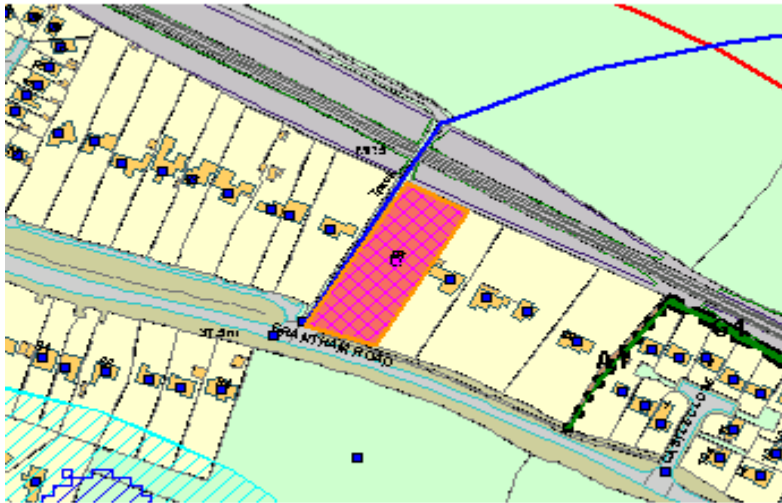


Reference: 17/00047/FUL
Date submitted: 11.01.2017
Applicant: Mr Ross Whiting
Location: Eastcote, 91 Grantham Road, Bottesford
Proposal: New Garage for Plot 2 (Resubmission of 16/00114/FUL) (Part Retrospective)



Introduction:-

The application comprises the erection of a garage to serve Plot 2. The footprint of the building would be 6.3metres by 9.6 metres with a height of 2.47 metres. The garage would be located to the front of the approved dwelling, set well into the site. The original dwelling has been demolished and work has progressed on the replacement dwellings. The area is characterised by dwellings set well back from the highway with access points onto Grantham Road.

This is a re-submission of previous application 16/00114/FUL which was refused due to:-

The proposed garage would occupy a prominent location on the site and street scene and would be harmful to the visual amenities of the site and surroundings through the introduction of a large structure set forward of existing dwellings. The proposed garage is considered contrary to Policies OS1 and BE1 of the Melton Local Plan, which require development to be sympathetic to the site and surrounding development, and contrary to NPPF paragraph 64 which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

This application was subsequently dismissed at appeal with the inspector citing that the proposed garage will be out of character with the area. Further information can be found below.

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

- **The visual impact of the proposal;**
- **The impact on the residential amenities of occupiers of neighbouring properties;**
- **Highway safety.**

The application is to be heard by the Development Committee due to the number of representations received.

At the time of the site visit, development had already started on the garage. The description therefore was changed to include this and therefore become part retrospective.

Relevant History:-

There is a detailed history on the site. This includes 15/00035/OUT which approved the development of 2 dwellings and 15/00604/REM which approved the reserved matters for the two dwellings. Permission has been granted under 15/00823/FUL to provide a separate access for each dwelling. 15/00924/VAC approved a variation of condition under 15/00604/REM. In 2016 ref. 16/00114/FUL was submitted for a garage in this location but larger. This was refused and then dismissed at appeal. Whilst the decision was being made on this application references 16/00421/VAC and 16/00901/NONMAT were approved for further changes to the scheme for design changes.

Enforcement Action: 2 Notices have been served relating to:

- **Failure to submit levels required by conditions**
- **Provision of parking and wheel washing facilities within the boundaries of the site.**

The first of these was resolved following the service of the Notice. The second is on going and will remain so as it relates to the entirety of the build process. Further issues have been reported in respect of the height of the fence and removal of hedgerow on the west boundary. However neither of these are dependant of the amendments proposed by this application and will continue to follow their separate course.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS1 and BE1

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.

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;
- deliver sufficient community and cultural facilities and services to meet local needs;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing development in locations which are or can be made sustainable.

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.

Other Material Planning Considerations

Appeal Decision ref. APP/Y2430/W/16/3153369

The appeal for the original garage was dismissed on account of appearing as a dominant and discordant urbanising feature that would be prominent from the junction of the drive to No 89, the service road serving nearby properties and the track. Moreover there would be relatively little space for planting of trees and shrubs to soften the urbanising effect. The garage would be of a similar design to the permitted garage at Plot 1. However, although it can be glimpsed from the road, that garage is not as open to view from the public realm

Planning Policy Statement – Issued to Chief Planning Officers in England 31/8/15

This statement sets out changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt, as set out in the manifesto. The government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. For these reasons, this statement introduces a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Bottesford Parish Council: No comments as yet but expected by the time of the Committee meeting.	Comments will be reported verbally.

Representations

A site notice was posted and neighbouring properties consulted. **8 representations were received from 6 households** objecting to the proposal.

Representation	Assessment of Head of Regulatory Services
Many of the representations relate to the previous appeal decision.	The appeal as discussed below is considered to be a material planning consideration and has been responded to accordingly. Please see commentary on page 4 below in this respect.
Very similar application to the one which is still undecided. The plan shows an existing hedge along the boundary screening the garage.	This fact is noted and therefore the application should be refused in line with the Inspector's decision on these issues.
Various discrepancies in the plans against what has been built	The site is ongoing with as much enforcement monitoring as possible. The landscape condition remains and will be monitoring the requirement to replant the hedge.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
Application of Development Plan and other planning policy	
<u>Policies OS1 and BE1</u> allow for development within Village Envelopes providing that:-	The proposal relates to the erection of a garage and the key issues are therefore the visual impact, the

<ul style="list-style-type: none"> • 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; • development harmonises with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing; • the development 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. 	<p>relationship between the proposal and neighbouring properties and highway safety.</p>
<p>Visual Amenity</p> <p><u>Policy OS1</u> states permission will be granted for development where the form, character and appearance of the settlement is not adversely affected and the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality.</p> <p><u>Policy BE1</u> states permission will be granted for development where the form, character and appearance of the settlement is not adversely affected.</p>	<p>The proposed garage would appear as a dominant and discordant urbanising feature that would be prominent from the junction of the drive to No 89, the service road serving nearby properties and the track. Furthermore, there would be relatively little space for planting of trees and shrubs to soften the urbanising effect.</p>
<p>Residential Amenity</p> <p><u>Policy OS1</u> states development should not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity;</p> <p><u>Policy BE1</u> allows for development providing that (amongst other things):-</p> <ul style="list-style-type: none"> • The development would not adversely affect occupants of neighbouring properties; 	<p>The proposal would be set a significant distance from neighbouring properties and this would ensure there would be no undue adverse impact on the residential amenities of any neighbouring property.</p> <p>The proposal would be acceptable in terms of residential amenity and would comply with the above policies.</p>
<p>Highway Safety</p> <p><u>Policy OS1</u> states permission will be granted for development where satisfactory access and parking provision can be made available.</p> <p><u>Policy BE1</u> states permission will be granted where adequate vehicular access and parking is provided.</p>	<p>The proposal would provide additional parking provision to serve the approved dwelling and would use the existing access.</p> <p>The proposed access is therefore considered acceptable in terms of visibility and complies with the above policies.</p>
<p>Dismissed Appeal ref. APP/Y2430/W/16/3153369</p> <p>The garage would appear as a dominant and discordant urbanising feature that would be prominent from the junction of the drive to No 89, the service road serving nearby properties and the track. Moreover there would</p>	<p>This proposal is similar to the dismissed appeal and therefore it would be reasonable to refuse this similar application. The changes made are noted but do nothing to overcome the concerns raised in the Inspector's report and decision.</p>

<p>be relatively little space for planting of trees and shrubs to soften the urbanising effect.</p> <p>The garage would be of a similar design to the permitted garage at Plot 1. However, although it can be glimpsed from the road, that garage is not as open to view from the public realm</p> <p>Conclude that the proposed development would amount to poor design that would have an unacceptable adverse effect on the character and appearance of the surrounding area. It would therefore conflict with Saved Policies BE1 and OS1 of the LP and those principles of the Framework that seek good design that respects the character of the local area.</p>	<p>Intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015. It is considered that the work carried fits this description and weighs against the application.</p>
---	---

Conclusion

The proposal relates to the erection of a garage and the proposal is considered acceptable in terms of residential amenity and highway safety. However it is similar in scale, position and configuration to the garage that was the subject of appeal ref. APP/Y2430/W/16/3153369. It is considered that the amendments to the application are insufficient to overcome the reasons for refusal identified in that appeal decision.

RECOMMENDATION:- Refuse

1. The proposed garage would occupy a prominent location on the site and street scene and would be harmful to the visual amenities of the site and surroundings through the introduction of a large structure set forward of existing dwellings. The proposed garage is considered contrary to Policies OS1 and BE1 of the Melton Local Plan, which require development to be sympathetic to the site and surrounding development, and contrary to NPPF paragraph 64 which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Officer to contact: **Mr Glen Baker-Adams**

Date: 8.3.17