

Erection of two storey side and rear extension, single storey rear extension and replacement windows

Report Item No
A4

Hemingford, South Street, Ashby De La Zouch Leicestershire
LE65 1BR

Application Reference
23/01148/FUL

Grid Reference (E) 435720
Grid Reference (N) 316559

Date Registered:
6 September 2023
Consultation Expiry:
7 November 2023
8 Week Date:
1 December 2023
Extension of Time:
1 December 2023

Applicant:
Mr And Mrs Crooks

Case Officer:
Louise Forman

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

The application is brought to the Planning Committee for determination as a person who is related to an Officer of the Council has been involved with the preparation of the application pack and contrary representations to the recommendation to permit the application have been received.

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

- 1 Standard time limit (3 years)
- 2 Approved Plans
- 3 Materials – in accordance with
- 4 Parking - 3 parking spaces to be provided and retained on site
- 5 Side windows in the eastern elevation to be obscured and top openers
- 6 No additional side windows to be allowed without the need for planning permission

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of a two storey and single storey front, side and rear extensions to 'Hemingford' South Street, Ashby de la Zouch. The dwelling is a detached property and is located to the south of South Street, within the limits to development and within the Ashby de la Zouch Conservation Area. The south of South Street is characterised principally by detached residential dwellings which back onto the Bath Grounds. To the north on South Street is the former Police Station together with car parks and the rear of retail units which are associated with the retail use of the town centre.



View of South Street (south side) to the west



South Street (north side)

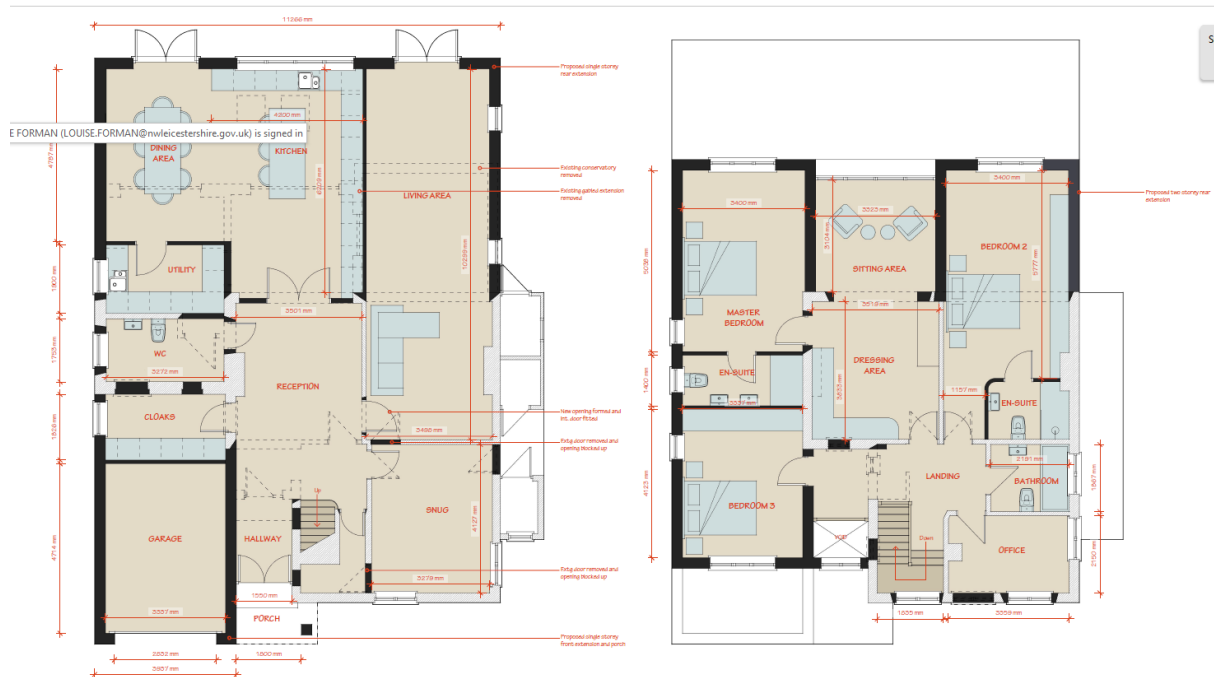


South Street (north side)

The proposal consists of the demolition of previously erected single storey extensions which wrapped around the eastern side and rear of the host dwelling and replacement by the erection of:

- A single storey rear extension of 6.6 metres (3.5 metre additional maximum projection)
- A two storey rear extension of 3.65 metre projection
- A ground floor side/front extension of an overall length of 16.27 metre and width of 3.95 metres
- A first floor side extension of 11.35 metres length

The ground floor proposals will provide an extended kitchen/dining room, utility and additional living area at the rear and a garage and open porch to the front. At first floor level the rear extensions will provide extended bedrooms and a seating area.



Proposed Floor Plans

Amended plans have been secured during the application. The single storey rear extension has been reduced by 0.5 metres and the first floor element to the eastern side of the dwelling has been set back by an additional 0.5 metres. The design of the timber framing detail to the front gable has been retained and echoed in the proposed, smaller front facing gable.



Hemingford - Front



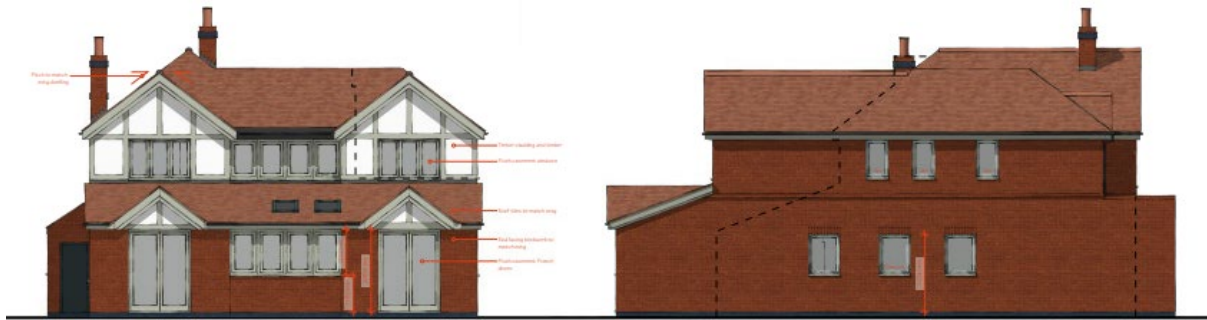
Hemingford - Rear

PLANNING APPLICATIONS- SECTION A



1 FRONT ELEVATION
SCALE 1:50

2 SIDE ELEVATION
SCALE 1:50



3 REAR ELEVATION
SCALE 1:50

4 SIDE ELEVATION
SCALE 1:50



Application site and surroundings

The supporting statement accompanying the application provides the following information about the site:

" the proposal is in accordance with the relevant policies of the development plan and it is also in accordance with the NPPF taken as a whole and the presumption in favour of sustainable development. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and any outstanding concerns that the Council might have are capable of being addressed by negotiation and/or the imposition of conditions."

Relevant Planning History:

93/0744/P - Erection of a single storey rear extension Approved 22 September 1993

80/0506/P - Erection of a garage and lounge extension Approved 22 April 1980

2. Publicity

2 Neighbours have been notified.

Site Notice displayed 07 September 2023.

Press Notice published 20 September 2023.

3. Summary of Consultations and Representations Received

The following summary of responses is provided:

Ashby Town Council raised objections on the following grounds (original scheme):

Ashby de la Zouch Town Council objects to this planning application subject to the modifications suggested by the Conservation Officer being carried out. The alterations to this property detailed in this application are not in keeping with the character of the conservation area and the scale and massing are inappropriate.

And has made similar comments regarding the amended scheme, apart from the timber framing to be retained.

NWLDC Conservation Officer raised objections to the original scheme on the following grounds:

- *should be reduced substantially in terms of its scale and extent. I suggest omitting the garage and cloakroom, bedroom three and the double height hallway.*
- *new elements should be set back at least 1 metre from the existing front elevation*
- *the existing render and mock timber framing should be retained, and new elements should reflect the existing character.'*

In terms of the amended scheme, The Conservation Officer has commented as follows:

- *pleased that the existing mock timber framing would be maintained.*
- *reiterates previous advice*

Third Party Representations

Two letters of neighbour representations have been received from the same property (original and amended scheme), raising objections on the following grounds:

- Over-development
- Significant detrimental impact on residential amenity and enjoyment of property in terms of overlooking, overbearing and overshadowing
- Loss of available sunlight
- Scale and mass, not subservient
- Increased risk of flooding
- Reduction in available car parking
- Planning statement does not reflect the true extent of loss of amenity
- Object to the proposed two side windows
- Refers to Human Rights Act, Protocol 1, peace and enjoyment of all their possessions

4. Relevant Planning Policy

National Planning Policy Framework (2023):

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 8 and 10 - Achieving sustainable development

Paragraph 11 - Presumption in favour of sustainable development

Paragraphs 55, 56 and 57 - Decision-making

Paragraph 92 - Promoting healthy communities

Paragraphs 104, 105, 110, 111 and 112 - Promoting sustainable transport

Paragraphs 126, 129, 131 and 134 - Achieving well-designed places

Paragraphs 152, 154, 157 - Meeting the challenge of climate change, flooding and coastal change

Paragraphs 174, 180, 182, 183, 184, 185 and 186 - Conserving and enhancing the natural environment)

Paragraphs 174, 180, 183, 184 and 185 (Conserving and enhancing the natural environment).

Adopted North West Leicestershire Local Plan (2021)

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

S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
En1 - Nature Conservation
En2 - River Mease Special Area of Conservation
EN3 – The National Forest
He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
Cc2 - Water - Flood Risk
Cc3 – Sustainable Drainage Systems

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 HE1 - Ashby de la Zouch and Heath End Conservation Areas

Other Policies/Guidance

The Conservation of Habitats and Species Regulations 2017
Sections 61 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System
Planning Practice Guidance - November 2016
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 2022
Good Design for North West Leicestershire SPD - April 2017
National Design Guide - October 2019
Leicestershire Highways Design Guide (Leicestershire County Council)

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the Ashby de la Zouch Neighbourhood Plan (2018).

The site is located within Limits to Development as defined by the adopted Local Plan, and the Neighbourhood Plan where the principle of extensions to existing dwellings are acceptable, subject to all other planning matters being addressed.

Scale, Design and Heritage

The application site is located within the Ashby de la Zouch Conservation Area. Several listed buildings are located at the junction of South Street and Bath Street (The War Memorial, Rawdon House and Rawdon Terrace, all Grade 2* listed) and further to the east on the northern side of South Street (10-15 South Street, all Grade 2* listed). As such the proposed development must be considered against sections 66 and 72 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 possess" and that "special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area", respectively.

Paragraph 184 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance and Paragraph 192 states in determining planning applications, local 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. Paragraph 199 states 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.

Policy He1 of Local Plan is concerned with the conservation and enhancement of the historic environment.

Policy S4 of the Ashby De La Zouch Neighbourhood Plan requires that development should enhance and reinforce local distinctiveness and character, particularly within the Conservation Area, reflect the character and historic context of existing developments and materials should add to the quality or character of the surrounding environment, the Conservation Area and the National Forest.

It is a statutory requirement that any new development should at least preserve the character of the Conservation Area and significant weight has been given to preserving the setting of Listed Buildings.

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 perform positively against Building for Life 12 and that developments will be assessed against the Council's adopted Good Design SPD. The site is also located within the National Forest whereby Policy En3 expects proposals to respond to the forest

landscape.

The application proposes the erection of single storey and two storey front, side and rear extensions together with replacement windows. The closest listed buildings are 10-15 South Street which are 50 metres away at their closest point, and the War Memorial which is 70 metres away. The Conservation Officer has not made any comments in respect of the impact on the setting of the nearest listed buildings. Given the distance of the site from these and other nearby listed buildings and the intervening buildings and vegetation it is not considered that the proposals would have a significant impact on the setting of the Listed Buildings.



Hemingford from South Street





1 FRONT ELEVATION
SCALE 1:50

It is acknowledged that the proposals are large in scale, in particular the rear elements, and would significantly increase the footprint of the dwelling, and so would not be subservient to the dwelling. The Conservation Officer concludes that the proposal would result in less than substantial harm to the conservation area.

In terms of design and materials, the materials used would match the existing dwelling and the proposed features would complement the existing design. The amended plans show that the mock timber framing to the existing dwelling would be retained, and the timber framing to the side extension would now reflect existing, therefore addressing the Conservation Officer’s concerns in respect of this matter. The render to the side (western) elevation is proposed to be removed, and whilst the Conservation Officer is concerned that this may expose some ‘common’ brickwork rather than ‘facing’ brickwork, this render is currently only at first floor level on this elevation and as the dwelling is set back from the road, exposed brickwork in this location would not be overly prominent in the streetscene and Conservation Area.

The roof of the proposed extensions matches that of the existing ‘L’ shaped element, and both are set down from the main ridge of the existing dwelling.



3 REAR (Southern) ELEVATION
SCALE 1:50



3 REAR ELEVATION
SCALE 1:50

The neighbouring property, Ringwood, has a forward projecting, flat roofed, single storey element with parapet wall detail similar to the forward projection to the proposed garage (approved under application 21/00403/NMA and 20/01921/FUL). Furthermore, the front facing first floor gable was an extension to the original dwelling approved in 2004.



Ringwood, from South Street.

Given the above extensions to the adjacent dwelling and the limited scale of the front projection of the garage and the porch, it is considered that these elements are of an appropriate scale and design and do not detract from the design of the dwelling or the street scene, or wider conservation area. The first-floor side element provides a 'set back' to the original dwelling which echoes its original design and ensures that the first floor element does not dominate the existing dwelling when viewed from the street.



3D visual of proposal

The majority of the extension is located to the side and rear of the dwelling and so would not be visible from South Street. The dwelling backs onto the Bath Grounds which is within the Conservation Area and there would be views of the dwelling from the Grounds, including from a path that runs close to the rear boundary of the site. However, the dwelling would be at least 30 metres from the Bath Grounds, would be screened to some extent by existing boundary treatments and vegetation, and the extensions would be seen alongside the other adjacent detached dwellings. It is therefore considered that the extensions would not be overly prominent within the street scene, locality and Conservation Area, nor would they appear as dominating the existing dwelling.

Whilst this part of the proposal would be visible from within the streetscene of South Street and from the Bath Grounds, and so therefore is visible within the Conservation Area, it is considered to be an acceptable form of development which would not be significantly detrimental upon the character and visual amenities of the existing dwelling and streetscene, or to the character and appearance of the Conservation Area, and would preserve the character and appearance of the Conservation Area.

Taking the above into account, it is considered that the scheme would not adversely impact on the setting of the listed buildings, the Conservation Area, the streetscene and locality. As such it is considered that the proposal would not result in harm to the designated heritage assets and therefore would be compliant with Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies D1, En3 and He1 of the adopted Local Plan, Policy S4 of the Ashby Neighbourhood Development Plan, the Council's Good Design SPD and the advice contained in the NPPF.

Residential Amenities

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.

The residential dwellings most immediately impacted upon by the proposal would be the adjacent neighbours, Ringwood to the west and Glen Elan to the east of the site.



Plan view in relation to neighbours

In terms of the west of the site, there are no additional windows proposed at first floor level and neither, the proposed first floor or ground floor elements will not project beyond the rear of Ringwood. Whilst the two first floor windows (ensuites) and the side door (utility) of Ringwood will be affected by the proposed first floor rear extension, they do not serve habitable rooms, therefore in terms of the effects on residential amenity in relation to Ringwood, the proposals are considered to be acceptable.



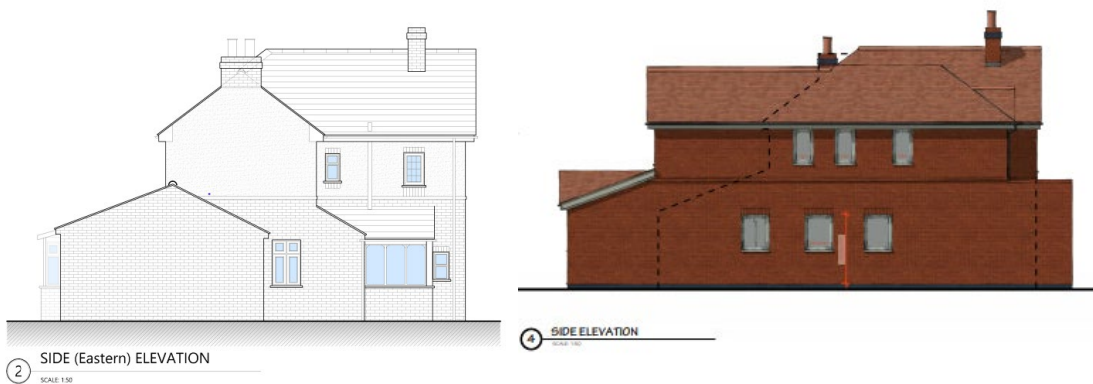


Rear elevation adjacent to Ringwood

In terms of the proposals to the east of the site and the effect on the neighbour's dwelling, Glen Elan, the neighbour has raised concerns regarding the overdevelopment of the site and an overbearing impact, particularly of the two-storey side extension. The extensions proposed to this side of the dwelling will bring more built form to the shared boundary with this neighbour. The neighbour's property is set away from the shared boundary by approximately 1.5 metres. The proposal has been found to be compliant with the 45 degree code of practice which relates to the impact of a scheme on the amount of sunlight and daylight that a neighbouring property will have as a consequence of a development and on balance it is considered that the development would not have a sufficiently detrimental overbearing or overshadowing impact for the reasons stated above.

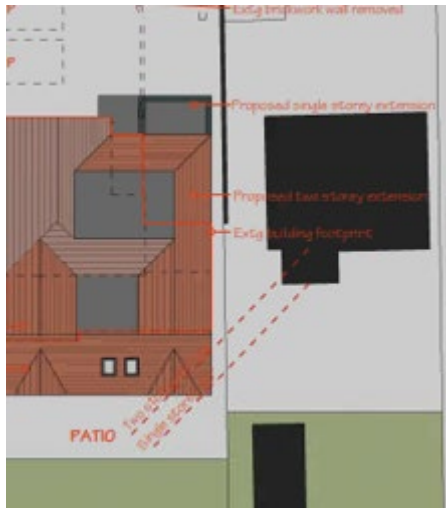


Relationship between Glen Elan and Hemingford



There are also windows proposed at both ground and first floor levels, however, they all serve either non habitable rooms or provide additional light to two bedrooms but are not the only source of light, therefore, subject to obscure glazing and appropriate openers being conditioned should this case be approved, it is considered that additional overlooking can be satisfactorily controlled.

The three side windows in the neighbour's property at ground floor level will be affected by the proposal. The neighbour has raised concerned that these windows will be affected and that the two side windows nearest to the rear of the dwelling serve the kitchen/diner which is where the neighbour spends most of their daytime causing detrimental impact on residential amenity and enjoyment of the property in terms of overbearing and loss of available sunlight. This room has an additional rear facing window and, although there will be impact upon the windows in this dwelling, the relationship with the neighbour's property and the proposed extensions are such that it is considered that they would not warrant refusal of the application.



Proposed relationship with Glen Elan



Side and rear windows in Glen Elan

The neighbour has raised other concerns regarding the proposals including over-development, which has been dealt with in the design section of this report, increased risk of flooding which will be dealt with in a separate section of this report, reduction in parking, which will be dealt with in a separate section of this report, and, in terms of the Human Rights Act, Protocol 1, peace and enjoyment of all their possessions. The Human Rights Act relates to public authorities. Article 8 refers to the right to respect private and family life. Case law has confirmed the importance of Local Planning Authorities striking a balance between competing interests with the concept of proportionality. The human rights argument in planning cases is that their right of respect for family/private life or their right of property has been breached. The typical response to this is an agreement that their rights have been interfered with but not violated since those rights were not absolute. Interference is permissible where it is necessary for the preservation of the environment and consequently in the public interest. This is where the concept of proportionality is involved, which is a similar test to that already carried out by planning officers when weighing up benefits and disbenefits

of a scheme. (DCP)

The objections raised by the neighbour have been taken into consideration, however on balance it is considered that the proposal will not have a significant detrimental effect on residential amenity or have any significant design implications which would warrant refusal of this application. The site is situated within the defined limits to development where the principle of this form of development would be acceptable. It is considered that the positioning of the extension, its design and the orientation of the properties would ensure that there would not be a significant detrimental impact on the amenities of neighbours in terms of overlooking, overbearing, or overshadowing and as such the development would accord with Policy E3 of the Local Plan. In terms of the design, it is considered that the aesthetics of the property would be acceptable and would not be out of keeping with the character of the street scene and will therefore accord with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Highway Safety

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 settlement. The agent has shown two parking spaces within the front garden area, with an additional parking space (albeit 0.3 metres short of the standard length for a parking space) provided within the proposed garage. The proposed level of parking is considered to meet the standard having regard for the size of the dwelling/number of bedrooms proposed (even given the potential for the first-floor seating area and the office being used as bedrooms) and the location. On balance, the proposal is therefore considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan as well as the Leicestershire Highway Design Guide

River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC) which is also a SSSI. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Surface water flows can also impact on the SAC. Therefore, an assessment of whether the proposal would have a significant effect on the SAC is required.

As a result of the proposed development there could be an impact on the River Mease SAC, which may undermine its conservation objectives, from an increase in foul and surface water drainage discharge. Therefore, an appropriate assessment of the proposal and its impacts on the SAC is required.

Natural England has advised that appropriate mitigation measures must be in place to achieve nutrient neutrality.

Natural England advises that the Local Planning Authority (LPA), as competent Authority, should undertake a Habitats Regulations Assessment for this development and in doing so ensure that there will be no harmful discharges of foul or surface water from the application site into the River Mease or its tributaries.

The proposal would remain as a single family dwelling and, although the number of bedrooms is shown as remaining the same, there is potential for a first floor sitting area and office to be used as additional bedrooms. However, the overall occupancy levels of the dwelling are unlikely to increase. Whilst the additional sanitary provision is likely to result in additional foul drainage discharge from the site, it is not considered to result in a significant increase when having regard to the likely more modern water efficient facilities. The proposal is therefore considered to not result in any unacceptable impact on the integrity of the River Mease SAC.

Discharge into the river from surface water disposal via a sustainable drainage system or via the mains sewer system can also result in an adverse impact on the SAC, including in relation to water quality and flow levels. As the proposed extensions would be sited on areas of the site that are largely impermeable, it is considered unlikely that any surface water would result in any additional impacts on the SAC.

The site is around 54 metres from the Gilwiskaw Brook which is a tributary to the River Mease, in this location in central Ashby the brook runs underground as it has been culverted. It is considered that there would not be any direct impact on its channel and banks as it is separate from the site. Given this distance and that there are other intervening sites and land uses, it is considered that the construction of the proposals and activity associated with them would not adversely impact on the tributary.

Therefore, it can be ascertained that the proposal 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, and would comply with the Habitat Regulations 2017, the NPPF and Policies En1 and En2 of the Local Plan.

Flood Risk

The application site is located within flood zone 2 which is land at medium risk of flooding. The proposed works would fall within the minor development criteria set by the Environment Agency (EA) and as such the Local Planning Authority is not required to consult the EA for this type of development and should refer to their standing advice. This advice states that the new development should either have floor levels that are either no lower than existing floor levels or 300 millimetres (mm) above the estimated flood level. The Flood Risk form submitted with the application confirms that the floor levels will be set no lower than existing levels and, flood proofing of the proposed development has been incorporated (where appropriate) the application would therefore accord with this advice.

It is therefore considered that the development would not result in an increased flood risk when compared to the existing situation. As such the development would be compliant with Policy Cc2 of the adopted Local Plan, Policy S4 of the Ashby

Neighbourhood Plan, and the aims of the NPPF.

Conclusion

The principle of the development is acceptable. The proposal is not considered to have any detrimental design, residential amenity, heritage, flooding, or highway impacts and would not be harmful to the River Mease Special Area of Conservation. There are no other relevant material planning considerations that indicate that planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the policies within the Ashby de la Zouch Neighbourhood Plan and the advice in the NPPF. Accordingly, the application is recommended for planning permission, subject to the suggested planning conditions.