

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

This application was submitted to the Council on 2 December 2013. To date there have been 7 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

Revision D was received on 15 October 2014. These plans show revised roof levels and reduce the size of the property to a two bedroom dwelling.

Further revised plans (**Revision E**) were received on 30th March 2015. These followed the Committee meeting on 12 March 2015 where members requested additional information and amendments to the submitted plans. The changes made were as follows:-

- The ridge height is reduced by a further 800mm and now measures 7.95m;
- The chimney on the east elevation has been removed;
- The base is shown in the correct position;
- Driveway parking for No 24 Boyers Orchard previously agreed with both this Council and LCC Highways has been detailed (n.b doe not form part of the application as it is permitted development for no 24, but is provided for context);
- A perspective sketch of the proposed dwelling is included

The latest revision being considered in this report (**Revision J**) amends the above position using an agreed datum point

Relevant History:-

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

The reason for refusal was that the proposal will result in an undesirable increase in traffic using Gas Walk; which is not a publicly maintained highway, but has a public footpath running along it. Gas Walk is considered unsuitable in design, width and construction to cater for additional traffic and at its junction with Boyers Orchard it lacks adequate visibility splays.

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

A further application 15/00084/FUL for the erection of a 2 bedroom dwelling has been submitted and is pending consideration.

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.

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</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</p>

<p>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>existing parking arrangements for No. 26 remain and new parking provision is proposed for No. 24. A new permeable block paved driveway is to be created to serve all properties. Conditions can be imposed as requested.</p>
<p>Severn Trent Water - Have no objection to the proposal but seek a condition to be attached to any granted of planning permission</p>	<p>Noted</p>
<p>Clawson, Hose and Harby Parish Council – Object on the following grounds:</p> <p>The ridge height is too high; Properties in the area which have high ridge lines were objected to by the Parish Council and are not an example of what is satisfactory for this site;</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 Parish Council also objected to the three subsequent revisions citing various issues including the ridge height, boundary treatment and demarcation, materials, overlooking, over dominance</p> <p>The Parish Council’s letter of objection to the amended plans (Revision E) raised the following additional issues:</p> <p>The ridge height is still too tall at just under 8m. A ridge height of 7.3152m is adequate and would not over-dominate the street scene of Gas Walk</p> <p>The amended plans are not in accordance with what is actually on site and requests that the Planning Officer visits the site to measure the dimensions accurately.</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) to a dual height ridge (8.75 m to the two storey element and 6.60 m to the single storey element - Revision D). The current proposal under consideration is for a dual height ridge (7.95m to the two storey element and 5.8m to the single storey element). This 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 (09/00917/FUL) had a 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>These issues have been addressed prior to the latest submission.</p> <p>The ridge height of the proposal is considered in more detail below.</p> <p>The case officer visited the site to accurately measure the location of the base. Measurements were taken from a fixed datum point in the north west corner of the site. This visit concluded that the base currently in situ is the correct size and location in relation to the application. However, there were concerns about the position of the boundary fence to Number 26 as this was shown on the plan at right</p>

<p>This is a bad example of back land development, which is cramped with little amenity space and sets a precedent for similar applications.</p> <p>No comments on the latest amended (Revision J) have been received to date.</p>	<p>angles. Accordingly the final set of amended plans (Revision J) were submitted to accurately show the location of the dwelling on the exiting based, derived from a fixed datum point and the correct boundary (n.b. the exiting temporary fence is not on the exact line of the boundary).</p> <p>Any consent will be limited to be undertaken strictly in accordance with the approved plan.</p> <p>The principal of development on this site has already been agreed with the previous approval (09/00917/FUL)</p>
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Representations:

A site notice was posted and sixteen neighbouring properties were consulted. Representations from five separate households have been received objecting to the proposals and the various amendments. Ten letters of support have also been received.

Considerations	Assessment of Head of Regulatory Services
<p>Size of the property The building is adjacent to Gas Walk with very little space between the boundary and the proposed building</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 roof on the amended plans is still too large, especially for a 2 bedroom house. To just slice the top off the ridge is not really reducing the roof size. The only reason the applicant is not reducing the size of the roof is, as anyone can see from the plans that the intention is to put more rooms in these spaces. On the first floor landing there is a blank wall which will access the roof space above the single storey element and the stairs are configured so that there can be an easy continuation into the roof space above the second floor.</p>	<p>The current proposal has reduced the massing of the property through the introduction of a single storey element and dual ridge height.</p> <p>The single storey element serves to reduce impact of property and has a ridge height of 5.8 metres which is not considered unusually high for a single storey building.</p> <p>The ridge height has been reduced a number of times since the original application and the current proposal is for a dual height ridge which serves to reduce the impact. This version is commensurate with the houses on Boyer's Orchard.</p> <p>The plans have to be considered as currently submitted and it cannot be assumed at this stage that the roof space is to be utilised in future.</p>
<p>Residential Amenity</p> <p>The proposed dwelling will cast a shadow over the neighbouring property and has the potential for loss</p>	<p>The proposed dwelling is approximately 16 metres to the south west of the neighbours property (No 28</p>

of light to this dwelling	Boyers Orchard). 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>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>	Rendering is not a feature in the immediate vicinity of the building, however a condition can be imposed in relation to choice of materials to ensure that suitable materials are used.
<p>Positioning on the plot</p> <p>Footprint of property is shown in the wrong position</p> <p>Accuracy of the datum point on the site</p>	<p>The applicant was made aware of this anomaly and the plans were amended accordingly (Revision J)</p> <p>The position on the plot is already established by the current consent.</p> <p>The datum point follows detailed survey work by the Councils Property Team when agreeing the location of the fence. It is therefore considered that this is the most accurate point on the site with which to take measurements from.</p>
<p>Gable end window</p> <p>The objector is concerned that the gable end window will overlook his property</p>	The gable end window has been removed on the current plans (Revision J)
<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 and a new parking and access arrangement is also proposed for No 24. A new permeable block paved driveway is to be created to serve the 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>	Severn Trent Water have raised no objections
<p>Position of Fence</p> <p>The plan shows the fence boundary to no. 24 in its current position whereas this was only to be a temporary fence while the property was being built to access the property whilst building more efficiently and will be moved back to the original position when building has been completed. This was stated by the applicant in the “design and access statement 3” - date stamped 15 Oct 2014. Has this land now been purchased by the applicant or will the fence be moved back to its original position on completion of the build?</p> <p>Information received from Land Registry on size of plot purchased shows different boundary lines to</p>	<p>No. 24 Boyers Orchard is a Council owned property. The applicant is in the process of entering into an agreement with the Council to maintain access over the land so although there will be no change in ownership the new dwelling will have a right of access over the land. The fence is therefore proposed to be retained as shown in the position on the plans.</p> <p>This is an agreement over rights of access only. The Council is not selling any land to the applicant and</p>

submitted drawings. The land Registry do not appear to know about the additional land been acquired for access.	therefore there is no need to amend ownership on land registry documents.
<p>Inaccuracies in documentation submitted Apparent inaccuracies in the Design and Access Statement and additional landscape/site plan.</p> <p>The drawings don't show the rear extension to No. 28 Boyers Orchard</p>	<p>These are supporting documents and only form part of the consideration of the application.</p> <p>The site plan submitted appears to have been taken from OS publication which does not show an extension to No 28 which was approved in 2006 (06/00404/FUL). This included a 2 storey side extension on the east elevation (furthest away from the proposal) and a single storey rear extension running the length of the property. Although the rear extension brings the neighbouring dwelling slightly closer to the proposal the distances involved are still considered to be acceptable and would not result in an undue loss of residential amenity.</p>
<p>Other Footings, which are already constructed are not in the position shown on the plans</p>	The footings currently on site relate to a previous application and are therefore not in the position of the current proposal.
<p>Letters of support Ten letters of support 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 and length of time taken to deal 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 a number of amendments to this application to consider.</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 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. <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>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>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 7.95 m with an eaves height 4.90 m. to the two storey section whilst the single storey element has a ridge height of 5.8 m with an eaves height of 2.6 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 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 approximately 17 metres away at the closest point 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 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>
<p>Adjacent land uses</p>	<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>
<p>Materials</p>	<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 Harby . 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 J) submitted to the Local planning Authority on 18 June 2015.
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. 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.
5. 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.
6. 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.
7. 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
8. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
5. 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.

6. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
7. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.
8. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution

Officer to Contact: Kirsty McMahon

20th July 2015