkable and should never have been approved
- Mr Skinner from the Parish Council states that the application we submitted was refused for the same reason as the present. This is not at all the case as the only difference to our final plans which differed from the original application was that we wanted to bring the new cottages 2m forward from the rear boundary.
- Builders did not proceed with the scheme due to planning conditions. Does this mean that it was never intended that the site be developed and unrealistic conditions were imposed to prevent this?
- Why was the objection from Keith and Sue Herdman not taken on board at the original planning stage?

Comments regarding the consultation comments

The issues raised regarding the height and positioning of the dwellings in terms of their impact upon the Settrington Conservation Area and the Grade II listed buildings has been carefully considered and articulated by the Building Conservation Officer within section i of the appraisal. This is also the case regarding the window details at eaves level. It should be noted that the chimney details, showing brick and not stone slips have been agreed as part of the discharge of conditions application.

The occupiers of Willowbeck are correct in stating that if the proposed variations are not passed then the properties would be moved nearer to the rear fence. Members should note that planning permission has previously been granted for the dwellings to be positioned in close proximity to the rear fence. Members should also note that application 15/00738/73A was refused due to the siting, scale and detailed design of the proposed dwellings. The dwellings proposed in that application were positioned 5m further forward than the neighbouring listed buildings and also proposed 2 storey cross wing gables which were a significant change in terms of their design in order to accommodate a third bedroom in both units.

It should also be noted that the conditions attached the 12/00809/73A approval were imposed by the Local Planning Authority due to the specific issues regarding the site. Planning conditions can only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects in accordance within Paragraph 206 of the National Planning Policy Framework. It is considered that all conditions attached to the 12/00809/73A approval complied with these requirements. The objection from Mr and Mrs Hardman of Willowbeck was considered as part of the determination of the application 09/01372/FUL that was approved by Members of the Planning Committee on 16th March 2010. Their comments were also taken into consideration as part of the later 12/00809/73A approval.

iv. Conclusion

The application site is prominent being a corner plot within the Settrington Conservation Area and neighbouring Grade II listed buildings. It is however, predominantly viewed at close distance only. Due to the topography, high hedges and street layout, the predominant experience of the site is at close quarters. When travelling from west-east, Chapel Road rises up to the bend and close views of the site and there proposed dwellings can only be seen after crossing the beck.

It is therefore considered that on balance, the increase in height of 0.5m and the positioning of the dwelling further south on the plot by 1.3m, that the scheme as submitted is acceptable and satisfies the policy requirements of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. The proposal is therefore recommended for approval, subject to the following conditions.

RECOMMENDATION: Approval

- 1 The development hereby approved shall be carried out in accordance with the submitted and agreed details as part of the discharge of conditions application 15/01130/COND regarding conditions 02, 03, 04, 05, 06, 09, 10, 11, 13, 15, 16 and 19.

Reason: To comply with Policies SP12, SP16, SP19 & SP20 of the Ryedale Plan - Local Plan Strategy.

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

Site Location Plan - date stamped 30.11.2016.

Site Layouts - 619/21K dated 30.11.2016.

House Type Design - 619/20D dated 30.11.2016.

Window Details Eaves Detail - 619/22B dated 30.11.2016.

External Door Details - 619/23 dated 30.11.2016.

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