

Reference: 15/00234/FULHH
Date submitted: 20th March 2015
Applicant: Mr A Beale
Location: Rose Cottage, 9 Main Street, Pickwell
Proposal: Garden playhouse



This application seeks retrospective planning permission for a garden playhouse within the rear garden of 9 Main Street Pickwell. The property is located within the conservation area for Pickwell.

It is considered that the main issue relating to the proposal is:

- **Whether the design and size of the playhouse is appropriate in its proposed location.**
- **Impact upon neighbouring properties**
- **Impact upon the character of the area**

The application is required to be considered by the Committee due to the number of objections received.

Relevant History:-

13/00804/FULHH - Demolition of lean-to outbuilding and garage and erection of a two storey, one and a half storey and single storey extension to dwelling – PERMIT 20.3.14

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1, and BE1

Policy OS1 states that planning permission will only be granted for development within the Town and

Village envelopes shown on the proposals map where:-

- 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 the character of the locality
- The proposed use would not cause loss of amenity by virtue of noise, smell, dust or other pollution.
- The development would not have a significantly adverse effect on any area defined in policy BE12 or other open areas, the historic built environment or buildings and structures of local importance or important landscape or nature conservation features including trees.
- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity.
- Requisite infrastructure, including such facilities as public services is available or can be provided
- Satisfactory access and parking provision can be made available
- The design, layout and lighting of the proposal minimises crime.

Policy BE1 allows for development providing that (amongst other things):-

- The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing;
- The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight or daylight;
- Adequate space around and between dwellings is provided;

National Planning Policy Framework – Introduces the ‘Presumption in favour of Sustainable Development’ and states that development proposals should be approved if they accord with the Development Plan, or, if it is out of date or does not address the proposal, approve proposals unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
- specific policies in this Framework indicate development should be restricted.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support **sustainable** economic development to deliver homes and business that local areas need
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

On Specific issues relevant to this application it advises:

Require Good Design

- 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.

Conserving and enhancing the historic environment

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 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.
- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- In determining planning applications, local planning 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;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highways Authority – No observations	Noted.
Parish Council – object to the application <ul style="list-style-type: none"> • Large structure in a prominent position • At odds with the Conservation Area • Clearly visible from the road • Visible from the grounds of the Church which is grade I listed • Particular obtrusive to neighbours • Contrary to policy BE1 • Applicant has “some form” in the submission of retrospective applications 	This application is judged on its own merits. Note the representations below which address the Parish Council's objections. The “form” of the applicant is not a material planning consideration

Representations:

A site notice was posted and neighbouring properties consulted. As a result **twelve letters of representation** have been received (eight of which object to the amended plan dated 6th May 2015) for the following reasons:-

Representation	Assessment of Head of Regulatory Services
<p>Effect upon the Grade I listed Church adjacent to the site</p> <p>Doesn't enhance the Conservation Area</p> <p>The playhouse is too large, out of keeping and visually intrusive</p>	<p>The Church is approximately 45 metres in distance from the playhouse and is screened by trees and shrubs. The proposal is therefore not considered to adversely affect the setting of the Church</p> <p>The playhouse is a small building and any detrimental effect would be mitigated by fencing along with shrubs and trees screening the site.</p> <p>The playhouse measures 2.9 metres in height, width and length. It is sited close to a substantial detached garage. It would be screened by 1.8m fencing and is to the rear of the property. Shrubs and trees also screen the site.</p> <p>An amended plan was received on 6th May 2015 showing a 1.8 metre high fence which would screen all but 1.1 metre of the playhouse from the immediate neighbours.</p> <p>It is not considered that the proposal would have a detrimental impact on the occupants of adjoining properties.</p> <p>The playhouse is approximately 1.5 metres from the property boundary. It would have been permitted without planning permission if it had been sited more than 2 metres from the boundary.</p>

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of the Development Plan Policies:- The site lies within the village envelope where residential development is supported. Policies 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.</p>	<p>The development is considered to accord with the relevant criteria contained with Policy OS1 and BE1 of the adopted Melton Local Plan. An amended plan has been submitted showing an 11 metre length of 1.8 metre high fencing to be placed between the playroom and the neighbouring property. There is a difference in heights between the two garden areas and the fencing would screen the playroom adequately when viewed from the neighbouring property at number 11 and 11a. It is not felt that residential amenities would be compromised.</p>
<p>Compliance (or otherwise) with Planning Policy</p>	<p>As stated above, the development is considered to accord with the applicable Local Plan policies. In this instance, the policies are not considered to conflict with the NPPF and as such there is no</p>

	requirement to balance the regimes against one another.
Design	<p>The playhouse is a small scale structure measuring 2.9 metres x 2.9 metres and 2.9 metres in height and is located within the rear garden. It is considered that any impact would be mitigated by the proposed fencing and large numbers of trees and shrubs which surround the site.</p> <p>The proposal is considered to be acceptable in terms of its design and is considered to comply with Policies OS1 and BE1 of the adopted Local Plan</p>
Character of the Area	<p>The proposed playhouse would be located to the rear of the dwelling within a substantial garden area. Fencing is proposed to screen the playhouse from neighbouring properties to the east of the site and the garden has a number of trees and shrubs to soften any impact.</p> <p>The grade I listed All Saints Church is located to the west of the site but is to the west of the entrance of the Vicarage. The church is well screened by trees and the playhouse is approximately 45 metres in distance from the church. It is not considered that the playhouse would have an adverse impact upon the setting of the Church.</p> <p>It is not considered that the proposal would be visual or prominent in the streetscene and is not considered to impact on the intrinsic character of the area.</p>
Access and Parking	It is not considered that the proposal would have an adverse impact on access and parking.

Conclusion

The site lies within the village envelope and Conservation area and is therefore in a location which benefits from a presumption in favour of development under policies OS1 and BE1.

It is considered that the playhouse is a small structure which is located to the rear of the property. An amended plan has been received to show a 1.8 metre high fence to a length of 11 metres which would screen the playhouse from neighbouring properties to the east and there are many trees and shrubs which would help to screen and soften any remaining impact upon properties and the adjacent church.

Whilst understanding that there has been quite a lot of concern within the village regarding this application, on its planning merits the proposal is considered to comply with saved Policies OS1 and BE1 of the Melton Local Plan and the NPPF and is accordingly recommended for approval.

RECOMMENDATION: Permit subject to the following conditions;

1. Within 3 months of the date of this permission the 1.8 metre high fence to the east of the site shown on the amended plan submitted to the Local Planning Authority on 6th May 2015 (651/13/5A) shall be erected.

Reason for the condition:

1. To preserve the residential amenities of neighbouring properties

Officer to contact: Mrs Karen Jensch

26th May 1015