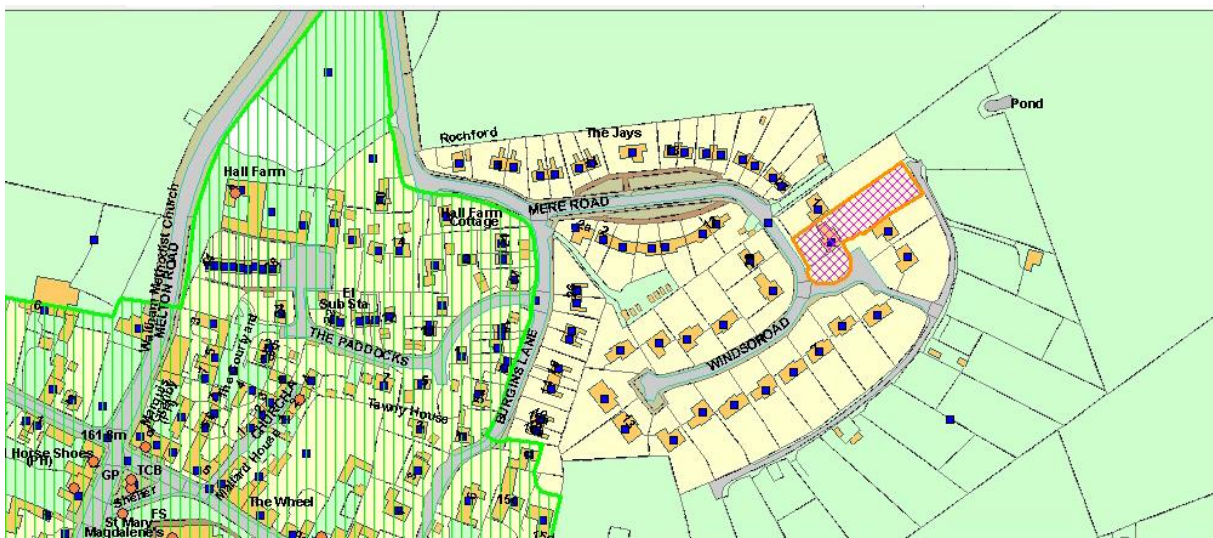


Reference: 16/00351/FUL
Date submitted: 26 May 2016
Applicant: Mr and Mrs I Woodhall
Location: 2 Windsor Road Waltham on the Wolds
Proposal: Proposed new dwelling and extension to existing dwelling,



Introduction:-

The application seeks full planning consent for a two storey dwelling, the site is located within the village envelope of Waltham on the Wolds which currently forms the garden of 2 Windsor Road. The site is surrounded by existing dwellings which have a fairly uniform appearance of large gardens to the rear and driveways and garden areas to the front.

It should be noted that amended plans have been received during the life of the application that has reduced the scale and mass of the proposed dwelling along with the removal of the piece of land forming part of the publicly maintained highway.

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the Area**
- **Impact upon residential amenities**
- **Impact upon highways**

The application is required to be considered by the Planning Committee due to the level of representations received.

Relevant History:

No relevant planning history

Development Plan 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.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It 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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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 the 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. .

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 businesses 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;
- Recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them.
- 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.

On Specific issues relevant to this application it advises:**Promoting sustainable transport**

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport

Delivering a Wide choice of High Quality Homes

- There is a requirement to maintain a five year land supply of deliverable sites. Taking into account windfall sites provides compelling evidence that such sites have consistently become available. Where there has been a persistent under supply a further 5% is required.
- Local Authorities are to set out their own approaches to densities to reflect local circumstances.
- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- Deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- Avoid new isolated homes in the countryside unless there are special circumstances.

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.
- Planning decisions 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 Natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

The 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 paragraph 12).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objection subject to conditions.</p> <p>Initial comments</p> <p>The proposed development includes constructing a garage and a private drive on land which currently forms part of the publicly maintained highway and therefore these works cannot commence until such time as the highway rights have been extinguished.</p> <p>Also the applicants will need to gain title to the land, which is not owned by LCC and could still be in the ownership of the original developer of the estate. Do the applicants have ownership of the land that currently forms part of the highway that has been included in the application site?</p> <p>The proposed vehicular access to serve the existing dwelling emerges on the radii of the road junction, which</p>	<p>Noted.</p> <p>Following on from the submission of the revised access, the existing access meets the highways standards, with both vehicular and pedestrian movements being facilitated by this access.</p> <p>It is not considered the additional dwelling at the site would cause any additional highways dangers.</p> <p>The access is slightly set back from the highway to allow vehicles to stop clear of the highway when accessing the site.</p> <p>There is good visibility from the access in both directions, with wide visibility splays.</p> <p>The site area marked on the plans shows an area large enough to provide a dwelling with plenty of off</p>

<p>is contrary to LCC standards, and the access should be relocated away from the road junction. The applicants should submit a revised plan showing the access relocated from the junction.</p> <p>Further comments received following amended plans submitted</p> <p>The County Highway Authority (CHA) provided initial comments on this application on 23 June 2016 and asked for some further clarification on a number of issues from the Applicant. The included the proposed development encroaching onto publicly maintained highway land and the proposed access emerging on to the radii of the junction which is contrary to the CHA standards.</p> <p>The applicant has submitted a revised site location plan drawing number: 7160_03_00 Rev B which shows the red line boundary no longer includes highway land. The applicant has also submitted a revised plan which shows the access to the new and existing property away from the junction drawing number: 7160_03_02 Rev C.</p> <p>In light of the above comments the CHA do not consider the impact of this development on the highway is severe.</p>	<p>road parking that would ensure that vehicles would not need to park on the road, and could turn around on site to prevent reversing into the highway.</p> <p>It is not considered that the proposal would cause any highways safety issues. As such, the proposal is considered to meet the requirements of policy BE1 of the Melton Local Plan.</p>
<p>Parish Council:</p> <p>Initial comments</p> <p>The Parish Council recently considered the above planning application at our recent meeting, the applicant was present and spoke in support of the application. We agreed not to object on this occasion but were concerned about one issue. The plans show a new garage and drive to be constructed to the right of the existing house but Mrs Whoodhall assured us that these items were not to be built. We believe that, if this is the case, the plans should be amended accordingly so the planning committee can judge the application based on the applicants true intentions.</p> <p>Additional comments following the submission of amended plans.</p> <p>This application was considered at the meeting of Waltham on the Wolds and Thorpe Arnold Parish Council held on 25 August.</p> <p>Councillors resolved to object the application considering the proposed new house to be too large of the site and intrusive to the neighbouring properties.</p> <p>The Parish Council were also of the opinion that the proposed new house would not fit well within the existing area of Windsor Road.</p>	<p>Noted</p> <p>Following the submission of the amended plans, the details were confirmed by the agent to be a true reflection of the proposed development.</p> <p>Matters of design will be discussed later in the report.</p>

Representations:

The application was advertised by way of a site notice at the application site. As a result of both the initial and amended plan consultation a total of **31 letters of objection** and **4 letters of support** were received, it should be noted that multiple letters of objection have been received from some households.

Consideration	Assessment of Head of Regulatory Services
<p>Character of the Area</p> <ul style="list-style-type: none"> - The original estate planning permission approval required the provision of a landscaped scheme with open spaces, trees and front lawns without fences or hedges - The new access driveway and new garage seriously detract from the original intention by removing mature trees, creating two new crossovers, with significant areas of hard landscaping/driveway - This compromises the visual and amenity appearance of the state and the soft land intentions - The proposed new house is far too big and much too close to neighbouring properties. - The new garage and extensive hard standing is also of an unacceptable size – much too large to fit in a back garden. - When the developer of the estate put forward his plans, the number of house he could build was restricted by the planners. The site was and still is a village fringe development adjacent to open countryside and not a village centre infill site. - The restriction has helped create the well planned character of the estate. - The proposed extension to the existing dwelling would also not be in keeping with the character of the area. - The proposed garage will be visually intrusive. - Most parts of Waltham on the Wolds are now heavily built upon. The character of the village is being lost. - More houses are being built on High Street, Melton Road and Bescaby Lane. Windsor road houses are lived in by people who specifically want open space. Not to live in a crowded area. - No other property on the road has an additional property built in its grounds. It will be visually intrusive. 	<p>Amended plans have been received that has removed the informal open space from the proposal, with the access now being served from the existing access point.</p> <p>The dwelling has also been reduced in size and scale to better reflect those of the area, a drawing has been submitted to show the surrounding footprints of dwelling within the area. Whilst the reduction is welcome the dwelling remains larger than those that already exist close to the site.</p> <p>In terms of the maximum number of dwellings allowed, this was not part of a planning condition and therefore cannot be controlled by the Local Planning Authority.</p> <p>With regards to extending the existing dwelling, the form and scale of the proposed extension is typical to those found on housing estates within the surrounding area, it is not considered that the proposed extension to the existing dwelling would be detrimental to either the character of the area or to the occupants of neighbouring dwellings.</p>
<p>Compliance with the Local Plan</p> <ul style="list-style-type: none"> - In consideration of the number of well planned residential development that are proposed and have been granted in the village it cannot be necessary or appropriate to grant permission to this back and front garden development which impacts so significantly upon the original plan of the estate and the amenity value of the open landscaped areas. - The proposed development appears not to be in 	<p>The comments are noted, however the new Melton Local Plan, does not yet hold significant enough weight to be considered at this time. The points raised do however relate to Policy BE1 of the existing 1999 Melton Local Plan which aims to ensure buildings harmonise with their surroundings and do not have significant detrimental impact upon the occupants of surrounding dwellings.</p>

<p>accordance with the Local Plan (Jan 2016) in a number of ways:</p> <ul style="list-style-type: none"> - Housing mix: an identified need for a mix of house types and sizes (Policy C2: Housing Mix) - The requirement for new developments to respect existing landscape character and features (Policy EN1: Landscape), including trees, ponds, views and settings. - Developments should not adversely affect areas of tranquillity, which have recreational and amenity use (Policy EN1: Landscape) - The borough council will seek to achieve net gains for nature by supporting ecological networks and enhancing biodiversity (Policy EN2: Biodiversity and Geodiversity) - Incredible to consider that squeezing additional properties into back gardens and undermining good estate design/planning guidance can be acceptable, particularly when the ‘Core Principles of the Guidelines’ is to resist inappropriate development in residential gardens and to enhance and improve the places where people live and their lives. <p>NPPF 17: not simply about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.</p> <p>NPPF:53 resist inappropriate development of residential gardens</p> <p>NPPF: 56 Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.</p> <p>NPPF 166: environmental assessments are required including those within the Habitat Regulations</p> <ul style="list-style-type: none"> - Government Planning Policy Guidance (note 3) Tandem development, consisting of one house, immediately behind the other and sharing the same access is generally unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the house in front - Planning Portal DCAN 8, whilst this refers to existing urban areas it can be no less important in village fringe areas. Development on a plot depth of less than 80m is unlikely to be acceptable – this plot is significantly less than 80 metres. Where trees form part of the back land plot, the design should seek to retain these – seven trees are to be removed. - Guidance Notes for Back land (Tandem) Development (This is a Charnwood Borough Council document but we would expect MBC would require no less) - Regard will also be made to the more general characteristics of an area and the extent to which development could be repeated to create a number of tandem developments served by a 	<p>The assessment of this proposal is also based on the National Planning Policy Framework.</p>
---	---

<p>multiplicity of accesses. The view will generally be taken that this form of development causes a detrimental change to the character of the area, a lowering of standards of residential amenity, a reduction in highway safety and an unwarranted burden on the provision of services and facilities to residential property.</p> <ul style="list-style-type: none"> - Some specific points - 21m between opposing windows – this is not being achieved - 10.5m from a principle elevation with main windows to any other adjacent garden area bordering the development - this is not being achieved - Necessary to consider screening the boundaries of new developments for privacy reasons and to reduce noise and disturbance – this is not being shown on the plans - Carriageway of an access serving a back land site should be 5m from any front window including living areas and 3m from any side windows – this is not being achieved. - The drive length is verging on 45 m requiring greater width to allow fire engines and other service vehicles - 	
<p>Highways and traffic</p> <ul style="list-style-type: none"> - There is an ever increasing problem with traffic congestion in the area of Mere Road from the Burgin Lane junction to Windsor Road (which has been drawn to the attention of the council and the police) - The proposed new dwelling will exacerbate this problem with the additional traffic movements of cars and commercial delivery vehicles. 	<p>The proposal is for one dwelling, it is not considered that the additional traffic from this proposal would be detrimental to highway safety, the proposal has been assessed by the Local Highway Authority who have not raised any objections to the proposal following the submission of amended plans.</p>
<p>Residential Amenity</p> <ul style="list-style-type: none"> - The access driveway to the proposed additional dwelling is in very close proximity to the lounge, dining room and conservatory of number 1 Windsor Road. - It is therefore inevitable that the peaceful enjoyment of our property would be disturbed by the traffic movements of cars, delivery vehicles and pedestrians which is unacceptable. - The removal of the screen of trees will expose the proposed dwelling to full view from number 1 Windsor Road with unacceptable loss of privacy. - The layout plan incorrectly shows nine trees on the property of number 1 Windsor Road which appear to screen the proposed dwelling. This is not the case. Only one of these could be classed as a tree; the rest are shrubs and fruit bushes. - The existing house already has a view into the front lounge windows of our property, to build another very large house in the garden will take away ALL privacy. 	<p>The proposed dwelling has been amended and reduced during the life of the application, it is noted the close proximity of the proposal to the host dwelling, in this instance the applicant would be the most affected by the proposal.</p> <p>The separation distances proposed within the amended plans shows a distance of 20 metres from the existing dwelling to the proposed dwelling, window to window (this does not include the proposed garage to the new dwelling). 20 metres is considered to be acceptable within modern standards, there may be some overlooking from the proposed development, however this is inline with more modern housing developments being received by the authority.</p> <p>The proposed dwelling is offset from the boundary to the neighbouring dwelling by approximately 1.2 metres. The restriction of windows at first floor on the side elevations would ensure that again there is no significant overlooking to the neighbouring</p>

	<p> dwellings.</p> <p>The access drive, is located in the most appropriate position for this new dwelling, having explored alternative access arrangements, this meets with the standard of the Local Highway Authority. The proposal is for one additional dwelling, whilst there would be additional vehicles to the site it is not considered that the resulting traffic would be such that would cause significant detrimental impact to the neighbouring dwellings in terms of noise and disturbance, conditions can be imposed ensuring the proposed materials of the driveway are such that would not cause noise nuisance.</p>
<p>Impact on Mature Trees and Nature Conservation</p> <ul style="list-style-type: none"> - In addition to the removal of mature trees from the front landscaped area the proposals also indicate that a number of mature trees are being removed from the rear of number 2 Windsor road. Two of these are prime specimens of Douglas Firs which are approaching fifty years old. One of these firs has been the roost for fledging little owls in previous years. - Recent surveys by Middlemarch Environmental have confirmed that the proposed species of great crested newts are present in the pond belonging to number 1 Windsor Road and these newts together with smooth newts, and grass snakes are found in the garden from time to time. 	<p>The trees in question are not protected by either a Tree Preservation Order nor a conservation area and can therefore be removed at any point without consent from the Local Planning Authority.</p> <p>The area relates to a private residential garden, and whilst there may be some wildlife within this area, the site has not been identified as one of significant importance, however conditions could be imposed and the onus is on the applicant through the wildlife act to ensure that protected species are not harmed during the build.</p>
<p>Other Matters</p> <ul style="list-style-type: none"> - Covenants were drawn up, and are part of all Windsor Road properties to keep the design to the original. E.g. Open space, no front hedges, fences etc. - The area of open space does not belong to the applicant - The submitted plans appear incorrect. - The approval of this scheme would set a precedent for further development on this road. - Drainage in Windsor Road - The boundaries shown are incorrect - 	<p>A covenant is a separate legal agreement to that of the planning legislation and whilst its may cause issues to the developer of the site it is not something that can be considered as a material planning consideration.</p> <p>A person does not need to own a piece of land to submit a planning application, however notice does need to be served on the owner of the site. Prior to the amended plans being received the Local Planning Authority were satisfied that the correct notice had been served and the application was valid.</p> <p>All applications are determined on there own merits, and any further planning application of this type would be considered on that basis.</p> <p>Any permission granted could be conditioned so that drainage details are submitted to the LPA for consideration prior to commencement of the scheme.</p> <p>In terms of boundaries, again this is not something that is within the control of the Local Planning Authority but an ownership certificate has been signed and submitted to say the applicant does own the land in question, any form of boundary dispute should be taken to a solicitor for consideration.</p>
<p>Amended Plan Consultation</p>	

<ul style="list-style-type: none"> - This amendment is welcome it makes no difference to our objections to the application and our comments still stand. - Comments still stand - Modifications to plans do not change my objections. It would alter the whole concept of the original plans of the developers, and create precedence for further back building. - As before the proposed garage and parking space will be in direct line from our lounge window - Even as amended the proposal is totally unacceptable. - We strongly object to this development on the previous grounds as stated. It is not in keeping with the areas open plan design. - The proposed changes do not alter my objection the application. - I see little material difference from these and those submitted previously. - My strong objection still stands - I see no reason to alter my objections as laid out in my previous email and letter. 	<p>These points are noted and have been discussed in the report already.</p>
Letters of support	
<ul style="list-style-type: none"> - The proposal is a good design and the dwelling is situated in a good position on the plot. - The design and materials are sympathetic to the surrounding area and are similar to those which have already been passed as suitable in a number of the other developments - In Waltham. Self build properties like this are actively encouraged by the government because they bring individuality to the housing types in the village. - More housing is desperately needed, especially in villages that are designated as category one like Waltham. - There are a number of large developments in the area, these will result in housing estates that look the same and offer little individuality or character. - This is a home that supports the development of individuality, brings choice to the area and offers a high specification property that will attract new people to the area in the future. - 	<p>These points are noted and it is agreed that the Borough is deficient in housing numbers, however dwellings need to be located at the correct place, where they reflect the design and character of the area.</p> <p>The location of the dwelling to the rear of the site is not in-keeping with others within the street scene that benefit from open gardens to the front and that are predominantly street fronting.</p>

Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
Appearance, Landscaping, Layout & Scale	The proposed dwelling will sit behind that of the existing dwelling at 2 Windsor Road, Waltham on the Wolds. The proposal will not be immediately visible from the street scene, however the proposal would have an impact upon the character of the area.

	<p>The existing street scene is one where properties benefit from both front and rear gardens, the cul-de-sac type character of the area, means that the majority of the properties in the area are street fronting.</p> <p>Within the submitted information, a building line is made reference to of that of the neighbouring dwelling, this is acknowledged, but the properties referenced to again are open to the street frontage and have the character front garden leading to the dwelling.</p> <p>The pro</p>
<p>Sustainability and Local Plan Compliance</p>	<p>The site is located within the village envelope of Waltham and is therefore considered a suitable location for development.</p> <p>The Council cannot demonstrate a five year supply of deliverable housing sites. Paragraph 49 of the NPPF states that relevant policies cannot be considered up-to-date when such a situation arises, in this case housing applications should be considered in the context of the presumption in favour of sustainable development embodied within the NPPF.</p> <p>Policies OS1 and BE1 of the Local Plan allows for development within the village 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 are in keeping with the character of the locality</p> <p>In this instance, the character of the area is not reflected within the proposal, the proposal being set back to the rear of the existing dwelling does not confirm to the open nature of those surrounding the site resulting in a cramped form of development.</p>
<p>Melton Borough Council Housing Needs</p>	<p>The NPPF recognises that housing should meet the needs of present and future generations (para 10). It continues to recognise the importance for local planning authorities to understand the housing requirements of their area (para 28) by ensuring that the scale and mix of housing meets the needs of the local population. This is further expanded in para 110-113, in seeking to ensure that housing mix meets local housing need. The Council's work on housing needs has identified a need for small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>The proposed dwelling would be a modest dwelling comprising 4 bedrooms which is not considered to</p>

	meet with the desirable housing needs of the Borough.
--	---

Conclusion

The application seeks permission to erect a two storey dwelling. On balance the proposal is considered to offer some public benefit in the provision of housing, however this benefit is limited by the number provided and the fact that there are already a good stock of these type of dwelling. The set back location of the dwelling does not reflect the character of the area and would have a cramped appearance.

The harm to the character of the area would significantly and demonstrably outweigh the benefit of the proposed development, when assessed against the policies of the Framework, taken as a whole. Thus, having regard to the presumption in favour of sustainable development at paragraph 14 of the Framework.

RECOMMENDATION: Refuse, for the following reason:

1. The proposed dwelling, by reason of size, design, layout, massing and scale, would result in a cramped form of development, and would not be sympathetic to the character and appearance of the site. The proposal represents the over-development of the site, to the detriment of the character of the area. The proposal is considered contrary to policies OS1 and BE1 of the Melton Local Plan 1999 which seeks to ensure development is sympathetic to the site and surroundings.

Officer to contact: **Miss Louise Parker**

Date: 16th September 2016