

Variation of Condition 2 of 14/00925/FUL to provide single storey extension detached garage

Report Item No
A5

5 Melbourne Lane Breedon On The Hill Derby DE73 8AT

Application Reference
16/01127/VCU

Applicant:
Mr J Rochester

Date Registered:
31 October 2016

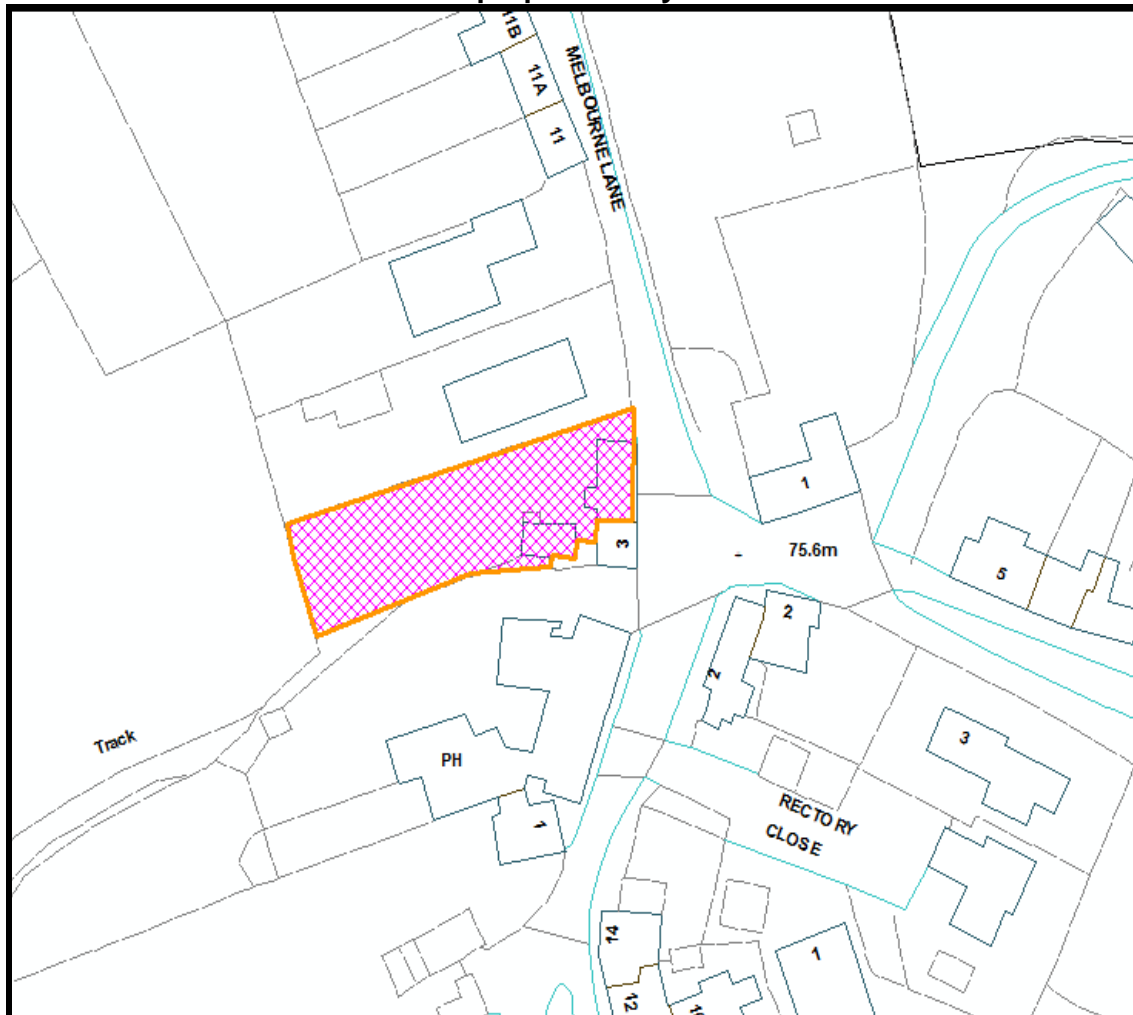
Case Officer:
Hannah Exley

Consultation Expiry:
26 January 2017

Recommendation:
PERMIT

8 Week Date:
26 December 2016
Extension of Time:
3 February 2017

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee at the request of Councillor Stevenson due to concerns about the impact on a neighbouring property to the north.

Proposal

This is an application for variation of condition 2 attached to planning permission 14/00925/FUL which approved the erection of a two-storey dwelling on land to the rear of No.5 Melbourne Lane.

The application proposes to amend the design of the house by introducing a single storey rear extension and a detached single garage.

Consultations

Two letters of representation have been received which raise objection to the development proposals. Breedon on the Hill Parish Council object to the application. All other statutory consultees, have raised no objections.

Planning Policy

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

The site lies within the Breedon on the Hill Conservation Area and the Holly Bush Inn, which is a grade II listed building located to the south of the site.

Conclusion

The site lies within Limits to Development where the proposal would represent a sustainable form of development and therefore, is acceptable in principle. The proposed dwelling would not appear out of keeping within the locality and would not give rise to any adverse impacts on highway safety or heritage assets and would not adversely impact on the occupiers of adjacent dwellings from loss of light, overlooking or creation of oppressive environment. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposed development therefore accords with the planning policies stated above. 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

This is an application for the variation of condition 2 attached to planning permission 14/00925/FUL which permitted the erection of a two-storey dwelling.

The application as originally submitted proposed to amend the house type by introducing single storey extensions to the front and rear elevations to provide additional living accommodation and an integral garage. During the course of the application, the application has been amended and the garage extension has now been removed and replaced with a single detached garage.

The site lies within the Breedon on the Hill Conservation Area and the Holly Bush Inn, which is a grade II listed building located to the south of the site.

Relevant Planning History

Planning permission was granted for the erection of a two-storey dwelling under application 14/00925/FUL. The proposed scheme was identical to a scheme that was previously allowed on appeal in 2008 and subsequently, was subject to an application to allow an extension of time for the implementation of that permission, which was granted in 2011 but had lapsed.

Planning permission was granted under application 11/00734/EXT to extend the time limit for implementation of planning permission 07/01612/FUL (granted on appeal) which was originally approved on 25 November 2008.

The 2008 permission related to the erection of one dwelling on land to the rear of 3 and 5 Melbourne Lane, Breedon on the Hill. The original application (07/01612/FUL) was refused by the Local Planning Authority in December 2007 but was subsequently overturned on appeal (Planning Inspectorate Reference APP/G2435/A/08/2073942).

2. Publicity

8 No neighbours notified.

Site Notice displayed 23 November 2016.

Press Notice published Derby Evening Telegraph 23 November 2016.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

Breedon on the Hill Parish Council

The Parish Council raise objection to the original plans and the amended plans on the following grounds:

It is the unanimous view of the Parish Council members that the revised drawings constitute an even larger massing and are totally out of scale with the site. In addition, the loss of amenity to neighbouring properties is even greater owing to the proximity of the proposed garage being very close to the boundaries of numbers three, five and seven, Melbourne Lane. Furthermore, we now note that the originally approved scheme under reference 14/00925 did in fact retain the large apple tree to the north-east of the approved property and that under the current proposals this would be lost. The conclusion therefore by the Parish Council is that this development should be refused due to the size, scale, massing and generally represents overdevelopment of the site. The location within the conservation area being a further reason for refusal.

NWLDC Conservation Officer has no objections to the amended plans.

Third Party Representations

Two letters of neighbour representation have been received, raising objection on the following grounds:

- overdevelopment of the site (scale and mass of the proposal);
- adverse impact on neighbouring property;
- the original permission should be adhered to.

4. Relevant Planning Policy

National Policies

The Planning (Listed Buildings and Conservation Area) Act 1990

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.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below 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.

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);
Paragraph 32 (Promoting sustainable transport);
Paragraph 39 (Promoting sustainable transport);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 53 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 131 (Conserving and enhancing the historic environment)
Paragraph 132 (Conserving and enhancing the historic environment)
Paragraph 134 (Conserving and enhancing the historic environment)
Paragraph 203 (Planning conditions and obligations); and
Paragraph 204 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2002)

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 - Overall Strategy
Policy S2 - Limits to Development
Policy E3 - Residential Amenities

Policy E4 - Design
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design

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: -

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H6 - House Types and Mix;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;

Other Guidance

National Planning Practice Guidance - March 2014.

Breedon the Hill Conservation Area Appraisal and Study Document (April 2001).

6Cs Design Guide (Leicestershire County Council) -sets out the County Highway Authority's requirements in respect of the design and layout of new development.

5. Assessment

Principle of Development

The principle of this development has already been established by the previous planning permission (14/00405/FUL), which was granted in January 2015 and remains extant.

Since the previous decision the emerging Local Plan has been submitted for examination, which is currently underway. The site is within the Limits to Development on the Policy Map to the submitted Local Plan and Policy S2 of the submitted Local Plan identifies Breedon on the Hill as a sustainable village where some limited development will be permitted. It is considered that the development of the site for one dwelling would be consistent with these policies, along with the provisions of Policies S1 and S2 of the adopted Local Plan.

Overall the principle of development would be considered sustainable in accordance with the core principles of the NPPF.

The main issue in the determination of the application is, therefore, whether the revised proposal would be acceptable in terms of design and impact on heritage assets, impacts upon neighbouring residential amenities and highway safety.

This report should be read in conjunction with that of the earlier application that establishes the principle of development.

Design and Impact on Heritage Assets

With the exception of a single storey extension (2m x 3.6m) to the western elevation, the dwelling remains as previously approved. Therefore, consideration will need to be given to the

impact of the resulting dwelling and the proposed garage on the amenities of the locality along with the impact upon heritage assets.

The proposed development must be considered against section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that, when considering a planning application for development that affects a listed building or its setting, the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

The proposed development must also be considered against section 72 of the 1990 Act, which requires that, in the exercise of planning functions with respect to any buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 132) 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 proposal is located within Breedon on the Hill Conservation Area which is characterised by buildings of traditional form and construction and there are a number of such buildings surroundings the site which are identified in the Conservation Area as buildings which make a positive contribution to the character and appearance of the Conservation Area including No.3-5 Melbourne Lane (non-designated heritage assets). The site is also within the setting of the Holly Bush Inn which is a grade II listed building which lies to the south of the site and the development should at least preserve the character of the Conservation Area and significant weight should be given to preserving the setting of Listed Buildings.

The proposed single storey addition to the dwelling would project from the western elevation a distance of 2m. The proposed addition would not materially change the overall scale or character of the dwelling and would only be visible from the open countryside to the rear where it would be viewed against the backdrop of the previously approved dwelling. It is not considered that the resulting building would appear out of scale or character with existing buildings within the vicinity of the site. The proposed garage would be visible through the access drive and would be of modest proportions which would reflect the scale and character of the proposed dwelling. There are examples of detached outbuildings and garages of a similar scale within gardens in the locality and it is not considered that the proposed garage structure would appear out of keeping in this context. Notwithstanding the provision of the garage building within the curtilage, there would remain adequate space available within the site for parking provision and private amenity areas such that the site would not appear overdeveloped. The Conservation Officer has been consulted on the application and raises no objection to the amended proposals.

As a result, it is considered that the proposed development would be in keeping with the character and appearance of the traditional buildings within the locality and would not adversely affect the setting of the nearby listed building and would preserve the character and appearance of the Conservation Area. It is not considered that the proposal would result in any materially greater harm to the nearby designated and non-designated heritage assets than the previously approved scheme and therefore, an assessment under paragraph 134 of the NPPF is not required. Furthermore, the proposal would preserve the wider character or appearance of Conservation Area and the setting of the nearby listed buildings, and therefore, would comply

with the provisions of Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Overall, the scale, design and appearance of this proposal are considered to be acceptable and the revisions are considered to be compliant with Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Neighbouring Residential Amenities

The neighbouring properties that would be most immediately affected by the proposal are No's 3 and 5 Melbourne Road to the east of the site and No.7 Melbourne Road to the north of the site. To the south of the site lies the Holly Bush Inn which is a commercial premise and to the west is open countryside.

The proposed amendments to the dwelling include the erection of a single storey 2m projection to the west facing elevation and a detached single garage measuring 3.4m by 6.4m in floor area with ridge and eaves heights of 4.2m and 2.3m respectively.

When having regard to the siting of the proposed extension to the west of the proposed dwelling, away from the dwellings to the north and east of the site, it is not considered that this element of the proposal would give rise to any overlooking or any significant overbearing/overshadowing impacts (either in isolation or cumulatively as an enlarged dwelling) that would be detrimental to neighbouring residential amenities.

With regard to the proposed garage building, this would be located in the north east of the plot adjacent to the boundaries of the site. The dwelling to the north (No. 7 Melbourne Lane) is sited at a higher land level (approx. 0.5m) and there is a closeboarded fence along the boundary at the higher land level. The proposed garage would be sited towards the rear of this existing dwelling and when having regard to the changing land levels and the treatment of the boundary, it is not considered that the proposed garage would appear unduly overbearing or result in any significant overshadowing of this neighbouring property. There are no windows in this single storey building that would result in any overlooking of this neighbouring dwelling and therefore, the proposal is considered to have an acceptable relationship with No.7 Melbourne Lane.

No.s 3 and 5 Melbourne Lane are located to the east of the application site and the proposed garage would be sited within 2m and 2.7m of the common boundary with No.5 which is currently open and therefore, a means of enclosure would be required to ensure the privacy of the neighbouring occupiers is maintained. No.5 has a large rear extension and conservatory which extend close to the common boundary but when having regard to the scale and height of the proposal, its proximity to the boundary which would need to be enclosed by boundary treatment of at least 1.8m in height, it is not considered that the proposed garage would appear unduly overbearing, result in any significant overshadowing or allow any overlooking of this neighbouring dwelling. The proposal is considered to have an acceptable relationship with No.5 Melbourne Lane. No.3 Melbourne Lane is sited at a further distance from the proposed garage and has a large outbuilding in its rear garden between the dwelling and the proposal. It is not considered that the proposed garage would appear unduly overbearing, result in any significant overshadowing or allow any overlooking of this neighbouring dwelling. The proposal is considered to have an acceptable relationship with No.3 Melbourne Lane.

Overall the proposed development would accord with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Highway Safety

The proposed vehicular access to the site is located within the southern boundary and would be accessible via the vehicular access to the Holly Bush Inn car park. These arrangements are identical to those approved under planning permission 14/00925/FUL.

The existing access to the public house has restricted visibility and the proposal will result in an increase in the use of the use of this access. The County Highways Authority have previously advised that whilst they would normally seek to resist such a proposal, they advise that there is an opportunity with kerb realignment/widening of the footpath in and around the access to improve visibility. Although visibility would not accord with standards, the improvements to visibility would lead to a highway gain that would offset the impact of the proposed traffic. Therefore, subject to conditions, as concluded with respect to application 14/00925/FUL, the access arrangements are considered acceptable.

Notwithstanding the provision of the garage within the site, there is sufficient space within the site to provide two parking spaces for the proposed development and therefore, the proposal is considered to comply with the provisions of Policies T3 and T8 of the adopted Local Plan and Policies IF4 and IF7 of the submitted Local Plan and the 6C's Design Guide.

Conditions

Application ref: 14/00925/FUL was subject to 6 conditions. Condition 1 related to time allowing development to commence within three years and condition 2 is hereby varied. All other conditions are still considered necessary and have not been discharged and it is therefore recommended that these be carried forward.

Other

Concern has been raised by the Parish Council about the loss of an apple tree on the site but the tree is not protected by a Tree Preservation Order. Furthermore, the tree is not highly visible from public vantage points outside the site and therefore, makes a limited contribution to the visual amenities of the locality.

Conclusion

The site lies within limits to development where the proposal would represent a sustainable form of development and therefore, is acceptable in principle. The proposed dwelling would not appear out of keeping within the locality and would not give rise to any adverse impacts on highway safety or heritage assets and would not adversely impact on the occupiers of adjacent dwellings from loss of light, overlooking or creation of oppressive environment. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposed development therefore accords with the planning policies stated above. It is therefore recommended that planning permission be granted.

RECOMMEDATION - PERMIT, subject to the following condition(s):

- 1. Time Limit**
- 2. Approved Plans**
- 3. Schedule of Materials**
- 4. Landscaping and Means of Enclosure**
- 5. Scheme of visibility improvement at the junction of the vehicular access with Melbourne Lane**
- 6. Removal of Permitted Development Rights**