



## 24/00352/FUL - The Bungalow 25 Main Street, Holwell

**Proposal: Change of Use of Existing Paddock to Residential Curtilage and Extension and Alterations to existing Dwelling.**

**Site: The Bungalow 25 Main Street, Holwell, Leicestershire LE14 4SZ**

**Applicant: Mr & Mrs James & Tilly Woodward**

**Planning Officer: Mrs Helen White**

<b>Report Author:</b>	<b>Helen White</b> , Planning Officer
<b>Report Author Contact Details:</b>	01664 502419 helenwhite@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Sarah Legge</b> , Assistant Director for Planning
<b>Chief Officer Contact Details:</b>	01664 502380 slegge@melton.gov.uk

<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>	15 April 2024
<b>Exempt Information:</b>	No

**Reason for Committee Determination:** Letters of objection have been received from more than 10no. households (20 objections from 18 households), contrary to the Officer recommendation.

**Web Link:**

<https://pa.melton.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

**What 3 words:** <https://what3words.com/appealing.missed.flagged>

## 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 extensions and alterations to an existing dwelling house (No.25 Main Street, Holwell) and the change of use of part of an associated paddock to residential curtilage. The scheme would utilise the existing vehicular access to the site which would be unaffected by the proposed development.
- 1.2 The site is located on the northern edge of Holwell which is defined as a rural settlement under Local Plan policy SS2. Public Right of Way (PROW) G100 runs north to south through the site adjacent to its western boundary. The dwelling and its residential curtilage lies within Holwell Conservation Area however, the associated paddock lies outside.
- 1.3 The site was subject of a refused planning application in 2004 which sought permission for the erection of single storey extension to the rear and a two-storey extension to the front with associated landscaping. That application was refused on the grounds that the proposal by virtue of its scale and design would result in a form of development which would be out of keeping with the surrounding area and would not preserve or enhance the character of Holwell Conservation Area. Additionally, it would be contrary to the Design Brief attached to the approval of the bungalow under planning permission 84/00396/OUT, which restrict the size, materials, and siting of the bungalow. Twenty years has passed since this decision

and 40 years has passed since the outline consent was granted. During this time the planning policy context has changed significantly.

- 1.4 The current proposal differs from the previous application in so far as it is supported by a Design and Access and a Heritage Statement which identifies the character and appearance of the area, and details how the proposed design has and has sought to preserve and enhance it within the relevant planning policy context. It is also noted that pre-application advice was sought, and the Applicant and their Agent have worked closely with the Conservation Officer prior to the submission of this application.
- 1.5 The change of use of the paddock to residential curtilage would in part facilitate the proposed rear extension, which would otherwise extend into the paddock. It is also noted that the land included as part of the proposed change of use has historically been used as part of the residential curtilage for 25 Main Street.
- 1.6 Amended plans and a Protected Species Survey have been submitted to overcome concerns initially raised by Leicestershire County Council Highways and Ecology.
- 1.7 The development would otherwise accord with Policies SS1, SS2, C9, EN2, EN13, IN2 and D1 of the Local Plan, Policies S1, ENV4, H4, T1, and T2 of Ab Kettleby Neighbourhood Plan along with the overall aims and objectives of the National Planning Policy Framework (Dec 2023).

## **Main Report**

### **2 The Site**

- 2.1 The application relates to a 0.34 hectare site which consists of a detached bungalow and part of an adjoining paddock. The bungalow is almost 40 years old. It is constructed of a mix of buff and red brick with a red pantile roof. The adjoining paddock includes mown grass with some tree and shrub planting. There is currently no boundary treatment between the paddock and the residential curtilage of the bungalow approved under planning permission ref. 84/00396/OUT.
- 2.2 The site is accessed off Main Street via a driveway exceeding 40m in length. However, the existing built form is set back 22m from the highway behind the adjacent dwelling, The Old Methodist Chapel. The route of public right of way, footpath G100 follows the line of the driveway from Main Street and terminates just outside of the north-west corner of the site. The site lies within the settlement boundary for Holwell as defined in Ab Kettleby Neighbourhood Plan.
  - 2.2.1 To the west of the site, adjoining the access driveway and fronting onto the street is York Cottage, a grade II listed building. The site lies within Holwell Conservation Area.

### **3 Planning History**

- 3.1 Planning permission ref. 84/00396/OUT was granted for the erection of a bungalow. A subsequent application ref. 84/0659/REM for reserved matters was also granted.
- 3.2 Planning application ref. 04/00398/FUL for the 'erection of single storey extension to rear and two-storey extension to front with associated landscaping' was refused on the grounds that 1. Its scale and design would be out of keeping with the surrounding area and would not preserve or enhance the character of the Conservation Area, and 2. The scheme is contrary to the Design Brief, attached to the approval for the bungalow under planning reference 84/00396/OUT, which restricted the size, materials and siting of the bungalow.

3.3 Planning application ref. 23/00759/FULHH for Extensions and alterations to dwelling; and associated landscaping was withdrawn as the built form extended beyond the defined residential curtilage.

## 4 Proposal

4.1 The application seeks full planning permission to change the use of the existing paddock to residential curtilage and extensions and alterations to the existing dwelling.

4.2 The extent of the proposed change of use is shown on the plan below as the hatched area:



4.3 The proposed extensions and alterations include front, side, and rear extensions to the existing bungalow. The extent of the extensions is visible by comparing the above block plan which shows the proposed development against the site plan which shows the existing bungalow and detached garage. An area of hardstanding with a retaining wall would be provided at the rear of the dwelling. The scheme also includes raising the height of the roof to create a first floor, and lowering the existing ground level to provide for the two storey rear extension. The existing differences in land levels between the house and the garage as well as the proposed change between the house and the rear extension are clearly shown on the side elevation plan below.



## 5 Amendments

5.1 No amendments have been made to the proposed scheme. However, additional and amended plans have been submitted which include further information, including: identifying

the extent of the proposed change of use of the land; details of the gate across the access; and the finish of the surface public right of way.

## **6 Planning Policy**

### **6.1 National Policy**

6.1.1 National Planning Policy Framework (NPPF)

6.1.2 National Planning Policy Guidance (NPPG)

### **6.2 Melton Local Plan**

6.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and forms part of the Development Plan for the area.

6.2.2 The Local Plan is up to date and consistent with the latest revised versions of Government Guidance as contained in the National Planning Policy Framework.

6.2.3 SS1: Presumption in Favour of Sustainable Development

6.2.4 SS2: Development Strategy

6.2.5 EN13: Heritage Assets

6.2.6 EN2: Biodiversity and Geodiversity

6.2.7 IN2: Transport, Accessibility and Parking

6.2.8 D1: Raising the Standard of Design

### **6.3 Neighbourhood Plan**

6.3.1 The Ab Kettleby Neighbourhood Plan was adopted on (12 November 2021) and forms part of the Development Plan.

6.3.2 S1: Limits to Development

6.3.3 ENV4: Biodiversity

6.3.4 H4: Housing Design

6.3.5 T1: Traffic Management

6.3.6 T2: Footpaths Bridleways and Cycle Routes

### **6.4 Other**

6.4.1 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.4.2 Holwell Conservation Area Appraisal and Management Plan.

6.4.3 The Design of Development Supplementary Planning Document (SPD) was adopted on 24 February 2022.

## **7 Consultation Responses**

### **7.1 Summary of Technical Consultation Responses**

#### **7.1.1 LCC Highways**

- a) **30.10.2024** – Advises, in summary, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. The LHA is satisfied with the location of the segregated pedestrian hand gate and that the hedgerow will not impede the passage of users of Public Footpath G100. The LHA also

welcome that the Applicant will ensure that free access is maintained. The LHA has no pre-existing highway safety concerns at this location. The LHA welcome that drawing No. 8861-03-002 Rev. PL2 shows sufficient space for at least two parking spaces to be provided. Additionally, drawing No. 8861-03-002 Rev. PL2 shows that the internal dimensions of the proposed garage adhere with Part 3, Paragraph 3.200 of the LHDG and therefore the garage is suitable to count towards the parking provision. They recommend the inclusion of conditions relating to the treatment of the public right of way and the provision of parking and turning space within the site.

- b) **28.08.2024** - Advises insufficient information has been provided to fully assess the highways impact of the proposed development. The existing site access is acceptable. Public footpath G100 runs through the application site. The LHA is satisfied drawing no.8861-03-005 Rev.PL3 shows a segregated pedestrian hand gate. Further details of the proposed surface treatment for the public footpath have been requested.
- c) **26.04.2024** – Advises insufficient information has been provided to fully assess the highways impact of the proposed development. The existing site access is acceptable. Public footpath G100 (F G100) runs through the application site. PL2 shows a new gate which would obstruct F G100, the applicant needs to demonstrate how continued access to F G100 will be accommodated, a segregated pedestrian gap or hand gate should be provided. F G100 crosses an area of hardstanding. Given the changes in levels the Applicant must confirm that no steps or any other barriers are to be introduced in the paddock area. There are no pre-existing highway safety concerns for this location. A minimum of 3 parking spaces are required. Drawing no.8861-03-005 Rev.PL2 shows sufficient space for at least 2 parking spaces. Drawing no.881-03-003 Rev.PL1 shows the internal dimensions of the proposed garage which is suitable to count towards the parking provision.

### 7.1.2 LCC Ecology

- a) **05.09.2024** – A bat survey report has been submitted (Protected Species Surveys, May 2024), no bats were recorded roosting in the building. As per the NPPF requirements, ecological enhancements should be incorporated into the development therefore integrated bird and bat boxes should be incorporated into the dwelling. The inclusion of a condition to ensure ecological enhancement measures is recommended.
- b) **09.05.2024** - The preliminary bat survey report recommends a further bat emergence survey, this survey should be carried out prior to determination.

### 7.1.3 Conservation Officer

- a) Does not object. The proposal is in accordance with the pre-application advice provided. The most sensitive element of the application is located at the rear of the site, as the land falls away, offering views from a public footpath over the rear roofscape of historic buildings located along Main Street, Holwell. Much greater weight should be given on the views from the rear of the property rather than the front. The front street facing impact is negligible because the property is not viewed directly from Main Street. As such the conservation area streetscene will not be negatively impacted upon. The newly built form will not be unduly prominent; the gable widths are kept within modest proportion to the historic outbuildings/barns perpendicular service wings of historic residential properties. The materials are appropriate and there will be no facing elements that are out of character with the vernacular character. The modern C20 bungalow

makes a negative contribution to the character of the conservation area will be replaced/rebuilt with a dwelling that makes an overall neutral contribution to the surrounding area, as such there will be a net positive contribution. The streetscene of the conservation area will be preserved. The works are acceptable, in accordance with para 212 of the NPPF. They recommend the inclusion of conditions relating to the style of roof light, windows, lintel detail, and requiring details of all facing materials to be submitted and approved.

#### 7.1.4 **Melton Ramblers**

- a) Objects to the application on the grounds footpath G100 runs through the site and it is not shown on the plans.

### 7.2 **Summary of Representations**

#### 7.2.1 **Ward Member(s)**

- a) No comments have been received from the Ward Member.

#### 7.2.2 **Parish Council**

- a) No comments have been received from the Parish Council.

#### 7.2.3 **Neighbours**

7.2.4 20 objections have been received from 18 households as summarised below:

- a) Roof height, modern design, and overall bulk will have a detrimental impact on the conservation area and nearby historic properties.
- b) No narrative around why the change of use of the whole paddock is needed.
- c) Negative impact on the surrounding residents both during and post build is too severe to warrant the improvement one resident's home.
- d) Lack of heritage statement.
- e) Lack of an ecology survey assessing the suitability to support fauna of the various habitats present.
- f) Contemporary style development which is not in keeping with the character of the area.
- g) Access to the site is poor and will cause congestion and parking issues.
- h) There is no need for further development in Holwell village, particularly at 25 Main Street.
- i) The access is narrow and heavy equipment/vehicles using it have caused subsidence and cracking to the adjacent listed building.
- j) Overdevelopment of the site.
- k) Loss of privacy.
- l) There is an underground watercourse which flows into a nature reserve at the foot of the valley and a spring which feeds the well and runs alongside the driveway not identified in the submission.
- m) Building work is likely to pollute these watercourses and pose a threat to local wildlife/protected species.
- n) Construction and construction vehicles will cause noise and disturbance.
- o) Work has been undertaken on site to support the subsidence surrounding the property.

- p) The applicant claims without evidence that the trees and hedges surrounding the property are species poor.
- q) The change of use lays the groundwork for future development on this plot.
- r) The design brief for the site does not permit a building of such size, mass and using the materials outlined.
- s) Not in keeping with the neighbourhood plan which states that further development should be in keeping and “not disrupt visual amenities of the street scene adversely on any wider landscape views.”
- t) The new dwelling will be visible from the village green, and none of the projected views show the impact from this perspective.
- u) If granted this application may open up applications for new builds in the village which would be a travesty.
- v) It doesn't overcome the reasons for the 2004 refusal.
- w) Spoil views and privacy.
- x) Concerned about impact of the development on neighbouring trees and hedgerows which make an important contribution to the character and appearance of the conservation area.

### **7.3 Response to Consultations and Representations**

- 7.3.1 It is noted that the site has been subject to previous planning applications for residential development which were refused. Whilst each application is considered on its own merits, the relevance of the outcomes of those previous decisions are discussed in the Planning Analysis below.
- 7.3.2 The principle of development and whether it is in accordance with the Development Plan including design and amenity considerations are considered in the Planning Analysis below.
- 7.3.3 The impact of the proposed development on heritage assets including Holwell Conservation Area, and the adjacent listed building are covered in the Planning Analysis below, including consideration of the specialist advice provided by the Conservation Officer.
- 7.3.4 The impact of the proposed development on highways including the suitability of the existing site access, and parking is covered in the Planning Analysis below.
- 7.3.5 Any short term impacts resulting from the construction phase of the development, such as noise and disturbance and construction traffic, are not material to the consideration of the application.
- 7.3.6 Conditions can be imposed to prevent future uncontrolled development within the area of land proposed to be included as residential curtilage.
- 7.3.7 Damage caused to neighbouring properties as a result of heavy vehicles/transporting heavy equipment is not for consideration under the planning system, and should be considered by relevant parties outside of the planning forum.
- 7.3.8 The loss of or interruption of views across privately owned land is not a material planning consideration.
- 7.3.9 The impact of the proposed development on trees and hedgerows is covered in the planning analysis below.



## **8 Planning Analysis**

### **8.1 Main Considerations**

- 8.1.1 Principle of Development
- 8.1.2 Heritage
- 8.1.3 Design
- 8.1.4 Impact on residential amenity
- 8.1.5 Highways

### **8.2 Principle of Development**

- 8.2.1 Policy SS1 takes a positive approach that reflects the presumption in favour of sustainable development and planning applications that accord with Development Plan policies should be approved without delay.
- 8.2.2 As set out in Neighbourhood Plan Policy S1 'Limits to Development' the settlement of Holwell is identified as open countryside. Policy S1 states land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.
- 8.2.3 At the local level LP policy SS2 provides clear guidance on the treatment of the open countryside stating: "*Outside the settlements identified as Service Centres, and those villages identified as Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.*" The extension of existing dwellings, such as put forward in this case, is in principal an appropriate form of development within the open countryside.
- 8.2.4 Regarding the change of use of the land from paddock to residential curtilage. In this case there is an existing dwelling house within the site. The residential curtilage associated with the dwelling is limited as approved under planning permission ref. 84/00396/OUT. The application seeks to extend the residential curtilage by 700 square metres to provide space for the proposed extension and incorporate an area of land to the west and north of the dwelling which, according to aerial views of the site, has been historically used as part of the residential curtilage from at least 2010. The area of land is closely associated with the existing dwelling house and there is currently no boundary separating it from the approved residential curtilage.
- 8.2.5 Given the limited expansion of the residential curtilage within the site context, and the fact that extensions an existing dwelling is a form of development considered necessary and appropriate within the open countryside, it is considered that the principle of the proposed development is acceptable.

### **8.3 Heritage**

- 8.3.1 The NPPF provides national policy for considering proposals which affect a heritage asset. This includes the need to assess the effect of a proposal on the significance of an asset and the need for a balanced judgment about the scale of any harm or loss and the significance of the heritage asset.
- 8.3.2 As set out in Local Plan policy EN13 the Council will take a positive approach to the conservation of heritage assets and the wider historic environment through: *A) seeking to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and*

*setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting. B) seeking new developments to make a positive contribution to the character and distinctiveness of the local area. C) ensuring that new developments in conservation areas are consistent with the identified special character of those areas.*

- 8.3.3 The site is located within Holwell Conservation Area. The existing built form within the site, which includes a bungalow and garage are set back from the highway boundary in the form of backland development. The site is accessed off Main Street to the south. The site access passes between a listed building to the west and a converted chapel to the east. The dwelling within the site is not identified as making a positive contribution to the character and appearance of the conservation area.
- 8.3.4 A public right of way passes from Main Street along the site's western boundary to the north-west corner of the site. Therefore, although the site has a very limited impact upon the street scene the site is visible from the public right of way in the context of the rear roofscape of the historic properties within the conservation area. As a result, the rear elevation of the dwelling is the most sensitive in heritage terms.
- 8.3.5 Advice has been sought from the Conservation Officer at the pre-application stage and as a result the: "newly built form will not be unduly prominent; the gable widths are kept within modest proportion to the historic outbuildings/barns perpendicular service wings of historic residential properties. The materials are appropriate and there will be no facing elements that are out of character with the vernacular character. The modern C20 bungalow makes a negative contribution to the character of the conservation area will be replaced/rebuilt with a dwelling that makes an overall neutral contribution to the surrounding area, as such there will be a net positive contribution." This is illustrated in the roofscape view below.



**hssp**  
architects

8.3.6 Proposed Perspective Section

- 8.3.7 Concerns raised by local residents that the extended bungalow would be visible from the village green opposite are noted however, it is considered that due to the intervening built form which as shown in the above roofscape view the proposed extended dwelling would sit below, and views from Main Street would be negligible. The Conservation Officer advises: "the conservation area streetscene will not be negatively impacted upon" and overall that the streetscene would be preserved.
- 8.3.8 Concerns raised by local residents that the proposed extension would not meet with the design brief attached to the original outline planning permission. The intention of the design brief was to ensure that the approved bungalow would be as unobtrusive as possible when viewed from Main Street. However, little thought was given to the impact of the proposed dwelling when viewed from the public footpath to the north. This permission was granted in 1984 and a subsequent planning application to extend the bungalow was refused, in part on heritage grounds and its divergence from the design brief, in 2004. Nonetheless, the

planning policy context has evolved in the 40 years since outline consent was granted and the 20 years since the 2004 refusal. While it is acknowledged that the proposed extension is large, and would depart from the original design brief, recognition must be given to the fact that the view of the building from the north is the more sensitive and with the focus on the street scene little consideration was given to this previously. As outlined above the proposal would result in the building better reflecting the local character and the street scene would be preserved. In addition the scheme is supported by the Conservation Officer.

- 8.3.9 With regards to the proposal impact upon the setting of the adjacent listed building, York Cottage, located to the west of the site access; the proposed development would have a limited impact upon the setting of these traditional cottages. The proposal would be visible in views of the rear of the cottages from the public footpath although, the dwelling lies 10m further towards the surrounding open countryside than the listed building and so is not immediately adjacent to it. There is also some intervening vegetation which provides screening. Also, there is no identified connection between the listed building and the land within the application site. Therefore, it is considered that the proposal would preserve the setting of the adjacent listed buildings.
- 8.3.10 For these reasons it is considered that the proposal would be in accordance with Policy EN13 of the Local Plan. The proposal also meets with the desirability of preserving or enhancing the character or appearance of conservation areas and their settings as set out in S66 and S72 of the Listed Building and Conservation Area Act 1990.
- 8.3.11 Conditions are recommended relating to the style of roof light, windows, lintel detail, and requiring details of all facing materials to be submitted and approved.

## 8.4 Design

- 8.4.1 Local Plan policy D1 states all new developments should be of high-quality design. To raise the standard of design all new development should meet basic urban design principles outlined in the plan; buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design; existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development; proposals include appropriate, safe connection to the existing highway network; and proposals should make adequate provision for car parking. Further guidance is provided in the associated Design of Developments Supplementary Planning Document.
- 8.4.2 Similar design principles are set out in Neighbourhood Plan policy H4 which provides for design which should enhance local distinctiveness and character of the area, particularly within the Conservation Area; the general character, scale, mass, density and layout should fit in with the character of the surrounding area; development should not adversely affect any visual amenities or wider landscape views; measures which support biodiversity enhancement and high levels of energy efficiency are also supported.
- 8.4.3 The application seeks to extend and remodel the existing dwelling, which isn't remarkable architecturally or historically. As set out above the original planning permission for a dwelling within the site sought to ensure the dwelling was as unobtrusive as possible from outside of the site however, little consideration was given to views of the site within the context of the neighbouring historic buildings from the public right of way to the north. This application although, increasing the overall scale and massing of the dwelling, would result in a design that is more in keeping with the form and scale of the traditional neighbouring buildings which it would be viewed in context with. The pallet of materials is also considered to reference the local vernacular.

- 8.4.4 Despite the concerns raised by local residents to the contrary, the proposal would not represent an incongruous feature within the area. In fact, for the reasons outlined above the scale and massing of the resulting building are considered to fit with the character of the surrounding area and enhance its local distinctiveness.
- 8.4.5 There are existing trees and hedgerows located along the site boundary. The trees within the site are shown on the submitted block plan and the proposed extensions would sit outside of the tree canopies shown. In addition, the proposed extensions would be set in from the site boundaries lined with hedgerows a minimum of 1.4m. However, a condition requiring the protection of existing trees and hedgerows has been included to further mitigate harm.
- 8.4.6 On balance the design of the scheme is coherent and reflects the local vernacular. The scheme enhances and reinforces local distinctiveness. Overall, therefore, it is considered that the proposal raises the standard of design in accordance with Local Plan Policy D1 and Neighbourhood Plan policy H4.
- 8.5 Impact on residential amenity**
- 8.5.1 Local Plan policy D1 seeks to raise the standard of design including that the amenity of neighbours and neighbouring properties should not be compromised. Policy C9 aims for development proposals to make a positive contribution to promoters of health and wellbeing including: "High quality residential amenity".
- 8.5.2 The proposal would extend the existing bungalow in all dimensions other than to the west, towards the PROW. The height of the existing bungalow would be increased by a maximum of 2.4m. The northernmost section of the two storey rear extension would be set on a lower ground level to the existing bungalow and so would be level in height with the existing ridge height.
- 8.5.3 The built form would be increased in height and brought closer to the boundary with the Old Methodist Chapel, now in use as a dwelling house, which adjoins the site's southern boundary. This dwelling has ground floor windows serving a lounge, kitchen, and garden room facing the site. The proposed extensions would be more visible from these windows although the view over privately owned land is not a material planning consideration. It would also have a harmful impact upon the amenity of the neighbouring dwelling as a result of overshadowing, and loss of light. However, this harm would be mitigated by the orientation of the buildings. Finally, the separation distances involved of 8.5m between the north elevation of the Old Methodist Chapel and the proposed single storey extension, and 16.3m to the increase ridge of the original bungalow would be sufficient to prevent any overbearing impact. Any overbearing and overshadowing impact upon the amenity of the neighbouring dwellings to the east and west of the site would be limited by the fact the dwelling is set further away from Main Street and so is level with the rear sections of these neighbours' gardens.
- 8.5.4 Ground floor openings in the dwellings east elevation would remain broadly unchanged with the addition of roof lights at first floor level. The roof lights would be located a minimum of 1.7m above the adjacent floor level which is considered sufficient to prevent undue overlooking and loss of privacy, in line with the provisions of the Town and Country Planning (General Permitted Development) Order which permits side facing first floor windows so long as they are fitted with obscure glass up to 1.7m above the adjacent internal floor level in the interests of privacy.

- 8.5.5 The proposed rear extensions include ground and first floor windows in the west elevation which face the neighbouring dwelling, 23 Main Street. The distance between these windows and the shared boundary with the neighbouring dwelling would measure 14.4m. This separation distance is considered sufficient to prevent undue overlooking and loss of privacy.
- 8.5.6 Private amenity space would be retained on site for future occupiers and the outlook for future occupiers would be orientated towards the paddock to the north of the dwelling and the area of paddock to the west of the dwelling which would be changed in use to residential curtilage. This area of proposed residential curtilage to the west of the site is currently finished in hard standing. Uncontrolled development on this area of land has the potential to harm the amenity of the adjacent dwellings 19, 21, and 23 Main Street. Therefore, a condition to remove permitted development rights under class E of the General Permitted Development Order, which relates to outbuildings, has been recommended.
- 8.6 On balance the proposal would deliver a good standard of amenity for future occupiers in accordance with policies C9 and D1 and the proposal would not adversely affect nearby occupiers in accordance with policy D1.
- 8.7 **Highways**
- 8.8 Local Plan Policy D1 requires all new development should: i) proposals include appropriate, safe connection to the existing highway network; and k) makes adequate provision for car parking.
- 8.8.1 The scheme is principally for an extension of an existing dwelling house and its residential curtilage. Therefore, it's not considered to represent an intensification of the use. No change to the existing access is proposed. The level of parking provided within the site, 3 spaces including one within the proposed garage, would meet with Leicestershire Highways Design Guide.
- 8.8.2 A public right of way (PROW), footpath G100 passes through the site from Main Street to the south, adjacent to the site's western boundary, terminating just beyond the north-west corner of the site. Footpath G100 does not connect to the wider PROW network and so is not well used. Nonetheless the proposal includes the addition of a segregated pedestrian gate for users of the PROW which represents a betterment to any users of the PROW than the existing situation. The objection received from Melton Ramblers that the PROW was not shown on the submitted plan has been addressed and G100 is shown on the amended block plans.
- 8.8.3 It is noted that the Local Highway Authority advises "the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe." Therefore, the proposed development would provide an appropriate, safe connection to the existing highway network and adequate on-site parking provision in accordance with LP policy D1.
- 8.9 **Ecology**
- 8.9.1 The application is supported by a Preliminary Bat Roost Assessment (PRA) and a subsequent Protected Species Surveys, May 2024. No bats were recorded roosting in the building. County Council Ecology advise, in accordance with the NPPF ecological enhancements should be incorporated into the development therefore integrated bird and bat boxes should in incorporated into the dwelling secured via a condition. This approach of ecological enhancement is also supported by Local Plan policy EN2.

8.9.2 Concerns raised by a neighbouring occupier relating to the potential for the proposal to pollute the existing covered watercourse are noted however, due to its scale and scope it is not considered that the proposed development would pollute the adjacent watercourse.

## 8.10 Other Matters

8.10.1 Concerns have been raised by local residents relating to works to manage subsidence experienced within the site. As well as the impact of construction vehicles and general noise and disturbance on the amenity of neighbouring occupiers as well as the stability of neighbouring historic properties. These matters are not material to the consideration of this application as they are either short lived impacts of the construction phase of the development or fall under other regulatory regimes.

## 9 Conclusion

9.1 For the reasons outlined above it is recommended that the application is approved.

## 10 Reason for Recommendation

10.1.1 An extension to a residential dwelling represents sustainable development and so is acceptable in principle in accordance with Local Plan policy SS1. The principle of the proposed change of use of part of the existing paddock to residential curtilage is supported under policy SS2 taking into account the limited expansion of the residential curtilage within the site context, and the fact that extensions an existing dwelling is a form of development considered necessary and appropriate within the open countryside.

10.1.2 The planning policy context has changed significantly between the 2004 application for extensions to the existing bungalow which was refused and the outline consent in 1984. The application is supported by a Heritage Statement, the scheme adequately shows the proposed development would have a neutral impact upon Holwell Conservation Area and the setting of the adjacent listed cottages would be preserved in accordance with Local Plan policy EN13. The design of the proposed extension seeks to replicate the form of the neighbouring traditional agricultural outbuildings and the pallet of materials proposed would reference the local vernacular as required by Neighbourhood Plan H4. Therefore the siting, scale and design of the proposal is considered acceptable and would not result in an incongruous form of development in this location. There are also no identifiable adverse impacts on the character of the application site or wider settlement.

10.1.3 As a result of the segregated pedestrian access gate the proposal would represent a betterment to the treatment of the PROW which passes through the site. Furthermore, the proposal is acceptable in terms of its potential impacts on neighbouring residential amenity, highway safety and ecology. The development therefore also accords with Policies EN1, D1 and IN2 of the Local Plan in these respects.

## 11 Planning Conditions

11.1 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 the Planning and Compulsory Purchase Act 2004.

11.2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

8861-01-001

8861-03-003 PL1

8861-03-004 PL2

8861-003-005 PL3

and

8861-03-002 Rev. PL2

Submitted and received by the Local Planning Authority on 28 March, 14 August, and 21 October 2024.

**Reason:** For the avoidance of doubt and in accordance with Policies SS1, C9, EN1 and D1 of the Melton Local Plan.

- 11.3 The development hereby permitted must not commence until a biodiversity enhancement scheme has been submitted to and approved in writing by the Borough Council. Enhancements shall include (but is not limited to) at least a bird box and bat box to be integrated within the building the make/model and their locations. Any enhancement measures need to be shown on all relevant submitted plans. All works are to process strictly in accordance with the approved scheme.

**Reason:** To mitigate harm to protected species which may be present within the site and enhance biodiversity in accordance with Policies D1 and EN2 of the Melton Local Plan.

- 11.4 The development hereby permitted must not proceed above the damp proof course level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the development have been submitted to and approved in writing by the Local Planning Authority. The development must only be constructed in accordance with the approved materials.

**Reason:** To ensure the appearance of the development is satisfactory to accord with Policies D1, EN1 and EN13 of the Melton Local Plan and with the National Planning Policy Framework (2023).

- 11.5 Before dwelling hereby approved extends beyond damp proof course level detailed drawings at no more than 1:20 of the section between the lower and upper vertical windows in all elevations, and detail of the architrave/border and lintel detail to the windows shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.

**Reason:** Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the character and appearance of Holwell Conservation Area.

- 11.6 The development hereby permitted shall not be occupied until such time as the Public Footpath has been provided in full as per HSSP Architects drawing number 8861-03-002 Rev. PL2.

**Reason:** To provide an all-weather route in the interests of amenity, safety and security of users of the Public Right of Way in accordance with Policies D1 and IN2 of the Melton Local Plan, and the National Planning Policy Framework (December 2023).

- 11.7 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with HSSP Architects drawing number

8861-03-002 Rev. PL2. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan, and the National Planning Policy Framework (December 2023).

- 11.8 All rooflights hereby permitted shall be conservation style rooflights set as flush as practicable within the roof slope.

**Reason:** To ensure the development preserves the character and appearance of the Conservation Area and to accord with Policies D1 and EN13 of the Melton Local Plan.

- 11.9 Notwithstanding the provisions Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no outbuildings or other structures shall be erected within the curtilage of the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to retain control over any future outbuildings and other structures within its curtilage that may harm the amenities of neighbouring properties, the significance of Holwell Conservation Area, or the character of the area having regard to Policies D1 and EN13 of the Melton Local Plan

## **12 Financial Implications**

- 12.1 There are no financial implications associated with this planning application.

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

## **13 Legal and Governance Implications**

- 13.1 The legal implications are largely set out in the report as they apply to the issues covered, and legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Deputy Monitoring Officer**

## **14 Background Papers**

- 14.1 The planning history is contained within Section 3 of the report and the details of which are available to view on-line.