

Reference: 13/00856/FUL
Date Submitted: 02.12.2013
Applicant: Mr M Enderby
Location: 26 Boyers Orchard, Harby
Proposal: Erection of a two bedroom dwelling



Introduction:-

The proposal seeks planning permission for the erection of a two bedroom dwelling

The application site is located within the rear garden of No.26 Boyers Orchard, Harby to the South of the host dwelling on land within the Village Envelope. The host property is a two storey semi-detached property of no great age located in a well-established residential area. The site is relatively flat and is currently used as grassed amenity space for the host property.

Application History

Application 13/00856/FUL for the erection of a three bedroomed dwelling was submitted to the Council on 2 December 2013. To date there have been five sets of plans submitted in regard to this application

The original plans were submitted on 2 December 2013;

A set of Revised Plans (**Revision A**) were received on 2 January 2014 which reduced the ridge height from 9.77 metres to 8.88 metres;

Another set of revised plans (**Revision B**) were received on 17 March 2014. These plans showed the base of the building in its correct position in relation to adjacent buildings having been re-measured on site.

Further revised plans (**Revision C**) were received on 9 September 2014. These plans showed a revised ridge detail which brought the ridge height down to 8.37 metres

The latest plans (Revision D), which are under consideration in this report were received on 15 October 2014. These plans show revised roof levels and reduce the size of the property to a two bedroom dwelling.

It is considered that the main issues relating to the proposal are:

- **Impact upon the neighbouring properties**

The application is presented to the Committee following a request by a Ward Member.

Relevant History:-

08/00210/FUL – Erection of a three bedroom house – Refused 1 May 2008

09/00917/FUL – Erection of a three bedroom house – Permitted 8 February 2010

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS1 states that planning permission will be granted for development within the town and village envelopes provided certain criteria are met as follows:

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provisions

National Planning Policy Framework (NPPF)

NPPF: Seeks to ensure that there is a presumption in favour of ‘Sustainable Development’ introducing three dimensions in achieving sustainable development through the planning system.

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The framework introduces 12 core planning principles with more detailed criteria contained within the 13 chapters. Relevant to this proposal are:-

Chapter 6 – Delivering a Wide Choice of High Quality Homes:- Plan for housing to meet local need, identifying the size, tenure and range of housing that is required in particular, locations reflecting local demand. Resist development on residential gardens where approving development would cause harm to the local area. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Chapter 7 – Requiring Good Design:- Good design is a key aspect of sustainable development and should contribute positively to making places better for people. Good design goes beyond aesthetics and should address the connections between people and places and the integration of new development into the natural, built and historic environment. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. The NPPF advises that poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions should be refused.

It is considered that the NPPF is not in conflict with the provisions of the development plan which seek to restrict housing within existing settlements and to safeguard the character of the area and to not have a detrimental impact upon existing residential amenities.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>LCC Highways – No objection subject to the following conditions:- No direct vehicular or pedestrian access to Gas Walk, and ensure all details of the access and parking arrangements for both the existing and proposed dwellings conform with H.A. standards.</p>	<p>Two off road parking spaces are to be provided for the new property measuring 5.0 m x 2.5 m. An associated turning area is also proposed. The existing parking arrangements for No. 26 remain. A new permeable block paved driveway is to be created to serve both properties. Conditions can be imposed as requested.</p>
<p>Severn Trent Water - Have no objection to the proposal</p>	<p>Noted</p>

<p>Clawson, Hose and Harby Parish Council – Object on the following grounds: The ridge height is too high;</p> <p>Vehicular access to the site from Boyers Orchard is not adequate.</p> <p>A square shaped dwelling is unsuitable on this site, an ‘L’ shaped dwelling would be more appropriate on this plot;</p>	<p>The ridge height has been reduced twice on revised plans since the original application, which recorded a ridge height of 9.77 m. The current proposal is for a dual height ridge (8.75 m to the two storey element and 6.60 m to the single storey element) which serves to reduce the impact from the original. The property previously permitted on this site under Reference 09/00917/FUL had ridge height of 7.4 m.</p> <p>LCC Highways have no objections to the proposed access arrangements</p> <p>The design of the dwelling is considered in more detail below</p>
<p>Properties in the vicinity with high ridges were also objected to by the Parish Council;</p> <p>The Parish Council also objected to the original proposal and the three subsequent revisions citing various issues including the ridge height, boundary treatment and demarcation, materials, overlooking, over dominance</p>	<p>The ridge height has been reduced during the course of the application with the various revisions from 9.77 m (originally) to 8.88 m (Revision A) to 8.37m (Revision C) and now details a dual height ridge (8.75 m to the two storey element and 6.60 m to the single storey element) which is considered acceptable for a dwelling in this location. Nearby properties on Boyers Orchard have a ridge height of 7.80 m, the nearest property being some 15 m away. The property previously permitted on this site under had a ridge height of 7.4 m.</p> <p>These issues have been addressed prior to the latest submission</p>

Representations:

A site notice was posted and sixteen neighbouring properties were consulted. Three representations from two different households were received objecting to the latest submission. Nine letters of support have also been received. The consultation period for the latest amendments extends to 9th March and therefore any further comments will be verbally reported to committee.

There were also objections to the original proposals and subsequent revisions which are summarised below.

Considerations	Assessment of Head of Regulatory Services
<p>Supporting documentation submitted with the latest plans.</p> <p>Apparent inaccuracies in the Design and Access Statement and additional landscape/site plan.</p>	<p>These are supporting documents and only form part of the consideration of the application.</p>
<p>Size of the property</p> <p>The building is adjacent to Gas Walk with very little space between the boundary and the proposed building</p>	<p>The current proposal has reduced the massing of the property through the introduction of a single storey element and hence dual ridge height.</p>

<p>Ridge height of single storey element is too high</p> <p>The building appears to be more than a metre higher than all adjacent buildings which would impact on the neighbours and the street scene.</p> <p>The proposed dwelling will cast a shadow over neighbouring property</p>	<p>The single storey element serves to reduce impact of property</p> <p>The ridge height has been reduced twice on revised plans since the original application and the current proposal is for a dual height ridge which serves to reduce the impact</p> <p>The proposed dwelling is 18 metres to the south west of the objector's property. Therefore it is considered that there will only be a potential overshadowing issue on winter afternoons when a long shadow may be cast over the garden area etc due to the sun being lower in the sky.</p>
<p>Materials</p> <p>All surrounding properties are built of a similar coloured brick whereas the proposal is to build this property from breeze block, render and paint it with some detailing in reclaimed brick –</p>	<p>Rendering is not a feature in the immediate vicinity of the building, however a condition can be imposed in relation to choice of materials</p>
<p>Positioning on the plot</p> <p>Footprint of property is shown in the wrong position</p>	<p>The applicant was made aware of this anomaly and the plans were amended accordingly (Revision B)</p> <p>The position on the plot is already established by the current consent.</p>
<p>Gable end window</p> <p>The objector is concerned that the gable end window will overlook his property</p>	<p>The window is approx. 18 metres from the extended 28 Boyers Orchard and over 20 metres from 3 Gas Walk and will be obscure glazed so there is considered to be no overlooking issue – a condition can be imposed to ensure this arrangement is permanent.</p>
<p>Vehicular access</p> <p>Gas Walk is a single track 'public street' (not maintainable at public expense) with only one entrance/exit onto Boyers Orchard with poor visibility when exiting – compounded by parked cars on Boyers Orchard. Therefore any more vehicular movements than at present will create more risks to road users and pedestrians.</p> <p>Original plans showed a pedestrian access which is now a vehicle access</p>	<p>LCC Highways have raised no objection to the proposed access arrangements.</p> <p>Two off road parking spaces are to be provided for the new property measuring 5.0 m x 2.5 m. An associated turning area is also proposed. The existing parking arrangements for No. 26 remain. A new permeable block paved driveway is to be created to serve both properties from Boyers Orchard and no vehicular access from Gas Walk is proposed.</p>
<p>Drainage</p> <p>Surface water run-off from driveway and roof will go into the combined main drain</p>	<p>Severn Trent Water have raised no objections</p>
<p>Other</p> <p>Footings, which are already constructed are not in the position shown on the plans</p>	<p>The footings currently on site relate to a previous application and are therefore not in the position of the current proposal.</p>
<p>Objections to original submission</p> <p>There have been several objections to the <u>original proposal and the three subsequent revisions</u> citing various issues including visual intrusiveness, highway safety and traffic impact, parking, design, the ridge height, boundary treatment and</p>	<p>These issues have all been addressed prior to the latest submission</p>

demarcation, materials, overlooking, over dominance	
<p>Letters of support Nine letters of support for the current application have been received. Issues raised include:</p> <ul style="list-style-type: none"> • Improved parking provision to the benefit of properties; • Improved design; • Improvement in water disposal; • Improvement to the entire site; • This is a new dwelling that will add to the local aesthetic in a positive manner; • Ridge height is not an issue; • The applicant has made amendments to ensure the requirements of locals is met; • Opportunities for younger people in the village; • Applicant has a proven record of building to a high standard; • Can see no sensible grounds for objection. • Additional off road parking provided <p>Some concerns were raised over time scale in dealing with the application</p> <p>Also concerns raised that the application has been dealt with unsatisfactorily by Clawson, Hose and Harby Parish Council</p>	<p>Noted</p> <p>The timescale issue relates to the fact that there have been five versions of this application to consider, the original application and four amendments.</p> <p>Views relating to the manner in which the Parish Council has formulated its responses are not material considerations. Consideration should be limited to the issues themselves.</p>

Other material considerations (not raised through consultation or representation)

Considerations	Assessment of Head of Regulatory Services
<p>Application of Planning Policy Seeks to ensure that there is a presumption in favour of ‘Sustainable Development’ introducing three dimensions in achieving sustainable development through the planning system.</p> <ul style="list-style-type: none"> • an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; • a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing 	<p>As the site is located within the Harby village envelope it is considered to be in a sustainable location and the development complies with the requirements of NPPF for efficient use of land.</p> <p>The NPPF requires planning for housing to meet local need, identifying the size, tenure and range of housing that is required in particular locations reflecting local demand. There is need in the north of the Borough is for 2 bedroomed units, and as such the proposal is considered to be appropriate and therefore meets the identified local needs.</p> <p>The proposal is therefore considered to be acceptable in terms of the NPPF and Policies OS1 and BE1</p>

<p>required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and</p> <ul style="list-style-type: none"> • an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. <p>The saved policies OS1 and BE1 allows for development within the town envelope provided that the form, character and appearance of the settlement are not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality; the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and satisfactory access and parking provision can be made available.</p>	
<p>Design</p>	<p>The proposed dwelling is of a similar design to that currently permitted on site, it does however occupy a larger footprint being ‘squared off’ as opposed to the ‘L’ shaped dwelling that currently benefits from consent on the site. It comprises two bedrooms, a family bathroom and en suite to the master bedroom on the first floor and a kitchen/dining room and lounge with a WC downstairs. There is a small garden area surrounding the property and there are two parking spaces with associated turning facilities.</p> <p>The current submitted plans show the property is rectangular in plan and the footprint measures 10.70 m x 7.40 m maximum externally to the ground floor giving an area of 79.18 square metres. The first floor measures 6.50 m x 7.40m maximum externally giving an area of 48.10 square metres. Internally however the floor area totals just over 107 square metres. The ridge height is now split and is 8.75 m with an eaves height 4.90 m. to the two storey section whilst the single storey element has a ridge height of 6.60 m with an eaves height of 2.80 m. The split roof is of simple gabled format, with a gable end stack to the single storey element.</p> <p>The applicant has also provided evidence of several</p>

	<p>examples within Harby where adjacent buildings are closer together but display a greater variation in ridge height. These include established buildings as well as new build examples</p> <p>The design is generally simple but includes a decorative brick detailing to the eaves and a timber framed canopy above the principal entrance.</p> <p>The design of the dwelling has differed from the previous application, the principal change being 'squaring off' of the footprint thus increasing the floor area of the ground floor from 58.44 sq metres to 79.18 sq metres. The dormer windows have also been omitted from the current design.</p> <p>In terms of the overall internal floor area, the house permitted under reference 09/00917/FUL totalled 97.30 sq metres whilst the proposed development will be larger at 107.2 sq metres.</p> <p>The design is generally simple and continues the form of the existing dwellings and will not look out of character within the street scene.</p>
<p>Street scene:</p>	<p>The proposal would be partially screened from Gas Walk by some trees which it is intended to retain. The property would be situated approximately two metres back from the edge of the site and would introduce a built structure onto the North of Gas Walk which is characterised by a number of trees and shrubs giving a more rural appearance. To the South, opposite the site are three relatively modern two storey properties.</p> <p>This did not form a reason for refusal on the approved scheme and it is considered it would be unreasonable to introduce at this stage.</p>
<p>Amenity:</p>	<p>The proposed dwelling is to be situated approximately 20 metres to the North of properties on Gas Walk, across this access road. Such relationships with properties facing each other across a road are relatively common place within residential areas and it is not considered that the impact upon residential amenity would unduly detrimental.</p> <p>The host property is 20 metres away and the orientation of the properties ensures that the relationship is acceptable. No. 28 Boyers Orchard, the neighbouring property, which has been extended to the rear is somewhat closer but again the orientation between the two should ensure that impact on residential amenity is unacceptably lessened. No other properties in the vicinity would</p>

	<p>suffer a serious impact to residential amenity and again it must be borne in mind that residential amenity did not form a reason for refusal on the previous scheme.</p> <p>It is considered that no unacceptable loss of amenity would result from the proposal.</p>
Adjacent land uses	<p>To the South of the site is Gas Walk which is an unadopted access road serving three properties. It also acts as a public footpath linking Dickmans Lane and Boyers Orchard. The boundary between Gas Walk and the site is formed by a row of sparse shrubs and trees. North of the site is the host property with the boundary between this and the site currently unmarked. The rear gardens of a number of properties are located to the East and West of the site.</p>
Materials	<p>The host property is constructed from red bricks and roofed with red concrete tiles. The properties opposite on Gas Walk are burnt coloured red brick roofed with concrete tiles.</p> <p>The proposal indicates a mixture of materials. The walls will be rendered but springing from a reclaimed red brick plinth. Architectural detailing including the window heads and eaves/verge also to be in reclaimed red brick. The roof to be in reclaimed red pantiles. Windows and doors to be in timber.</p> <p>Rendering is not a feature in the immediate vicinity of the building but should permission be granted a condition can be imposed to ensure suitable materials are used in the construction of the dwelling.</p>

Conclusion

The application seeks planning permission for the erection of a two bedroom dwelling within the Harby village envelope. It is considered that the proposal has been designed to have minimum impact on adjoining properties, is appropriate in design to the streetscene and is acceptable in terms of highway safety. Located within the village envelope the development is therefore considered to be in a sustainable location and meets the requirements of the NPPF and also provides housing to meet identified housing need.

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

1. The development shall be begun before the expiration of three years from the date of this permission.

2. The development hereby permitted shall be undertaken strictly in accordance with Drawing No PL-01(Revision D), scales 1:100/1:200/1:1250, dated October 2013, revised October 2014 and received by this Council on 15 October 2014.
3. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
4. The attic window at the apex of the east elevation shall be obscure glazed
5. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
6. The car parking and turning facilities shown within the curtilage of the site shall be provided, hard surfaced and made available for use before either dwelling is occupied and shall thereafter be permanently so maintained.
7. Before first occupation of either dwelling, the proposed access drive shown on the submitted plan, shall be surfaced with block paving, as detailed, and shall be so maintained at all times.
8. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the dwelling hereby permitted no development as specified in Classes A to F shall be carried out unless planning permission has first been granted by the Local Planning Authority

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To enable the Local Planning Authority to retain control over the external appearance of the property.
4. In the interests of privacy.
5. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
6. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
7. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
8. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.

Officer to Contact: Richard Spooner

2nd March 2015