

**Committee Date: 14th October 2010**

**Reference:** 10/00490/REM  
**Date Submitted:** 10.08.2010  
**Applicant:** Mr N. Tyers  
**Location:** Brownston House, 23 School Lane, Harby, LE14 4BZ  
**Proposal:** Approval of reserved matter following outline permission - 09/00726/OUT- For the erection of one two bedroom house

**Introduction:-**

**This application seeks planning approval for the submission of ‘reserved matters’ following an earlier outline consent.**

The site is a very narrow garden between a 2 storey house and a low in scale cottage situated at the junction of School Lane and Nether Street, at the northern end of the village.

The site is opposite the village hall/play area.

It contains a tree and a garden store and is adjacent to the garaging for the adjacent dwelling.

The site has the benefit of outline permission for the erection of a single dwelling and the current proposal relates to the reserved matters of Design, Layout and Scale of the dwelling and the submitted plans show a modest cottage situated at the eastern side of the plot, with modest sized patio-garden and 2 parking spaces.

Access was approved at the outline stage, leaving only the landscaping to be submitted at a later stage as the applicant has not requested that this be considered at this time.

The dwelling is 1 ½ storeys in height as required by the outline approval and is a modest size to meet local needs.

The application is presented to the Committee because the recommendation comprises a departure from current planning policy.

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

- **The apparent conflict with local housing needs**
- **Whether the detailed design is acceptable**
- **The impact on the neighbouring property**

**Relevant History:-**

09/00726/OUT – Outline erection of a 2 bedroomed dwelling – approved 23.11.2009

**Planning Policies:-**

**PPS1** - Delivering Sustainable Development - planning authorities should promote more efficient use of land through higher density development and suitably located previously developed land and buildings.

**PPS3** - Housing - planning system should deliver a flexible, responsive supply of land - which makes efficient and effective use of land, including re-use of previously-developed land. It supports the efficient use of previously developed sites (brownfield). It promotes designs and layouts which make efficient and effective use of land, encouraging innovative approaches.

Density of existing development should not dictate new housing. It emphasises the need for good quality design contributing to the distinctiveness of settlements.

The provision of new housing should cater for the identified local needs.

**PPS7 - Sustainable Development in Rural Areas** - Key principle in land use planning is giving priority to re-use of previously-developed ('brownfield') sites and that rural villages to meet local housing needs. Stresses the need for development to respect and enhance the built form of villages, including scope to accept contemporary design.

**Melton Local Plan (saved policies):**

**Policies OS1 and BE1:-**

- 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.

**Policy H6 :-** residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

**Melton LDF Core Strategy:** seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with provision/contribution of 40% affordable housing from all developments, and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. The strategy identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development. Hose is now identified as a Category 2 village that still provides a reasonably sustainable community and is suitable for small-scale infill development within the existing built form. New Housing required to meet local needs.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Highway Authority</b> – Has no objection subject to ensuring all details comply with current standards	<p>The site benefits from outline consent, which approved the access details at the outline stage.</p> <p>It was not considered that there would be any significant increase in vehicle movements or impact on road safety.</p> <p>Parking has been incorporated into the scheme in the form of open parking on the drive.</p>
<b>Parish Council</b> - The Parish Council has no objections to this application on condition that these plans are adhered to and not amended.	Noted
<b>MBC Housing Policy Officer</b> - PPS3 specifically states that “Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed Communities” (Para 23). In relation to market housing PPS3 states that “One of the Government’s key objectives is to provide a variety of high quality market housing. This includes addressing any shortfalls in the supply of market housing and encouraging the managed	<p>Whilst the comments of the Housing Officer are noted, the dwelling proposed, whilst being a 3 bedroomed design (albeit that 1 dwelling is annotated as ‘study’) is a very modest dwelling unit and will by implication be a lower-cost unit.</p> <p>In order to ‘fit-in’ to the street scene, and to comply with the outline requirement for a 1 ½ storey dwelling, the dwelling design incorporates reduced height ceilings and therefore the 2 smaller bedrooms</p>

<p>replacement of housing, where appropriate. Local Planning Authorities should plan for the full range of market housing. In particular, they should take account of the need to deliver low-cost market housing as part of the housing mix” (Para 25 &amp; 26).</p> <p>David Couttie Associates conducted a Housing Market Analysis for Melton Borough Council (Housing Stock Analysis 2006-2011; 2006) which clearly demonstrated that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough. Future development has therefore to address the imbalance of stock type and size, both by tenure and location to create a more sustainable and balanced housing market. This will require a bias in favour of small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>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 a surplus of larger family accommodation, including 3 bedroom dwellings. 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 application seeks reserved matters approval for a previous outline consent (09/00726/OUT) for the erection of a dwelling. The reserved matters application provides details of layout, scale and external appearance of the dwelling. Condition 11 of the outline approval states that the dwelling proposed shall have regard to local market housing needs and the design and access statement submitted with the outline application indicated that this would be a 2 bedroom property. The proposed dwelling is submitted as a 2 bed property; however, this includes a first floor study of 5.65sqm along with bedroom 1 (11.5sqm) and bedroom 2 (7.07sqm). The study exceeds the minimum bedroom size standard formally utilised by the Housing Corporation and could accommodate a third bedroom. Furthermore the total floor area of the proposed dwelling exceeds the unit size indicator of a 2 bed house formally utilised by the Housing Corporation. Therefore, it is considered that the current proposal is a 3 bedroom dwelling and as such would not meet local housing need.</p>	<p>do not have full height over their total floor area and the slope of the ceiling (due to the roof design) means that the bedrooms are in effect very small and is not the ‘normal’ type of 3 bedrooomed unit.</p> <p>The proposal introduces a smaller unit, suitable for first-time buyers and young families as identified by the housing need surveys of the core strategy and whilst there is an objection from the Housing Policy section due to the development being of 3 bedrooomed proportions, because of the dwellings unusual design and quite modest size, it is not considered that this particular dwelling would add to the over-supply of larger “executive” type dwellings and offers a useful sized dwelling that will meet local need and that a refusal on this basis could not be justified.</p>
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The Leicester and Leicestershire Strategic Housing Market Assessment (Blinc Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It continues to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if it not addressed it will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.

The dwelling proposed by the application is not supported as it would add to the local imbalance of the market through the further addition of a larger property and as such is considered inappropriate. On this basis the application is recommended for refusal as the local over supply of larger family accommodation would be further exacerbated, contrary to PPS3.

The Council has undertaken several assessments in order to be informed by an evidence base of housing need (households unable to access suitable housing without financial assistance). The level of identified need for affordable housing is extremely high within the borough. The Melton Local Development Framework Core Strategy proposes that all residential dwellings which are granted planning permission need to make a contribution towards affordable housing provision. As the Melton Local Development Framework Core Strategy is based upon up to date national and regional policy and robust local evidence of need we consider this policy direction to be a material consideration in planning applications. The 40% policy requirement was adopted in accordance with saved policy H7 of the Melton Local Plan in January 2008 under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough.

**Representations:**

A site notice was posted and neighbouring properties consulted. (Consultation period ended on 03.09.2010). One letter of representation has been received from 25 School Lane, Harby, the adjacent dwelling - as shown below:-

The side velux window will directly overlook my patio garden and living room where I spend much of my time. This area is currently private and not overlooked by any other properties	Due to the location of the objectors dwelling and amenity space, the angle of view from the window and the existence of a substantial boundary wall between the existing and proposed dwelling, it is not considered that any appreciable 'over-looking' or loss of privacy will occur and the development is considered to be appropriate.
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**Other material considerations (not raised through consultation of representation)**

Considerations	Assessment of Head of Regulatory Services
<b>Impact on adjoining properties:</b> The site is surrounded by a number of residential properties and the impact upon their residential amenities and between those of the proposed units themselves should be assessed in the context of Policies OS1 and BE1 of the adopted Melton Local Plan.	<p>The principles for the development have been considered acceptable with the recent granting of outline planning permission for a dwelling in this location.</p> <p>The dwelling has been designed such that only bathrooms are situated at the rear and the orientation of the dwelling faces forward on to the highway.</p> <p>The only side window has been addressed in the representations section.</p> <p>The separation distances from the dwelling to its neighbours meets the current standards and the dwelling position and 1 ½ storey height are as required by the outline and the proposed dwelling will not impact on the amenities of the neighbours who will suffer no detrimental impact.</p>
<b>Local Plan policies: Village Envelope:</b> The previous application on the site has been approved in outline form.	<p>The development has been approved in 'outline' form and the development is therefore acceptable in principle and complies with policies OS1, H6 and BE1.</p> <p>The development meets the requirements of the outline approval in terms of its height and siting.</p> <p>The only "policy" issue relates to the size (no of bedrooms within the dwelling) and this is referred to above.</p> <p>In all other respects, the dwelling complies with policy</p>
<b>Impact upon the Character of the Area:</b> The application site is situated within the village in a prominent location opposite the village recreation ground.	<p>The site is quite prominent in the street scene and is situated between a conventional 2 storey house and a modest low in scale cottage.</p> <p>The proposal is an attractive design that continues the form of the existing dwellings and will not look out-of-place in the street scene.</p> <p>The dwelling is close to the highway, which is the character of surrounding development.</p>

<b>Impact on Mature Tree:</b> There is a mature Cedar tree within the site	At the outline stage, the tree was examined and not considered to be of T.P.O quality, and its removal could not therefore be resisted.
<b>Details of the Proposed Dwelling:</b> The dwelling design is to be considered at this stage – only the access arrangements were approved at outline stage	<p>The ‘outline’ permission allowed for the development, but only approved the access location.</p> <p>The dwelling does however follow the ‘indicative’ position shown on the outline plans and is 1 ½ storey in height as required.</p> <p>The design is an appropriate one, and although a small plot, the dwelling has 2 parking spaces and a modest amenity space.</p> <p>Whilst the amenity space of the dwelling is small, the dwelling is also modest in size and as the dwelling is in close proximity to the playing field, the lack of a typical ‘garden’ is not considered to be detrimental in this instance.</p>

### **Conclusion**

It is considered that the main issue for the Committee is to balance the apparent breach of the identified Local Needs for 2 bedroomed houses, with the very modest nature of the development proposed.

P.P.S 3 states that such policies should be applied with flexibility, and the dwelling proposed is clearly not an ‘executive’ type substantial dwelling that has been consistently resisted.

The dwelling is modest, and whilst it has 3 bedrooms, 2 have sloping ceilings due to the design of the roof and as a result, they will be limited in size as they do not have full headroom over the whole floor area.

The dwelling proposed is not therefore considered to be harmful to the policy requiring that such dwellings meet the local need and it meets all other adopted policies of the Local Plan.

The proposed dwelling is an appropriate design and will not impact on the amenity of neighbours.

The ‘principle’ of development has been permitted by the outline consent and in view of the above justification the submitted detail matters are considered to be appropriate and the proposal is recommended for approval.

### **RECOMMENDATION:- Approval of the Reserved Matters subject to the following conditions/reasons:-**

1. No development shall start on site until all external materials to be used in the development hereby permitted have been agreed in writing by the Local Planning Authority.
2. 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, B, C or E shall be carried out unless planning permission has first been granted by the Local Planning Authority.
3. Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order), no window or opening (other than any that may be shown on the approved

drawing(s) shall be formed in the eastern, western or southern elevations of the building unless planning permission has first been granted by the Local Planning Authority.

Reasons:-

1. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
2. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.
3. To avoid the possibility of overlooking in the interests of preserving the amenities of residents.

**Contact: Mr Rob Forrester**

**29September 2010**