

PLANNING COMMITTEE

Wednesday 26th November 2008

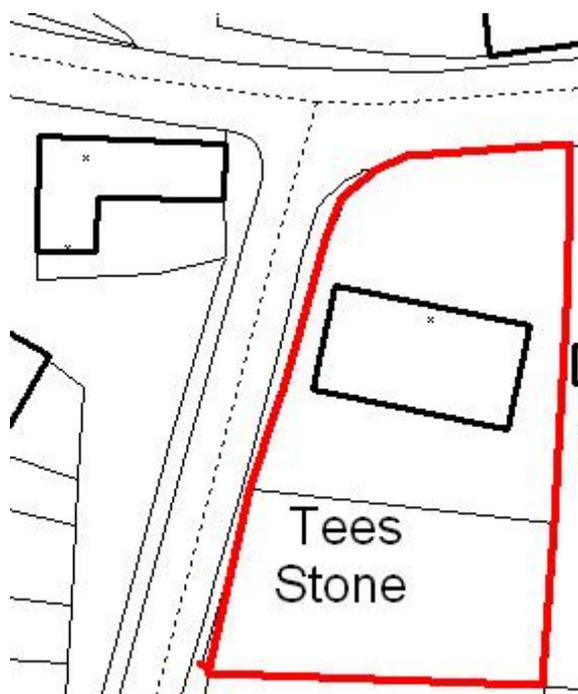
This application is reported to Members because of the level of local opposition and following Councillor G M Richardson's request because he was concerned about the visual impact and highways safety.

Case Officer - Sharon Gray

HAMSTERLEY - 6/2008/0385/DM

New dwelling and creation of access to existing dwelling on land to the south of Tees Stone, Hamsterley for Mr John Wallis (22 September 2008).

SITE PLAN



THE SITE:

The application site comprises of the garden area of an existing bungalow known as 'Tees Stone'. The site lies within the development limits for Hamsterley and within a predominantly residential area. The site is defined by a stone boundary wall that is breached vehicular access on its western side.

Immediately to the north of the site is 'Tees Stone' and the highway (C31 road) beyond. To the east and south of the site are detached, two storey dwellings. To the west of the site is another adopted highway with residential properties (a mix of single and two storey) beyond.

THE PROPOSAL:

This application seeks outline consent to erect a two storey dwelling with appearance, landscaping and scale reserved for future consideration. The existing access is proposed to be modified to serve the proposed dwelling. One of the trees on the western site boundary is proposed to be removed whilst the others will remain.

PLANNING HISTORY:

There is no relevant planning history for this site. It should be noted however that a related application (6/2008/0384) for the erection of a replacement dwelling on land to the north of this site appears elsewhere on the agenda.

PLANNING POLICY:

GD1 General Development Criteria
H4 Small Scale Housing Development
H12 Design

REPRESENTATIONS:

Statutory and Internal Consultees:

Highway Authority: The proposed new access will be adjacent to an existing access to The Beeches. The C31 road is lightly trafficked and there have been no accidents within the vicinity of the site for at least the past ten years. No objections on highways grounds subject to the access being constructed in accordance with the relevant standards.

Hamsterley Parish Council: Strong objections on the grounds that it is further infill development in the village involving the loss of a garden and almost certainly also of some significant trees. A stand is being taken against further development of gardens within the village as there have already been a number of such developments and this is harming the rural character of the village.

Environmental Health: No adverse comments to make.

Public Responses:

One letter of support has been received from the occupier of the adjacent property known as 'The Beeches'. The letter does however go on to add that a

traffic safety survey should be carried out because of the increase in traffic in the locality. Furthermore requests for traffic calming are made.

Twenty nine letters of objection have been received. They are available to read in full on file and their content can be summarised as follows:

- (a) Dwellings are an inappropriate height for their immediate surroundings;
- (b) Overlooking to adjacent properties;
- (c) Loss of light to adjacent properties;
- (d) New access will increase hazard on already busy road;
- (e) Proposed two storey dwelling would restrict amenity of 'Plum Tree Cottage' situated to the north of the site;
- (f) Replacement dwelling should be dormer bungalow and not two storey;
- (g) Size of the proposed dwellings will be out of character with the site since there is a bungalow on site at present;
- (h) The size and height of the proposed dwellings will completely obliterate all natural light to bungalow and its garden known as '5 Ladywell';
- (i) Two storey properties on this site will totally overlook '5 Ladywell' and remove all privacy;
- (j) Perhaps the original bungalow renovated or a suitable replacement bungalow would be more in keeping with the village;
- (k) Three storey houses will be totally out of character;
- (l) Overshadowing to 'Lydgate Cottage' however there would be no objections from this occupier if a replacement bungalow were to be proposed;
- (m) To add another access to Saunders Avenue where it already narrows, on a slight bend and where the footpath narrows could only prove to be dangerous. Large volumes of traffic use the road to and from the A68, particularly those visiting Hamsterley Forest at weekend and during holidays;
- (n) Are there to be no gardens left in this country?;
- (o) The light, privacy and possibly property values of all the surrounding neighbours would be severely compromised;
- (p) Understand that the practice of building on gardens is becoming unacceptable to man planning authorities;
- (q) Residents of Hamsterley have no confidence in the planning process on the basis of the following developments: a very high property being allowed at 'The Garden House'; a large stark barn/stable at 'Green View Farm'; and, an overly large property at 'Green Acre';
- (r) The demolition of the existing bungalow will destroy an essentially sound traditionally built building altering this village for no other purpose than personal gain. There is no demonstrable need for more housing in this village judging by the number of houses which regularly appear for sale;
- (s) If a suitable property replaces the old then an additional property in the garden would degrade all the benefits of the replacement building. It would leave the old plot with very little garden and would be visually inappropriate, not only to the existing property but to the surrounding properties;
- (t) Potential overloading of sewer services;

- (u) The new properties may be vacant for some time given the existing market conditions;
- (v) Two bungalows rather than two houses would be more appropriate;
- (w) The main road into and out of the village from the A68 is used by a wide range of agricultural contractors vehicles supplemented particularly at the weekend by visitors to the forest, many of whom are not familiar with the local layout. With narrow pavements, a blind T-junction where the main road is joined by the road up from Ladywell followed by another one to the west within a few yards, and crossing movements by people accessing countryside rights of way, the existing situation requires users to take extreme care. An additional direct access onto the main road would be unsafe;
- (x) The change in levels and the close proximity to the immediate adjacent residential properties in Ladywell make it inevitable that the proposed development would cause significant harm to the privacy and residential amenity of the occupants of nearby properties. It is noted that the design and access statement and accompanying plans submitted with the application do not form part of the proposal which the Council is being asked to approve. But in any case the applicant has not demonstrated that unacceptable harm would not occur. Indeed it does not seem that the point could ever be demonstrated in an outline application as the circumstances are such as to require detailed consideration and assessment;
- (y) Proposed dwellings will overshadow 1 and 5 Ladywell completely;
- (z) Proposed dwellings will greatly reduce the privacy to 4 Ladywell.

PLANNING CONSIDERATIONS:

The main issues for consideration are: principle of development; visual impact; residential amenity; and access and highways safety.

Principle of replacement dwelling

Policy H4 of the Teesdale District Local Plan states that small scale housing development will be permitted on sites of less than 0.4 hectares, comprising of previously developed land within the development limits of specified settlements. Hamsterley is one such settlement specified as suitable for this type of development.

This application seeks outline consent for the erection of a two storey dwelling within the curtilage of the existing dwelling. Given that this is a brown field site within the development limits of Hamsterley it is considered to accord with policy H4 of the Teesdale District Local Plan.

Visual impact

Policy GD1 of the Teesdale District Local Plan seeks to ensure that new development is appropriate to its setting and reflects the character and

appearance of the surrounding area. Policy H12 of the Local Plan encourages high standards of design in new housing.

As mentioned previously this application seeks outline consent only. The details of the design have not been submitted though an indicative block plan and layout plan accompany the application. Clearly the merits of design would be considered during the course of a reserved matters application should Members resolve to grant outline consent. Nonetheless the principle of erecting a two storey dwelling can be considered.

A mix of two storey and single storey properties exist in the vicinity of the site but arguably the two storey properties characterise this part of this rural settlement. The proposed dwelling has been sited to reflect the existing properties known as 1, 2 and 3 Ladywell. The site is higher than the dwelling located immediately to its south however this change in levels will reflect the existing pattern of development which takes the form of two storey properties 'stepping' downwards from the north to the south. The building line has been respected and the footprint of the dwelling and the associated garden area reflect those to its south and therefore the proposal could not be considered overdevelopment.

The proposal does involve the removal of one of the trees on the western site boundary. The indicative layout plans do however demonstrate that the remaining trees will be retained. The trees on the western boundary significantly contribute to the character and setting of the site and therefore the retention of all but one of the trees on the site is considered to be extremely important. The impact on the trees of developing this site could only be fully addressed on the submission of detailed plans.

On the basis of the information that has been submitted with this outline application it appears that it is realistic that a two storey dwelling will reflect the scale, form and proportions of those dwellings in the vicinity of the site and therefore it could be designed so as not to detract from the character and appearance of the street scene in accordance with policies GD1 and H12 of the Teesdale District Local Plan.

Residential amenity

Policy GD1 of the Teesdale District Local Plan seeks to ensure that new development is not harmful to the amenities of the occupiers of surrounding residential properties.

Many of the letters of objection include concerns about the harm to the amenities of the surrounding residential properties by way of overlooking and loss of light. The current arrangement of two storey dwellings backing onto bungalows will be mimicked by the proposed development and therefore it is considered to be wholly in keeping with the existing character and appearance of the area.

Despite the proposed dwelling being at a higher level than the dwelling immediately to its south (1 Ladywell) it will not result in a significant loss of light

given that that they will be situated gable to gable and the proposed dwelling lies to its north. If approval is granted and a reserved matters application is forthcoming a condition could be imposed to ensure that no windows were formed in the southern elevation which would ensure that there would be no overlooking. There would be a minimal increase in overlooking to the existing property from the first floor windows. The provision of screening along the boundary would prevent overlooking from the garden or first floor rooms despite the change in levels. An element of overlooking already exists to 1 Ladywell from 2 Ladywell.

The dwellings to the west of the site which would face the front (west) elevation of the proposed dwelling are approximately 60 metres away. This distance will ensure adequate levels of privacy are retained. One further single storey dwelling lies approximately 30 metres to the north west of the site. Again this is sufficient distance to ensure adequate privacy is retained.

Bungalows lie to the east of the site and at a lower level (Ladywell). These properties are currently overlooked to a degree by the existing two storey dwellings that lie adjacent to them. The proposed dwelling will not directly face any one of these bungalows and therefore the existing properties overlook them more than the proposed dwelling on this site could.

Members will note that a replacement dwelling is proposed at Tees Stone (application reference 6/2008/0384). This site forms part of its curtilage. Due to the orientation of the existing property or any replacement it is possible to secure adequate privacy for each.

For these reasons it is considered that the erection of a two storey dwelling on this site will not be harmful, in principle, to the amenities of the adjacent dwellings subject to the details of any forthcoming proposals.

The above comments are made on the basis of the indicative block plan and layout plans that have been submitted. In conclusion, there is potential for a two storey property to be accommodated on this site without harm to the amenities of the occupiers of surrounding residential properties. The proposal is therefore considered to accord with policy GD1 of the Teesdale District Local Plan.

Access and highways safety

Policy GD1 of the Teesdale District Local Plan seeks to ensure that all new developments are served by adequate and safe accesses.

It is proposed to remodel the existing access that currently serves the bungalow known as 'Tees Stone'. The creation of the new access will involve the removal of one of the trees on the western site boundary.

The highway authority has been consulted on this proposal and has raised no objections to the reworking of the existing access which currently serves 'Tees Stone'.

It has been noted that access and highways matters are of paramount concern to those residents who have commented on this application. However, on the basis of the advice received from the highway authority the proposed access arrangements are considered to be acceptable and therefore accord with the objectives of policy GD1 of the Teesdale District Local Plan.

PLAN Nos AND DATE RECEIVED:

Site plan – Received 22 September 2008

Layout Plans, Elevations & Block Plan - Drawing number 08057-1A – Received 27 October 2008

RECOMMENDED: That outline planning consent be approved subject to conditions.

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of appearance, landscaping and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced.

To ensure that a satisfactory form of development is achieved.