



# Planning Committee

9 November 2023

Report of: Assistant Director for Planning and Delivery

**Reference number: 23/00584/FULHH**

**Proposal: Single storey extension to rear of dwelling house; and raise height of garden wall**

**Address: The Cottage 17 Main Road, Old Dalby, Leicestershire**

**Applicant: Ms Taylor**

**Planning Officer: Helen White**

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| <b>Corporate Priority:</b>                       | Delivering sustainable and inclusive growth in Melton |
| <b>Relevant Ward Member(s):</b>                  | Joe Orson (Old Dalby)                                 |
| <b>Date of consultation with Ward Member(s):</b> | 7 August 2023   |
| <b>Exempt Information:</b>                       | No  |

**Reason for committee determination:**

The application is required to be presented to the Committee as 13 objections have been received from 11 separate households.

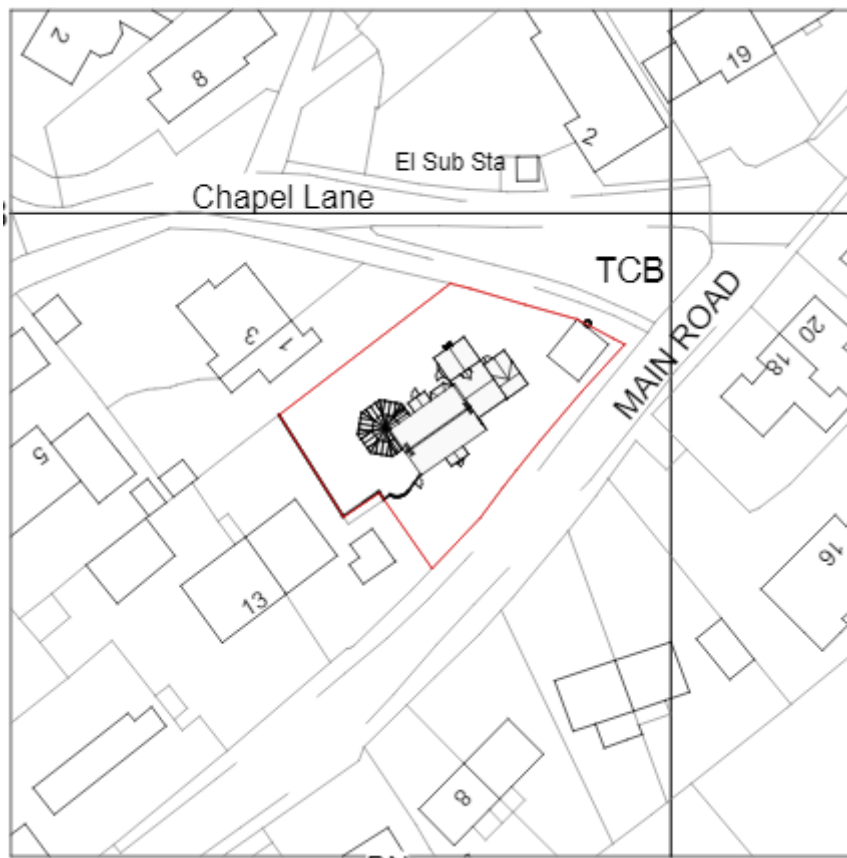
**Web Link:**

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RWPQZ6KOHVV00>

**What 3 words:**

<https://what3words.com/plums.occur.jiffy>

## Site Location Plan:



### RECOMMENDATION(S)

1. It is recommended that the application is APPROVED subject to conditions, as set out in section 10 of this report.

## 1 Executive Summary

- 1.1 The application site lies within the defined settlement boundary for Old Dalby in an area characterised by residential properties. It is also within the Old Dalby Conservation Area and has been identified as making a positive contribution to it.
- 1.2 The application seeks full planning permission for the erection of a single storey rear extension to the rear of the dwelling and raising the height of a 5.2m length of the garden wall. The scheme has been amended to omit the replacement front porch and the rear extension would be finished in render to match the original house rather than clad in timber.
- 1.3 The amendments made have addressed the concerns raised by the Conservation Officer and the majority raised by the Parish Council and local residents. Concerns relating to the structural stability of the boundary wall and its capability of supporting the increased height and weight is a matter outside the remit of planning controls.
- 1.4 The scheme is considered to raise the standard of design and would not compromise the amenity of the neighbouring occupiers. In addition, the character and appearance of the conservation area and the positive contribution the existing dwelling makes to it would be preserved.

- 1.5 The proposed development would therefore accord with Policies SS1, EN13 and D1 of the Melton Local Plan, Policies S1 and H6 of the Nether Broughton and Old Dalby Neighbourhood Plan, s72 of the Planning (Listed Building and Conservation Areas) Act 1990, and the overall aims of the National Planning Policy Framework 2023.

## **Main Report**

### **2 The Site**

- 2.1 The site is a broadly rectangular plot located within Old Dalby. The site lies within Old Dalby Conservation Area and the property is identified as a good example of the local vernacular which makes a positive contribution to the character and appearance of the conservation area. To the east of the site is a triangular grassed area which houses the traditional village sign. Main Road adjoins the site's southern boundary and Chapel Lane is located to the north. Neighbouring residential properties adjoin the site's northern and western boundaries. A hedgerow runs along the site's highway boundaries, there is a wall along its western boundary shared with 15 Main Road, and a fence runs along the rear boundary shared with 1 Chapel Lane to the north.

### **3 Planning History**

- 3.1 13/00816/FULHH – New detached residential garage and revised boundary treatment – planning permission granted 13.01.2014.

### **4 Proposal**

- 4.1 The application is an amended scheme which seeks full planning permission for the erection of a single storey rear extension and to raise the height of the garden wall.
- 4.2 The extension would project 4m from the rear elevation of the dwelling and measure 3m in width by 2m in height to the eaves and 3.4m in height to the ridge. The walls would be finished in painted render and the roof in slate to match the original dwelling.
- 4.3 The garden wall located along the shared boundary with 15 Main Road would be raised in height by 635mm from 1.98m to 2.6m using bricks to match the existing.

### **5 Amendments**

- 5.1 The scheme has been amended to omit the replacement porch to the front of the dwelling and the rear extension would be finished in painted render to match the existing dwelling rather than clad in timber.

### **6 Planning Policy**

#### **National Policy**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

#### **Melton Local Plan**

- The Melton Local Plan 2011-2036 was adopted by Full Council on 10<sup>th</sup> October 2018 and is the development plan for the area.
- The Local Plan is consistent with the National Planning Policy Framework and whilst it is now being updated, its policies remain relevant and up to date for the determination of this application.

- The relevant policies to this application include:
- Policy SS1 Sustainable development
- Policy EN13 Heritage Assets
- Policy D1 Raising the standard of design

### **Nether Broughton and Old Dalby Neighbourhood Plan**

- The Nether Broughton and Old Dalby Neighbourhood Plan was adopted on 6<sup>th</sup> June 2018 and forms part of the Development Plan.
- The relevant policies to this application include:
- S1 Limits to Development
- Policy H6 Housing Design

### **Other**

- Planning (Listed Buildings and Conservation Areas) Act 1990 s72
- Old Dalby Conservation Area Character Appraisal
- Melton Borough Design SPD

## **7 CONSULTATION RESPONSES**

Please Note: Below is a summary of responses and representations received. The full responses can be found on the web portal if required.

### **SUMMARY OF TECHNICAL CONSULTATION RESPONSES**

#### **7.1 Melton Borough Conservation Officer (16.10.23)**

7.2 The property itself is not considered to be a non-designated heritage asset due to the loss of the original Yorkshire sliding sash windows which have been replaced with uVPC stormproofed imitation Yorkshire sliders. Notwithstanding this, it is a typical vernacular cottage with a Welsh slate roof, and it is characterised by the proportions of its apertures, the symmetrical alignment of fenestration and the modest porch on the central bay. The roughcast render appears to be cement based and this would not have been applied in 1855, thus this is a later addition. Overall, the building makes a positive contribution to the character and appearance of the Old Dalby Conservation Area.

7.3 The replacement of the central porch with a wider porch would amount to less than substantial harm to the character of the conservation area; this would be at the lower / middle end of less than substantial harm, in accordance with Paragraph 202 and 206 of the NPPF. It would disfigure the central bay that runs across the front elevation of the cottage, which is recognised as a 'positive' building within the conservation area. If the porch was lost then the building would lose its traditional proportions and would no longer be positive, but rather it would become a 'neutral' asset. I do not identify any public benefits that may outweigh the harm caused by this process.

7.4 I do not have concerns about the other elements of the scheme as they do not directly impact on the streetscene of the conservation area. The enlargement of the wall is only modest at 635mm.

## 7.5 SUMMARY OF REPRESENTATIONS

### Ward Member

- No written comments received.

### Parish Council

- Cannot support the application.
- The size of the porch is not in keeping with the street scene in the village Conservation Area.
- The choice of cladding is not in keeping with the village, would rather render was used.
- Question the height of the wall.

### Neighbours

A total of 16 comments have been received from local residents.

13 objections have been received from 11 separate households, in summary:

- Design not in keeping with property.
- Loss of porch and its date stamp would result in loss of charm.
- Timber cladding not in keeping with neighbouring properties.
- Timber cladding harmful to the Conservation Area.
- Height of wall in breach of gov.uk guidance – the wall is not the correct thickness or have appropriate footing to be this high.
- Is this wall undergoing a legal dispute.
- Raising wall seems intrusive on the neighbouring property and may result in a loss of light.
- Not necessary to extend this property further.
- Trees within site completely overshadowing the neighbouring properties.
- A fall survey of the wall and the surrounding area must be undertaken by a professional to determine the feasibility of the wall taking the proposed new weight.

3 Neutral comments have been received from 2 separate households, in summary:

- I haven't seen a site notice.
- My name has been used on an objection I didn't submit.

## RESPONSE TO CONSULTATIONS AND REPRESENTATIONS

7.6 The scheme has been amended to address the concerns raised by the Conservation Officer, and other than raising the height of the wall, the concerns raised by the Parish Council.

- 7.7 Comments are noted with regards to the concerns raised over the loss of the existing porch its date stamp and the use of timber cladding; these elements have been omitted from the amended plans and so warrant no further consideration.
- 7.8 With regards to the alterations to the wall the guidance referred to is general guidance provided by the Building Research Establishment, it is not planning policy or guidance. The suitability of the existing wall to support the proposed extension to it is also covered by other regulatory regimes. Whether the wall is the subject of a separate legal dispute is not a material planning consideration.
- 7.9 A site notice publicising proposed development within a conservation area was posted adjacent to the site's eastern boundary on 7<sup>th</sup> August 2023. The concerns raised over the potentially spurious comments have been looked into separately but ultimately all the comments received have been taken into consideration.

## **8 PLANNING ANALYSIS**

The main considerations are

- 8.1 Principle of Development
- 8.2 Impact upon the Conservation Area
- 8.3 Design
- 8.4 Impact upon Amenity
- 8.5 Other Matters

### **Principle of Development**

- 8.6 Melton Local Plan policy SS1 sets out a presumption in favour of sustainable development which is reflective of the National Planning Policy Framework (NPPF). Where planning applications are in accordance with the relevant planning policies of the Development Plan they should be approved without delay unless material considerations indicate otherwise.

### **Impact upon the Conservation Area**

- 8.6.1 S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires where development is located within a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. LP policy EN13 seeks to take a positive approach to the conservation of heritage assets and the wider historic environment including through ensure the protection and enhancement of Heritage Assets and avoiding development which cause harm.
- 8.6.2 Although the dwelling house within the application site is not identified as a designated heritage asset it is recognised as making a positive contribution to Old Dalby Conservation Area as a good representation of local vernacular. The introduction of the replacement porch would have resulted in less than substantial harm by causing the dwelling's contribution to the significance of the Conservation Area to become a neutral one.
- 8.6.3 Para. 200 of the NPPF requires for clear and convincing justification for any development which results in any harm or loss of significance to a heritage asset. Para.202 requires less than substantial harm to be weighed against the public benefits of the proposal. The

application failed to set out clear and convincing justification for the proposed replacement porch or identify any public benefits. To overcome this planning policy conflict the replacement porch has been omitted from the amended scheme.

- 8.6.4 The rear extension would be visible from the public realm within the Conservation Area. The facing materials have been amended to include painted render and natural slate to match the existing which addresses concerns raised by the Parish Council and local residents. It is modest in scale and would be partially screened by the existing boundary hedge. The section of wall to be raised is well set back into the site and is predominantly screened from the public realm by the side extension at no.15 Main Road.
- 8.6.5 It is considered that the omission of the replacement porch has overcome the identified planning policy conflict. The amended scheme would preserve the positive contribution the existing dwelling makes to the character and appearance of the conservation area which meets with the desirability to preserve the character and appearance of that area set out in s73 of the Act, para's 200 and 202 of the NPPF and LP Policy EN13.

### **Design**

- 8.6.6 LP policy D1 seeks to raise the standard of design, in the supporting text at para.9.2.10 it states: *"New development should be sympathetic to the local area in terms of scale, massing, design, materials, landscaping and architectural detailing."*
- 8.6.7 NP policy H6 requires regard to be given to certain building design principles including design that is reflective of the areas rural settlements and is in keeping with the individual character and local distinctiveness.
- 8.6.8 The rear extension would infill a gap between an existing single storey side and rear projections. It would project out no further than the rear elevation of the existing rear projection and the side elevation of the existing side projection. The roof would be dual pitched with a side gable reflective of the side gable of the existing side projection. The ridge height would be lower than the existing rear projection and so would appear subordinate to the original house. A large, glazed opening would be included in the east elevation facing the garden and the grassed area beyond the boundary hedge.
- 8.6.9 The wall would be raised by 635mm in height in brickwork to match the existing. The extent of the wall to be extended is a 5.2m long section running east to west to the north (rear) of the side extension at 15 Main Street, and to the west of the side elevation of the dwelling within the application site. It would not be unduly visible outside of the site other than by the occupiers of the neighbouring dwelling.
- 8.6.10 Concerns raised over the structural stability of the wall and limitations set out in other guidance is considered under 'Other Matters' below.
- 8.6.11 On balance it is considered that the scale and massing of the proposed extensions to the dwelling and wall would be sympathetic to the local area, would raise the standard of design, and suitably reflects the character and local distinctiveness of Old Dalby.

### **Impact upon Amenity**

- 8.6.12 Local Plan Policy D1 provides that: *"d) Amenity of neighbours and neighbouring properties should not be compromised;"*



- 8.6.13 The boundary wall is located approximately 700mm from the adjacent north-west elevation of the side extension at 15 Main Street. The adjacent elevation of the neighbouring dwellings includes two external doors serving a store and a play room. Raising the height of the wall would not directly impact openings serving habitable rooms. Taking this into consideration along with the orientation of the wall it is considered the proposal would not result in a level of overshadowing or overbearing impact which would compromise the amenity of the neighbouring occupiers.
- 8.6.14 The rear extension would be located 6m from the site's northern boundary which forms the side boundary of the neighbouring dwelling 1 Chapel Lane. It would be screened from the dwelling to the west, 15 Main Street, by the existing single storey rear projection. The only opening proposed would face the site's eastern boundary which adjoins a small grassed area at the junction of Main Road and Chapel Lane. Although the extension would be visible from the front elevation of no.1, taking into account its scale and the separation distances involved overall it is considered the amenity of neighbouring occupiers would not be compromised.

### **Other Matters**

- 8.6.15 It is noted that a number of the objections received relate the structural stability of the existing wall and its capability of supporting the proposed increase in height. Reference has been made to guidance issued by the Building Research Establishment which provides advisory guidance on the height of garden walls relating to practicality and safety. It is guidance outside the remit of planning controls.
- 8.6.16 The application seeks to raise the height of a short section of wall by a relatively small amount. The application has not been supported by a structural survey, but it is important to take a proportionate approach, and, in this case, a structural report has not been requested. Nonetheless the applicant has confirmed that the stability of the wall will be investigated prior to the proposed works being undertaken.
- 8.6.17 Planning conditions are subject to 6 tests as set out at para.55 of the NPPF. Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Therefore, a condition requiring a structural survey has not been included but an informative covering this matter has been suggested.

## **9 CONCLUSION FOR RECOMMENDATION**

- 9.1 The application is recommended for approval.
- 9.2 The principle of an extension to an existing dwelling house within an established residential area is considered acceptable. The proposed development would not adversely affect the residential amenities of the neighbouring occupiers, and the design would be sympathetic to the character of the area. Potential harm to Old Dalby Conservation Area has been addressed by the amended plans which omit the replacement porch.
- 9.3 The proposed development would therefore be in accordance with Policies SS1, EN13 and D1 of the Melton Local Plan, Policies S1 and H6 of the Nether Broughton and Old Dalby Neighbourhood Plan, s72 of the Planning (Listed Building and Conservation Areas) Act 1990, and the overall aims of the National Planning Policy Framework 2023.



## 10 Planning Conditions

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

Reason: 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.

- 10.2 The development hereby permitted shall be carried out in accordance with drawings numbered:

A106 Rev.E

A107 Rev.E

A108 Rev.B

A109 Rev.E

A110 Rev.E

A113 Rev.D

Submitted to and received by the Local Planning Authority on the 19<sup>th</sup> October 2023

Reason: For the avoidance of doubt and to comply with Melton Local Plan policies SS1, EN13, and D1 and Nether Broughton and Old Dalby Neighbourhood Plan policy H6.

- 10.3 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 then be carried out in strict accordance with those external materials approved.

Reason: To ensure a satisfactory standard of external appearance and in accordance with Melton Local Plan policies EN13 and D1 and Nether Broughton and Old Dalby Neighbourhood Plan policy H6.

### Informatives

- 10.4 This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.
- 10.5 The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work fall within the scope of this Act and the necessary measures to be taken.
- 10.6 The garden wall to be extended, as a result of an increase in its height, should be inspected by a suitably qualified person(s) to ensure that it is structurally capable of supporting the increased height and weight prior to the works being undertaken.

## 11 Financial Implications

- 11.1 There are no financial implications associated to this planning application

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

## 12 Legal and Governance Implications

13 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Tom Pickwell (Solicitor)**

## 14 Background Papers

14.1 None

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|---------------------------------------|---|
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