

## 22/00729/VAC for the variation of condition 2 of planning approval 20/00538/FUL dated 14/8/2020 to amended approved plans, including amendments to the windows and doors at Hillcrest, 29 Main Street, Eaton

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Cllr Hewson
<b>Date of consultation with Ward Member(s):</b>	6 July 2022
<b>Exempt Information:</b>	No

### 1 Summary



- 1.1 The application seeks to vary condition 2 of planning approval 20/00538/FUL dated 14/08/2020 to amend the approved plans, including amendments to the windows, doors, boundary treatments and the residential curtilage. Condition 2 of approval 20/00538/FUL detailed the approved drawings with which the approved dwelling had to be implemented in accordance with.
- 1.2 The changes made in this application comprise the re-location of the approved parking spaces from the front right of the dwelling to across the dwellings frontage; provision of a native hedge along the sites front and side boundary (as opposed to an iron stone wall as originally sought) with central recessed vehicular and pedestrian gate in the road section; insertion of additional windows and doors; use of the roof space in the 2-storey central section for a bedroom and study; increasing the roof overhangs; internal floor layout alterations; insertion of roof lights in the main roof slopes (front and rear), re-configuration of ground levels on site; provision of a parkland fence along the rear boundary to mark the edge of the residential curtilage and provision of landscaping.
- 1.3 It is also proposed to put a 5-bar gate on to a new access track to allow for the access of the field to the rear of the site – this is to be situated on / from the access track to the side of the site. Some of these have already taken place so the changes seek to both regularise those which have already taken place as well as obtain permission for those not done.
- 1.4 The site is located to the east of 29 Main Street, Eaton. There is a track to access the site on the east side of the proposed plot. The approved proposed site is on an incline down from the road. The site is within the Conservation Area of Eaton. The approved proposal sought a three bedroom dwelling to be occupied by the Shortland family which incorporates an internal annex which will be occupied by Mrs Shortland Senior.

<b>RECOMMENDATION(S)</b>
<b>1. It is recommended that the application be Approved subject to;</b> <b>(i) Conditions as set out in Appendix C.</b>

## **2 Reason for Recommendations**

- 2.1 The amendments that comprise the application – both to be retained and those proposed - are appropriate and respectful to the design, appearance, scale, bulk and massing of the dwelling originally approved. Through amendments made in the processing of the application comprising obscure glazing windows and landscaping including the provision of a native hedgerow, the proposal will not result in any adverse or detrimental impacts on the amenity of neighbouring and surrounding dwellings.
- 2.2 There will be no impact on highway safety and sufficient on-site parking provision is made. Further, the proposed landscaping and replacement native hedgerow are acceptable and allow for the safe movement of badgers.
- 2.3 It is considered that the proposal complies with adopted policies in the Melton Local Plan and is acceptable.

### **3 Key Factors**

#### **3.1 Reason for Committee Determination**

- 3.1.1 This application is required to be presented to the Committee due to receiving more than 10 letters of objection from separate households contrary to the recommendation.

#### **3.2 Relevant Policies**

##### **3.2.1 Melton Local Plan**

Policy SS1 – Presumption in Favour of Sustainable Development

Policy SS2 – Development Strategy

Policy SS3 - Sustainable Communities (unallocated)

Policy C3 – National Space Standard and Smaller Dwellings

Policy EN1 – Landscape

Policy EN2 – Biodiversity and Geodiversity

Policy EN6 – Settlement Character

Policy IN2 – Transport, Accessibility and Parking

Policy D1 – Raising the Standard of Design

##### **3.2.2 Neighbourhood Plan**

- 3.2.3 Eaton is located within the Croxton Kerrial ward. Croxton Kerrial and Branston have a combined Draft Neighbourhood Plan completed up to and including Regulation 14 consultation that was done in 2019. It has not moved forward from there and as such no weight can be attached. No Neighbourhood Plan exists for Eaton Parish.

#### **3.3 Main Issues**

- 3.3.1 The main issues in respect of the application relate to design and appearance, amenity, ground levels, highways and parking, ecology, landscaping and other matters.

### **4 Report Detail**

#### **4.1 Position under the Development Plan Policies**

- 4.1.1 Planning law states that planning decisions must be made in accordance with the development plan unless there are material considerations which indicate otherwise (section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Due to the sites location within a Conservation Area, the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) is also relevant.
- 4.1.2 The Melton Local Plan forms the development plan and was adopted on 10<sup>th</sup> October 2018 and has full weight in decision making.
- 4.1.3 The National Planning Policy Framework (NPPF) and the associated National Planning Policy Guidance are very important material considerations that carry great weight.
- 4.1.4 In the consideration of this submission, adopted Local Plan policies relate to the conditions for which permission is sought to vary.

#### **4.2 Principle of Development**

4.2.1 Planning permission was granted at the application site on 14 August 2020 under reference 20/00538/FUL for a dwelling with internal annex. Pre-commencement conditions were attached to this permission which were discharged in 2021 under reference 21/00874/DIS. Following the discharge of the pre-commencement condition(s), work on the development commenced.

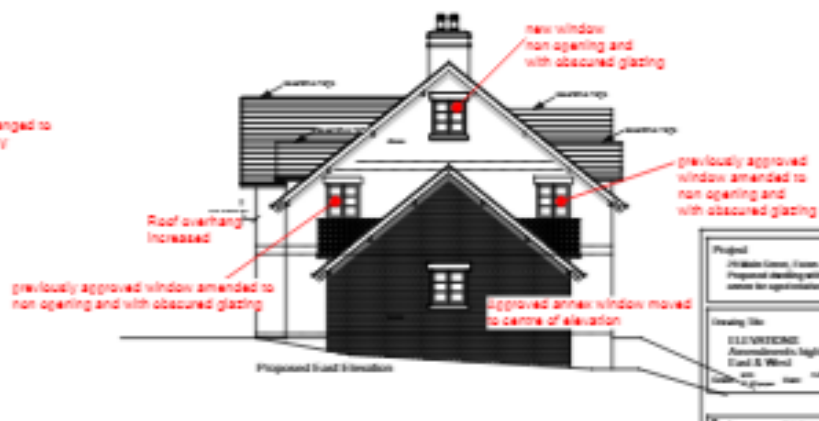
4.2.2 As such the principle of development has already been established through the grant of planning permission for a dwelling and its subsequent implementation and the proposal complies with the provisions of policies SS1, SS2 and SS3 of the Melton Local Plan.

### 4.3 Design and Appearance









4.3.1 With regards to the design and appearance of the development, the dwelling is largely the same as that previously approved under reference 20/00538/FUL. While there are a number of changes to the dwelling, the changes are individually minor in nature and do not detract from the approved design and appearance either individually or collectively. The changes comprise;

- detail of dormer window roof added to single storey side element to the front;
- insertion of roof light windows to the front and rear;
- The increase in the roof overhangs;
- Ground floor windows in rear facing elevation of one of the single storey side elements changed to sliding doors;
- Main house rear elevation changed from brickwork to stone;
- Windows and door in rear elevation moved to accommodate stair detail;
- Insertion of 1 new window in the west facing elevation;
- 1 window changed to a Juliet balcony in the west facing elevation;
- Patio doors changed to sliding doors in the west facing elevation;
- New obscure glazed fixed shut window in east facing elevation;
- Previously approved east facing windows changed to be fitted with obscure glazing and to be non-opening;
- Flank wall window in Annex moved to central location;

- Annex door from hall into the living room re-positioned;
- Annex en-suite re-positioned to the rear of the single storey Annex element;
- En-suite to bedroom 2 of main dwelling moved to the rear of the first floor; and
- Bedroom moved from 1<sup>st</sup> floor into the roof space;

- 4.3.2 The changes proposed through this application, as shown on the amended proposed plans, make minor changes to that originally approved in a manner that would not be out of keeping with the character of the area. Further, and in response to the objections made to the application, the re-introduction of a native hedge to the front and side of the dwelling is in-keeping with the original approval and the area.
- 4.3.3 At the time of the original approval ground levels fell within the site as well as in relation to its surroundings. This submission includes changes to the ground level which have already taken place and provide a level area on which the dwelling sits with the ground level now being 101.40 in place of a number of spot heights across the sit which provided no clarification on what ground level the originally approved dwelling would sit at. With regards to the works undertaken in respect of the finished ground level of the dwelling the ground level alterations, while noticeable as a result of the removal of the hedgerow, ensure that the dwelling is capable of use as approved without the need for further alterations to the dwelling such as the provision of external stair areas which would add unduly to the scale of the dwelling. As a result of the changes made to the ground level and a number of other changes including the windows in the flank wall windows, the amended plans show windows as being obscure glazed thus respecting neighbouring properties while also reflecting other flank wall windows in the area.
- 4.3.4 The submission originally included the provision of an iron stone wall to the front and side of the dwelling punctuated at ground level on its front and side by badger holes. In response to the objections made to the proposal the applicant has amended this to provide a native hedgerow similar to that originally removed which will also allow for badger movements. Within the hedgerow fronting the road is a vehicular and pedestrian gate set back from the rear edge of the highway. The design, appearance, scale, massing and materials are all similar to other boundary treatments within the area so ensuring it will not be out of keeping with the character and appearance of the area. The hedgerow and additional planting proposed will take a period of time to become established but will still contribute to the character and appearance of the site and area.
- 4.3.5 Overall therefore the proposal is considered to have an acceptable design and appearance in accordance with policies EN1, EN6 and D1 of the Melton Local Plan.

#### 4.4 **Impact upon Amenities**

- 4.4.1 As a result of a number of the changes to the existing dwelling and changes to the ground levels of the site, the dwelling had the potential to result in over-looking and loss of privacy of neighbouring sites.
- 4.4.2 In response to this and following discussions with the agent, amended plans have been received that have changed some of the windows from being clear glazed to obscure glazed. This has the effect of overcoming the concerns relating to over-looking and loss of privacy which would be detrimental to amenity. The amended condition 2 as set out in the conditions includes the amended plans that show these windows being obscure glazed and fixed shut thus ensuring they are implemented and thereafter retained.

4.4.3 The changes to the ground levels ensure the dwelling is sited on a flat area within the site. It has the effect of increasing potential for the dwelling to be over-bearing and domineering on dwellings that are adjacent to the site at a lower level. However, in this respect, the distances involved are such that any impact is low and is not considered to be sufficient to justify a refusal being supported and capable of defence at appeal.

4.4.4 Overall therefore the proposal is considered to be in accordance with policies EN1, EN6 and D1 of the Melton Local Plan.

#### 4.5 **Ground Levels**

4.5.1 As set out earlier in the report, ground levels of the part of the site where the dwelling sits has been changed so as to ensure the dwelling is located on a flat parcel of land within the site. This has been achieved mainly through the excavation of higher land by approx. 2m at its greatest on the site which has then been re-deposited where the dwelling sits.

4.5.2 At present, and as a result of the removal of the hedgerow that was located to the front of the site, the changes are prominent where it is visible from public spaces as well as adjacent dwellings, however the re-introduction of a native hedgerow as now proposed will, once established, screen the development from public areas. Notwithstanding this, the reasoning for the change of ground levels to ensure the dwelling is on a flat area that does not require additional external steps or landscaping is acknowledged and is acceptable. Furthermore, the change in ground levels will not result in any adverse or detrimental issues.

4.5.3 Therefore while the impacts of the changes in ground levels are noted, they are not unacceptable to the point where a refusal is considered to be justified due to the changes to windows so they are obscure glazed and fixed shut, the distances between the dwelling and neighbours, and the landscaping proposed addressing the impacts. The development therefore complies with the provisions of Melton Local Plan policies EN1, EN2, EN6 and D1.

#### 4.6 **Highway Safety and Parking**

4.6.1 In respect of highway and parking, the Highway Authority were consulted on the proposal and responded that they have no objections to the variation of condition 2. They also commented that the gates are set back 5m and open inwards whilst the proposal does not conflict with vehicular or pedestrian visibility splays.

4.6.2 With regards to parking, the location of the parking spaces differs from that originally approved in that there is a greater area to the front of the dwelling for parking provision alongside turning and manoeuvring spaces. The area for parking is capable of providing at least 3 spaces while providing sufficient turning and manoeuvring space. This is also been highlighted by the Highway Authority in their response.

4.6.3 On this basis the proposal would not impact on highway or pedestrian safety while also ensuring sufficient on-site parking is provided and is therefore in accordance with policy D1 of the Melton Local Plan.

#### 4.7 **Ecology**

4.7.1 As part of the initial proposal that proposed an iron stone wall around the site in which ground levels holes were made to facilitate badger movements, LCC Ecology were consulted. Their response detailed that the provision of three badger holes around the property were sufficient to address the provisions of condition 5 of 20/00538/FUL and they have no further comments to make.





- 4.11 Whilst the application seeks to vary the approved plans condition, the introduction of this landscaping is such that a condition is required that the landscaping be provided and thereafter retained and maintained.
- 4.12 On the basis of the landscaping's contribution to the development and protecting neighbouring amenity, it complies with policies EN1 and EN6 of the Melton Local Plan.
- 4.13 **Other Matters**
- 4.14 As part of the proposal a field gate is proposed to be located to the rear of the site that will be sited on the access track to the side of the dwelling. This opens onto a track that will lead to fields to the rear of the dwelling that are in the applicants' control. On the amended plans provided, it also shows a rear site boundary where there was previously not one which is intended to restrict the residential curtilage of the dwelling.
- 4.15 On the basis that the parkland fencing to the rear serves to provide a definitive barrier between the application site and the land to the rear, a condition defining the residential curtilage to that within it would be appropriate on any approval. The proposal therefore complies with policies EN6 and D1 of the Melton Local Plan.

## **5 Consultation & Feedback**

- 5.1 The application was publicised by way of neighbour notification letters, a site notice and press advertisement.
- 5.2 A total of 15 letters have been received from 11 different addresses.

## **6 Financial Implications**

- 6.1 None

**Financial Implications reviewed by: N/A**

## **7 Legal and Governance Implications**

- 7.1 No legal or governance issues have been identified.

**Legal Implications reviewed by: Tom Pickwell, Solicitor**

## **8 Background Papers**

82/0327/6/910 – Proposed Alterations and Extension to Dwelling – Permitted 09.08.1982

18/00824/FUL - Erection of three new dwellings. – Withdrawn

19/00445/FUL – Erection of dwelling with dependant relative annexe on the lower level – Refused 24.07.2019

20/00538/FUL - New dwelling with internal annex – Permitted 14.08.2020

21/00874/DIS - Approval of details relating to Condition 3 (Materials) of 20/00538/FUL – Permitted 26.08.2021

## **9 Appendices**

Appendix A – Summary of Consultee Comments

Appendix B – Summary of Third Party Comments

Appendix C - Conditions

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