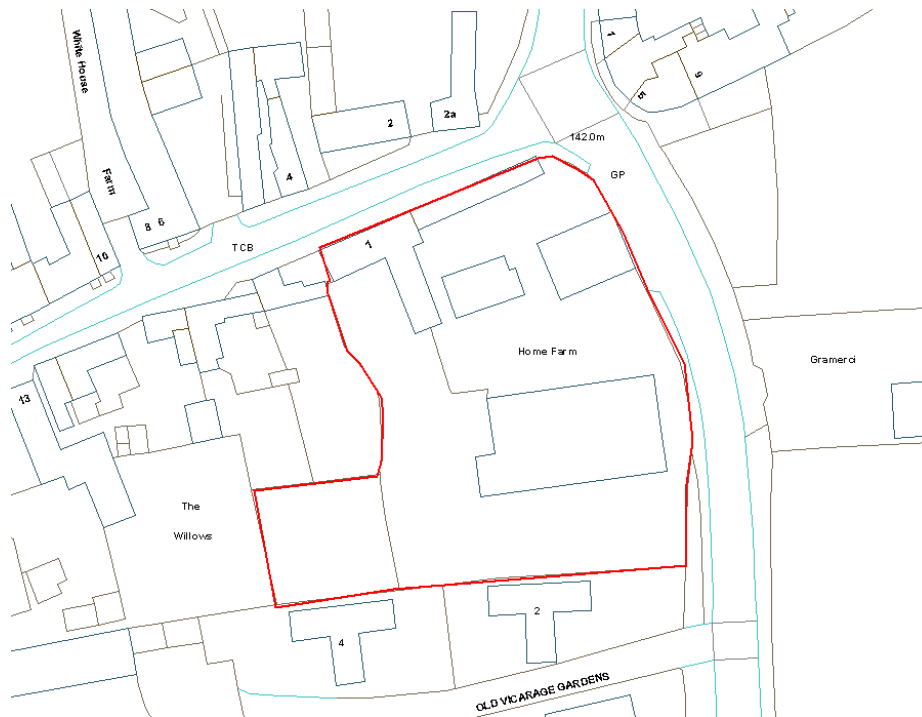


Committee Date: 10/11/11

Reference: 11/00594/FUL
Date Submitted: 29.07.2011
Applicant: Hayward Exclusive Homes Ltd
Location: Home Farm, 1 Wartnaby Road, Ab Kettleby
Proposal: Re-design of approved dwelling on Plot 1 with new double garage/car port for plots 1 and 2



Introduction:-

This application seeks planning permission for the replacement of the approved bungalow on plot 1 of this development with a new dwelling that includes a two storey element. Permission is also sought for a detached double garage/car port to serve plots 1 and 2.

The majority of the development site is not within the Ab Kettleby conservation area but plot 1 which is the subject of this application is within it. The site is also within the curtilage of the grade II listed Home Farmhouse.

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

- **Impact upon the setting of adjacent properties**
- **whether the reason for refusal of application 10/00656/FUL has been overcome**

The application is presented to Committee due to the history associated with the site. A similar proposal (Reference 10/00656/FUL) on plot 1 was recently refused (26/11/10) and subsequently upheld on appeal (23/6/11)

Relevant History:-

10/00945/FUL Construction of 7 new dwellings and the rebuilding of an existing double garage/studio and new access (re-submission of application 10/00656/FUL). This application replaced the dwelling on plot 1 with a bungalow. The car port/garage element was proposed as a separate building. As it was considered that this proposal overcame the reason for refusal of application 10/00656/FUL by reduced the massing of the new build on plot 1 and hence the perceived harm to the adjacent bungalow it was approved on 4 February 2011

10/00656/FUL - Construction of 7 new dwellings and the rebuilding of an existing double garage/studio and new access was refused on the 26th November 2010 on the grounds that the proposal would adversely affect the setting of the nearby listed building known as 'The Willows' and the character and appearance of Ab Kettleby Conservation Area, by virtue of the introduction of a substantial dwelling on land currently an undeveloped area of garden land and the proposed development would, by virtue of its scale and position, result in an adverse impact on the residential amenity of adjacent properties, namely no.4 Old Vicarage Gardens, 'The Willows' Wartnaby Rd, and nos. 3 and 5 Wartnaby Rd.

Decision subsequently upheld on appeal on 23 June 2011, the Inspectors decision sited the material harm to the living conditions of the adjacent bungalow (No 4 Vicarage gardens) in conflict with policies OS1 and BE1 of the adopted Melton Local Plan

10/00678/LBC - Proposed alterations to the existing farm buildings was approved on the 27th October 2010.

10/00231/LBC - Extend the time limit for implementation for the erection of 7 dwellings relating to a Listed Building was approved on the 4th May 2010.

10/00066/EXT - Extension of time limit for residential development of 7 dwellings relating to approved Planning Application 07/00266/OUT was approved 27th March 2010.

07/00266/OUT – Outline consent for residential development of 7 dwellings, including garaging together with new access to Home farm and alterations to outbuilding to form garage was approved on 27th April 2007.

05/01049/OUT – Outline planning permission for five dwellings was refused in January 2006 on the grounds of highway hazard from access onto Wartnaby Road, unacceptable overbearing impact from Plot 4 upon 4 Old Vicarage Gardens and demolition works to create access to Wartnaby Road would have an unacceptable impact on a Listed Building.

04/00289/OUT – Outline planning permission for seven dwellings was refused in September 2005 and subsequent appeal dismissed only on the grounds of the impact of the proposed access to Wartnaby Road to the Listed Building and Conservation Area.

95/0319 – outline planning permission or residential development was granted.

Planning Policies:-

PPS1 – ‘Delivering Sustainable Development’ - The guidance says that planning should promote sustainable and inclusive patterns of development. A key principle involves the need to reduce the need to travel by car and to identify land for development in locations where there is, or the potential for, a realistic choice of access by means other than the private car. The Government

is committed to promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all. Planning authorities should ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper.

PPS4 ‘Planning for Sustainable Economic Growth’ – The guidance states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development including rural areas. Planning applications that secure sustainable economic growth should be treated favourably. Policy EC12.1 advises that local planning authorities should support small scale economic development where it provides the most sustainable option in villages, or other locations which are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport

PPS5 – ‘Planning and Historic Environment’ which outlines the Government's policies for effective protection of all aspects of the historic environment. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. The Government’s overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government’s objectives for planning for the historic environment seek to recognise that heritage assets are a non-renewable resource, recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation..

Melton Local Plan (saved policies):

Policy OS1 - states that Planning Permission will only be granted for development within the town and village envelopes provided certain criteria are met including:

- 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:- This policy refers to the siting and design of buildings and amongst other things is concerned with buildings harmonising with their surroundings and any adverse effects on neighbours.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority – No Observations	No objections have been raised by the Highways Authority.
Parish Council – Opposed to this application. The proposed dwelling is out of keeping for the site and will be overbearing on near neighbours	Noted. Please see commentary below

Representations:

A site notice was posted on 19 September 2011, As a result four letters of objection from four households have been received. These letters are summarised below:-

Representation	Assessment of Head of Regulatory Services
<p data-bbox="235 317 683 348">Development in the Conservation Area</p> <p data-bbox="235 380 773 527">The replacement dwelling on plot 1 will adversely affect the character and appearance of the Ab Kettleby conservation area by virtue of the introduction of a substantial dwelling on land currently undeveloped area of garden land.</p> <p data-bbox="235 562 789 709">This large house, masquerading as a bungalow with a two storey element is of such a scale and within such close proximity to adjacent gardens that it will not harmonise with its surroundings. Indeed it will dominate views from adjacent gardens.</p>	<p data-bbox="820 380 1385 919">There is an extant planning permission on plot 1 of this development site for a bungalow. This application now proposes a predominantly single storey dwelling with a two storey element in the location of the previously approved bungalow which lies within the designated Conservation Area for Ab Kettleby. The siting of the unit is unchanged and the two storey element will be 12 metres from the western boundary of the site. The unit would be 2.1 metres to eaves to the southern elevation rising to a height of 4.9 metres to the south and a eaves height of 4.15 metres and ridge height of 7.2 metres to the north The buildings in the Conservation Area are traditionally two storey with roof pitches of at least 45 degrees. The applicant has stated that the design better reflects the architectural characteristics of traditional dwellings within the Conservation Area.</p> <p data-bbox="820 955 1385 1136">In response to this, it is considered that the design of the dwelling is more traditional than a single storey dwelling and so is the proposed 45 degree pitch of the proposed roof. It is considered that the design is more appropriate and would preserve the appearance of the designated Conservation Area.</p>
<p data-bbox="235 1136 638 1167">Impact on neighbouring properties</p> <p data-bbox="235 1199 797 1566">Whilst acknowledging that the redesign of plot 1 represents an improvement in terms of the bungalow to the south and has lessened the effect on The Willows (grade II listed) which is now afforded a greater degree of privacy - it is considered that the dwelling on plot 1 will be a dominant structure which will adversely affect the surrounding conservation and listed properties. This appears to be particularly so for No 3 Wartnaby Road and the Committee should consider this in light of their previous recommendation for a single storey dwelling</p>	<p data-bbox="820 1199 1385 1377">The application has received four objections on the grounds of impact to neighbouring properties by loss of privacy, overlooking and being visually intrusive. The majority of the objections relate to the changes to Plot 1 from the previously approved scheme (10/00945/FUL).</p> <p data-bbox="820 1413 1385 1896">Plot 1 is sited to the south west corner of the development site where there is an extant approval for a bungalow. The scheme seeks to change the design to a single storey dwelling rising to a two storey element on the northern wing. The siting of the unit remains unchanged and the two storey element will be 12 metres from the western boundary of the site. The unit would be 2.1 metres to eaves to the southern elevation rising to a height of 4.9 metres to the south and a eaves height of 4.15 metres and ridge height of 7.2 metres to the north. The proposed dwelling would be sited some 31 metres from the rear elevation of The Willows, 13 Wartnaby Road and this distance is considered sufficient so as not to adversely impact on the privacy of this dwelling.</p>

<p>The revised dwelling on plot 1 will impact on No. 3 Wartnaby Road . The increased ridge height from 5.1 metres to 7.2 metres will impinge on the privacy, amenity and loss of winter sunlight.</p> <p>The proposed dwelling, by virtue of its scale and position would result in an adverse impact on the residential amenity of adjacent residential properties. In particular No 7 Wartnaby Road as the ridge height of the two storey element adjacent would be over 7 metres.</p> <p>The owner/occupiers of No 4 Old Vicarage Garden still consider the replacement dwelling on plot 1 to be too close to their property. It will take light from the property and affect their privacy. Suggest plot 1 should remain as a bungalow.</p>	<p>Concern has also been expressed with regards to privacy to neighbouring gardens, particularly on Wartnaby Road. The proposed replacement dwelling has a first floor en suite obscurely glazed window on the north elevation to the gardens of No's 3, 5 and 7 Wartnaby Road. There are no first floor windows to the east or west elevations and as such no views to the gardens and private amenity space of these properties. The siting of Plot 1 is not considered to unacceptably impact on the privacy of properties on Wartnaby Road.</p> <p>To the south of plot 1 is a detached bungalow, No. 4 Old Vicarage Gardens. There is an existing 1.5 metres high brick wall which partially screens the existing windows on the north elevation of the bungalow. The windows on the north elevation of the bungalow serve a bathroom, toilet, small kitchen and a secondary high level window to the sitting room. None of these windows are principal windows; the lounge is served by other windows on the south elevation therefore loss of light would be limited. The views from these windows are presently severely restricted by the presence of the wall. It must also be noted that a 2 metre high boundary could be erected on this boundary under permitted development which would restrict these windows even further. The proposed unit has been designed to have a similar eaves height to the existing bungalow, and whilst it has a steeper roof pitch it would not reach its maximum height until it is 7.2 metres to the north of the bungalow (of this wing). The full height of the dwelling, 7.2 metres, is over 16 metres away. The proposed ridge height is almost identical to the ridge heights of the adjoining bungalow.</p> <p>The replacement dwelling will occupy the same footprint as that already permitted and will therefore be no closer to No 4. The elevation of the new dwelling closest to No 4 effectively remains the same also with the two storey element introduced being some 16 metres to the north</p> <p>Accordingly it is considered that the residential amenities of No 4 will not be adversely affected by the proposal.</p>
<p>Comments on Inspectors Report</p> <p>The roofline will appear overwhelmingly large and close particularly during the winter months.</p> <p>Interpretation of the Inspectors comments by the applicant's agent is a personal interpretation which</p>	<p>Several two storey height roofs have already been constructed on this development site which do not adversely affect the character of the conservation area.</p>

suggests there will be no unreasonable impact on neighbouring properties. Believes this to be wrong and suggests that previous objections should not be overruled on these terms.

Impact on 3, 5 and 7 Wartnaby Road

The Inspectors Report concludes that *'Nos 3, 5 and 7 Wartnaby Road lie to the north of Plot 1. The first floor bathroom window on the north elevation of the new dwelling would be obscure glazed to safeguard the privacy of neighbouring occupiers. There would be some overlooking of the rear garden areas to these properties from the bedroom windows in the rear of the dwelling, but the oblique relationship and*

intervening vegetation would obviate undue loss of privacy. The northern elevation of the proposal would be close to the boundary, but the structure would not be so substantial as to seriously harm the outlook for the occupiers of these properties or the daylight and sunlight reaching them.'

It is considered that this proposal does not materially alter these conclusions and is accordingly considered acceptable.

Impact on 4 Old Vicarage Gardens

The Inspectors main concern was the impact on No 4 Old Vicarage Gardens. He commented that the dwelling on Plot 1 would be a large structure in very close proximity to the openings on the rear elevation of No4. The upper part of the wall and much of the roof would be visible at close quarters to the kitchen window. Consequently it would be an oppressive structure that would severely diminish the outlook. He therefore concluded that the proposed dwelling on Plot 1, as proposed in Application 10/00656/FUL, would materially harm the living conditions of the occupiers of No 4 Old Vicarage Gardens in conflict with Local Plan policies OS1 and BE1.

However his report also acknowledged that Plot 1 had permission for a single storey dwelling (10/00945/FUL) which would be lower and further from the boundary and as such would not have such a marked impact on the living conditions of No 4 Old Vicarage Gardens as the proposal. Likewise he suggested that the development would not harm the living conditions of other occupiers in the vicinity of the appeal site due to the separation distances involved.

This current application has reintroduced the two storey element to the proposed dwelling on plot 1 whilst amending the layout to a degree. The elevation of the south wing of the dwelling on plot 1 ie: the elevation that is presented to the bungalow at No 4 Vicarage Gardens remains identical to that permitted under application 10/00945/FUL. The two storey element of the dwelling now proposed on

	<p>plot 1 relates to part of the northern wing. This is 3 metres higher than the single storey ridge of the southern wing. Only the upper part of the roof of the two storey section together with three rooflights will however be visible above the single storey ridge height and is 16 metres away from No 4 Old Vicarage Gardens.</p> <p>Accordingly it is considered that the Inspectors concerns have now been overcome and the residential amenities of No 4 will not be adversely affected by the proposal.</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy.</p> <p>The proposed development is located within the village envelope for Ab Kettleby where there is a presumption in favour of development under the local plan created by Policy OS1.</p> <p>PPS1 and PPS3 strongly supports the location of development within existing settlements and requires local authorities to deliver development that is located in areas which reduce the need to travel by car and provide access to all members of the community to jobs, health, housing, education, shops, leisure, and community facilities. Both guidance's support development that reduces energy emissions and climate change but the emphasis is on locations which reduces the need to travel by private car.</p>	<p>The principle of the development has been approved under recent application 10/00945/FUL. The application lies within the village envelope of Ab Kettleby, a category 2 village, which has a range of facilities. As such the village is considered to be a relatively sustainable location for new residential development. The site partially constitutes previously developed land by virtue of its lawful commercial use and as such the proposal is considered to constitute an appropriate form of development in terms of national and local policy.</p>
<p>Impact on setting of adjacent Listed Buildings</p>	<p>The Inspectors appeal decision detailed that he had no concerns regarding the impact of the proposal on either the conservation area nor the setting of the adjacent listed building (The Willows).</p> <p>The latest proposal on plot 1 retains the same relationship with The Willows. Indeed the fact that there are no windows now proposed at first floor level on the rear gable arguably improves the situation in regard to The Willows.</p> <p>Accordingly no impact on the setting of the adjacent listed building is envisaged from the proposal.</p>
<p>Access and Parking</p>	<p>The car port/garage element of the application, to serve the dwellings on plots 1 and 2, is identical to that already permitted under reference 10/00945/FUL</p> <p>Accordingly the access and parking arrangements are considered acceptable.</p>

<p>Impact of Draft National Planning Policy Framework</p> <p>The Government released for consultation purposes a review of National Planning Policy in July 2011 and has stated that it should be taken into account as a material consideration. This included some amendments to existing national policy that relate to this application as follows:</p> <ul style="list-style-type: none"> • presumption in favour of sustainable development • Removing the brownfield target for housing development (60%); allowing local areas decide the most suitable locations for housing growth based on their local circumstances. • Requiring Councils to identify an additional 20% to their five year housing land supply; a minimum additional 20% on top of current five year land supply. 	<p>It is considered that the content of the NPPF can only be afforded minimal weight. The proposals for NPPF are at their very earliest stages and there can be no certainty if they will be adopted in the form they take in the consultation document nor when this may take place. The consultation period began on 25th July 2011 and ran until 17th October 2011 and as such only after this date will there be any evaluation of its content take place. In accordance with advice provided to Inspectors by PINS, account should be taken of the stage that new considerations have reached when assessing the weight they should attract. This policy document is at the earliest possible stages of its formulation and accordingly can be given only minimal weight, if any at all. S 38(6) of the Planning and Compulsory Purchase Act 2004 defines how determinations on planning applications must be made and there is no suggestion that this primary legislation is to be amended. Accordingly, the decision must be led by the development plan policies and existing national policy and they can be departed from only if material considerations are present that indicate it is appropriate to do so. A policy statement of such early stage of formulation cannot be regarded as a material consideration sufficient to outweigh the development plan.</p> <p>Since the publication of the NPPF the above position has been supported by an Inspector at appeal.</p>
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Conclusion

The application is considered to be acceptable in terms of access and parking and design and is not considered to adversely impact on the Conservation Area or the street scene. A number of objections have been received with regards to the impact on neighbouring properties. Plot 1 has been revised from the previously refused scheme to be predominantly single storey, with a small two storey element to the northern wing. As detailed in the report it is considered that due to distance separations, design, size and relationship to windows of adjoining properties the proposal would not have an adverse impact on the amenities of adjoining properties. Accordingly it is considered that the Inspectors previous concerns have been overcome and the proposal is recommended for approval.

RECOMMENDATION:- Permit with the following conditions:-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. 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.

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 enable the Local Planning Authority to retain control over the external appearance as no details have been submitted

Contact: Richard Spooner