

Erection of two storey front extension

Report Item No  
A4

Oakfield House Tamworth Road Ashby De La Zouch  
Leicestershire LE65 2PR

Application Reference  
17/00585/FUL

Applicant:  
Mr Geraint Jones

Date Registered:  
19 May 2017

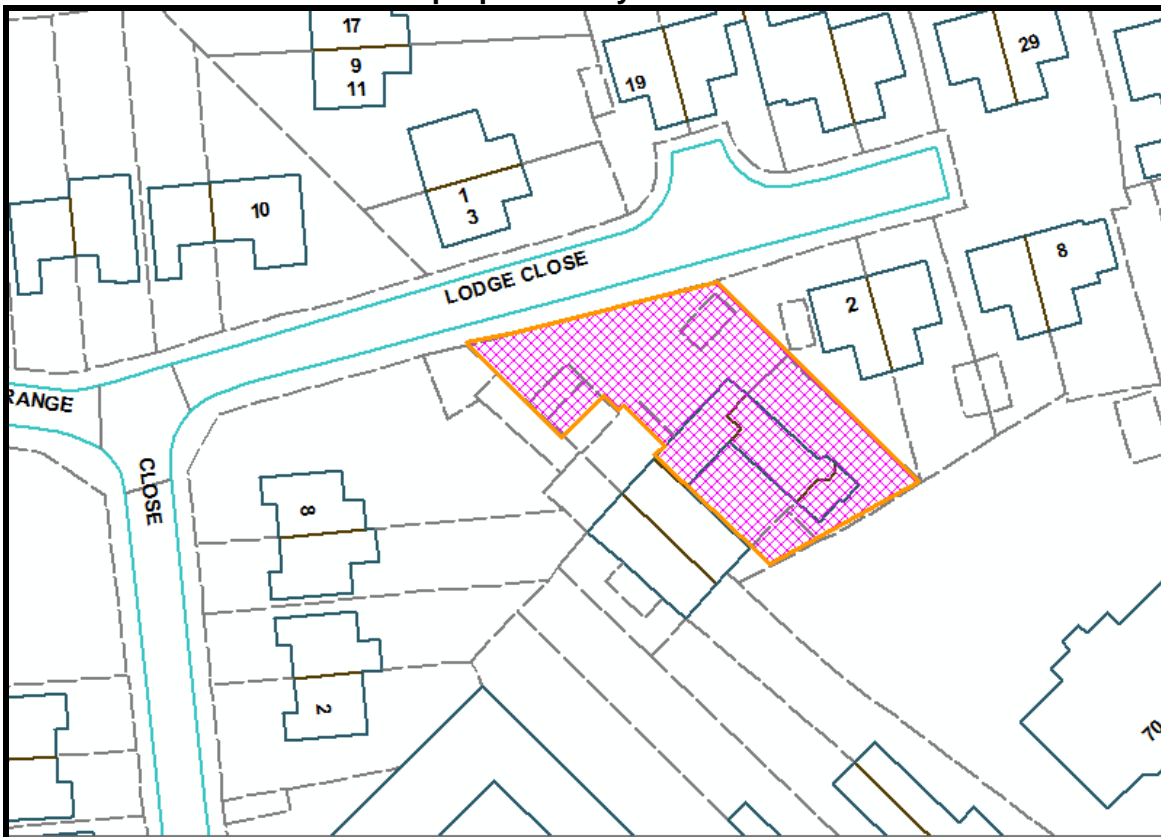
Case Officer:  
Jenny Davies

Consultation Expiry:  
16 June 2017  
8 Week Date:  
14 July 2017

Recommendation:  
PERMIT

Extension of Time:  
2 August 2017

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **Call In**

The application is brought before Planning Committee as the applicant is a serving councillor (Councillor Jones), the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

### **Proposal**

Planning permission is sought for the erection of a two storey front extension at Oakfield House, Tamworth Road, Ashby de la Zouch.

### **Consultations**

Three letters of representation (two of which are from the same person) have been received. Ashby de la Zouch Town Council supports the application. There are no objections raised by other statutory consultees.

### **Planning Policy**

The site lies within the Limits to Development as identified in the adopted and submitted North West Leicestershire Local Plans. The application has been assessed against the relevant policies in the NPPF and the adopted and submitted Local Plans and other relevant guidance.

### **Conclusion**

As set out in the main report below, it is considered that the proposal is acceptable in principle and would not be significantly detrimental to the character and visual amenities of the dwelling, site or streetscene, or residential amenities to justify a reason for refusal. The proposal would not adversely impact on highway safety or the River Mease SAC/SSSI. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

### **RECOMMENDATION - PERMIT subject to conditions**

**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

Permission is sought for the erection of a two storey front extension at Oakfield House, Tamworth Road, Ashby de la Zouch. The extension would project 5.2 metres from the front elevation of the dwelling (facing towards Lodge Close) with a width of 5.2 metres, and would be located adjacent to an existing two storey front projection/tower at the property, extending into the garden area to the adjacent dwelling (Oakfield Bungalow). The supporting information advises that the proposal will conceal an un-regularised 'timber French door with arch' and 'timber window with obscured glass' identified by the Council's Planning Enforcement team.

A similar form of development was previously proposed in 2008 (08/00708/FUL) as part of an application for single and two storey extensions to side and rear elevations, which was withdrawn by the applicant and agent, and in 1996 (96/0340) as part of a scheme approved for part one/two storey front and side extensions and single storey rear extensions, of which only the single storey element at the southern end of the dwelling was implemented.

The site lies in the catchment area for the River Mease Special Area of Conservation. An application for the conversion of sun room to plant room, erection of vertical flag pole, retention of increase of tower height and installation of additional rooflight to northern elevation. (17/00204/FUL) was submitted in March 2017 and is also to be considered by Planning Committee on this agenda.

It appears, upon consideration of the submitted location plan, evidence of title obtained from the Land Registry and information within the Council's control, that the extension would extend onto land that is not within the ownership of the applicant, as well as being located on unregistered land. As such, it appears that the incorrect certificate of ownership has been completed within the application form, and the correct notices have not been served. Therefore, the Council's solicitors have advised that whilst Members can make a resolution in respect of the proposal, the Council cannot issue a decision notice until the procedural issues relating to ownership of the site have been resolved.

#### Other Planning History

Permission has been granted for two other proposals for extensions to the property, neither of which included a two storey extension as proposed under this current application:

- 11/00505/FUL - permission granted for two storey side and rear extensions, which was an amendment to the 2008 planning permission.

- 08/01446/FUL - permission granted for the erection of two storey side and rear extensions with single storey side lean-to extension (part retention/part proposed).

### 2. Publicity

16 Neighbours have been notified (date of last notification 25 May 2017).  
Site Notice displayed 26 May 2017.

### 3. Summary of Consultations and Representations Received Statutory Consultees

**Ashby de la Zouch Town Council** supports the application.

### **Third Party Representations**

Three letters of representation (two of which are from the same person) have been received which object on the following grounds:

- the land is mostly in the ownership of Oakfield Bungalow, which was raised in respect of the withdrawn 2008 application, and since then nothing has changed;
- impact on access and right of way to neighbouring dwelling;
- over-intensification of the site;
- parked vehicles causing difficulties for residents;
- the work has already taken place;
- a dog kennel is being run from the site which causes heavy traffic all week;
- is a licence required for the kennels;
- complaints have previously been made but not dealt with.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

### **4. Relevant Planning Policy**

#### **National Planning Policy Framework (NPPF) - March 2012**

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 10 (Achieving sustainable development)

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraphs 32 and 35 (Promoting sustainable transport)

Paragraphs 57, 58, 60, 61 and 64 (Requiring good design)

Paragraphs 99, 100 and 103 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 109 and 119 (Conserving and enhancing the natural environment)

Paragraph 203 and 206 (Planning conditions and obligations)

#### **Adopted North West Leicestershire Local Plan (2002):**

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

Policy S1 - Overall Strategy

Policy S2 - Limits to Development

Policy E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E7 - Landscaping

Policy F1 - National Forest - General Policy

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. Examination hearing sessions were held in January and March 2017 and the Council commenced consultation on its Main Modifications on 12 June 2017. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

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  
En3 - The National Forest  
Cc2 - Water - Flood Risk  
Cc3 - Water - Sustainable Drainage Systems

### **Pre-Submission Ashby Neighbourhood Local Plan**

The Pre-Submission Ashby Neighbourhood Local Plan was out for consultation until 13 March 2017. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the pre-submission Neighbourhood Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in favour of Sustainable Development  
Policy S2 - Limits to Development  
Policy S4 - Design Principles  
Policy T1 - Traffic Management  
Policy T6 - Car Parking

### **Other Guidance**

National Planning Practice Guidance 2014  
The Conservation (Natural Habitats &c.) Regulations 2010  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory obligations and their Impact within the planning system)  
River Mease Water Quality Management Plan - August 2011  
6Cs Design Guide - Leicestershire County Council  
Good Design for North West Leicestershire SPD

## **5. Assessment**

### **Principle**

The site is located within the Limits to Development to the adopted and submitted North West Leicestershire Local Plans, where the principle of extensions to existing dwellings is considered acceptable subject to detailed matters including design and visual impact, and impact on residential amenities, highway safety and the River Mease Special Area of Conservation.

### **Design and Visual Impact**

Whilst the proposed extension would project forward of the existing front projection, it is considered that it would not be overly prominent within the streetscene on Lodge Close as it would be set back at least 10 metres from the road and to some extent would be screened by

front boundary treatments and existing trees and buildings. Whilst the northern elevation would not contain any openings, it would not face directly towards the road and would not be overly visible from public viewpoints. The extension would be a similar height to the existing front projection and would be lower than the main ridgeline. Whilst wider than the existing front projection, it is considered that the extension would not be significantly out of scale with the existing dwelling and its front elevation is broken up by the two openings. There is variety in the window and door designs throughout the dwelling. Whilst the extension would in part be located within the garden to Oakfield Bungalow, in the context of viewing the site of the two dwellings as a whole (as they are seen from the street), it is considered that proposal would not result in over-development of the site nor result in a cramped form of development.

As such, it is considered that on balance the development would not be out of keeping with the scale and character of the existing dwelling and site and would not be overly prominent within the streetscene. Therefore a reason for refusal on the basis of significant detriment to the character and visual amenities of the locality could not be justified against Policies E4 and F1 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

### **Residential Amenities**

The extension would be located at least 20 metres from the dwellings on the opposite side of Lodge Close.

Whilst the extension would in part be located within the garden to Oakfield Bungalow, there is no minimum standard for existing garden sizes. Furthermore it would be a private matter as to whether the owner of Oakfield Bungalow would consent to the erection of the extension within his garden.

Notwithstanding this issue, the extension would extend alongside the remainder of the garden to Oakfield Bungalow, which is its only private space. Oakfield Bungalow contains one window in its north western front elevation, which serves a habitable room. The window and door in the flat roofed element to Oakfield Bungalow serve an entrance hall. The two windows immediately to the south west of the proposed extension are part of Oakfield House.

The extension would not result in any direct overlooking of Oakfield Bungalow's garden area or front window as it would not contain any windows in its northern elevation. The extension would only slightly impinge on the 45-degree line from Oakfield Bungalow's habitable room window. Whilst the extension would extend 5.2 metres alongside the remainder of Oakfield Bungalow's garden, this would be to the north east of the garden. Furthermore the garden's north western boundary is adjoined by a low fence (approximately just over one metre high) and an existing garage which is single storey with a flat roof, and the garden's south western boundary is adjoined by an existing building which is single storey with its roofslope running away from the garden.

Therefore whilst the extension is likely to result in some loss of light and impact on outlook to Oakfield Bungalow's garden, on balance it is considered it would not be so significantly detrimental to the residential amenities of the occupiers of Oakfield Bungalow to justify a reason for refusal under Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

### **Highway Safety**

The extension does not include any bedrooms and the development would not impinge on space for parking and turning within the site, and a similar condition relating to parking spaces could be imposed as per the 2011 permission. The development would not prevent access to the existing garages or parking area within the site accessed from Lodge Close nor would it

affect access to driveways/parking spaces to dwellings on Lodge Close. Impact on access to residents' driveways from parked vehicles cannot be taken into account in the determination of this application, and may be a matter for the Council's Civil Enforcement Officers or the Police. It is therefore considered that the proposal would not result in a severe impact on highway safety, and would comply with Policies T3 and T8 of the adopted Local Plan, Policies IF4 and IF7 of the submitted Local Plan and paragraph 32 of the NPPF.

### **River Mease Special Area of Conservation**

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage 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 would have a significant effect on the SAC is required.

The extension does not include any bedrooms and so therefore it is unlikely to result in an increase in the occupancy levels of the dwelling. A condition can be imposed relating to surface water discharge to ensure it drains into a sustainable drainage system.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant 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.

### **Other Matters**

As set out earlier in the report, it appears, upon consideration of the submitted location plan, evidence of title obtained from the Land Registry and information within the Council's control, that the extension would extend onto land that is not within the ownership of the applicant, as well as being located on unregistered land. As such, it appears that the incorrect certificate of ownership has been completed within the application form, and the correct notices have not been served. Therefore, the Council's solicitors have advised that whilst Members can make a resolution in respect of the proposal, the Council cannot issue a decision notice until the procedural issues relating to ownership of the site have been resolved.

The application does not include any development relating to dog kennels or the keeping of dogs at the site. The Council's Planning Enforcement and Licencing teams can investigate matters relating to the keeping of dogs. Impact on or loss of rights of access are not planning matters, and are private matters, and cannot be taken into account in the determination of planning applications.

A complaint was received in respect of unauthorised development at the site and as part of the enforcement team's investigation an application was invited to regularise the works. Such an invitation for an application does not imply that planning permission would be granted and the application is subject to the same procedures as all other applications. A separate application has been received (17/00204/FUL) to regularise works at the site and is also to be considered by Planning Committee on this agenda.

### **Conclusion**

The proposal is acceptable in principle and would not be significantly detrimental to the character and visual amenities of the dwelling, site or streetscene, or residential amenities to justify a reason for refusal. The proposal would not adversely impact on highway safety or the River Mease SAC/SSSI. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

**RECOMMENDATION - PERMIT subject to the following conditions:**

- 1 Time limit
- 2 Approved plans
- 3 Materials
- 4 Surface water
- 5 Removal of permitted development rights
- 6 Parking provision