

Raising of roof height to create a second floor (Revised Scheme)

Report Item No
A2

Elm Cottage 28 Hill Street Donisthorpe Swadlincote Derby
DE12 7PL

Application Reference
17/00312/FUL

Applicant:
Mr R Sutherland

Date Registered:
21 March 2017

Case Officer:
Sarah Booth

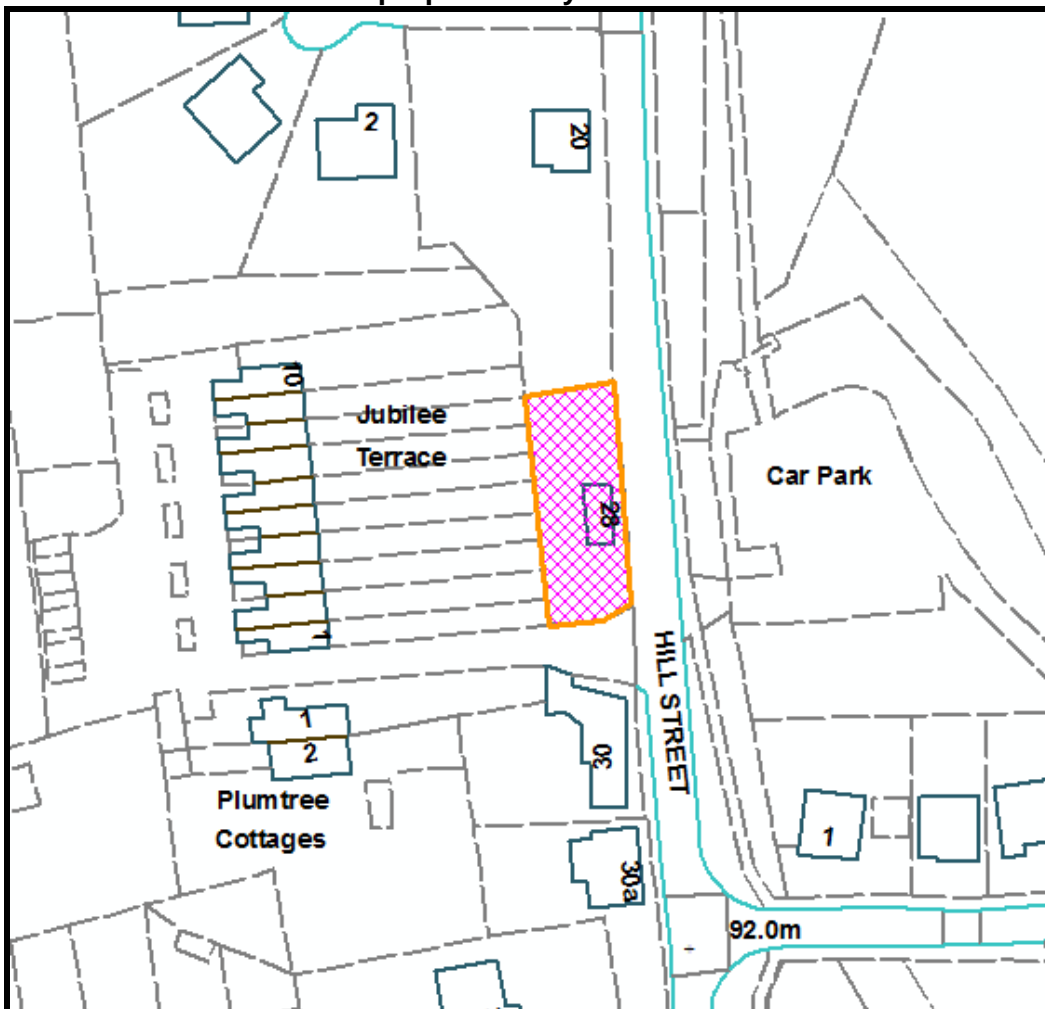
Consultation Expiry:
25 April 2017

Recommendation:
REFUSE

8 Week Date:
16 May 2017

Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought before Planning Committee at the request of Councillor Ashman in support of the design of the application.

Proposal

This householder application seeks permission for the raising of the roof and eaves height by 1.3 metres of 28 Hill Street, Donisthorpe to create a second floor. This is a resubmission of a previously refused application 17/00039/FUL with the only amendment being an increase in size to the front dormer windows.

Consultations

No neighbour representations have been received during the course of the application. No representation has been received from Oakthorpe and Donisthorpe Parish Council.

Planning Policy

The application site is within the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the National Planning Policy Framework ("NPPF"), the adopted and submitted Local Plans and other relevant guidance.

Conclusion

The principle of development is considered to be acceptable in accordance with S2 of the adopted Local Plan and S2 of the submitted Local Plan. It is considered that the proposal would also accord with saved Policies E3, T8 and T3 of the adopted Local Plan in relation to residential amenity and highway impacts. The integrity of the River Mease (SAC) would be preserved. The proposal would also comply with Policies S2, D2, IF4, IF7, En2 and Cc3 of the submitted Local Plan. However, it is considered that the overall appearance and design of the proposed roof extension would be significantly detrimental to the appearance and character of the existing property and the street scene. This development would result in the formation of an incongruous addition to the application property. This proposal would therefore constitute an inappropriate form of development contrary to the aims and objectives of paragraphs 61 and 64 of the NPPF and saved policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan. On this basis the application should be refused.

RECOMMENDATION - REFUSE.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the raising of the roof and eaves height of 28 Hill Street, Donisthorpe by 1.3 metres. The property is a two storey detached dwelling located on the western side of Hill Street. The site is also within Limits to Development as defined on the Proposals Map to the adopted and submitted Local Plan.

This application is a resubmission of a previous application 17/00039/FUL which was refused earlier this year due to its design. The only change in the current application is the size and design of the proposed dormer windows.

Discussions have taken place with the applicant to raise concerns with the design of the proposal and alternative options have been recommended such as side or rear extensions, however the applicant has chosen not to amend the application.

The applicant has advised that they require this development, in this particular form, for the needs of a dependent relative. Members are advised that this is not a material planning consideration.

Recent Planning History

17/00039/FUL - Raising of roof height to create a second floor - Refused 02.03.2017

2. Publicity

16 Neighbours have been notified (date of last notification 31.03.2017).

Site Notice displayed 4 April 2017.

3. Summary of Consultations and Representations Received

No letters of representation from neighbours have been received.

No representations from Oakthorpe and Donisthorpe Parish Council have been received. Any comments received will be reported on the Update Sheet.

4. Relevant Planning Policy

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 - Presumption in favour of sustainable development;

Paragraph 17 - Core planning principles;

Section 4 - Promoting sustainable transport;

Section 7 - Requiring Good Design;

Section 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change;

Section 11 - Conserving and enhancing the natural environment.

Adopted North West Leicestershire Local Plan (2002)

The following Saved policies of the adopted North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

Policy S2 (Limits to Development)
Policy E3 (Residential Amenities)
Policy E4 (Design)
Policy T3 (Highway Standards)
Policy T8 (Parking)

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption.

S2 - Settlement Hierarchy
D1 - Design of new development
D2 - Amenity
IF4 - Transport Infrastructure and new development
IF7 - Parking provision and new development
En2 -River Mease Special Area of Conservation
Cc3 - Water - Sustainable Drainage Systems

Other Guidance

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations');
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System);
River Mease Water Quality Management Plan - August 2011.
Leicestershire County Highways 6cs Design Guidance; and
National Planning Practice Guidance 2014.

5. Assessment

Principle

This application site falls within the defined Limits to Development (saved Policy S2 of the adopted Local Plan) wherein this type of extension would be considered acceptable in principle subject to all other matters being addressed. This would therefore also accord with Policy S2 of the submitted Local Plan.

Design

Saved Policy E4 of the adopted Local Plan stipulates that in the determination of planning applications regard will be had to the wider setting of new development, which should respect the character of its surroundings in terms of scale, design, density, height, massing, materials of construction, and the street scene generally. Policy D1 of the submitted Local Plan also states that the Local Planning Authority will support developments that are well designed and as a minimum offer, a good standard of design.

Paragraph 61 of the NPPF states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 64 goes on to say that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The development would involve raising both the eaves height and the ridge height of the whole roof and would include three wall dormers on the front elevation. The proposed roof extension would be constructed in matching reclaimed brickwork and the applicant has advised that the existing roof tiles would be reused.

The size and design of the front dormer windows have been altered from the previously refused application (17/00039/FUL). These windows are larger in size than the previous application and the design is more in keeping with the proportions and appearance of the existing front windows. However, it is considered that the proposed roof alteration is still proportionally out of character with the existing design of the property and this would be highly visible from the street scene. The development would also result in unnatural voids between the first and second floor on the side and rear elevations.

The street scene is characterised by mainly two storey dwellings, with some single storey properties, which vary in character and design. However, there are no properties in the immediate vicinity of the site with eaves levels situated above first floor level. It is considered that the design of the extension would not integrate successfully with the character and style of the existing property.

It is considered that the proposed alterations to the roof and raising of the ridge height would have a seriously poor visual relationship with the existing dwelling as a result of the proportions and design of the scheme. This would result in a development form which would be incongruous and discordant to the character and appearance of the dwelling and the surrounding street scene.

In view of the above, it is deemed that the proposal would be harmful to the character and appearance of the existing dwelling and the surrounding street scene and would therefore be contrary to saved Policy E4 of the adopted Local Plan, Policy D1 of the submitted Local Plan and Paragraphs 61 and 64 of the NPPF which seeks good design.

Residential Amenity

The most immediately affected dwellings would be the adjacent dwellings; No.20 Hill Street, 40 metres to the north of the application site, No.30 Hill Street to the south and properties to the rear (west) at Jubilee Terrace (specifically No's 5, 4 and 3).

The extensions to the roof to facilitate a second storey will increase the overall height from 7 metres to 8.3 metres and would include the addition of three dormer windows to the eastern (front) roof slope and rooflights to all other elevations. The front dormer windows would look towards a car park and would therefore not lead to overlooking in an eastern direction. Additionally, in this instance there are already windows at first floor on all elevations. Given the distances between the adjacent properties it is not considered that the proposed second floor windows would provide new or adverse opportunities for overlooking impacts beyond what is already on site. As such it is not considered that the rooflights would need to be obscurely glazed.

The proposal would not breach the 45 degree code of practice from the nearest habitable room windows of the neighbours. It is therefore not considered that this proposal would significantly adversely affect the neighbours' access to daylight.

In terms of an overbearing impact, whilst the overall height would increase this would be reasonable in size in the context of the existing property, and would not impact on neighbour amenity.

In view of the above, the proposed development would not have any adverse impacts upon neighbouring residential amenities and is considered to be acceptable in relation to saved Policy E3 of the adopted Local Plan. The application would also comply with Policy D2 (Amenity) of the submitted Local Plan.

Highway Safety

The development would result in an increase from 3 bedrooms to 5. The County Councils 6C's Design Guidance states that three spaces should be provided for a five bedroom dwelling. It was noted on site that the application property is capable of providing at least 3 off street spaces and as such it is deemed that an acceptable level of parking would remain. In order to ensure that the parking spaces are provided prior to first use of the development it would be recommended that a condition be imposed to this effect to avoid off street parking problems. Subject to such a condition the application would not have any detrimental impact on highway safety. The application would therefore accord with the 6C's Design Guidance and Policy T3 (Highways) and T8 (Parking) of the Local Plan. The proposal would also comply with Policies IF4 and IF7 of the submitted Local Plan.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to paragraph 118 of the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river was in an unfavourable condition due to the high level of phosphates within it. Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The development would not lead to the overall occupancy levels of the dwelling significantly increasing and it is considered that the provision of more modern water-efficient facilities in the new development would likely lead to an overall decrease in foul drainage discharge from the site. As no additional hard standing would be added, the surface water run-off would be no worse than the existing development. As such a soak-away condition is not recommended in this case. It is therefore considered that the integrity of the River Mease SAC would be preserved.

Therefore it can be concluded that the proposal will not, either alone or in combination with other plans or projects, have a significant adverse effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Conclusion

The principle of development is considered to be acceptable in accordance with S2 of the adopted Local Plan and S2 of the submitted Local Plan. It is considered that the proposal would also accord with saved Policies E3, T8 and T3 of the adopted Local Plan in relation to residential amenity and highway impacts. The integrity of the River Mease (SAC) would be preserved. The proposal would also comply with Policies S2, D2, IF4, IF7, En2 and Cc3 of the submitted Local Plan. However, it is considered that the overall appearance and design of the proposed roof extension would be significantly detrimental to the appearance and character of the existing property and the street scene. This development would result in the formation of an

incongruous addition to the application property. This proposal would therefore constitute an inappropriate form of development contrary to the aims and objectives of paragraphs 61 and 64 of the NPPF and saved policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan. On this basis the application should be refused.

RECOMMENDATION - REFUSE, for the following reasons;

- 1 Saved Policy E4 of the Local Plan states that new development should respect the character of its surroundings, in terms of scale, design, density, height, massing and materials of construction. Policy D1 of the submitted Local Plan states that the Local Planning Authority will support developments that are well designed and as a minimum offer, a good standard of design. The proposed roof extension, by reason of its form, proportions and design, would result in an incongruous development that would fail to respect the appearance of the existing property and would compromise the visual integrity of the street scene. It is deemed that the proposal would be significantly harmful to the character and appearance of the existing dwelling and the area. This would therefore be contrary to Policy E4 of the adopted North West Leicestershire Local Plan, Policy D1 of the submitted Local Plan and paragraphs 61 and 64 of the NPPF which seek good design.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Local Planning Authority acted pro-actively through engagement with the applicant during the application process. This positive advice has however not been followed and therefore the Council remains of the view that the proposal is unacceptable. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission however no instructions to withdraw the application have been received. The requirements of the National Planning Policy Framework (paragraphs 186 and 187) have therefore been met in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.