

APPLICATION NO PA/2019/1810

APPLICANT Mr Mark Kulleseid

DEVELOPMENT Planning permission to erect detached dwelling

LOCATION 8 School Lane, Appleby, DN15 0AN

PARISH Appleby

WARD Broughton and Appleby

CASE OFFICER Natasha McCann

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Appleby Parish Council

POLICIES

National Planning Policy Framework: Paragraphs 49, 50, 56, 57, 128 and 131.

North Lincolnshire Local Plan: Policy DS1 (General Requirements) applies to all new development.

Policy H5 (New Housing Development) provides detailed design guidance for residential development.

Policy HE2 (Development in Conservation Areas) provides detailed design guidance in relation to development within conservation areas.

Policy T2 (Access to Development) – all new development should have a satisfactory access.

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire) sets out the spatial strategy for North Lincolnshire.

Policy CS2 (Delivering more Sustainable Development) – a sequential approach to development will be adopted.

Policy CS3 (Development Limits) applies to this development.

Policy CS5 (Delivering Quality Design in North Lincolnshire) – all new development should be well designed and appropriate for its context.

Policy CS6 (Historic Environment) – the council will seek to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance, including conservation areas.

Policy CS7 (Overall Housing Provision) sets out the overall level of housing provision that will be required to meet North Lincolnshire's needs.

Appleby Neighbourhood Plan: Policy AP2 Design Principles requires proposals for all new development within the parish to demonstrate that they meet the requirements of the Parish Design Statement. Proposals should also demonstrate, where appropriate, how the Parish Design Statement and/or the Appleby Conservation Area Design Statement have been taken into account. The design should reinforce the character of the village by respecting the local vernacular building character in terms of scale, form, density, etc., and should help to reinforce the existing streetscape or green public spaces.

Policy AP3 Housing Development within the Development Limits states that applications for small residential developments (including self-build) will be supported within the defined settlement limits provided they are in keeping with the scale, form and character of their surroundings and will not adversely impact upon the residential amenities of neighbouring properties.

Policy AP13 Protection, Conservation and Enhancement of the Appleby Conservation Area requires particular regard to be had to guidance provided in the Conservation Area Appraisal, the Conservation Area Supplementary Planning Guidance, the Conservation Area Design Statement, and the general design principles set out in Policy AP2. Regard will also be had to the scale and nature of the development in relation to the local character and distinctiveness of the Conservation Area and to the design, height, orientation, massing, means of enclosure, materials, finishes and decoration proposed.

Appleby Conservation Area Appraisal: This SPG provides a detailed design and historic appraisal of Appleby.

Appleby Village Design Statement: This document outlines what is most appreciated by those who live in Appleby and their desires for the future.

CONSULTATIONS

Highways: No objection subject to conditions.

Environmental Protection: No objection subject to a contamination condition.

Heritage Officer: No objection subject to conditions.

PARISH COUNCIL

Object to the proposal on the following grounds:

- inappropriate scale, form and design within the conservation area
- the proposed shared driveway is out of character with the surrounding area and is considered to cause potential conflict.

PUBLICITY

A site notice has been displayed; no comments have been received.

ASSESSMENT

The site

The application site is garden land adjacent to 8 School Lane and is located within the settlement boundary of Appleby as identified by the Housing and Employment Land Allocations DPD 2016 and policy AP3 of the Appleby Neighbourhood Plan. The site also lies within Appleby Conservation area, but is not in the vicinity of any listed buildings. This proposal is a resubmission of a previously approved application (PA/2016/391) that has lapsed. Prior to that approval, previous permissions for detached dwellings were granted on the host site (PA/2012/1445, PA/2004/1196 and PA/2009/1354). No development of the previous approvals has taken place.

The proposal

Planning permission is sought to erect a detached dwelling on land adjacent to 8 School Lane, including a detached garage and associated works. The proposed dwelling would be one and a half storeys, measuring approximately 74.88 square metres. The detached dwelling would have three ground floor openings to the front and rear, and two dormers to the front and rear elevation roof. It would be located to the front of the site, set back 6 metres from the highway. The proposed dwelling would have stone/red brick walls, clay roof tiles and timber painted windows. The proposed detached garage would be located to the rear of the site measuring approximately 33.06 square metres, featuring a pitched roof, two garage doors and one side door. Access to the site would be via a shared driveway which would serve the proposed dwelling and 8 School Lane.

Principle of development

Policy CS1 of the Core Strategy is concerned with the overarching spatial strategy for North Lincolnshire. Appleby is described as a Rural Settlement within the strategy and policy CS1 states of these areas "...Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement."

Policy CS2 sets out a sequential approach to development on certain land types. It states that "...Small-scale developments within the defined development limits of rural settlements to meet identified local needs..." is an appropriate form of development.

Policy AP3 of the Appleby Neighbourhood Plan states that applications for small residential developments (including self-build) will be supported within the defined settlement limits provided they are in keeping with the scale, form and character of their surroundings and will not adversely impact upon the residential amenities of neighbouring properties.

The proposal is wholly located within the settlement boundary and would represent infill development set within a populated residential area. The proposal is considered acceptable in principle.

Historic environment and character of the area

Policies DS5 of the local plan and CS5 of the Core Strategy are concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials. The pattern of residential development around which development is proposed is characterised by a mix of large detached dwellings and smaller semi-detached and terraced dwellings closer to the junction of Beck Lane and Hall Lane. The character of development immediately adjacent the proposed site is more informal with a pair of semi-detached dwellings to the west and two large detached dwellings to the east along an irregular building line. The appearance of the dwellings is also mixed, with red brick the most prevalent external facing materials. The surrounding dwellings vary in height, those to the east and west being two-storey and the adjacent dwelling to the north being a single-storey bungalow. Based on the character and appearance of the existing street scene, the introduction of a one and a half storey dwelling of the appearance and scale proposed, constructed in brick walls and clay roof tiles, is considered to be in keeping with the character and appearance of the street scene.

In terms of its design, the plans show that the proposed dwelling would comprise a one and half storey building with a pitched roof to reflect a rural architectural style. The dwelling has been designed with a balanced appearance to the front and rear with two dormer windows to either elevation which would reduce the visual impact the dwelling would have on the street scene. The inclusion of pitched dormers to either side would further balance the appearance of the dwelling against the surrounding properties. The design and appearance of the proposed dwelling incorporates features and materials which are similar to the immediate vicinity whilst preserving the rural context of the site. The proposed windows and doors are considered appropriate in scale and position and do not appear overly dominant. The proposed detached garage would be located to the rear of the site and therefore would not appear overly dominant to the existing street scene. The proposed garage would feature a pitched roof to reflect the proposed dwelling which is considered appropriate and sympathetic to the site.

The plans show that the dwelling would be set in 3.6 metres from the west boundary and 2 metres from the east boundary which allows for an area of pedestrian circulation south and private garden. The proposed position would retain a sense of openness between both adjacent properties, which is considered an important characteristic within the rural setting. The dwelling would be set back from the public highway by approximately 6 metres; this allows for an area of privacy to the front of the dwelling and reflects the surrounding sites. The proposed amenity space to the front, side and rear is considered to be sufficient to meet the needs of the occupants of the proposed dwelling. The driveway is of sufficient size and depth to accommodate the movement of vehicles within the site and to the proposed double garage. Based on the amount of parking and private amenity space available to the occupants of the proposed dwelling, and the fact that the dwelling would be set in from the eastern, southern and western boundaries, the proposal is not considered to result in a contrived or cramped form of residential development in the street scene and the host dwelling would retain adequate space for amenity and parking purposes.

Policies AP2 and AP13 of the Appleby Neighbourhood Plan require proposals to have regard to the guidance provided in the Conservation Area Appraisal, the Conservation Area Supplementary Planning Guidance and the Conservation Area Design Statement. Paragraph 1.29 of the Appleby Parish Neighbourhood Plan Parish Design Statement requires any new building to respect the setting in which it is to be built, be of sympathetic design, and sit comfortably within its surroundings. The proposal is considered to comply with this, given the modest location, set back from the

highway and scale of development against the surrounding properties. It is noted that historically most buildings in the area have been built towards the front of the plots creating a distinct building line; however, modern developments in the 20th century have built in the centre of their plots or cul-de-sacs which has diluted the original distinct building line and layout. The proposed layout of the application has attempted to align with the building line of the adjacent neighbour whilst retaining some open space to the front of the site. The proposed design is considered to respect the original design of the area whilst incorporating well within the more modern dwellings surrounding the site and is therefore considered acceptable. The proposed dwelling is considered to assimilate into its surroundings and not appear overly obtrusive to the existing street scene. The proposed scale of development is supported by the conservation officer, given the design, position and layout within the existing large plot.

The objections received from the parish council have been fully considered during assessment of the application. The parish council raises concerns regarding the proposed scale and design of the development and does not consider the proposal to be in keeping with the surrounding area or conservation area. Given the mix in design and size of surrounding properties, the proposal is considered to be appropriate within the existing context. The council's heritage officer has raised no objections to the proposal subject to conditions relating to materials, gates and windows. The proposal would preserve and enhance the conservation area and therefore accords with policies CS5 and CS6 of the Core Strategy, HE2 and H5 of the North Lincolnshire Local Plan, advice given in the National Planning Policy Framework and guidance in the Appleby Neighbourhood Plan, Conservation Area Appraisal and Village Design Statement.

In terms of the concerns raised by the parish council regarding access arrangements, access would be via a shared driveway that would serve the application site and 8 School Lane. The access would have a turning area to the rear of the site and the garage to serve the proposed dwelling would be located in the south-eastern corner of the site. Highways have raised no objection to the proposal subject to conditions and the proposal would accord with policy T2 of the North Lincolnshire Local Plan.

It is therefore considered that the proposal is in accordance with policies DS5 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

Residential amenity

Policy DS5 of the North Lincolnshire Local Plan is concerned with residential extensions. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, an overbearing impact or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

The dwelling would be approximately 7.5 metres from the adjacent property at 12 School Lane, set forward 5 metres from the neighbour's principal elevation. The dwelling would be set 8 metres from the adjacent property at 8 School Lane aligning with the neighbouring principal elevation. Given the orientation of the dwelling against the neighbouring dwelling, the proposal is not considered to have a harmful impact on the neighbour's sunlight, or by overshadowing or being overbearing. As the proposed dwelling would not include any side elevation windows, it is not considered to cause harmful overlooking or loss of privacy. Also, the proposed dwelling would be set approximately 31 metres from the rear-facing

property and 18 metres from the front-facing property, which is considered an appropriate separation distance to mitigate any detrimental impact upon either neighbour.

It is therefore considered that the proposal would not result in any overbearing, overlooking or overshadowing impacts that would be detrimental to the residential amenity rights of surrounding neighbours and aligns with policy DS5 of the local plan.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk; policy DS14 of the local plan is concerned with foul sewage and surface water drainage. The application site is located within flood zone 1 and is therefore a preferred place for development in terms of flood risk. The council's drainage team has been consulted and has no objections subject to conditions relating to surface water drainage. It is considered, however, given that the proposal is for a single dwelling, this would be adequately covered at building regulations stage, should permission be granted. Furthermore, legislation under the Water Industry Act 1991 would also provide necessary mitigation for the disposal of foul sewage.

Land quality

Policy DS7 of the local plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. The council's environmental health officer has stated that there is a requirement for a phase 1 desk top study, remediation report and a verification report. The host site is currently in domestic use; however, given that the applicant has not submitted any information in relation to land quality, a condition relating to land contamination has been attached.

Highways

Policy T2 of the North Lincolnshire Local Plan requires all development to be served by a satisfactory access. Policy T19 is concerned with parking provision and general highway safety; both policies are considered relevant. The applicant seeks to create access from the shared driveway with 8 School Lane. The council's highways department has assessed the proposal and has no objection subject to conditions.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.
The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2019/1810/01, PA/2019/1810/02, PA/2019/1810/03 and PA/2019/1810/04.

Reason

For the avoidance of doubt and in the interest of proper planning.

3.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken to the satisfaction of the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

To prevent creating dangerous conditions for road users.

4.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

5.

The proposed dwelling shall not be occupied until the private driveway has been constructed, in accordance with the approved details, up to the junction of the vehicular access serving it.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

6.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

7.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site has been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework

8.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

9.

No development shall take place until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan. Details are required prior to construction to ensure that the materials do not detract from the character and appearance of the conservation area and are incorporated into the construction process for the approved development.

10.

Before development commences on site, joinery details of the windows and doors, at a scale of 1:10 or 1:20, together with a material specification and details of the colour of the staining/paintwork of the windows and doors, shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on site.

Reason

To preserve the character of the conservation area in accordance with policy HE2 of the North Lincolnshire Local Plan. Details are required prior to construction to ensure that the windows and doors do not detract from the character and appearance of the conservation area and are incorporated into the construction process for the approved development.

11.

No development shall take place until proposals for landscaping have been submitted to and approved in writing by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity. Details are required prior to construction to ensure that the landscaping scheme can be incorporated into the construction process.

12.

All the approved landscaping shall be carried out within 12 months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

13.

The existing hedge on the site frontage shall be retained at all times. If any part of the hedgerow dies, is removed or becomes seriously damaged or diseased within five years from the date of this permission it shall be replaced in the next planting season with others of similar size and species to those originally planted, unless the local planning authority agrees in writing to any variation.

Reason

To protect the existing hedge on the site frontage in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

Before development commences on site, details of the boundary treatments for the site, including any gates, shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on site.

Reason

To preserve the character of the conservation area in accordance with policy HE2 of the North Lincolnshire Local Plan. Details are required prior to construction to ensure that the boundary treatment and gates are incorporate into the construction process.

Informative 1

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

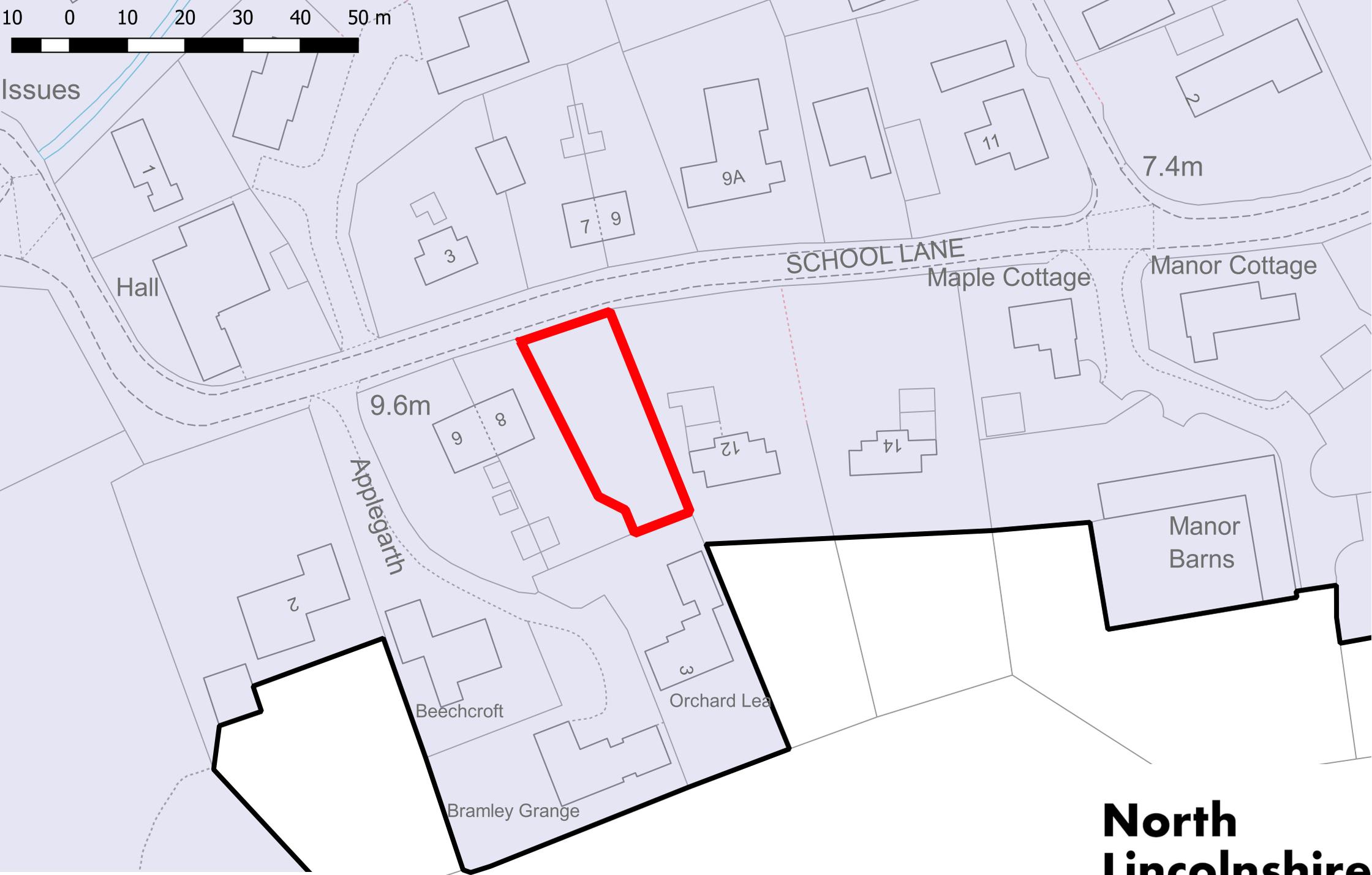
Informative 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

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Issues



 Development Boundary

PA/2019/1810

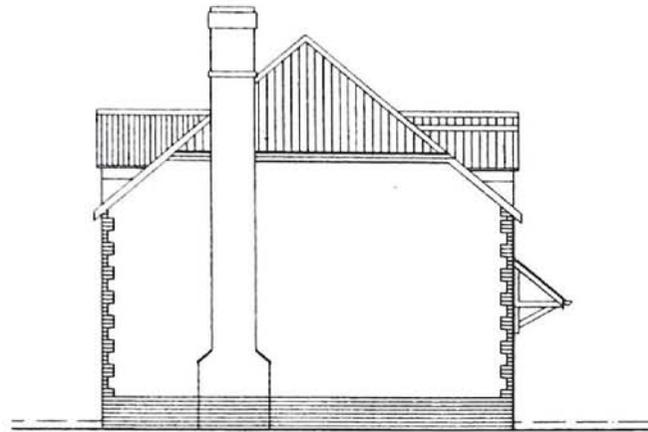
**North
Lincolnshire
Council**

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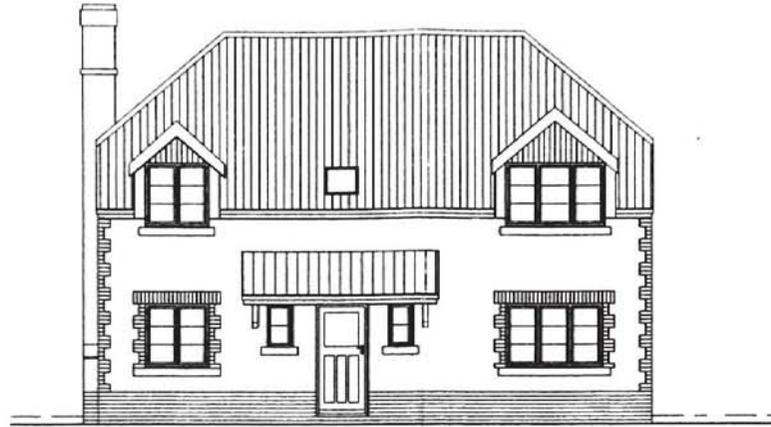
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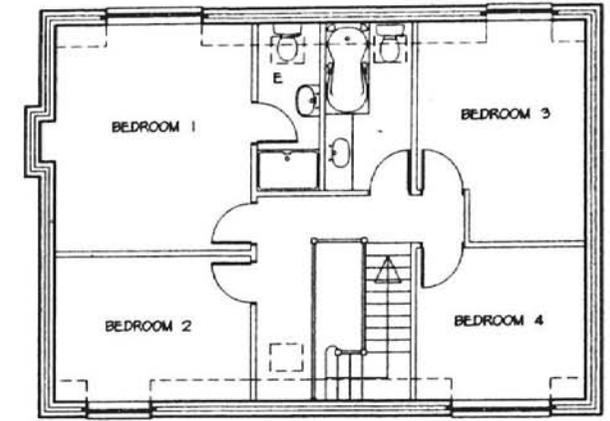
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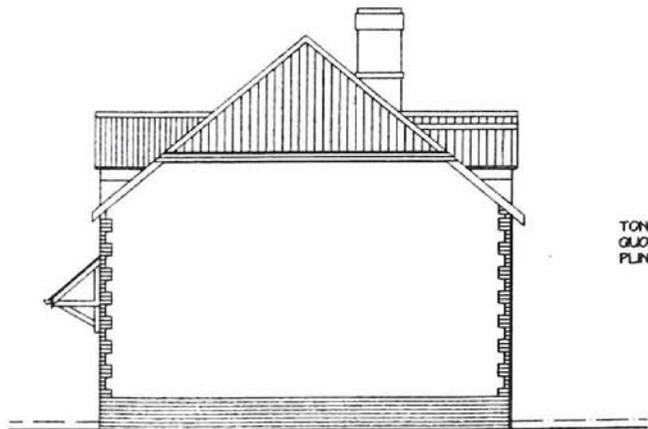
EAST



NORTH.

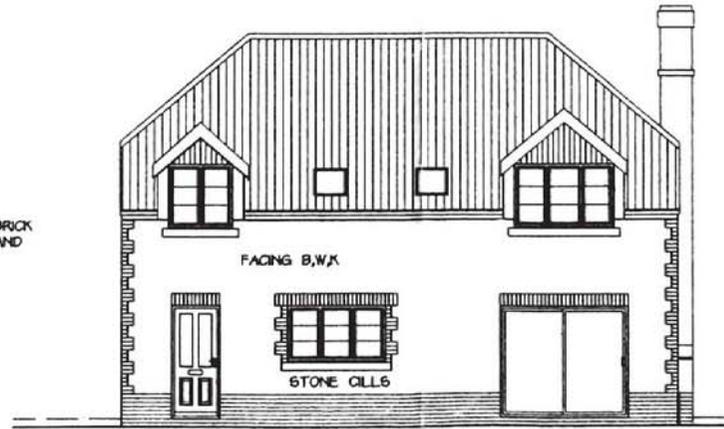


FIRST FLOOR

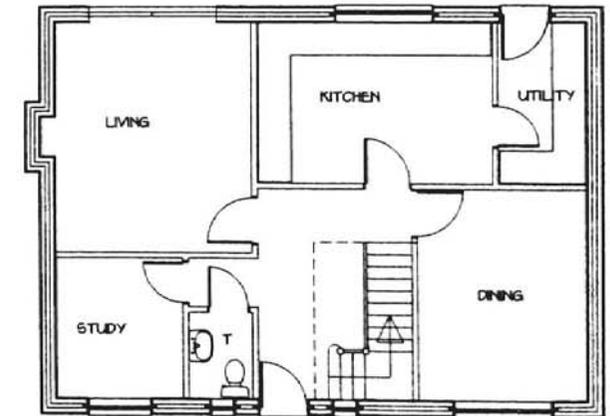


WEST

TONING BRICK
QUOINS AND
PLINTH



SOUTH



GROUND FLOOR

PROPOSED DWELLING

SCALE 1:100
DATE JUNE 04

DRAWING No 40601:2
REVISIONS A

DAVID NEWBOLD ASSOCIATES,
1 HAWTHORN AVENUE,
BREASTON,
DERBY, DE72 3BL.
TEL/FAX 01332 873 073

SITE ADJACENT No8,
SCHOOL LANE,
APPLEBY.

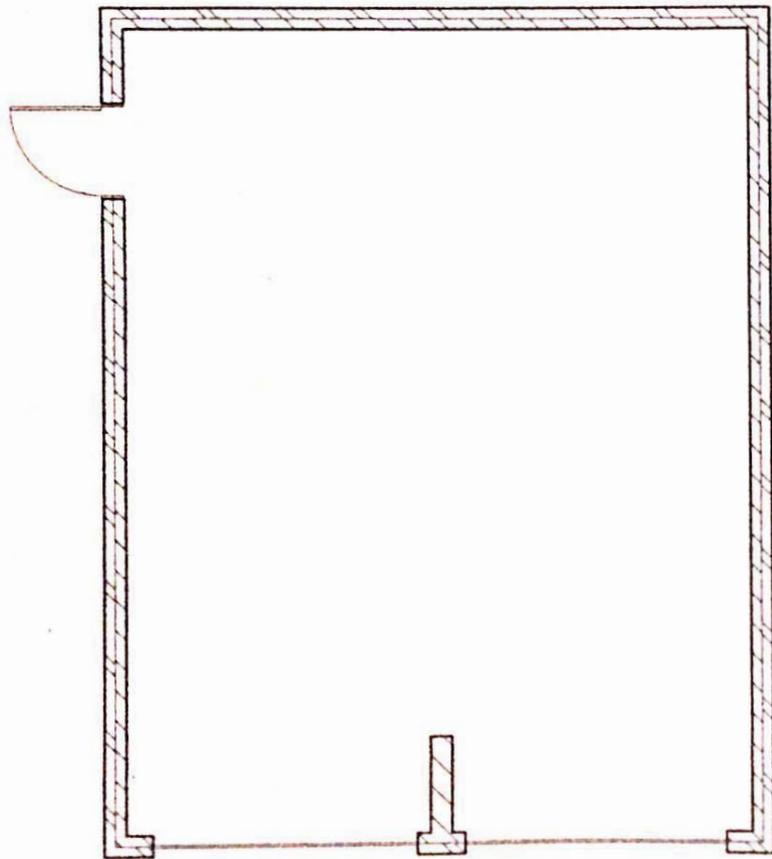
GARAGE TO PROPOSED DWELLING

SCALE 1:100 AND 1:50
DATE JUNE 04

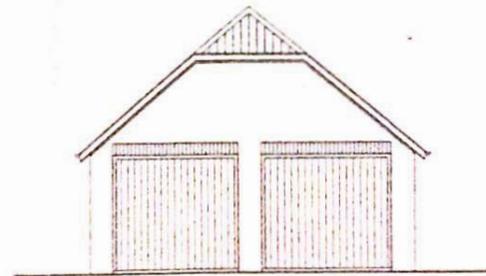
DAVID NEWBOLD ASSOCIATES,
1 HAWTHORN AVENUE,
BREASTON,
DERBY, DE72 3BL,
TEL/FAX 01332 875 073.

SITE ADJACENT No8,
SCHOOL LANE,
APPLEBY.

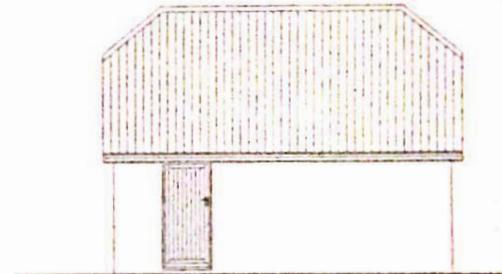
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REVISIONS



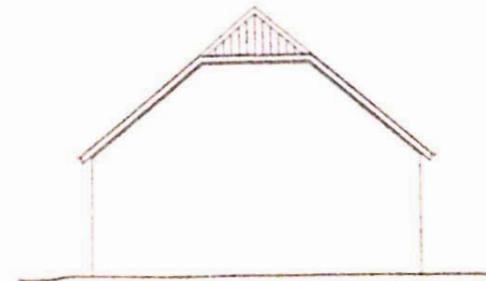
PLAN



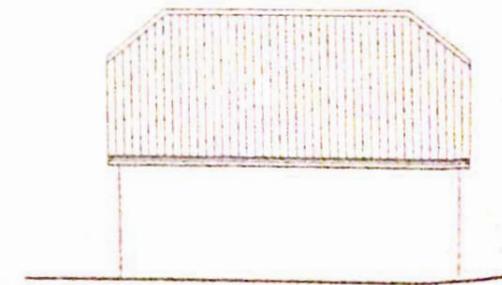
WEST



NORTH



EAST



SOUTH