

**Garage conversion, new electric gates, erection of new boundary treatment and insertion of rooflight to existing dwelling**

**Report Item No  
A3**

**Application Reference:  
22/01568/FUL**

**The Stables  
4 Kelhams Court  
Hemington  
Derby  
DE74 2SF**

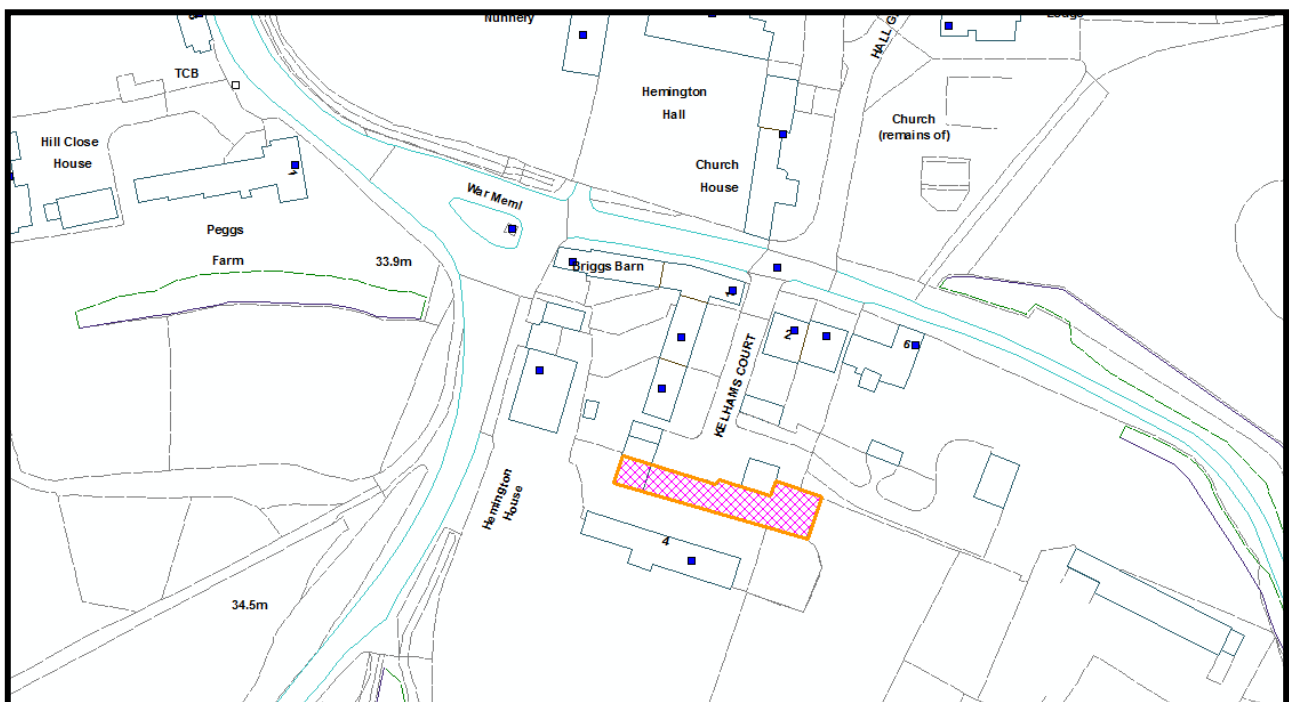
**Date Registered:  
14 October 2022  
Consultation Expiry:  
17 January 2023  
8 Week Date:  
28 November 2022  
Extension of Time:  
10 February 2023**

**Applicant: Laura Hughes**

**Case Officer: Lewis Marshall**

**Recommendation:  
PERMIT**

### Site Location - Plan for indicative purposes only



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**RECOMMENDATION – PERMIT, subject to the following condition(s):**

2. Time limit.
3. Approved plans.
4. Specification of glazing, rooflights and door prior to installation
5. Details of garden screen(s) and gates prior to installation
6. Use of gym to remain ancillary to the dwelling
7. New rooflight to first floor south elevation to be obscurely glazed

This application is brought to Planning Committee in line with Part 4, Rule 7.4 of the Council's Constitution (2021) because the application is recommended for approval by officers and the application is submitted by the close relative of a serving member or officer of the Council. 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.

**MAIN REPORT****1. Proposals and Background**

This is a full planning application for the following works within the curtilage of the existing dwelling:

- Conversion of a modern detached garage to create a home gym
- The installation of a new sliding electric gate
- The erection of new internal garden enclosure/screening, and;
- The insertion of a rooflight to the rear elevation of the converted barn.

The application site relates to 4 Kelhams court, a converted barn forming part of the wider Kelhams Court Conversion scheme. The converted barns originally formed part of the farm buildings associated with Hemington House Farmhouse, a grade II listed building. The existing dwelling and its curtilage is within the Hemington Conservation Area and within the setting of a number of listed buildings. Whilst the building has been severed from the curtilage of the principal listed building, it would have at one time been considered as curtilage listed. It is now considered a non-designated heritage asset in its own right and identified as an unlisted building of interest with the Hemington Conservation Area Appraisal. The site is within the built-up area of Hemington, although the village falls outside of any settlement limits and as such is in the countryside. A proposed plan of the site and land which falls under the applicant's ownership is shown on figure 1 below.



Figure 1 – Site Plan

Following the receipt of consultation responses additional and/or amended information has been provided and re-consultation undertaken.

The application is supported by a Heritage Statement and Design and Access Statement. The plans and all other documentation associated with the application are available to view on the District Council's website.

The planning history for the site is listed below -

22/01571/FUL - Alteration to land levels – Pending Consideration

22/01569/FUL - Erection of a single storey extension – Refused

22/01570/FUL - Erection of a storage/implement store building - Refused

11/00841/VCI - Conversion of barns to form five dwellings, erection of associated garaging – permitted. 15/00934/FUL - Erection of detached garage and store – application withdrawn.

11/00172/FUL - Conversion of barns to form five dwellings, erection of associated garaging – permitted.

10/00333/EXT - Extension of time limit to implement planning permission ref 07/00238/FUL for Proposed conversion and alteration of existing outbuildings to form 6 no. dwellings along with the provision of associated garaging/parking, erection of new hay store and stable buildings and alterations to vehicular accesses with associated works – permitted.

10/00121/FUL - Conversion of barns to form six dwellings and erection of associated garaging – permitted.

07/00238/FUL - Proposed conversion and alteration of existing outbuildings to form 6 no. dwellings along with the provision of associated garaging/parking, erection of new hay store and stable buildings and alterations to vehicular accesses with associated works – permitted.

05/01356/FUL - Conversion of barns to form six dwellings, erection of one dwelling and erection of stables and hay store – application refused.

## 2. Publicity

Six neighbours notified on 17 October 2022 and reconsulted on 3 January 2023.

A site notice was displayed on the 19 October 2022.

A press notice was published in the Derby Evening Telegraph on the 26 October 2022.

## 3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

### No Objections from:

Leicestershire County Council – Ecology.  
Leicestershire County Council – Highways Authority.

### No Objections, subject to conditions and/or informatives, from:

NWLDC – Conservation Officer

### Third Party Representations

Four letters of representation have been received objecting to the application with the comments raised summarised as follows:

<u>Topic of Objections</u>	<u>Summary of Objections to Topic</u>
<u>Principle and Need</u>	No objection is raised in principle to the use of the garage as a home gym.
<u>Design</u>	The proposed design to the roofline and the installation of French doors is out of character with all the other existing properties/buildings in

	Kelhams Court.
	The Amended Plan dated 23 December 2022 states that all windows and doors will be of aluminium. Advice has been provided to other residents in Kelhams Court that any new windows/doors/porches must be of timber.
<u>Integration of Development and Amenities</u>	Concerned about the disposal of rainwater from the adjoining garage roof and adjoining neighbour at number 3, as the proposed rear dormer will interrupt the flow of water and the elevation drawing shows the down pipe in the wrong position.
	Use of steps to provide access to the French doors will allow for views into neighbouring gardens.
<u>Non-Material Planning Considerations</u>	The proposed French doors will provide access to the hot tub which is associated with noise and will create further impact on privacy.
	Kelhams Court is a private road therefore each occupant is liable to contribute to any repairs to the access.

#### 4. Relevant Planning Policy

##### National Policies

##### National Planning Policy Framework (2021)

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

Paragraphs 8 and 10 (Achieving sustainable development)  
 Paragraphs 11 and 12 (Presumption in favour of sustainable development)  
 Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making)  
 Paragraphs 55, 56 and 57 (Planning conditions and obligations)  
 Paragraph 81, 82 and 83 (Building a strong, competitive economy)  
 Paragraphs 93 and 100 (Promoting healthy and safe communities)  
 Paragraphs 107, 108, 109, 110, 111, 112 and 113 (Promoting sustainable transport)  
 Paragraphs 119, 120, 122 and 124 (Making effective use of land)  
 Paragraphs 126, 128, 130, 132 and 134 (Achieving well-designed places)  
 Paragraphs 152, 153, 154, 157, 159, 161, 167 and 169 (Meeting the challenge of climate change, flooding and coastal change)  
 Paragraphs 174, 180, 183, 184, 185, 186, 187 and 188 (Conserving and enhancing the natural environment) and

Paragraphs 189, 194, 195, 197, 199, 200, 202, 204 and 205 (Conserving and enhancing the historic environment).

## **Local Policies**

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

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 – Future Housing and Economic Development Needs;  
 Policy S2 – Settlement Hierarchy;  
 Policy S3 – Countryside;  
 Policy D1 – Design of New Development;  
 Policy D2 – Amenity;  
 Policy IF4 – Transport Infrastructure and New Development;  
 Policy IF7 – Parking Provision and New Development;  
 Policy En1 – Nature Conservation;  
 Policy He1 – Heritage;  
 Policy Cc2 – Water – Flood Risk; and  
 Policy Cc3 – Water – Sustainable Drainage Systems.

## **Other Policies**

National Planning Practice Guidance.  
 Good Design for North West Leicestershire Supplementary Planning Document – April 2017.  
 Leicestershire Highways Design Guide (Leicestershire County Council).  
 Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 66 and 72.  
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).  
 Hemington Conservation Area Study and Appraisal 2001

## **5. Assessment**

### **Principle of Development**

The site is located outside of the Limits to Development of any settlement and is therefore in the countryside as defined by the adopted Local Plan. The proposal would result in the extension and alteration of an existing dwelling in the countryside, which is supported in principle by policy S3 providing, inter-alia, the development respects the character and appearance of the countryside and heritage assets. This is considered further in the section below.

Overall, it is considered that the principle of development is acceptable, and the proposal falls to be considered in terms of design, heritage impact, amenity, highways and any other relevant matters.

### **Design and Impact upon Character and Heritage Assets**

Policy D1 of the Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new residential developments must positively perform against Building for Life 12 and that developments will be assessed against the Council's adopted Good Design SPD. Policy S3 requires that developments in the countryside safeguard and enhance the appearance and character of the landscape, including its historic character and local

distinctiveness. Policy He1 of the adopted Local Plan and the advice in the NPPF requires heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The proposed development must also be considered against sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving the character and appearance of the conservation area, a listed building or its setting or any features of special architectural or historic interest which it possesses.

The existing barn forms part of a group of barns that are considered to be non-designated heritage assets by virtue of their historic use and connection with the principal listed building at Hemington House Farmhouse, a grade II listed building. The barns are linear in their form and footprint, usually a single room deep to reflect the historic use as a stables and cowsheds. The barns within Kelham court are identified within the Hemington Conservation Area Appraisal and Study to be positive unlisted buildings within the conservation area.

The garage proposed for conversion is a later addition that was constructed at the time of the original conversion scheme circa 2012. It therefore has no heritage significance in its own right, although in its current form has a neutral impact on the setting of the surrounding heritage assets. The most significant alteration to the garage as proposed is the removal of the existing garage doors and the insertion of aluminium four panel glazed windows (see figure 2 below). The glazed windows as proposed have been set in beyond the external facing brickwork as deeply as possibly in order to be cast in shadow under the above eaves line. This would limit the visual prominence of the glazing to an acceptable degree and retain the simple form of the existing garage building as to not detract from the setting of the host dwelling and its contribution to the character and appearance of the Hemington Conservation Area. Although the exact specification of the proposed glazed doors has not been submitted for consideration, they are to be aluminium. Concerns have been raised by a neighbouring resident that the windows and doors should be timber as are existing windows within the converted barns that form part of Kelhams Court. However, the garage that is subject of the application is a modern construction and therefore the use of a modern high quality material is appropriate. Furthermore, the glazed doors are located beyond the existing brick wall and therefore are not highly visible from within the shared courtyard space.



Proposed Front Elevation  
Scale 1:50

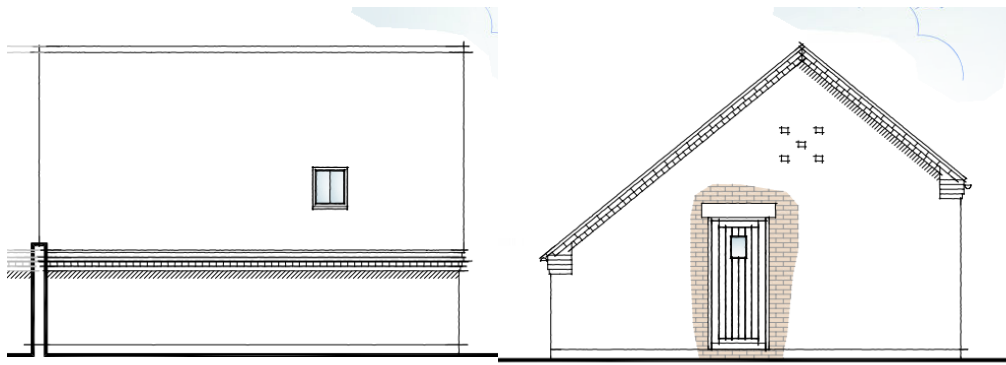


Figure 2 – garage elevations

The garage conversion has also been the subject of an amendment through the course of the application process. The originally proposed raking dormer and French doors to the rear of the garage is no longer proposed. The insertion of a rooflight to serve the shower room is not considered to be out of character with the form and appearance of the building or those surrounding the site, nor would it have any impact on the significance of the conservation area or the setting of any heritage assets. Similarly, the proposed plank door to the side elevation is appropriately considerate of the site and its wider setting. Overall, the proposed garage conversion would respect the character and appearance of the area, preserve the character and appearance of the Hemington conservation area and would cause no harm to the setting of heritage assets.

The application also proposed the installation of a new timber gate across the vehicular access between the curtilage of the host dwelling and the shared courtyard to Kelhams Court (see figure 3 below). Although exact details of the proposed timber sliding gate have not been submitted for consideration as part of the application, it is anticipated that the gate would not exceed the height of the brick wall across the frontage of the site and would be of an appearance and colour/finish that preserves the character and appearance of the area, including the conservation area.

The application also proposes the erection of a replacement enclosure within the curtilage of the dwelling in order to provide privacy and enclosure to an area of the garden. Given the curtilage of the dwelling is located forward of the principal elevation, it is considered reasonable that the applicant may want to subdivide the space to delineate between the open parking area and the more private garden area to the south and west of the garage. Subject to exact details being approved in respect of the scale and appearance of any enclosure, given its concealed position to the south of the garage building, it is not considered that it would cause harm to the character and appearance of the area or the significance of heritage assets.



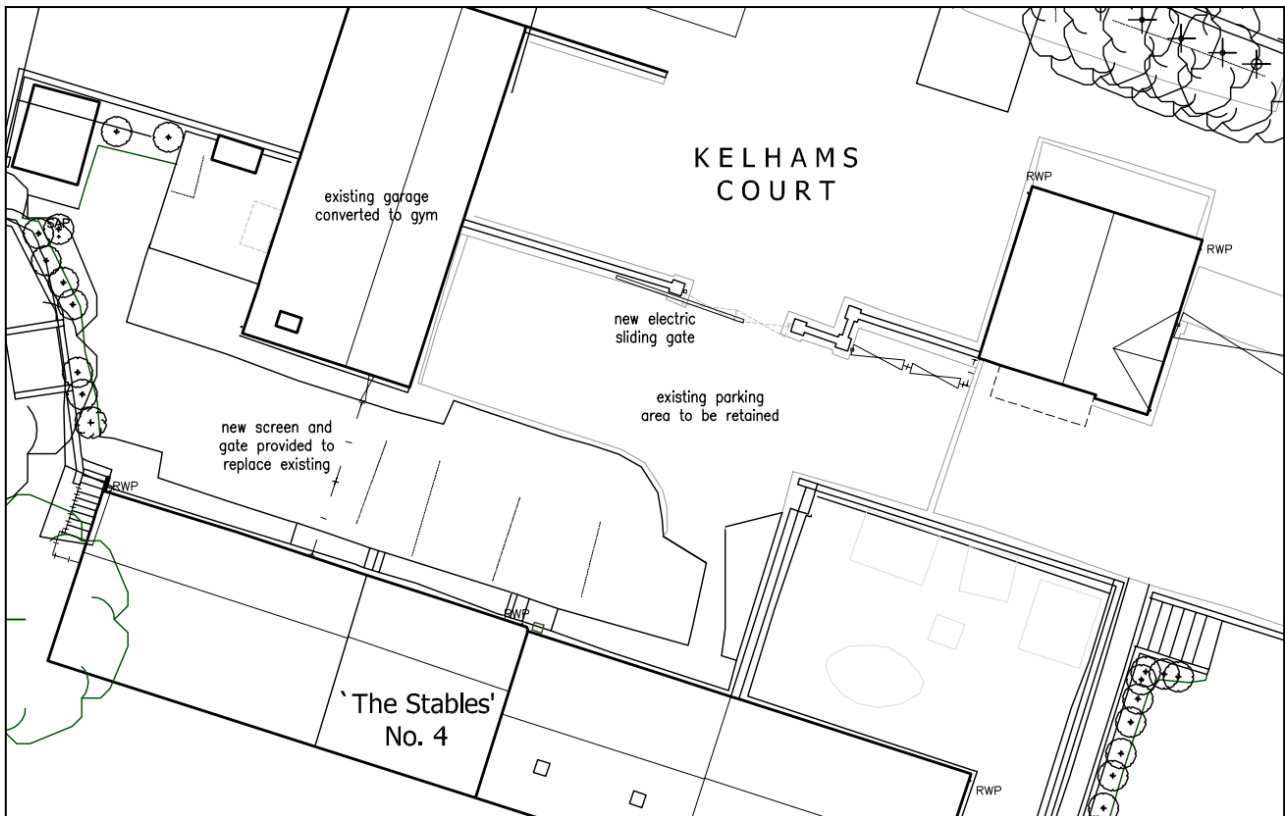
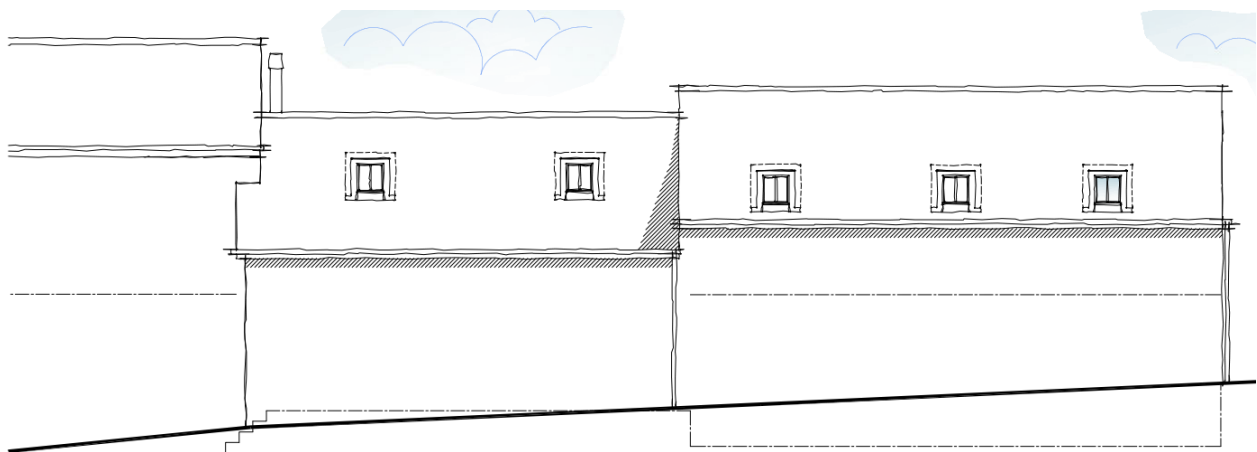


Figure 3 – site layout

The proposal includes the insertion of an additional rooflight to the rear (southern) roof slope (see figure 4 below). The size and appearance of the rooflight matches those on the rear of the building as existing and in this regard, respects the character and appearance of the building. The roof slope faces south and cannot be seen from within any public vantage points nor would it harm the character and appearance of the conservation area or the setting of any designated heritage assets.



Proposed Part Rear Elevation (Dwelling) - Showing New Rooflight  
Scale 1:50

Figure 4 – rear elevation with rooflight

In the interests of visual amenity and preserving the character and appearance of the conservation area and the setting of heritage assets, it is recommended that exact details of the sliding timber gate, the fenestration and the scale and appearance of the garden enclosure be secured by planning condition prior to the installation of each new element.

Overall, the proposal is in accordance with Policies D1, S3 and He1 of the adopted Local Plan, the Council's Good Design SPD, and relevant sections of the NPPF.

Furthermore, the proposal would serve to preserve the setting of listed buildings and the character and appearance of the Conservation area as is desirable under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Impact upon residential amenity**

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. It is important to consider the relationship between the neighbouring property in terms of overlooking, privacy, access to light, noise, and odour.

In respect of existing nearby residential properties, having regard for the existing use of the building, it is not considered that the conversion works as proposed would result in any additional overlooking than would be possible within the existing use and circumstances and there is no significant changes proposed to the relationship between the existing building and the existing unrelated nearby properties. The proposed raking dormer and French doors to the garage have been omitted from the scheme following concerns raised by officers and neighbours. It is not considered that the physical alterations proposed to the garage to facilitate the conversion works would have any impact on neighbouring amenity.

The proposed gym use is to remain ancillary to the dwelling and as such will only be used by the occupants of the dwelling. It is recommended that the use be restricted by way of a planning condition. In terms of noise impacts, the scale of the gym and the physical detachment from any neighbouring habitable rooms or accommodation is such that it is not considered there would be a loss of amenity in respect of noise and disturbance. The rooflight on the rear elevation would serve a shower room and would be located 2.4 metres above the floor level which would ensure against any overlooking issues.

It is not known if the proposed electric sliding gate would generate additional noise, however, given the infrequency of its use when serving a single domestic dwelling, it is unlikely that any such noise would amount to annoyance or disturbance to nearby neighbouring residents. The position of the gate is such that it would not cause harm to outlook or loss of light.

The proposed roof light is to serve a first floor room and would be set no lower in the roof slope than existing rooflights within the same roof elevation. However, the southern wall of the dwelling forms the boundary with the garden of Hemington House. Whilst the garden to Hemington house is extensive, the existing rooflights within the rear roof slope are obscurely glazed as required by condition on the original planning permission. As such it is not considered that there would be any loss of privacy arising from the insertion of the additional opening providing that the additional rooflight proposed is also obscurely glazed.

Overall and subject to conditions, the proposal is not considered to result in significant or harmful impacts upon existing surrounding or future occupier residential amenity.

Therefore, the proposal is in accordance with Policy D2 of the adopted Local Plan, the Council's Good Design SPD, and relevant sections of the NPPF.

### **Highway Considerations**

Policy IF4 of the Local Plan (2021) requires that development takes account of the impact upon the

highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses, and employees. Policy IF7 of the Local Plan (2021) requires that development incorporate adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment.

The site is located within the countryside and there are no changes proposed to the access arrangements where the site adjoins the public highway. Although the proposal would result in the loss of a double garage which could be used for parking, the external parking arrangements will be as existing with the continued use of the large area of hardstanding to the front of the principal elevation with space for at least three vehicles as required by the Leicestershire Highways Design Guide. Furthermore, the proposal would not increase the number of bedrooms or occupants at the property therefore would not increase demand for parking spaces or result in any additional risk of on street parking. The proposed sliding gate is positioned approximately 40m from the edge of the highway and would not therefore result in any waiting on the highway whilst the gate is closed or in operation.

Overall, the application is in accordance with the guidance set out within the Leicestershire Highway Design Guide and the application is considered to be acceptable when having regard to Local Plan Policies IF4 and IF7 as well as the guidance set out within the NPPF.

## **Ecology**

Policy EN1 of the Local Plan supports proposals that conserve, restore or enhance the biodiversity of the district. The application is not supported by an Ecological Survey or appraisal.

The garage proposed for conversion is a modern brick structure constructed at the time of the original residential conversion scheme and is therefore considered to be unsuitable for protected species and their habitats. Accordingly, Leicestershire County Council Ecology raises no objection.

Given the extent of the proposed works which would be confined to the existing garden areas, it is not considered that there would be any impact on protected species, their habitats or other features of biodiversity. The development will accord with policy Ne1 of the Local Plan and the requirements of the NPPF.

## **Flood Risk and Drainage**

The site is situated within Flood Zone 1, an area at lowest risk from fluvial flooding, and the existing dwelling is identified as an area of low risk of surface water flooding, as defined by the Environment Agency's Surface Water Flood Maps.

Given that there would be no increase in hardstanding or surfacing and the proposal would be limited to the conversion of the existing building and associated internal works, it is not considered the proposal would result in a material impact on flood risk or drainage.

Whilst concerns have been raised by neighbours that the previously approved raking dormer would require the diversion of guttering and the associated surface water run-off, the dormer has been removed from the application and as such there would be no requirement to divert guttering or amend the existing guttering in place to the rear of the garage building.

It is considered that the proposal would not result in flooding or surface water drainage issues and consequently would accord with the aims of Policies Cc2 of the adopted Local Plan, as well as the guidance set out within the NPPF.

## Other Matters

### *Assessment of other objections*

<b>Objection</b>	<b>Response</b>
The development will cause damage to the private access road shared by all residents within Kelhams Court.	Concerns have been raised that the construction of the development could result in damage to the shared access drive. The shared access drive is private land, believed to be shared between the respective property owners. Any damage caused is therefore a civil matter and not a planning matter and cannot be considered in the determination of the application.
The proposed French doors will provide access to the hot tub which is associated with noise and will create further impact on privacy.	Notwithstanding that the rear French doors have been removed from the proposal following the submission of revised plans, the installation and use of a hot tub is beyond the control of the Local Planning Authority and any impact arising from its use is not a material planning consideration in the determination of the application.

## Conclusion

Whilst the application site is outside the defined Limits to Development Policy S3 of the adopted Local Plan allows for the alteration and extension of existing dwelling in the countryside. Consequently the proposal is compliant, in principle, with Policy S3 the adopted Local Plan.

Subject to conditions it is also considered that the proposal would result in no harm to the significance of designated heritage assets, those being the Hemington Conservation Area and the setting of Hemington House and Hemington House Farm House as grade II listed buildings respectively. The proposal would also preserve the significance of the non-designated heritage asset, that of the existing barn, its setting and the setting of other converted barns within the wider group that forms Kelhams Court.

There are no detrimental impacts to the character and appearance of the visual landscape, residential amenity, highway safety, ecology, archaeology, nor would the proposal exacerbate any localised flooding impact. There are no other relevant material planning considerations that indicate planning permission should not be granted and consequently the proposal is deemed to comply with the relevant policies of the adopted Local Plan the Council's adopted Good Design SPD and the advice within the NPPF.

It is therefore recommended that planning permission be granted subject to conditions as set out above.