



Planning Committee

9 November 2023

Report of: Assistant Director for Planning and Delivery

Reference number: 23/00728/FULHH

Proposal: Ground floor extension

Address: 50 Rudbeck Avenue, Melton Mowbray, LE13 0LJ

Applicant: Mr Salim Yasin (Melton Borough Council)

Planning Officer: Seb Wilkins

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Pip Allnatt and Mike Brown, Melton Egerton
Date of consultation with Ward Member(s):	5 September 2023
Exempt Information:	No

Reason for committee determination:

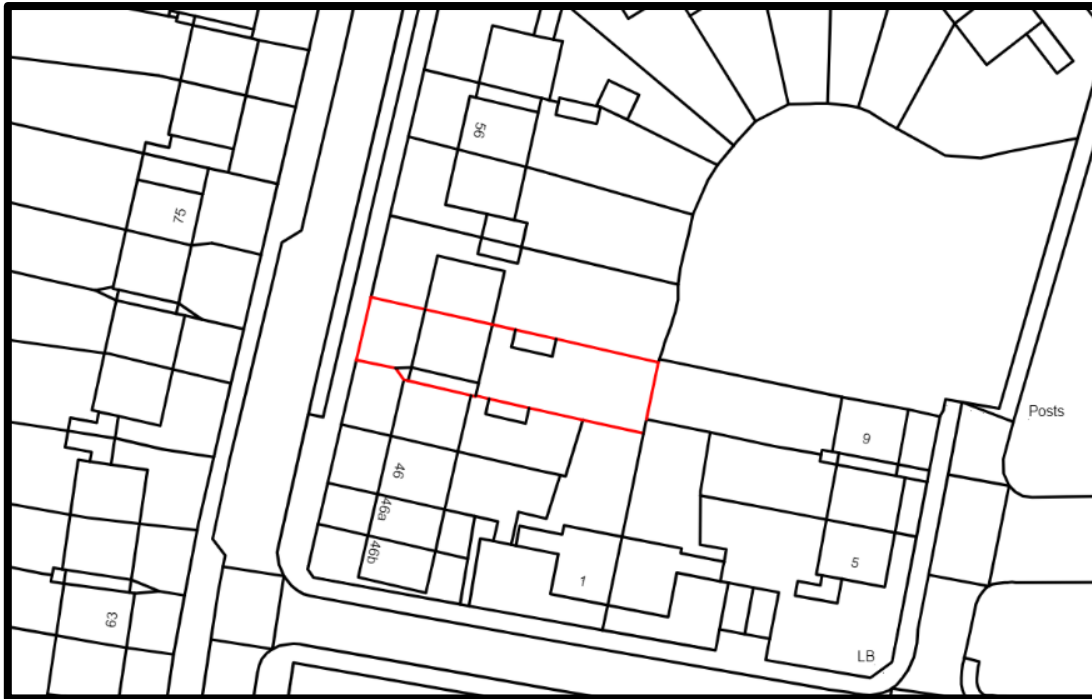
The applicant is Melton Borough Council.

Web Link:

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZ4V1YKOIML00>

What 3 words: <https://what3words.com/hulk.guess.stress>

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 50 Rudbeck Avenue, Melton Mowbray. The proposal would be an adaptation to the home of a person living with a disability to provide ground floor facilities. The proposal site is within a residential area.
- 1.2 One objection has been received, from a neighbouring property, related to impact on residential amenity.
- 1.3 The proposed development is considered to accord with Policy D1 of the Melton Local Plan 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 area with design predominantly comprising rows of terraced dwellings with facing red brick. Land levels reduce slightly to the rear garden. The rear garden of 50 Rudbeck Avenue has an existing outbuilding forming outdoor storage and a garden toilet. The outbuilding is flat roofed with a height of approximately 2400mm, and its northern wall forms the boundary wall between the proposal site and the neighbouring property 52 Rudbeck Avenue.

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 3660mm from its rear elevation with a width of 3060mm. The flat roofed extension would be 3200mm in height. Proposed materials would match the existing dwelling. The proposal would provide a ground floor bathroom space.
- 4.2 Part of the existing outbuilding would be retained to form a detached garden store building.

5 Amendments

- 5.1 No amendments have been made to the original submission.

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

Neighbourhood Plan

- No neighbourhood plan

Other

- Melton Borough Design SPD

7 CONSULTATION RESPONSES

- 7.1 One response was received, from a neighbouring property.

7.2 SUMMARY OF REPRESENTATIONS

Ward Members

- No comments received.

Neighbour

One neighbour raised the following concerns:

- The height of the proposed wall that would form from the boundary would block sunlight to the neighbouring kitchen window.
- The proposal would impact a raised flower bed in the neighbouring garden.
- Potential impact that garden would no longer be enclosed meaning their dog would be able to escape
- Noise of works would disrupt neighbouring amenity, including if it starts too early in the day.
- Would workers need to come into neighbouring property.

RESPONSE TO CONSULTATIONS AND REPRESENTATIONS

- 7.3 Comments regarding the height of the proposal and impact on overshadowing on the neighbouring property are considered in the Planning Analysis section below.
- 7.4 The proposal relates to development of land within the boundary of the property, the raised flower bed falls outside of this boundary. It is the landowner's responsibility to arrange access, to not cause damage to neighbouring property, and maintain appropriate enclosure at the boundaries.
- 7.5 Landowners and workers would have to follow relevant environmental health legislation in relation to working hours and noise. Neighbours can report any issues, should they arise, to the Council's Environmental Health department.

8 PLANNING ANALYSIS

The main considerations are

- 8.1 Principle of Development
- 8.2 Impact upon Neighbouring Amenity
- 8.3 Design

Principle of Development

- 8.4 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 Neighbour Amenity

- 8.4.1 Policy D1 of the Melton Local Plan seeks to protect the amenity of neighbouring properties. The neighbouring property 52 Rudbeck Avenue has a ground floor habitable window that is proximal to the proposed extension. The proposed flat roofed extension would replace an existing brick boundary wall and the northern wall of the existing outbuildings, which are currently approximately 2400mm in height, and replace this with an extension approximately 3200mm in height. The neighbouring ground floor window is approximately 3000mm in height from the ground floor level, as is illustrated in the below photographs:



- 8.4.2 It is a material consideration that an additional 800mm in height, coupled with the site orientation being that the proposal is immediately south of the neighbouring window, would have some additional overshadowing impact on the neighbouring property. However, it is also a material consideration that the proposal is single storey, and being 3200mm in height, is only 200mm higher than the 3000mm height that 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. As such, the proposal is considered to comply MLP Policy D1.

Design

- 8.4.3 The proposal is a single storey side extension that is subservient in scale to the host dwelling and proposed materials are to match existing dwelling and local vernacular. Given these factors, it is considered that the siting, scale, and appearance of the proposal is consistent with the design principles set out in MLP Policy D1.

9 CONCLUSION FOR RECOMMENDATION

- 9.1 The application is recommended for approval. The proposal accords with MLP Policy D1 and is considered to not have an undue detrimental impact upon neighbouring amenity and it acceptable in terms of its design.

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 R3537-006) 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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