Melton Borough Council

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Planning Committee

9 November 2023

Report of: Assistant Director for Planning and Delivery

Reference number: 23/00720/FULHH

Proposal: Ground floor extension to rear

Address: 2 South View, Burrough on The Hill, LE14 2JJ

Applicant: Mr Salim Yasin (Melton Borough Council)

Planning Officer: Seb Wilkins

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Leigh Higgins, Somerby
Date of consultation with Ward Member(s):	5 September 2023
Exempt Information:	No

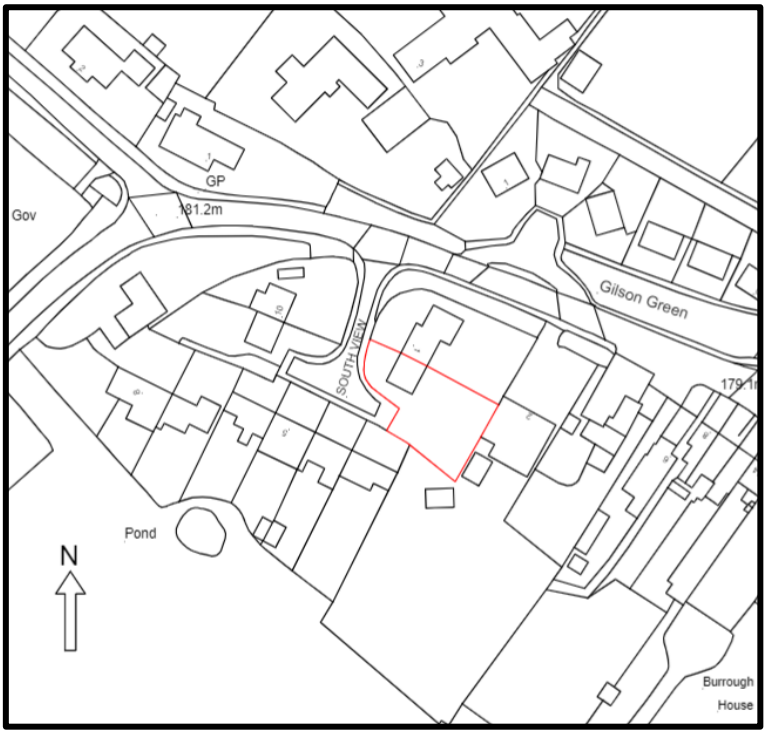
Reason for committee determination:

The applicant is Melton Borough Council.

Web Link:
https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZ2XMLKOILT00

What 3 words: https://what3words.com/acute.typified.straws

Site Location Plan:



RECOMMENDATION(S)
1. It is recommended that the Planning Application be APPROVED subject to conditions, as listed in detail at section 10 of this report.

1 Executive Summary

1.1 The application seeks full planning permission for a single storey rear extension to the dwelling at 2 South View, Burrough on The Hill. The proposal would be an adaptation to the home of a person living with a disability to provide ground floor facilities and a downstairs bedroom. The proposal site is within a residential cul-de-sac in Burrough on the Hill village, and within a Conservation Area.

1.2 Four comments have been received, from a neighbouring property, the ward Cllr, the Parish Council, and an interested local resident.

1.3 The proposed development is considered to accord with Policy D1 of the Melton Local Plan, Policies CD1, ENV7, ENV8 and TI1 of the Somerby 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 application site is within a residential cul-de-sac in Burrough on the Hill village, with uniform local design of facing brick semi-detached dwellings. The area, being more modern development, makes little contribution to the historic significance of the Conservation Area. There is no significant variation of levels between the proposal site

and surrounding properties. The dwelling has an existing attached extension, which is a small store measuring approximately 2600mm in height, 1900mm in length and 1300mm in width. This extension has a shared boundary with an identical extension to the neighbouring property.

3 Planning History

3.1 The site has no recent planning history.

4 Proposal

4.1 Full planning permission is sought for a single storey rear extension. The extension would be attached to the main dwelling and extend 6040mm from its rear elevation with a width of 4800mm. The flat roofed extension would be 2700mm in height. Proposed materials would match the existing dwelling. The proposal would provide a ground floor bathroom and bedroom space.

5 Amendments

5.1 Amended plans were submitted reflecting minor corrections highlighted by consultation respondents.

6 Planning Policy

National Policy

- National Planning Policy Framework 2023 (NPPF)
- National Planning Policy Guidance (NPPG)

Melton Local Plan

The Melton Local Plan 2011-2036 was adopted by Full Council on 10th 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 D1 – Raising the Standard of Design
- Policy EN13 – Heritage Assets
- Policy IN2 – Transport, Accessibility and Parking

Somerby Neighbourhood Plan

Plan made 23 June 2021. The following policies are relevant:

- CD1 – Building Design Principles
- ENV7 – Settlement Character
- ENV8 – Local Landscape Character Area

- TI1 – Traffic Volume, Road Safety and Parking

Other

- Planning (Listed Buildings and Conservation Areas) Act 1990 s72
- Melton Borough Design SPD
- Burrough on the Hill Conservation Area (designated May 1986)
- Leicestershire Highway Design Guide

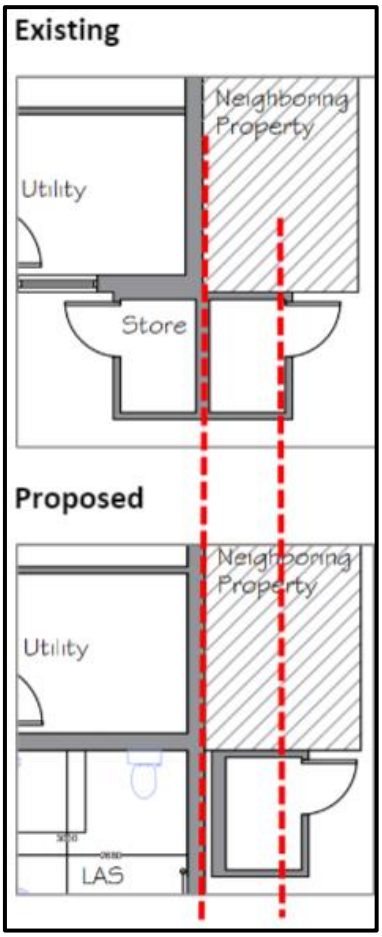
7 CONSULTATION RESPONSES

7.1 One response was received, from a neighbouring property.

7.2 SUMMARY OF REPRESENTATIONS

Parish Council

- No objection.
- Raised concerns on behalf of a resident that plans appear to show the outbuilding of the neighbouring property being moved, and advised this is corrected, see below extract:



Ward Member

- Concurred with the Parish Council and raised that the law including The Party Wall Act should be respected by Melton Borough Council as the landlord.

Neighbours

The neighbouring property raised:

- No objection.
- Require assurance that the watertight integrity of the joint outhouse would be maintained as the electricity consumer unit is held within.
- Concern that the application does not refer to boundary management.

An interested local resident raised:

- No objection.
- Concern about the impact of overshadowing upon the neighbouring property.
- Recommends the extension is built to the side of the dwelling.

RESPONSE TO CONSULTATIONS AND REPRESENTATIONS

7.3 The applicant was asked to clarify the discrepancy on the submitted plans and submitted revised plan R3537-004 B. This shows the neighbouring outbuilding attached to the proposed extension.

7.4 It is the landowner's responsibility to undertake development in accordance with any legal requirements, including the Party Wall Act and relevant Building Regulations. Neighbour's can report any breach of Building Regulations, should they arise, to the Council's Building Control service.

7.5 The plans show that the side (north) elevation of the proposed extension would form the boundary with the neighbouring property. The application form details that walls will be brick to match the existing dwelling. This is sufficient information on boundary treatment as it relates to considering a planning application.

7.6 The planning authority has been asked to determine an application for a rear extension.

7.7 The impact on overshadowing is considered in the planning analysis below.

8 PLANNING ANALYSIS

The main considerations are

8.1 Principle of Development

8.2 Impact upon Neighbouring Amenity

8.3 Design and Impact on Conservation Area

8.4 Parking

Principle of Development

8.5 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 Neighbouring Amenity

8.5.1 Policy D1 of the Melton Local Plan seeks to protect the amenity of neighbouring properties. Comments received have raised concerns about the impact on overshadowing on the neighbouring 1 South View. The proposal site and this neighbouring property share a store extension as is illustrated in the below photograph:

8.5.2 The proposed rear extension would be 2700mm in height, which would be 100mm higher than the existing neighbouring store. There is adequate separation distance between the proposed extension and habitable neighbouring windows. The proposal would be a slight increase in height and would be unlikely to cause additional overshadowing than the existing store that is on the neighbouring property. It is also a material consideration that 3000mm height is considered acceptable for a single storey dwelling enlargement under Permitted Development rights. The Melton Borough Design SPD (page 46) specifies the use of the “45 degree rule”, but only relates to proposals above single storey. It is therefore considered that the extension would not have an undue detrimental overshadowing impact upon the neighbouring property. There are no proposed openings that would result in an overlooking or overbearing impact upon neighbouring habitable windows. As such, the proposal is considered to comply with MLP Policy D1 and Somerby Neighbourhood Plan policy CD1.

Design and Impact on Conservation Area

8.5.3 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.

8.5.4 The proposal is a single storey rear extension that is subservient in scale to the host dwelling and proposed materials are to match existing dwelling and local vernacular. The proposal site is within the Burrough on the Hill Conservation Area. The proposal site is within a mid-20th century cul-de-sac that has less contribution to the historic significance of

the Conservation Area. In addition, the proposed rear extension will not be visible from the public realm. It is therefore the case that the proposal will not have a negative impact on the significance of the Conservation Area. The Council's Conservation Officer did not respond to the consultation. The proposal is also within a settlement / local landscape character areas set out in Policies ENV7 and ENV8 of the Somerby Neighbourhood Plan. Given the proposal will not be visible from the public realm, it will not have a negative impact on this area. Given these factors, it is considered that the siting, scale, and appearance of the proposal is consistent with the design and heritage principles set out in MLP Policies D1 and EN13 and Policies CD1, ENV7 and ENV8 of the Somerby Neighbourhood Plan.

Parking

8.5.5 Policy INF2 of the MLP states that proposals should provide appropriate parking. Policy TI1 of the Somerby Neighbourhood Plan states that proposals that result in a severe detrimental impact on road safety will not be supported and gives weight to the guidance set out in the Leicestershire Highways Design Guidance. The proposal would result in an additional bedroom to the property, raising from 3 to 4. Considering the Leicestershire Highways Design Guidance, this would raise the required parking spaces from 2 to 3. The site at present does not have a dedicated parking space – it appears that parking is achieved on-street within the turning point of the cul-de-sac. There is space for two rear parking spaces to be achieved via an existing gate to the side of the property, in addition to on-street parking, although this is not the current arrangement (see below photograph).

8.5.6 It is a material consideration that the proposal is for an adaptation to the home of a person living with a disability to provide ground floor facilities and a downstairs bedroom. On balance, given the specific reasons for the proposed extension and hypothetical potential for parking to be incorporated at a later date if ownership circumstances change, the proposal is not recommended to be refused on the basis of it conflicting with MLP Policy IN2 or Policy TI1 of the Somerby Neighbourhood Plan

9 CONCLUSION FOR RECOMMENDATION

9.1 The application is recommended for approval. The proposal accords with relevant policies in the Melton Local Plan and Somerby Neighbourhood Plan and is considered to not have an undue detrimental impact upon neighbouring amenity and is acceptable in terms of its design, heritage, and transport credentials.

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 the details outlined within Existing and Proposed Plans with Elevations (Drawing number R3537-004 B) received by the Local Planning Authority on 17th October 2023 and the Application Form received by the Local Planning Authority on 9th August 2023.

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

10.3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application and as detailed on the Application Form 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.

Reason: To ensure a satisfactory standard of external appearance.

Informatives

10.4 This decision has been reached taking into account the requirements of paragraph 38 of the National Planning Policy Framework in approaching decisions on proposed development in a positive and creative way. The Local Planning Authority has endeavoured to use the full range of planning tools available to work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area seeking to approve applications for sustainable development where possible.

10.5 Please be advised that you may require Building Regulations approval before work can commence. Please contact Building Control either via the online enquiry form found at www.melton.gov.uk/homepage/71/building_control or by email buildingcontrol@melton.gov.uk or by telephone; 01664 502369.

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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