

Committee date: 24<sup>th</sup> July 2014

**Reference:** 14/00432/FUL

**Date submitted:** 23.05.14

**Applicant:** Mr & Mrs Lee

**Location:** Byland, 10 Timber Hill, Sewstern

**Proposal:** Erection of 3 bedromed dwelling.



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**Proposal :-**

The proposal comprises the erection of a three bedroom dwelling. The application site lies on the edge of the village of Sewstern. Part of the site lies within the village envelope and part of the site lies in the designated open countryside. To the north and north-east of the site is open countryside and to the south and north-west are residential properties on Timber Hill. There is an area of open countryside to the south-west.

**It is considered that the main issues relating to the proposal are:-**

- **The principle of the proposal**
- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**
- **Impact upon Highway Safety**
- **Meeting housing needs**

The application is to be considered by Committee due to part of the dwelling encroaching beyond the village envelope into open countryside.

## **Relevant History:-**

Reference 13/00786/FUL permitted a similar dwelling sited wholly within the village envelope.

## **Planning Policies:-**

### **Melton Local Plan (saved policies):**

Policies OS1 and BE1 allow for development within Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy H6: planning permission for residential development within Village Envelopes shown on the proposals map will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

Policy OS2: states that planning permission will not be granted for development outside of the town and village envelopes except for:-

- Development essential to the operational requirements of agriculture & fishery
- Limited small scale development for employment, recreation and tourism, which is not significantly detrimental to the appearance or rural character of the open countryside
- Change of use of rural buildings

**The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- deliver development in sustainable patterns and
- re-using brownfield land.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

**On Specific issues it advises:**

**Delivering a Wide choice of High Quality Homes**

- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

**Require Good Design**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Highway Authority</b> – The Highway Authority do not consider Sewstern to be a sustainable location and therefore not suitable for further development. However if minded to recommend approval then would request the imposition of conditions in relation to gradient, drainage, parking, hard surfacing and visibility.	Sewstern is considered to be a sustainable settlement with access to facilities and therefore in this respect the proposed dwelling is supported in principle with regards to the Local Plan policies OS1 and the NPPF. Furthermore, permission has already been granted for a dwelling on the site and this application seeks an amendment to that approval. As such the principle of a dwelling has been established.  <b>It is not considered that the proposal would have a detrimental impact on highway safety.</b>
<b>Sewstern Parish Council</b> - made no comment on the proposal.	Noted

**Representations:**

A site notice was posted and neighbouring properties consulted. As a result 3 letters of representation from 3 separate households objecting and offering comments to the proposal has been received to date.

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Location of the Dwelling:</b>  Part of the dwelling is beyond the village envelope, this would create a precedent and should not be allowed.	A dwelling was approved under reference 13/00786/FUL adjacent to no. 10 Timber Hill of a similar size, design and scale. Although the current application incorporates minor changes to the single storey rear element and the fenestration to the rear elevation, the main change to the proposal is the re-siting two metres to the north-west. This is due to Western Power raising concern over the proximity of the approved dwelling to the overhead

	<p>power lines; the re-siting is to alleviate this problem.</p> <p>The proposed re-siting of the previously approved dwelling takes part of the dwelling beyond the village envelope which runs at an angle from the highway towards the village. The proposed dwelling would encroach beyond the village boundary by less than two metres and the land to the north-west forms part of the garden serving the existing dwelling. Furthermore, this land has an approved use as the garden to serve the approved dwelling and includes the site for the garage; as such the land already has an approved domestic use. It is considered a sufficient case has been made to justify this minor encroachment which would not have a material impact on the designated open countryside. Although the part of the dwelling beyond the village envelope is not supported by Policy OS2 the extant approval for the development of this land and use in connection with the approved dwelling, together with the minor nature of the encroachment lead, to a recommendation of approval without undermining the intentions of Policy OS2.</p>
<b>Visual Impact of the Garage:</b> The new double garage would not mirror the original building	The garage has already been approved under the previous application.
<b>Right of Way:</b> There is a right of way from no. 8 Timber Hill through the site;	With regards to the right of way the records have been checked and this is not a definitive right of way. This relates to a private right of way and therefore is a private legal matter and not one which the planning authority can get involved in.
<b>Drainage:</b> There is no clear information relating to surface water, there are already drainage issues in the locality;	In respect of drainage and soakaways, this would be dealt with under a Building Regulations application. However, as the area is ironstone a condition can be imposed requiring drainage methods to be approved prior to commencement of development.
<b>Parking:</b> Insufficient parking provided	A double garage and a driveway would be provided to serve the proposed dwelling and separate off-street parking would remain to serve the host dwelling. It is considered the level of parking provision is therefore satisfactory and would not lead to additional on street parking or be detrimental to highway safety.
<b>Erosion of Bank:</b> Concerns with the location of the garage in terms of the erosion of the bank;	In respect of the steep bank and construction this would be dealt with under a Building Regulations application.

**Considerations not raised through Representations.**

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Design:</b>	<p>The dwelling has been designed to have two bedrooms on the first floor. There is a 'snug' area on the ground floor which could be used as a third bedroom. This room has been designed to be compliant with the Lifetimes Homes standards. The dwelling provides a gross external area of 168sqm which is relatively large for a three bedroom dwelling. However, the applicants have stated that this is due to the inclusion of large living spaces which suits the requirements of the applicants planned retirement lifestyle and state that the Lifetime Homes standards are intended to counterbalance the larger area of the dwelling.</p> <p>The main body of the dwelling is a linear 2 storey block with a single storey rear projection. The dwelling would be rendered externally which is not considered to be out of character in this part of the village. The design is similar to that previously approved with acceptable changes proposed on the rear elevation.</p> <p>The dwelling has been designed to continue the building line on Timber Hill, particular in relation to No. 8 &amp; 10 Timber Hill. The adjoining properties are semi-detached buildings with stucco rendered elevations and hipped roofs. The majority of properties are sited in a linear form along the streetscene. The proposed dwelling would be in keeping with the linear buildings fronting the street. The dwelling is not considered to have a detrimental impact on the character and form of this part of the village.</p> <p>The proposed dwelling would predominantly be within the village envelope. However, a small part of the dwelling together with the amenity area and parking arrangements would lie in the designated open countryside. The land to the north-west of the site is currently used for domestic purposes and has various domestic paraphernalia siting on the land including sheds, planting areas and a pergola. Therefore, no change of use would occur as the area would still be used as residential curtilage. <b>It is not considered that the proposed would have a detrimental impact on the open countryside due to the site already being used for residential purposes.</b> However, it is considered that permitted development rights should be removed to control future development encroaching into the open countryside.</p>

<b>Impact upon neighbouring properties:</b>	The proposed dwelling would be sited to the north of No. 10 Timber Hill. Sited in keeping with the building line of No. 8 & 10 it is not considered that the proposal would impact on the residential amenities of these two properties. To the east is open countryside and to the north-west are two properties No.9 and No.11 Timber Hill. These are separated from the application site by the highway with adequate separation distances to ensure the proposed dwelling would not have an adverse impact on their amenities. <b>It is therefore considered the proposal complies with the requirements of policies OS1 and BE1 and would not have a detrimental impact on residential amenities.</b>
<b>Housing Need</b>	The dwelling is considered to be a large 3 bed dwelling and in that respect is not considered to meet the identified housing need for the area. However, the dwelling would provide for a ground floor bedroom and has been designed to meet Lifetime Homes standards. The application is stated as providing a dwelling for the occupiers of No. 10 for their retirement needs and therefore is considered to be freeing up a 2 bedroom property (No. 10) which would be available on the open market. Therefore, on balance it is considered that a three bedroom property which has been designed to meet Lifetime Homes and would allow for a two bedroom dwelling to be available is acceptable and grounds for refusal on this basis could not be substantiated.
<b>Application of the Development Plan Policies:-</b>  The site sits partly within the village envelope where residential development is supported. Policies OS1 and BE1 seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with.  Part of the site lies outside of the village envelope. Policy OS2 is generally restrictive in the type of development allowed in the countryside.  Policy H6 allows for infill development of single and small groups within the village envelope.	The proposal seeks to re-site an approved dwelling two metres to the north-west in order to overcome the concerns of Western Power in relation to a power line. The encroachment into the countryside would be marginal, the site is already in use as a garden and would accommodate an approved garage. It is considered the development within the village envelope complies with Policies OS1, BE1 and H6 and the element of the dwelling in the countryside is so marginal as not to undermine the intentions of Policy OS2. It is considered that the development complies with the thrust of local plan policies and promotes sustainable housing growth as stipulated within the NPPF.
<b>Compliance (or otherwise) with Planning Policy</b>	As stated above, the development is considered to accord with the applicable Local Plan policies. In this instance, the policies are not considered to conflict with the NPPF and as such there is no requirement to balance the regimes against one another.

	The NPPF seeks to boost the economy and house supply to meet local housing needs. This proposal is considered to meet those objectives.
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### **Conclusion**

The siting of the proposed dwelling largely lies within the village envelope and thus benefits from a presumption in favour of development under policies OS1, BE1 and H6. A small part of the dwelling would be located beyond the village envelope; however this is not considered to undermine restrictive policies in the countryside. The proposed development has been designed to have a limited impact on adjoining properties, and is considered capable of reflecting the character and appearance of the surrounding area; and complies with highway requirements. The house type proposed meets the requirements of the Borough's housing needs in providing three bedroom accommodation to Lifetimes Homes standard. Accordingly, the proposal is recommended for approval subject to conditions.

### **RECOMMENDATION:- Approve, subject to the following conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be constructed strictly in accordance with the plans submitted (Drawing 1:1250 Location Plan, Drawing 6677P-01 Rev C) received by the Local Planning Authority dated 23rd May 2014.
3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application.
4. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the dwelling hereby permitted no development as specified in Classes A, B, D & E shall be carried out unless planning permission has first been granted by the Local Planning Authority.
5. The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.
6. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
7. The car parking and turning facilities shown within the curtilage of the dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
8. Before first occupation of the dwelling, its access drive and turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
9. Before first use of the development hereby permitted, visibility splays of 2.4 metres by 43 metres shall be provided in each direction out of the access on to Timber Hill. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
10. Before the dwelling is first occupied, the existing verge immediately in front of the proposed pedestrian access to the dwelling shall have been lowered and hard surfaced in accordance with

Highway Authority standards, to provide a safe standing and crossing point for pedestrians going to and coming from the dwelling.

11. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Officer to contact:

**Mr Joe Mitson**

**Date    11<sup>th</sup> July 2014**