

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Stockton On Forest CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1 Design

CYGP10 Subdivision of gardens and infill devt

CYHE2 Development in historic locations

CYH4A Housing Windfalls

CGP15A Development and Flood Risk

3.0 CONSULTATIONS

Internal

DESIGN CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 It is considered that the siting, design, scale and mass of the proposed two storey dwelling house, together with the cumulative change to the setting of Stockton Grange and the loss of the open character of the development site, will harm the significance of the designated heritage asset. The degree of harm to the setting of Stockton Grange and the significance of the designated heritage asset is considered to outweigh the benefits of the proposed development of the two storey dwelling house.

ENVIRONMENTAL PROTECTION UNIT

3.2 No objections.

HIGHWAY NETWORK MANAGEMENT

3.3 No comment.

YORK CONSULTANCY (DRAINAGE)

3.4 Object to submission on the grounds of insufficient information.

External

STOCKTON ON THE FOREST PARISH COUNCIL

3.5 This is overdevelopment of the site in a conservation area, which would have a detrimental impact to the listed buildings neighbouring properties. This development would have a very negative impact and overlook the neighbour's properties.

3.6 The application was publicised by site notice and letters of neighbour notification. The deadline for comments was 29 March 2012.

3.7 THREE LETTERS OF OBJECTION have been received raising the following concerns;

(i) harmful to the setting of 2 No. listed buildings, particularly Stockton Grange. The setting of the house is very much a part of the design of the house and we don't believe the renowned architect, Walter Brierley, ever envisaged this effect to be compromised by other dwellings in such close proximity.

(ii) the dwelling would have a detrimental impact on the character and appearance of the Conservation Area

(iii) the dwelling would overcrowd the site and increase traffic on the narrow access lane. With a further dwelling, the lane, which is in a poor state of repair, could become an access for four houses. It is unsuitable. We would refute the agent's statement that the lane, adjacent to the electric gates, is wide enough to allow two way traffic. Also contrary to the planning statement, the junction of the lane and the Village has not been widened. This was a requirement of the previous permission for the dwelling at Laurel House, as was the requirement to make up the lane, neither has been complied with.

(iv) other misleading statements within the application include the statement that the land is currently a building site and existing trees of merit are to be kept. The whole area has been cleared in preparation for this proposal and in contravention of at least one Tree Preservation Order.

(v) the siting of the proposed dwelling is 10 metres from the chapel - the 22 metres separation distance between properties should be observed. A daylight / sunlight assessment has not been submitted. It would show that the dwelling would overshadow the chapel garden rendering it depressing and unusable.

(vi) given this is a backland site, then it is better suited to a bungalow / dormer design

(vii) poor design of new dwelling that does not relate to existing surrounding properties.

4.0 APPRAISAL

4.1 The key issues are considered to be:

- impact on the setting of adjacent listed buildings and the conservation area
- neighbour amenity
- drainage
- highway issues

POLICY CONTEXT

4.2 Relevant Central Government guidance is contained in the National Planning Policy Framework (March 2012).

Delivering a wide choice of high quality homes

Paragraph 53 states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Requiring good design

Paragraph 56 refers to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Conserving and enhancing the historic environment

With reference to the historic environment, the NPPF states that local planning authorities should recognise that heritage assets are an irreplaceable resource and should conserve them in a manner appropriate to their significance. Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.3 Local planning policies contained in City of York Draft Local Plan (incorporating 4th set of changes), which has been adopted for Development Control purposes, are outlined in section 2.2 and are material to the consideration of this application.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT ON THE SITE

4.4 The site is located within the curtilage of an existing dwelling. Policy H4a relates to housing developments within existing settlements and states that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy GP10 of the Draft Local Plan states that permission will only be granted for subdivision of existing garden areas where this would not be detrimental to the character and amenity of the local environment.

4.5 In the context of Local Plan Policies H4A and GP10, Officers in accepting that this site is within defined settlement limits, consider the key issue to be the impact of the proposal on the character and amenity of the local environment.

IMPACT ON THE CHARACTER OF THE CONSERVATION AREA

4.6 Local Plan Policy HE2 states that within conservation areas and in locations which affect the setting of listed buildings, proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.7 The 2007 permission for the detached dwelling within the former curtilage of Stockton Grange had sited the dwelling towards the centre of the plot, immediately adjacent to Stockton Grange. The revised scheme in 2010 resited the dwelling, now known as Laurel House, further to the rear of the site, such that it left a greater area of land towards the front of the plot free of development. This is the site to which this application relates.

4.8 At the time of the 2007 application, the Council accepted the principle of only one dwelling on a relatively large plot and the consequence of no requirement for affordable housing on the basis of the impact a higher density would have on the setting of the adjacent listed building. It was considered that the siting of the dwelling was such that it would prevent an application for a second dwelling.

4.9 In considering the 2010 application, the Officer notes within the report that "whilst a separate dwelling could conceivably be erected on this part of the site, such a proposal is unlikely to be acceptable due to the impact on the listed building, mature trees and the conservation area".

4.10 In terms of views from public vantage points and in particular from the public highway, the Village, the proposed dwelling would be sited to the rear of the Methodist Chapel and therefore would be significantly obscured from view. A public footpath, Beanland Lane, runs alongside the access to the application site offering views back to the village, however mature trees which line the public footpath limit views of the application site. Subject to future redevelopment proposals for the Methodist Chapel site, it is therefore considered that the proposal would have a minimal impact on the appearance of the Conservation Area.

IMPACT ON THE SETTING OF STOCKTON GRANGE

4.11 Although Officers acknowledge that there would be limited views of the proposed dwelling from public vantage points, the impact of the proposed dwelling on the setting of the Grade II listed Stockton Grange, regardless of whether there are public rights or ability to access or experience that setting, is an important consideration in the determination of this application.

4.12 Paragraph 132 of the National Planning Policy Framework advises that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

4.13 Paragraphs 133 and 134 continue by advising that; “where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

4.14 It is considered that the setting of Stockton Grange makes a positive contribution to the significance of this listed building. To the north west of the principal elevation of Stockton Grange, the setting of the listed building is characterised by a lawned garden and gravel driveway, bounded by a laurel hedge. A series of outbuildings and established trees and shrubs lie to the north of the listed building. Beyond the laurel hedge at the boundary of the garden, the application site to the north contributes to the open character of its setting. This contrasts with the pattern and density of the built form in the Village which lies beyond.

4.15 The application site is visible from the driveway and garden of Stockton Grange and from the first floor of the forward projecting wing of the listed building. The established trees and shrubs that lie at and beyond the north eastern boundary of the site, within the grounds of Elm Tree Farmhouse, also contribute to the character of the setting of the listed building.

4.16 Officers consider that the proposed scale and mass of the two storey dwelling would have a negative visual impact on the existing open character of the setting of the listed building and would interrupt views to the established trees and shrubs situated at the north eastern boundary of the application site. The proposed dwelling would create a sense of containment that would harm the existing character of the setting to the north of the listed building.

4.17 The setting of Stockton Grange has recently been subject to change with the erection of Laurel House and it is considered that further development would cause cumulative harm to the setting of the listed building. The open character of the land to the north of the listed building would be lost and the pattern and density of the built form altered in this part of the Conservation Area.

DESIGN, SCALE AND MASS

4.18 It is not considered that the design of the proposed dwelling takes reference from the architectural character of existing buildings within the context of the development site. Furthermore, the scale and mass of the dwelling is not subservient to Stockton Grange and would appear visually dominant within the setting of the listed building. The pattern of the horizontal emphasis window openings to the front elevation and the blank first floor gable to the south east elevation are considered to detract from the design of the proposed dwelling.

NEIGHBOUR AMENITY

4.19 Local Plan Policy GP1 seeks to ensure that residents living nearby development proposals are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.20 The proposed dwelling would be orientated to look over the access drive to the south west of the site with the rear elevation having principle first floor windows facing the garden of Elm Tree Farmhouse. Given the mature vegetation which exists on this boundary, it is not considered that the proposed dwelling would give rise to a significant loss of amenity to residents of this property in terms of overlooking, a sense of overbearing or loss of light. The Methodist Chapel would be the closest property to the proposed dwelling at a distance of 10 metres away. Only one first floor (bathroom) window is detailed on this elevation and given that the Methodist Chapel site is currently not in residential use, it is not considered that significant

weight can be attached to the concerns of the owner of this building with respects to the overshadowing of the garden.

HIGHWAY ISSUES

4.21 In response to points raised by neighbours with respect to the vehicular access, a condition was applied to the 2010 "Laurel House" permission to require the initial 10 metres of the vehicular access to be surfaced, sealed and positively drained. This condition has not been appropriately discharged and requires attention. The improvement to the visibility splay at the junction with the public highway was a condition of the previous 2007 permission and works were satisfactorily completed.

4.22 With respects to this proposal and given that the visibility splay has been improved, Officers do not consider that the vehicular movements associated with one additional dwelling would be detrimental to the safety of highway users.

FLOOD RISK AND DRAINAGE

4.23 Policy GP15a: Development and Flood Risk requires that sustainable drainage is encouraged. Otherwise discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.24 The proposed method of surface water drainage is via soakaways however insufficient information has been submitted to show that these would perform to BRE standards, to prove that the ground has sufficient capacity to accept surface water discharge to prevent flooding of the surrounding land and the site itself. If the soakaway proves to be unsuitable then an alternative would be necessary. Should Members be minded to approve the application, Officers would request delegated authority to approve a satisfactory scheme of surface water attenuation rather than dealing with the details by means of a condition.

4.25 The development is in low risk Flood Zone 1 and should not suffer from river flooding

5.0 CONCLUSION

5.1 Officers acknowledge that there would be limited views of the proposed dwelling from public vantage points. Notwithstanding this, by virtue of the siting, design, scale and mass of the proposed dwelling, together with the cumulative change to the setting of the Grade II listed Stockton Grange and the loss of open character which would result from the development of the site, Officers consider that the proposal would cause significant harm to the designated heritage asset. The application is therefore recommended for refusal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The siting, design, scale and mass of the proposed dwelling, together with the cumulative change to the setting of the Grade II listed Stockton Grange and the loss of open character, would cause substantial harm to the significance of the designated heritage asset for this and future generations. There is considered to be no substantial public benefit from the development that would outweigh the degree of harm to the setting of Stockton Grange. The proposal is therefore contrary to the Government's aims as set out in paragraphs 129 to 134 of the National Planning Policy Framework and City of York Draft Local Plan Policy HE2.

2 Insufficient drainage details have been submitted to show how surface water generated by the proposal would be properly attenuated. The application therefore conflicts with Policy GP15a of the City of York Council Development Control Local Plan and Policy CS22 of the emerging City of York Core Strategy; the council's adopted Strategic Flood Risk Assessment.

Contact details:

Author: Rachel Tyas Development Management Officer (Wed - Fri)

Tel No: 01904 551610