

Reference: 12/00905/FUL
Date Submitted: 20.12.2012
Applicant: Mr P Woods
Location: Brakenfield, 2 Harby Lane, Stathern
Proposal: New dwelling, access and garage



Introduction:-

The application seeks planning permission for the erection of a new dwelling to the rear of 2 Harby Lane, Stathern., with an altered vehicular access from Harby Lane and new parking arrangements for the host dwelling. The application will provide new garaging, access drive and turning facilities.

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

- **Compliance to the development plan: whether it is justified to make an exception to the housing needs assessment for the area.**

The application is required to be considered by the Committee as the recommendation represents a departure from the Development Framework.

Relevant History:-

Outline planning consent 10/00641/OUT was given for a single storey dwelling on the site with a condition that the dwelling should have regard to local housing market needs.

The piece of land which was sold to the developer is however a different size to that which has the outline permission, therefore this outline permission cannot be used.

Planning Policies:-

Adopted Melton Local Plan (Saved Policies)

Policies OS1 and BE1 allow for development within Town 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 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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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 this 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. It also offers advice on the weight to be given to ‘emerging’ policy depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- deliver development in sustainable patterns and
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

On Specific issues it advises:

Delivering a Wide choice of High Quality Homes

- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 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**

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.

Conserving and enhancing the historic environment

- Identify and assess the particular significance of heritage assets that may be affected by a proposal, and take this assessment into account when considering the impact.
- Take account of the desirability of new development making a positive contribution to local character and distinctiveness.

As stated above, s38(6) requires determination to be in accordance with the Development Plan unless other material considerations indicate otherwise. This is reinforced by paragraph 11 of NPPF. These form the relevant Development plan policies and they remain extant.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: Ensure that all of the details of access, parking and turning meet with the Highways Authority standards.</p>	<p>The driveway is approx 3 metres wide along the entire length, which exceeds the minimum highways requirement of 2.75metre width. Within the site there is adequate turning space, and parking for 2 – 3 cars. The garage is not quite long enough to be considered as two parking spaces (it should be 6m deep, it is only 5.5m), however there is ample parking on the proposed driveway for the amount of vehicles that could be expected.</p> <p>The proposal is not considered to have an impact on highway safety.</p>
<p>Stathern Parish Council: Councillors object to the proposal due to the size of the dwelling on the plot, and also have concerns about hedges.</p>	<p>Noted. No further representations have been received from the Parish Council in respect of the amended plans which have reduced the ridge height of the proposal, hipped the roof, removed the room above the garage and the sunroom. The dwelling now will only be approximately 50mm higher than the host dwelling. With regards to the hedges, these are minimal on the site, there is one tree which is not protected by a TPO, however it is within the Conservation Area. The tree is not considered to be suitable in size or location to add a significant benefit to public amenity and it would be inappropriate to serve a TPO on it. It is therefore considered that the amendments have overcome these objections.</p> <p>It is considered that the size of the dwelling (height) is now compliant with policies OS1 and BE1 of the Melton Local Plan.</p>
<p>Conservation Officer: Initially the Conservation Officer objected to the proposal, due to the size of the footprint of the proposed dwelling and the height. The Officer was concerned that the massing and impact of the dwelling would be great and in direct contrast to the local character of the area.</p> <p>In the immediate vicinity the Officer noted that there are predominantly bungalows and 1½ storey dwellings which was reflected in the previous outline application for a bungalow which was permitted. He considered that a two storey dwelling was in direct contrast to the local character.</p> <p>Although the site is screened to a large extent by trees when viewed from Penn Lane, it is more prominent in views from Harby Lane and City Road. There are two listed buildings to the East</p>	<p>Noted.</p> <p>The amendments to the proposal are more acceptable to the Conservation Officer in terms of the mass, height and footprint, and are considered to be acceptable upon the setting of the adjacent Listed Buildings and the Conservation Area. At present the site is overgrown and is no longer maintained as a garden to the host dwelling. It is considered that the development of the site would be an improvement to the site.</p> <p>The proposal is considered to comply with policies OS1 and BE1 of the Melton Local Plan and paragraphs 137 of the NPPF.</p> <p>It is considered that the proposed development would enhance this part of the Conservation Area.</p>

<p>and South east of the development, and the Officer was concerned that a taller building on the site would potentially affect the setting of these listed buildings, and that a single storey dwelling would be preferable in terms of the setting.</p> <p>Considering all of these factors the larger, taller dwelling was out of character with this part of the village and Conservation Area, advocating a single storey dwelling.</p> <p>Amended Plans</p> <p>The Conservation Officer was re-consulted on the amended plans and no longer has such strong reservations regarding the proposal – noting that the massing of the dwelling has been reduced, the ridge lowered, floorspace reduced, the reconfigured roof etc. The design has been simplified and will now lesson its impact upon the site and its location in regard to the other dwellings in the vicinity.</p>	
<p>Housing Policy Officer</p> <p>Within the Rural North of Melton Borough the study indicated that there is a strong need for smaller market housing such as 2 bedroom houses and older people/downsizing accommodation and a surplus of larger family accommodation. There are limited opportunities within village envelopes for significant new residential developments and therefore residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.</p> <p>The proposal relates to a new dwelling with garage and associated access. The proposed dwelling is a two-storey three/four bedroom house.</p> <p>The proposed dwelling does not meet the identified housing need in the Rural North, where the need is for smaller, 2 bedroom, family housing and older person/downsizing accommodation. The proposed dwelling is a large 3 bedroom house, with an annex/studio over the garage, this space could easily be utilised as a bedroom, therefore placing a 4 bedroom dwelling on the site. This type of property does not meet the need for smaller market-housing and adds to the existing housing imbalance. A more suitable property type would be a single-storey 1 or 2 bedroom bungalow.</p> <p>As the application stands the recommendation from a housing policy perspective is to refuse the application on the grounds of failure to meet housing need.</p>	<p>Noted.</p> <p>The initial proposals were considered to be unsatisfactory in terms of the size of the dwelling, with the internal floor space being well in excess of the identified housing need for ‘the ‘Rural North’.</p> <p>The room above the garage has been removed, along with the dormer and velux windows to that room, and the proposed sunroom on the ground floor accessed from the kitchen has also been removed. There has also been a reconfiguration of the kitchen / utility area due to the removal of the stairs to access the room above the garage. The number of bedrooms has remained the same (3), and the configuration of these rooms is the same (one master bedroom on the ground floor with en-suite, two further bedrooms on the first floor, with a further en-suite, family bathroom and small study area which forms part of the landing).</p> <p>Overall, the original submission had a total usable floor space of approximately 270m² not including the garage. The amendments have a total overall floor space of approximately 190m² not including the garage.</p> <p>This is a significant reduction in the floor space, although it is still in excess of the suggested habitable floor space for a three bedroom dwelling of around 115sqm. Once the non-habitable floor space is removed (bathrooms, cupboards, hallways etc) the habitable floor space provided by this proposal is around 130sqm, 15sqm in excess of that suggested. Therefore the dwelling is above the size of that suggested to be acceptable for a three bedroom house after the</p>

	<p>amendments have been made, and the identified housing need in Stathern does not include three bedroom houses.</p> <p>Whilst the proposal would not meet identified housing need it is considered that the dwelling could provide for lifetime homes standards, due to the bathroom and bedroom on the ground floor, and could easily be adapted to be lived in solely on the ground floor. Planning permission has been granted for a bungalow on the site, the footprint of this house is very similar to that which would be required to provide a bungalow, therefore the first floor accommodation is the essential difference being considered by this application, and the resulting taller ridge height. The dwelling would be in a sustainable location and is considered to enhance the Conservation Area.</p> <p>The proposed dwelling is 1½ storey with 3 bedrooms, and offers future potential to be used as a lifetime home. It has a similar footprint that would be expected from a bungalow on the plot. It is not of a sufficient size to be considered a large executive house, and conditions can be used to ensure control over any future extensions. Therefore on balance it is considered that the benefits of the application, lifetime homes, sustainable location, enhancing the Conservation Area and providing a three bedroom dwelling outweigh the housing policy objection in this case.</p>
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Representations:

A site notice was posted at the site and six neighbours were informed. As a result two objections have been received to date.

Representation Objection/Concerns	Assessment of Head of Regulatory Services
<ul style="list-style-type: none"> • The site is within the Conservation Area and close to a POA and could damage both 	<p>The site is within the Conservation Area and to the East of the site are two Protected Open Areas, however it is not considered that the proposal negatively impacts on either of these. The Conservation Officer no longer has objections to the proposal following the amendments.</p>
<ul style="list-style-type: none"> • There is a mature walnut tree and hawthorn hedgerow on site which would be damaged / removed 	<p>The mature walnut tree is offered some level of protection as it is within the Conservation Area, however it is not considered to have any strong value which would make it appropriate for a Preservation Order. The loss of this tree and the hawthorn hedge would be regrettable, however the application cannot be refused on the basis of this loss.</p>
<ul style="list-style-type: none"> • The gable window in the South elevation will overlook the dwelling to the South 	<p>The amended plans have removed the bathroom window proposed in the gable end of the South elevation and have replaced this with a hipped roof. This objection was withdrawn upon</p>

<ul style="list-style-type: none"> • The proposed dwelling will be higher than the surrounding dwellings and will impact negatively upon them • The dwelling is too large and will be overbearing on gardens and living room windows (particularly those of the house to the South) • The dwelling is too close to boundaries (1.5m) • The house is too big to satisfy housing needs • The proposal does not follow the outline permission • There are inaccuracies within the Design and Access statement • Solar panels on neighbouring dwellings will be put into shadow 	<p>viewing the amended plans.</p> <p>The dwelling will now only be a maximum of 50mm taller than the existing dwellings which is considered to be acceptable, and comply with policies OS1 and BE1 of the Melton Local Plan.</p> <p>The separation distance between the dwellings is considered to be in excess of the minimum required and to meet the objectives of the policies OS1 and BE1 in this respect.</p> <p>The dwelling is to be located close to the boundaries, however it is not considered to be unacceptably close to the boundaries and would comply with policy.</p> <p>The dwelling is larger than is required within the open market housing needs assessment for Stathern, see assessment above.</p> <p>The proposal has no requirement to abide by the conditions of the outline permission as it is being submitted as a full planning application, and will be considered on its own merits.</p> <p>There were inaccuracies within the design and access statement, mainly relating to the incorrect coordinates being used. This was noted on site by the planning officer, and the issue was raised with the agent. The statement only forms part of the planning application, and a site visit was made separately where the site was judged by the officer on its individual merits, separately to the design and access statement.</p> <p>The solar panels on the house to the North could potentially be shaded a little by this development, however they do not face the proposed development directly, and the proposed dwelling would have a hipped roof which would also help to minimise the shading caused. It is not considered that the proposal would have an overbearing impact upon this neighbour, nor would it make the solar panels unusable.</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of the Development Plan Policies Policies OS1 and BE1 of the Local Plan are applicable but under paragraph 215 of the NPPF it is necessary to consider if they should carry weight.</p>	<p>Policies OS1 and BE1 permit development in the village envelope and set design criteria to ensure high quality design, amenity considerations and compatibility with the surroundings.</p> <p>Stathern is considered to be a sustainable location for development and in this respect it is considered that the policy (OS1) is wholly compatible with the NPPF. The design requirements within the policies reflect closely part 7 of the NPPF and</p>

	<p>similarly retain weight. These conclusions have been reached in various appeal decisions.</p> <p>As set out above the development is considered to comply with Policies OS1 and BE1. However, the proposal is not considered to comply with the NPPF in relation to housing need.</p>
<p>Impact upon residential amenity:</p> <p>The proposed dwelling would be to the North of the host dwelling, and surrounded by further dwellings which vary in size from bungalows and 1½ storey dwellings. To the East and South East are two Grade II listed buildings, one of which is a large Victorian two storey dwelling.</p>	<p>The new dwelling would be approx 11 metres from the closest point of the existing dwelling to the North which is situated on an angle, and does not directly overlook the site. There are no windows proposed on the new dwelling to the North elevation, and it is considered that the impact upon this neighbour is acceptable.</p> <p>At the closest point to the West, the new dwelling would be in excess of 20 metres from the existing bungalows, and the distance between habitable windows is approximately 33 metres, which is also considered to be acceptable. The host dwelling will be approximately 25metres from the new dwelling, where there are no windows overlooking, and the roof has been hipped away to minimise the impact. The tall Victorian grade II listed building is approximately 30 metres from the new dwelling to the East and it is considered that the setting of the listed building is not adversely affected by the proposal (as discussed above).</p> <p>It is therefore considered that the proposal satisfies policies OS1 and BE1 of the Melton Local Plan in relation to residential amenity.</p>
<p>Design</p>	<p>The dwelling includes traditional design features and is a 1 ½ storey dwelling, with bedrooms set within the roof with dormer windows. The amendments made to the proposal reflect the height and mass of surrounding dwellings to the North, West and South, and consideration has been given to lifetimes homes standards with the introduction of a master bedroom and bathroom on the ground floor. It is considered that the amendments have ensured that the dwelling is comparable in size to those surrounding.</p> <p>The proposal has a large oak framed porch , which is repeated in type and style in the garage, which forms a courtyard type arrangement. The applicant proposes a handmade style facing brick , and brick arched heads over the windows and doors. The fenestration will be timber, and the doors either oak or timber painted to match the windows.</p> <p>It is considered that the proposed design satisfies policies OS1 and BE1 or the Melton Local Plan, and the relevant parts of the NPPF</p>

	relating to good design
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Conclusion

The application seeks planning permission for the erection of a dwelling within the conservation area and village envelope for Stathern, which is considered to be a sustainable location for new housing. The proposal complies with Melton Local Plan policies OS1 and BE1, but does not meet the identified housing need for the area, which is for bungalows and two bedroom houses, with regards to the NPPF expectations (para 50). The proposed dwelling is 1½ storey with 3 bedrooms, and offers future potential to be used as a lifetime home. It has a similar footprint that would be expected from a bungalow on the plot. It is not of a sufficient size to be considered a large executive house, and conditions can be used to ensure that the Local Planning Authority retains control over any future extensions or buildings at the site.

Therefore, on balance it is considered that the benefits of permission in terms of meeting Policy OS1 and BE1, its sustainable location, lifetime homes and enhancing the Conservation Area are sufficient to outweigh the harm that would arise from the breaching of the objectives of the NPPF in relation to housing need. Accordingly the application is recommended for approval.

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. This permission relates to the approved plans received at these offices on 8th May 2013 numbered 6585A-01, 6585P-01B, 6585P-02C.
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. The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
5. 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 dwellings hereby permitted, no development as specified in Classes A, B, D and E shall be carried out unless planning permission has first been granted 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. For the avoidance of doubt; the initial proposals being considered unsatisfactory.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
4. 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.
5. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed, and the housing needs of the area.

Officer to contact:

Mrs Sarah Legge

30th May 2013