

Reference: 17/00972/FUL

Date submitted: 27.07.2017

Applicant: Mr Ross Whiting

Location: Eastcote, 91 Grantham Road, Bottesford

Proposal: Proposed Garage (Part Retrospective) (Resubmission of 17/00047/FUL)



Introduction:-

The application comprises the erection of a garage to serve Plot 2 of approved application for 2 dwellings under reference 17/00047/FUL. The footprint of the building would be 5 metres by 6 metres with a height of 2.47 metres. The garage would be located to the front of the approved dwelling, set well into the site. The original dwelling has been demolished and work has progressed on the replacement dwellings. The area is characterised by dwellings set well back from the highway with access points onto Grantham Road.

This is a re-submission of previous application 17/00047/FUL which was refused due to:-

The proposed garage would occupy a prominent location on the site and street scene and would be harmful to the visual amenities of the site and surroundings through the introduction of a large structure set forward of existing dwellings. The proposed garage is considered contrary to Policies OS1 and BE1 of the Melton Local Plan, which require development to be sympathetic to the site and surrounding development, and contrary to NPPF paragraph 64 which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

This application was subsequently dismissed at appeal with the Inspector citing that the proposed garage will be out of character with the area.

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

- **The visual impact of the proposal;**
- **The impact on the residential amenities of occupiers of neighbouring properties;**
- **Highway safety.**

The application is to be considered by the Development Committee due to the number of representations received.

At the time of the site visit, development had already started on the garage. The description therefore was changed to include this and therefore become part retrospective.

Relevant History:-

There is a detailed history on the site. This includes 15/00035/OUT which approved the development of 2 dwellings and 15/00604/REM which approved the reserved matters for the two dwellings. Permission has been granted under 15/00823/FUL to provide a separate access for each dwelling. 15/00924/VAC approved a variation of condition under 15/00604/REM. In 2016 ref. 16/00114/FUL was submitted for a garage in this location but larger. This was refused and then dismissed at appeal. Whilst the decision was being made on this application references 16/00421/VAC and 16/00901/NONMAT were approved for further changes to the scheme for design changes. Finally application reference 17/00047/FUL was submitted for a garage for plot 2 similar to this application but was refused.

Enforcement Action: 2 Notices have been served relating to:

- **Failure to submit levels required by conditions**
- **Provision of parking and wheel washing facilities within the boundaries of the site.**
- **The erection of the garage proposed**

The first of these was resolved following the service of the Notice. The second is on going and will remain so as it relates to the entirety of the build process. Further issues have been reported in respect of the height of the fence and removal of hedgerow on the west boundary. However neither of these are dependant of the amendments proposed by this application and will continue to follow their separate course. The third notice was issued but was not received and subsequently this application has been submitted.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS1 and BE1

Policies OS1 and BE1 allow for development within Village 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.

National Planning Policy Framework – Introduces the ‘Presumption in favour of Sustainable Development’ and states that development proposals should be approved if they accord with the Development Plan, or, if it is out of date or does not address the proposal, approve proposals unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
- specific policies in this Framework indicate development should be restricted.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver homes and business that local areas need;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- deliver sufficient community and cultural facilities and services to meet local needs;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing development in locations which are or can be made sustainable.

On Specific issues relevant to this application it advises:

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;
- Securing high quality and inclusive design goes beyond aesthetics considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Other Material Planning Considerations

Appeal Decision ref. APP/Y2430/W/16/3153369

The appeal for the original garage was dismissed on account of appearing as a dominant and discordant urbanising feature that would be prominent from the junction of the drive to No 89, the service road serving nearby properties and the track. Moreover there would be relatively little space for planting of trees and shrubs to soften the urbanising effect. The garage would be of a similar design to the permitted garage at Plot 1. However, although it can be glimpsed from the road, that garage is not as open to view from the public realm

Planning Policy Statement – Issued to Chief Planning Officers in England 31/8/15

This statement sets out changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt, as set out in the manifesto.

The government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action. For these reasons, this statement introduces a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority The proposed garage to No. 91 Grantham Road is at right angles to the farm track just in front of the new dwelling tucked in behind the timber boundary fence. It is not visible from footpath F 93 and also from Grantham Road as is virtually subterranean in relation to the main house and has been screened with some spruce conifer species trees.</p> <p>I am informed garage is to receive flat sedum green roof and is unlikely to form any visual intrusion to Ramblers.</p>	<p>Noted</p>
<p>Bottesford Parish Council: We object because the garage is already part built, it is the wrong side of the building line and the owner is not keeping to the planning application process</p>	<p>A full assessment has been made and despite being retrospective it has to be considered on its planning merits. The position I front of the building line is addressed in greater detail below.</p>

Representations

A site notice was posted and neighbouring properties consulted. **9 representations** were received from **8 households** objecting to the proposal.

Representation	Assessment of Head of Regulatory Services
The development has already been refused on appeal.	The appeal as discussed below is considered to be a material planning consideration and has been responded to accordingly. Please see commentary on page 4 below in this respect.
The photos taken that I have seen on the application do not show the places from which the garage will be seen	This is noted but this information is purely illustrative – a full appraisal has been taken account of the development as a whole. The Committee will visit the site and surrounding prior to deciding the application.
An attempt to screen what has been built of the garage so far with conifers. How long before these have to be removed to protect the foundations.	This planting helps to screen the development and a condition could be used to ensure that they are kept to maintain a visual buffer to the development.
The proposed garage forward of the existing building line and therefore obtrusive, well in front of the new house.	At 4m from the front of the house it is considered not ‘well in front’ and therefore an acceptable relationship exists between the two developments exist.
The long established frontages and trees present a rural aspect of a sylvan nature in keeping with a rural village not one of an urban suburb, totally alien in concept to the location.	This is a topic of debate but there are instances of this along the Grantham Road and feel that on balance this argument is difficult to be sustained with such a minor development proposed.
Current legislation, states that from 31st August 2015, all intentional unauthorised development will be a material consideration in the determination of applications. The work carried out here fits that description and weighed against the last application and surely must therefore do so again here.	This is agreed and is a material consideration that needs to be considered alongside all others.
Section 9 refers to “green roof” but the floor plans refer to “green roof (sedum)”. Plot 1 is supposed to have a sedum roof, but although the garden landscaping appears to be complete/virtually complete, there is no sign of any preparations for a sedum roof.	The development is not complete and therefore it is hoped that the roof will have the sedum covering once complete and in use (subject to being permitted).
Section 13 asks if there is a reasonable likelihood of any protected and priority species being affected within the application site, or on land adjacent to or near the application site to which the applicant has ticked the “No” box, whereas in reality you are aware of the bats in the vicinity with proof witnessed of their presence.	Bats are likely to only be an issue in the conversion or demolition of old buildings or established trees and not the construction of new structures and therefore it is consider that this statement is correct on the forms.
Section 21 – Site area. Although the applicant has used square metres rather than hectares, the 30sq.m quoted would equate to the 6m x 5m as stated on the Block plan, but again, the Floor plans submitted refer to a size of 9.6 x 6.3m! Once more, to eliminate ambiguity, it is imperative that the correct size is ascertained.	For the avoidance of doubt – the correct size is 6x5m. A plan has been provided to show this.
The plan refers to a laurel hedge, but in reality a row of conifers has been planted in an attempt to hide the garage. These are currently already higher than the ground floor lounge window. With such a large plot with views from the ground floor rooms across to Easthorpe, Belvoir Scarp and Belvoir Castle itself, are we expected to believe that any occupant would want to look out onto either a	All plans can be conditioned as part of this application. Should the plans not be adhered to then necessary steps can be taken if considered justified. The fence adjacent to the bridleway largely screens the garage and it is not considered that it is unduly intrusive upon, or harmful to, users of the bridleway.

<p>conifer or any other type of hedge rather than the beautiful rural views beyond?</p> <p>Trees are totally inappropriate as a) the land does not belong to the applicant, b) the trunks will only cover a small area of the fence and therefore will not restore the rural appearance and c) they are far too large as heavy farm machinery including combine harvesters, hay baling machines etc. with spreads of more than 8m, they will quite clearly need to be cut down</p> <p>It should also be noted that the trees and what remains of the hedge are deciduous and therefore for much of the year, both the fence and garage section would be clearly visible.</p>	
<p>The Block Plan now shows the inner fence (which is of very uneven construction) to be 1.8m high with the garage at 2.475m high but this is before roof joists, timbers, and top cover are in place so it would always be a visible, discordant and in our view an ugly feature from both the public footpath adjacent and the eastern end of the service road.</p>	<p>The roof would be visible the structure as a whole would be still well screened from view and therefore on balance considered the visual impacts are not severe enough to warrant refusal. The further screening also assists in this.</p>

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><u>Policies OS1 and BE1</u> allow for development within Village Envelopes providing that:-</p> <ul style="list-style-type: none"> • 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; • development harmonises with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing; • the development would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight or daylight; • adequate space around and between dwellings is provided. 	<p>The proposal relates to the erection of a garage and the key issues are therefore the visual impact, the relationship between the proposal and neighbouring properties and highway safety.</p>
<p>Visual Amenity</p> <p><u>Policy OS1</u> states permission will be granted for development where the form, character and appearance of the settlement is not adversely affected and the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality.</p>	<p>The development as the site has matured is now considered to be acceptable and accords with these policies.</p>

<p>Policy BE1 states permission will be granted for development where the form, character and appearance of the settlement is not adversely affected.</p>	
<p>Residential Amenity Policy OS1 states development should not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity;</p> <p>Policy BE1 allows for development providing that (amongst other things):-</p> <ul style="list-style-type: none"> • The development would not adversely affect occupants of neighbouring properties; 	<p>The proposal would be set a significant distance from neighbouring properties and this would ensure there would be no undue adverse impact on the residential amenities of any neighbouring property.</p> <p>The proposal would be acceptable in terms of residential amenity and would comply with the above policies.</p>
<p>Highway Safety</p> <p>Policy OS1 states permission will be granted for development where satisfactory access and parking provision can be made available.</p> <p>Policy BE1 states permission will be granted where adequate vehicular access and parking is provided.</p>	<p>The proposal would provide additional parking provision to serve the approved dwelling and would use the existing access.</p> <p>The proposed access is therefore considered acceptable in terms of visibility and complies with the above policies.</p>
<p>Dismissed Appeal ref. APP/Y2430/W/16/3153369 <i>Saved Policies BE1 and OS1 of the Melton Local Plan 1999 (LP) require new buildings, amongst, other things to harmonise with their surroundings in terms of height, form, mass, siting, construction materials and architectural detailing. These policies although somewhat dated conform to those principles of the National Planning Policy Framework (the Framework) that seek good quality design that reflects the character of the local area. Paragraph 64 of the Framework advises that permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.</i></p> <p><i>The appeal site is in a row of dwellings which are well set back from the road. Along this stretch of Grantham Road the siting of properties results in a strong building line. The low density of development, open gardens and mature vegetation create a pleasant semi-rural character. Planning permission has been granted for the construction of 2 dwellings as a replacement of the former dwelling No 91 Grantham Road Refs 15/00035/OUT and 15/00604/REM (the 2015 permissions). Separate accesses for the two dwellings have been permitted Ref 15/00823/FUL. The houses are under construction and the garage to the front of the house at Plot 1 has been partially constructed.</i></p> <p><i>The appeal proposal is a garage to serve the house which is under construction at Plot 2 of the 2015 permissions. It would be about 9.5m by 6.5m and would have a flat sedum roof some 2.5m high.</i></p> <p><i>The proposed garage would be located about 6.5m in front of the house. The finished floor level would be</i></p>	<p>This proposal is for the same development as that dismissed at appeal but is now to be reduced enough to warrant approval.</p> <p>Specifically, the screening that has now been implemented and that will mature over time lessens the visual impact of the garage. The garage that is now proposed is also smaller than that considered by the appeal, and is set less further forwards from the building line by 2.5m, and this further still reduces the visual impact of the garage (the proposal is 6m x 5m as stated on the Block plan whilst the appeal proposals was 9.6m x 6.3m>).</p> <p>In terms of the impact on the bridleway, the garage differs from that considered by the appeal in that it no longer forms the boundary but is positioned ‘inside’ the fence, which provides strong screening from this vantage point.</p> <p>In terms of view from Grantham Road the garage is only really visible when viewed when directly in front of the building and even then the trees planted provide sufficient screening.</p>

<p><i>lower than that of the house reflecting the gradual slope of the site. There is a track that runs between the side boundary of the appeal site and No 89 Grantham Road. From third party observations it appears to be a public footpath or bridleway.</i></p> <p><i>Part of the hedge along that boundary has been removed and the rear wall of the garage would replace the existing fence.</i></p> <p><i>Although set back some 27m from the roadside boundary it would appear as a dominant and discordant urbanising feature that would be prominent from the junction of the drive to No 89, the service road serving nearby properties and the track. Moreover there would be relatively little space for planting of trees and shrubs to soften the urbanising effect</i></p> <p><i>The garage would be of a similar design to the permitted garage at Plot 1. However, although it can be glimpsed from the road, that garage is not as open to view from the public realm and therefore does not set a precedent in respect of the appeal proposal before me. I acknowledge that the recommendation to the Planning Committee was that permission should be granted but I am required to consider the proposal afresh.</i></p> <p><i>For the above reasons I conclude that the proposed development would amount to poor design that would have an unacceptable adverse effect on the character and appearance of the surrounding area. It would therefore conflict with Saved Policies BE1 and OS1 of the LP and those principles of the Framework that seek good design that respects the character of the local area.</i></p> <p><u><i>Conclusion</i></u> <i>In conflicting with Policies BE1 and OS1 the proposal cannot be in conformity with the development plan taken as a whole. For the reasons set out above and taking into account all other relevant matters raised I conclude the appeal should not succeed.</i></p>	
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Conclusion

The proposal is now considered to fully overcome the reasons for refusal in the initial application and the appeal decision. The reduced scale of the proposed garage and the subsequent development of the site makes the proposal acceptable. The further positive aspect of the development providing secure off street parking provision also weighs in favour for the development.

RECOMMENDATION:- Approve 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 approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be

replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
4. The development hereby permitted shall be in accordance with the following approved plans NEW DOUBLE GARAGE - PLOT 2 and SITE BLOCK PLAN - AS PROPOSED NOVEMBER 2016 received by the Local Planning Authority on 27th July 2017.

Reasons:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. To provide a reasonable period for the replacement of any planting.
3. To ensure a satisfactory standard of external appearance.
4. For the avoidance of doubt.

Officer to contact: **Mr Glen Baker-Adams**

Date: 15.09.2017