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Erection of detached garage (retrospective)

Report Item No  
A3

15 Money Hill Ashby De La Zouch Leicestershire LE65 1JA

Application Reference  
22/01288/FUL

Grid Reference (E) 435634  
Grid Reference (N) 317652

Date Registered:  
9 August 2022  
Consultation Expiry:  
20 September 2022  
8 Week Date:  
4 October 2022  
Extension of Time:  
4 November 2022

Applicant:  
Mr Dick Eyley

Case Officer:  
Jen Wallis

Recommendation:  
PERMIT

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Site Location - Plan for indicative purposes only



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The application is brought to the Planning Committee in line with the requirements of the constitution as the agent for the application is related to a senior officer of the Council, and the Council is in receipt of an objection from the Parish Council and neighbouring property in relation to this proposal. It must be emphasised that the Senior Officer who is the relative of the Planning Agent for this case has not been involved in any way or form with the consideration of this application.

**RECOMMENDATION - Permit, subject to the following conditions:**

- 1 - time period for alterations
- 2 - approved plans
- 3 - Materials
- 4 - Staircase screen installation
- 5 - Additional planting

## Main Report

### Proposals and Background

Money Hill is a residential estate road serving detached and semi-detached single and two storey dwellings. It is located on the north side of Ashby-de-la-Zouch.

The application, 15 Money Hill, is a single storey dwelling house constructed of brick and tile. The front and side of the dwelling is brick paved which provides off-street car parking for the property, and to the rear is a lawned garden area, to the rear of which a detached garden room.

A detached garage has recently been constructed adjacent to the north eastern boundary of the site, replacing a previous flat roof sectional garage. The existing garage measures 10.9m in length, 5.4m in width, and 5.2m to the ridge.

Retrospective planning permission is sought for the erection of the garage, but with the following amendments:-

1. A reduction in the length of the garage of 2m at the front.
2. A reduction in the height to the eaves of 225mm.
3. A reduction in the pitch of the roof by 10 degrees, resulting in a reduction in the height to the ridge of 1m.
4. The introduction of a 1.8m high close boarded fence along the north eastern elevation of the external staircase to rear.

The alterations are proposed as a response to pre-application advice given by the planning department, where concerns were expressed over the depth, footprint and height of the garage as built.

The site is located within the Limits to Development, as defined by the Policy Map to the adopted North West Leicestershire Local Plan and the Ashby-de-la-Zouch Neighbourhood Plan. The site is also located within the River Mease Special Area of Conservation. Public footpaths run beyond the northern and western boundaries of the application site.

During the course of the application, the agent submitted revised plans to include the 1.8m high close boarded fence along the north eastern elevation of the external staircase to the rear of the garage.

Precise measurements of the proposal are available to view on the submitted plans.

### Relevant Planning History

None.

### 2. Publicity

6 Neighbours have been notified.  
Site Notice displayed 22 August 2022.

### 3. Summary of Consultations and Representations Received

**Ashby-de-la-Zouch Town Council** object to the application on the following grounds:

We agree with the neighbour's objection that this garage structure, even with the amended height, would create loss of sunlight as well as loss of privacy. Also, the Ashby de la Zouch Neighbourhood Plan Policy S4:1 states that 'Care should be taken to ensure that the development does not disrupt the visual amenities of the street scape and impact negatively on any significant wider landscape views'. This planning application does disrupt the visual amenities of the street scape. It can be seen from the back of the dwelling and is surrounded by bungalows. The plan needs to follow the suggested guidelines. The Town Council does not object to erecting a garage but does object to the location that the garage has been placed. The neighbour suggests moving the garage to the back of the garden - would this be a viable option?

#### Third Party Representations

One letter of neighbour representation has been received, objecting to the proposal on the following grounds:

- The garage towers above the neighbouring property at 17 Money Hill, appears visually intrusive and creates overshadowing to the house (including the garden room) and garden area.
- The proposed changes to the garage are not sufficient to resolve the issue that the garage is too big, too high and too overbearing.
- A garage of such height could have a ramp installed and be used for car repairs
- The new garage is larger than that which was previously in situ.
- If a garage was built at the end of the garden, which is at a much lower level, it would reduce the impacts upon 17 Money Hill.

### 4. Relevant Planning Policy

#### National Planning Policy Framework (2021)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

#### Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

- 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

## **Adopted Ashby Neighbourhood Plan (2018)**

The Ashby Neighbourhood Plan forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of the application:

Policy S1 - Presumption in favour of Sustainable Development

Policy S2 - Limits to Development

Policy S4 - Design

Policy NE4 - Nature Conservation

### **Other Policies/Guidance**

Planning Practice Guidance

Leicestershire Highways Design Guide

Good Design for North West Leicestershire SPD - April 2017

The Habitats Regulations (The Conservation of Habitats and Species Regulations 2017)

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

River Mease Water Quality Management Plan - August 2011

Natural England - advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites - March 2021

## **5. Assessment**

### **Principle of Development**

The site is located within the 'Limits to Development' as defined by the adopted Local Plan where the principle of residential outbuildings is acceptable, subject to all other planning matters being addressed. The key issues in the consideration of this application are; design, impacts upon residential amenity, highway safety and drainage.

### **Scale and Design**

Policy D1 (Design of New Development) of the Local Plan states that the Council will support developments that are well designed and as a minimum offer a good standard of design.

Policy S4 (Design) of the Neighbourhood Plan states new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated. Proposals should clearly show how the general character, scale, mass, density and layout of the site, of the building or extension fits in with the aspect of the surrounding area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views. New buildings should follow a similar design approach to ensure consistency in the use of materials, layout of windows and the roofline to the building. Materials should be chosen to complement the design of the development and add to the quality or character of the surrounding environment.

The garage is located within the rear garden area of the host property, however views of the garage are available from Money Hill along the driveway of the host property and the gap which exists between No.'s 15 and 17. As a result the garage would be visible within the public realm. However, the vast majority of properties within Money Hill have garages located within the side or rear garden areas, and as such a detached garage to the side of the dwelling is a typical

characteristic of the surrounding street scene. The proposed garage would replace an existing flat roof garage, which was sited further forward in the site, and was also visible from the highway frontage.

In support of the application the agent has provided a proposed street scene elevation, showing the reduced garage in relation to No.'s 15 and 17 Money Hill, including the changes in ground levels. This plan shows that the ridge height of the reduced garage would sit below the ridge heights of both No.'s 15 and 17. Furthermore, the scale, proportions and roof pitch would reflect those of the host property. As a result, the revised garage would appear as a subservient outbuilding to No.15. Furthermore, given its' reduced height, together with the additional distance it would be set back from Money Hill, the amended garage would not appear overly intrusive or out of character with the surrounding street scene.

The ground levels within the rear garden area slope downwards in a westerly direction, therefore the rear elevation of the garage would be raised above existing ground levels more than the front elevation of the garage. The amended garage would however be well screened from the public footpaths beyond the rear of the site by both existing and proposed tree and hedge planting, the latter of which could be secured by condition. As a result, the revised garage would not appear overly intrusive when viewed from public vantage points.

In term of materials, the garage has been constructed in red bricks to match those used in the construction of the original dwelling, and the roof would be finished in concrete inter locking roof tiles, which would reflect the materials palette of the surrounding area. A condition ensuring that the amended garage is constructed in the materials as specified is suggested.

For the reasons outlined above, it is considered that the amended garage would reflect the character and appearance of the surrounding area and would therefore result in 'good design'. As such, the proposal would accord with Policy D1 of the adopted Local Plan, Policy S4 of the Ashby-de-la-Zouch Neighbourhood Plan, and guidance contained within the NPPF.

### **Impact upon Residential Amenity**

Policy D2 (Amenity) of the Local Plan states that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents. Development proposals will be supported where; they do not have a significant adverse effect on the living conditions existing and new residents through loss of privacy, excessive overshadowing and overbearing impact; (and) they do not generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.

Policy S4 (Design) of the Neighbourhood Plan states proposal should minimise the impact on general amenity and give careful consideration to noise, odour, light and loss of light to existing properties.

Guidance contained within the NPPF states that planning decisions should create places with a high standard of amenity for existing and future users.

The revised garage would be located less than 1m from the side shared boundary with 17 Money Hill. The shared boundary is currently demarcated by fencing and trellis of various styles and heights, together with some evergreen hedge planting. No.17 is located to the north east of the garage and, due to changes in ground levels is slightly elevated above the application site. It has a single storey 'garden room' to the rear and contains glazed doors and windows within

the south western and north western elevations, facing the garage.

Objections to the application have been received from the occupier of 17 Money Hill on the grounds that, even following the proposed amendments, the revised garage would result in harm by appearing overbearing and oppressive, and create unacceptable levels of overshadowing to both their dwelling and garden area.

The revised garage is proposed to be reduced in length by 2m, therefore increasing the separation distance between the garage and the rear elevation of No.17. This would result in the front elevation of the garage being positioned beyond the line of the rear elevation of the sunroom. In addition, the eaves of the garage would be lowered by 225mm and the ridge height by 1m. These proposed reductions in the overall size and scale of the garage, together with its lower level in relation to No.17, and its dual pitch roof design which slopes away from the side shared boundary, would result in a structure which would not appear overly dominant or overbearing in relation to this neighbouring property.

The garage would be orientated to the south west of 17 Money Hill and some overshadowing of parts of its rear garden may occur. However, it is considered that any overshadowing would be limited to a very small part of the rear/side garage area and only during winter months when the sun is lower. As a result, it is not considered that such levels of overshadowing would be significantly harmful to occupiers of No.17 to warrant a refusal on such grounds.

In terms of overshadowing of habitable room windows, it is acknowledged that the garage would intercept a 45-degree line from the centre line of habitable room windows located within the side and rear of No.17. However, the 45-degree rule is usually applied when assessing developments located immediately adjacent to an existing residential property, for example rear extensions to terraced or semi-detached properties. In this instance, the revised garage would be located 5m beyond the rear elevation of the existing dwelling, and 5m from the centre line of the glazed doors contained within the rear garden room. Given these separation distances, together with the garage being positioned on a lower level than No.17, its reduced roof height, and the boundary treatment which exists along the shared boundary, the revised garage would not result in significant harm through unacceptable levels of overshadowing. In reaching this conclusion, the 'fallback position' afforded by permitted development rights for the construction of outbuildings within residential curtilages, has been taken into consideration.

The site was occupied by a single detached flat roof garage which was in a similar position to the partially constructed replacement garage. The previous flat roof garage was sited to the rear of the application property and would have obscured the garden room and windows on the west rear elevation, albeit to a lesser degree due to its height.

During the course of the application, revised plans were submitted to include the provision of a 1.8m high close boarded privacy screen to the north eastern elevation of the rear staircase. This would prevent unacceptable levels of overlooking over the rear garden area of No.17. The provision of such a privacy screen could be secured by condition.

Concerns have been raised by the occupier of No.17 regarding the potential for the garage to be used for commercial purposes. The agent has confirmed that the garage would be used for the parking of a motor vehicle but also for the applicant's hobby of repairing and maintaining motor vehicles. Some level of personal car maintenance would be reasonable in such residential areas, and if the applicant wanted to carry out any commercial uses from the garage it would have to be via a new planning application to the Council which would be subject to its own publicity when being considered.

Overall, it is not considered that the proposed development would result in unacceptable harm to the amenities of 17 Money Hill. The proposal would therefore accord with Policies D1 and D2 of the adopted Local Plan, Policy S4 of the Ashby-de-la-Zouch Neighbourhood Plan, and guidance contained within the NPPF.

### **Highway Considerations**

The site access is located on Money Hill, an unclassified residential estate road subject to a 30mph speed limit.

The Leicestershire Highways Design Guide (LHDG) and the North West Leicestershire Good Design SPD, state that a minimum of two car parking spaces must be proposed per property, and a minimum of three spaces must be provided for homes of four bedrooms or more.

Although it is unknown how many bedrooms the property currently has, the proposal would not increase the existing number of bedrooms.

The garden areas to the front and side of the property have previously been surfaced with block paving, although the kerb to the site frontage has not been dropped, therefore the car parking spaces to the front of the plot could not currently be counted towards off-street car parking provision. Notwithstanding this, the driveway to the side of the property does provide three off-street car parking spaces, with the garage providing a fourth space, and this is in excess of the minimum requirements.

The proposal is therefore considered to be acceptable in relation to Policies IF4 and IF7 of the adopted North West Leicestershire Local Plan, as well as the Leicestershire Highway Design Guide.

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

The site is located within the catchment area of the River Mease Special Area of Conservation. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Discharge into the river from non-mains drainage systems and from surface water disposal can also result in an adverse impact on the SAC, including in relation to impacts on water quality and flow levels.

In this case it is considered that the proposal could result in an adverse impact on the SAC, as it would result in the additional discharge of foul drainage to the treatment works / use of a non-mains drainage system and surface water drainage discharge in close proximity to the watercourse. Therefore an appropriate assessment of the proposal and its impacts on the SAC is required.

In March 2022 Natural England published advice in respect of the nutrient neutrality methodology which can be used to mitigate against the impacts of additional phosphate entering the SAC from foul drainage associated with new development. This advice does not affect householder applications.

The proposed garage is in a similar location to a former garage which has been demolished, and would not therefore significantly increase surface water run-off from the site. The garage would not increase the number of bedrooms within the dwelling or result in any additional sanitary provision on the site.



On the above basis, it is considered that the integrity of the River Mease SAC would be preserved and the development would accord with Policy En2 (River Mease Special Area of Conservation) and Cc3 (Water - Sustainable Drainage Systems) of the adopted Local Plan. Therefore, it can be ascertained that the proposal on the site will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

### **Other Matters**

The Town Council and the objector have suggested that a garage could be positioned towards the rear of the plot, and that this would have a lesser impact upon 17 Money Hill. However, the Local Planning Authority has a duty to assess and determine the planning application as it has been submitted.

### **Conclusion**

The principle of development in this location is considered to be acceptable. This revised garage, by reason of its design and appearance, would respect local distinctiveness and would not harm the character or appearance of the surrounding area. Furthermore, the revised garage would not result in an unacceptable degree of harm on the amenities of No.17 Money Hill. The proposal is also considered to be acceptable in terms of highway safety and surface water drainage.

The revised proposals are therefore considered to accord with Policies D1 and D2 of the adopted Local Plan, Policy S4 of the Ashby-de-la-Zouch Neighbourhood Plan, the Good Design for North West Leicestershire SPD and the guidance contained within the NPPF.