

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.

Report Item No
A5

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

Application Reference
17/00204/FUL

Applicant:
Mr Geraint Jones

Date Registered:
2 March 2017

Case Officer:
Jenny Davies

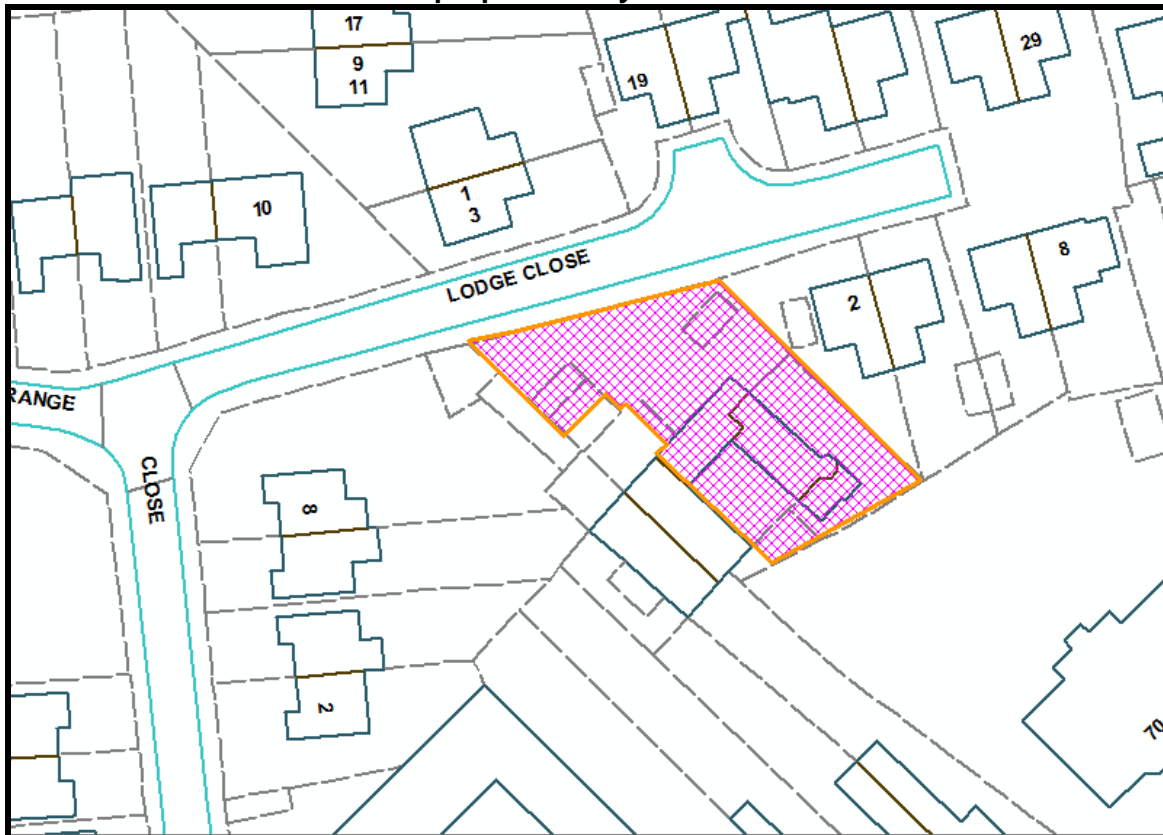
Consultation Expiry:
13 April 2017

8 Week Date:
27 April 2017

Recommendation:
PERMIT

Extension of Time:
None Agreed

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 conversion of a sun room to a plant room, erection of a vertical flag pole, retention of an increase in the height of a tower and installation of an additional rooflight to the northern elevation at Oakfield House, Tamworth Road, Ashby de la Zouch.

Consultations

Two letters of representation 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 or streetscene, or adversely impact on residential amenities, 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 conversion of a sun room to a plant room, erection of a vertical flag pole, retention of an increase in the height of a tower and installation of an additional rooflight to the northern elevation at Oakfield House, Tamworth Road, Ashby de la Zouch. This application proposes to regularise works that do not accord with a planning permission (11/00505/FUL) granted in August 2011, along with the works relating to the plant room. The 2011 permission was an amendment to a permission granted in November 2008 (08/01446/FUL) for the erection of two storey side and rear extensions with single storey side lean-to extension. The submission of this application has arisen from an investigation into unauthorised development.

The new rooflight has been installed in the roofslope of a single storey element on the north eastern side of the dwelling, to serve ground floor accommodation. The tower is located at the northern corner of the dwelling and has increased in height by one metre from the 2011 permission. The plant room would be located within an existing single storey building on the northern part of the site, which is understood to have previously been used as a sun room. The building has been extended on its northern side by approximately 1.5 metres, its hipped roof has been altered to a gable ended roof and the external alterations include the installation of solar panels, timber cladding and new openings, including rooflights. The applicant and agent have both advised that national flags would be flown from the flagpole, and if used solely for such purposes it does not require advertisement or planning consent.

The site lies in the catchment area for the River Mease Special Area of Conservation. An application to erect a two storey front extension (17/00585/FUL) has recently been submitted and is also to be considered by Planning Committee on this agenda.

Other Planning History

- 08/00708/FUL - application for single and two storey extensions at the north west and north east elevations which was withdrawn by the applicant and agent. A two storey extension was proposed in a similar location to that which is now proposed under 17/00585/FUL, and was larger than a similar extension approved under 96/00340;

- 96/00340 - permission granted 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.

2. Publicity

14 no. neighbours notified (date of last notification 17 March 2017)
Site Notice displayed 23 March 2017.

3. Summary of Consultations and Representations Received Statutory Consultees

Ashby de la Zouch Town Council supports the application.

The Council's Environmental Protection team has no environmental observations.

Third Party Representations

Two letters of representation have been received which object on the following grounds:

- loss of privacy;
- design and visual impact;
- over-intensification of the site;
- parked vehicles causing difficulties for residents;
- environmental health problems have occurred due to lack of access from Lodge Close and so the opinions of the environmental health team should be sought;
- extension has been built over rights of way for Oakfield Bungalow shown on title deeds;
- dogs run out of control into residents' gardens;
- this is the sixth time that the applicant, who is on the Council's Planning Committee, has undertaken works without planning permission;
- the existing building was built without planning permission although an application was requested by the Planning Group in 1998;
- the extension relates to one that was included on a previously withdrawn application;
- the unauthorised building works cannot be regularised via this procedure as the works are too extensive;
- many complaints have been made but none have been upheld;
- inaccurate statements on the application forms.

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
Policy NE5 - Trees and Hedgerows

Other Guidance

National Planning Practice Guidance 2014
The Conservation (Natural Habitats &c.) 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
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 and the River Mease Special Area of Conservation.

Design and Visual Impact

The new rooflight would be seen alongside existing rooflights and is minor in scale. A tower at the northern corner of the dwelling was first approved in 2008 and subsequently amended in 2011. Whilst the tower as built is higher than shown on the two previous permissions, it is no higher than the existing two storey front projection, and is not considered to be overly prominent within the streetscene along Lodge Close as it is set back from the road and seen against the backdrop of the extended dwelling.

Whilst the building that would house the plant room has been increased in size and its roof design has changed, so that the building is closer to the road, it is partly screened by vegetation and existing boundary treatments, and there were open views of the original building from parts of Lodge Close. The other external alterations to this building are in keeping with the character of the building and the solar panels would not be overly prominent. It is considered that works would not result in over-development of the site nor result in a cramped form of development.

As such, it is considered that the development is not out of keeping with the scale and character of the existing dwelling and would not be overly prominent within the streetscene, and therefore would not be significantly detrimental to the character and visual amenities of the locality. As such the proposal complies with the provisions of adopted Policies E4 and F1 and would not be significantly contrary to submitted Policy D1.

Residential Amenities

The tower is located approximately five metres from the boundary with No. 2 Lodge Close, which is single storey with windows facing towards the site and has a small rear garden. The tower is seen alongside the two storey elements of the existing dwelling and as such its increase in height would not adversely impact on occupiers of No. 2 or dwellings on the opposite side of Lodge Close. The tower would be no higher than the existing two storey front projection and so would not impact on occupiers of Oakfield Bungalow, which adjoins the dwelling to the south west. The rooflight on the northern side elevation, which faces towards No. 2, serves ground floor rooms and would be above existing ground floor windows so would not cause any overlooking.

Whilst the length and expanse of roof of the extended plant room building has increased and it is located within one metre of the boundary of No. 2, part of No. 2's front garden and its garage lies between the building and No. 2 itself. The plant room building is located 7.5 metres to the north east of the garden area to Oakfield Bungalow and over 10 metres from Oakfield Bungalow itself and would not impinge on the 45 degree line from windows in Oakfield Bungalow. The plant room building would be closer to dwellings on the opposite side of Lodge Close but would be over 21 metres from the nearest dwelling.

The Council's Environmental Protection team has not raised any concerns in relation to impacts from noise and disturbance from the plant room.

As such it is considered that the proposal would not adversely affect the amenities of occupiers of nearby dwellings from overlooking, loss of light, creation of an oppressive outlook or noise and disturbance, and as such would comply with the provisions of Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

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.

There has not been an increase in the number of bedrooms from the scheme approved in 2011. Furthermore the provision of more modern water efficient facilities in the plant room would be likely to lead to an overall decrease in foul drainage discharge from the site. 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

There has not been an increase in the number of bedrooms from the scheme approved in 2011, 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 nearest to the rear entrance which is accessed from Lodge Close nor would it affect access to driveways/parking spaces to dwellings on Lodge Close. Impact on 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.

Three trees are located at either end of the plant room building, two of which appear to have been cut back to accommodate the works to this building. The Council's Tree Officer recommends that the cedar tree should be removed and replaced elsewhere within the site, as it is incompatible with the extended building, and that surgery is needed to the rear tree. As such a landscaping condition should be imposed to secure a replacement tree.

In respect of matters raised in the letters of representation that have not been addressed above, 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 and untidy land. Impact on or loss of rights of access are not a planning matter, and are a private matter, and cannot be taken into account in the determination of planning applications. Concerns have also been raised in respect of the accuracy of information on the application form relating to impacts on rights of way. However the relevant section of the application form relates to impact on public rights of way, and not private rights of access.

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 (17/00585/FUL) for the erection of a two storey front extension to Oakfield House, which 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 or streetscene, or adversely impact on residential amenities, 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 Approved plans
- 2 Materials to plant room
- 3 Details of solar panels
- 4 Surface water
- 5 Removal of permitted development rights
- 6 Parking provision
- 7 Landscaping