

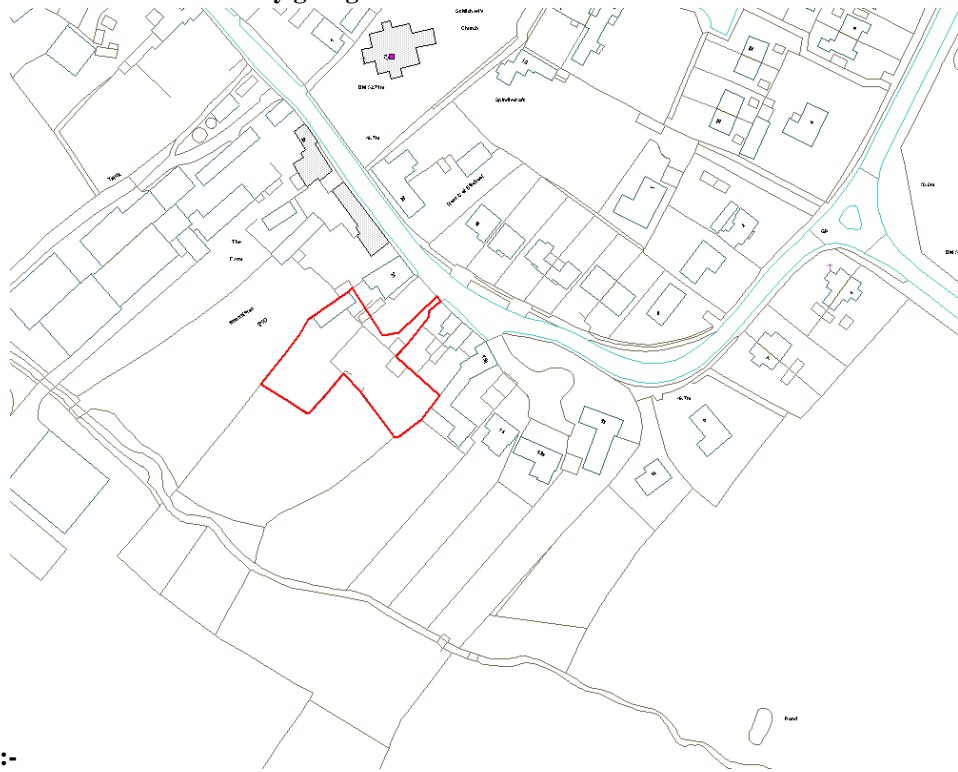
Reference: 14/00972/FUL

Date submitted: 02.12.2014

Applicant: Mr Harman

Location: 19A Bolton Lane, Land to the rear of the 21 Bolton Lane, Hose (former Black Horse)

Proposal: New three bay garage



Proposal :-

The application seeks to construct a three bay garage positioned to the north east boundary of the site. The site is located within the Conservation Area but partly outside of the village envelope for Hose. Accessed between 19 and 21 Bolton Lane, the site lies to the rear of the former Black Horse public house which has recently undergone redevelopment to a residential dwelling, known as 19A Bolton Lane. The area consists of a mix of styles and types of residential dwellings both old and new sporadically positioned along Bolton Lane, with no particular building line. Hose Primary School sits to the north of the site with open countryside to the rear .

It is considered that the main issues for consideration of the application are:-

- **Compliance with the Development Plan Policies and the NPPF**
- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**

The application is to be considered by the Planning Committee due to previous history of the site.

Relevant History:-

05/00264/FUL - full planning application for change of use of public house to residential and erection of new dwelling to rear - refused May 2005. Reasons for refusal: new dwelling to rear out of keeping by virtue of forming cramped form of backland development; unacceptable relationship between the proposed dwellings by virtue of overbearing; and insufficient archaeological information submitted.

05/00265/CL - certificate of lawfulness granted in June 2005 for continued use of land to rear as beer garden.

05/01128/COU - application for change of use of public house to dwelling refused due to loss of community facility. Allowed on appeal 31.07.2007.

05/001129/ FUL – Application for change of use of existing public house to dwelling and proposed new detached dwelling on site of existing outbuildings. Refused on loss of community facility and harm on the Conservation Area

08/00474/FUL Application for New dwelling to replace existing outbuildings (Re-submission of part previous application Ref: 05/01129/FUL). Application was refused on harm to the Conservation Area. Allowed on appeal 22.06.2009

08/00483/CON – Consent granted for demolition of existing outbuildings for new dwelling.

11/00577/FUL – Planning permission granted for change of use from public house to private dwelling, new site boundaries, car parking access and temporary storage container.

12/00201/EXT – Extension of time granted to planning approval 08/00474/FUL

12/00582/FUL - One new dwelling, new stables and temporary caravan was refused due to the amenities of neighbouring properties and impact on open countryside.

13/00080/FUL – Consent granted for erection of 1 new dwelling, temporary caravan and two temporary storage containers.

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Village Envelopes providing that:-

- 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 OS2 - carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development, development for statutory undertakers and telecommunications operators, changes of use of existing buildings and affordable housing

Policy C11 - Planning permission will be granted for extensions and alterations to existing dwellings outside the town and village envelopes shown on the proposals map provided the size,

scale, form, design and construction materials are in keeping with the dwelling and locality.

The National Planning Policy ‘Framework’ introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The National Planning Policy introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application is:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Chapter 7 of the NPPF - Require Good Design states that:-

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - Are visually attractive as a result of good architecture and appropriate landscaping.
- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Securing high quality and inclusive design goes beyond aesthetics considerations and

should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Chapter 12 – Conserving and Enhancing the Historic Environment:- states

- that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
- They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: No objections.</p>	<p>The access into the site has been constructed in accordance with planning permission granted for modifications to the former public house, which is reflective of the access arrangements granted at appeal for the new dwelling to the rear. No further changes are required.</p> <p>There remains sufficient parking available within the site including the new proposed 3 bay garage</p> <p>It is not considered that the proposal would have a detrimental impact on highway safety.</p>
<p>Parish Council: Have raised concerns that the proposed development would be outside of the village envelope.</p>	<p>The village envelope was drawn tightly around the former outbuildings of the public house and although the proposed garages will be wholly within the Conservation Area, they will however cross over the Village Envelope boundary into open countryside.</p> <p>The proposed garages would be on land beyond the village envelope of Hose. Policy OS2 seeks generally to resist development beyond village envelopes; however in seeking to confine housing to development within existing boundaries the policy is considered out of date with reference to the NPPF, paragraph 49.</p> <p>The land immediately outside of the village envelope was the former beer garden to the public house and not one that could be argued to be open countryside in its truest form. Furthermore, the previous approval granted the use of the former beer garden as residential curtilage and permitted development rights were not removed from the property. Therefore, any future occupants of the</p>

<p>The proposal would also be over bearing and over dominant to the neighbouring property at No 17 Bolton Lane.</p>	<p>dwelling could extend the property beyond the village envelope if they so choose in the future. The curtilage could also be used for domestic paraphernalia and outbuildings that fall under permitted development which would be beyond the control of the Local Authority.</p> <p>The garages would relate to a new dwelling which has recently been approved outside of the village envelope. Although classed as open countryside the garage would be sited within the approved residential curtilage.</p> <p>Policy C11 accepts extensions and alterations to dwellings outside village envelopes provided certain criteria are met. These include the visual impact which is assessed below.</p> <p>As such, subject to issues of visual and residential amenity being satisfactorily addressed, it is considered the principle of siting the garage outside the village envelope is acceptable.</p> <p>The proposal in land use terms is not considered to comprise the intentions of Local Plan policies OS2 or C11 and conforms to the intentions of the NPPF.</p> <p>There are pair of semi detached houses positioned to the north east, Nos 17 and 19 Bolton Lane, where the proposed 3 bay garage will sit, next to an existing out building, with its rear to the shared 2 metre boundary fence at the bottom of their gardens being some 15 metres away.</p> <p>The proposal has also been amended to reduce the height from 4.5 metres to 3.7 metres whereby the proposal is considered of a size, distance, use and orientation that would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity and complies with the Melton Local Policy BE1 and the NPPF which seeks to safeguard the character of the area and to not have a detrimental impact upon existing residential amenities.</p>
---	--

Representations:

A site notice and press notice was posted and neighbouring properties consulted. As a result 2 letters of objection from separate households have been received to date and a further 2 letters of comment from the same households have been received on the amended plans objecting on the following grounds.

Representation	Assessment of Head of Regulatory Services
<p>The proposal would be overbearing and over dominant to my property</p> <p>The stables are to be sited at the bottom of the garden and will block views of the open countryside</p> <p>This will restrict open countryside views to Nos 17 and 21 Bolton Lane</p> <p>Further development will cause significant risk to further impede the water course and flood the land and nearby properties.</p> <p>A previous application for stables on the same site were refused but if these garages are approved they could convert them.</p>	<p>The proposal has been amended as the previous design of roof height was considered excessive for its use as garaging. The amended proposal is considered to reflect that of the existing adjacent building. The proposal is considered to be of a size, scale, distance and orientation not to have a detrimental impact on these neighbouring properties</p> <p>Loss or restriction of view is not a material planning consideration. These points carry little if no weight in terms of the Melton Local Plan Policies or the NPPF as the proposal is of a distance, use and orientation that would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity.</p> <p>With regards to a view in planning terms, no one has a right to a view but the impact on adjoining properties is required to be assessed. In considering the impact upon neighbouring properties it is appropriate to consider the separation distances from habitable room windows and the proposed development. The garage will be approximately 15 metres from the rear of the two storey dwelling; No. 17, which sits on a higher land level overlooking the application site and paddock. There is currently an outbuilding of a similar height, adjacent to the site. The proposed new garage will run along the full width of the adjoining 2 metres close board boundary fence and will have an eaves height of just under 2 metres. The amended ridge height will be off set with a maximum 3.7 metres, to help soften its appearance to that of the neighbouring properties, It is considered that due to the separation distances and change in topography that the proposal will not have an unduly adverse impact upon the living conditions of the occupiers of No. 17.</p> <p>It is considered that the proposal would not have a detrimental impact upon the residential amenities of adjoining properties.</p> <p>Drainage issues are of a matter of the Building Regulation. The site is not one which has any known flooding issues or drainage issues.</p> <p>The use of the garages would be conditioned accordingly, being ancillary to that of the dwelling house. Any change of use, such as</p>

	<p>stables, would require the submission of a subsequent application to be determined in accordance with the relevant policies applicable to such a use.</p> <p>The proposal is therefore considered acceptable and to comply with the said policies OS2, BE1, C11 and the NPPF which allow for small scale development outside of town and village envelopes.</p>
--	--

Considerations not raised through representation

Consideration	Assessment of Head of Regulatory Services
Impact on the Conservation Area	<p>The site lies within the conservation area; the Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the character and appearance of the area under sections 66 and 72 of the Listed Building and Conservation Area Act 1990.</p> <p>The garage will be sited on the northeast boundary with the former outbuilding and will occupy a footprint of approximately 42.5square metres having an overall length of 8.5 metres by 5 metres. The maximum height will be 3.7 metres sloping to an eaves height of 2 metres. It will be constructed from timber with a red pantile roof to match the dwelling house.</p> <p>It is considered that the design, size, scale and quality of construction materials of the proposed garage are acceptable in this location and are reflective of the newly constructed host dwelling. It is therefore considered that such a proposal would not have a detrimental impact on the character of the area and is envisaged to enhance this part of the Conservation Area.</p>
Impact on the Open Countryside:	<p>The site is wholly within the Conservation Area for Hose but partially outside of the defined Village Envelope. The size, scale and mass of the proposal is considered acceptable, while its design and construction materials are of a high</p>

	<p>quality, the garage will be aesthetically pleasing, enhancing while continuing to be in keeping with its surroundings and that of the wider Conservation Area. The proposal is therefore considered to comply with the Local plan policies OS2, BE1 and C11 which allows for small scale extension and alterations subject to their being in keeping with the dwelling and would not have an adverse effect upon the character and appearance of the open countryside.</p>
<p>Other Matters:</p> <p>The applicant already lives at no. 21 this is a commercial gain development.</p>	<p>The government seeks to boost housing growth in sustainable locations. The village of Hose is considered to be sustainable and subject to design, being in keeping with the village and no adverse impact upon neighbouring residents development is supported.</p>
<p>Planning Policy:-</p>	<p>It is considered that there have been sufficient amendments to the current proposal to ensure that the development will respect the character of the area and not have a detrimental impact upon the residents. Policy OS1 and BE1 seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with. It is considered that the proposal achieves these objectives and a refusal could not be justified on these grounds. Whilst the proposal is not fully contained within the village envelope it is considered that there would not be a detrimental impact upon the character of the countryside.</p> <p>The NPPF seeks to boost housing growth with a presumption in favour of sustainable development whilst making efficient use of brownfield land. It also emphasis the need to provide housing to meet local needs and promotes design as a key factor for connection of people and places. It is considered that the proposal complies with the objectives of the NPPF which attracts significant weight when considering the proposal. .</p> <p>It is considered that the NPPF is not in conflict with the local plan policies which directs housing within the existing villages and seeks to safeguard the character of the area and any impact upon residential amenity.</p>

Conclusion

The proposal seeks approval for the construction of a 3 bay garage, within the Conservation Area but beyond the boundary of the village envelope for Hose whereby Policies BE1, OS1, OS2 and C11 of the Melton Local Plan are applicable. It is considered that the size, scale and mass of the proposal is

acceptable, while its design and construction materials are of a high quality, the garage will also be aesthetically pleasing, enhancing while continuing to be in keeping with its surroundings. Positioned to the rear of existing properties, located close to the existing built form of the village, the garage will be of a distance, use and orientation that would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity. Furthermore the proposed development is considered to comply with the Local Plan Policies which allow for small scale extensions and alterations outside of town and village envelopes and meet the objectives of the NPPF which seeks to safeguard the character of the area and to not have a detrimental impact upon existing residential amenities. Accordingly the application is recommended approval.

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 external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
3. The development hereby permitted shall be constructed strictly in accordance with the amended plans submitted by email (detailing the reduced ridge height to a maximum of 3.7 metres) received by the Local Planning Authority dated 4th February 2015.
4. The use of the proposed garage shall at all times remain ancillary to the main dwelling house and shall not be sold leased or a business run there too

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory standard of external appearance.
3. For the avoidance of doubt.
4. In the interest of residential amenities

Officer to contact: Mrs Deborah Dowling

Date: 18.03.15