



## **Development Plan Policies:**

### **Melton Local Plan (saved policies):**

#### **Policies OS1 and BE1**

**OS1** states that planning permission will only be granted for development within the village envelopes where:-

- 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 the character of the locality;
- The proposed use would not cause loss of amenity by virtue of noise, smell, dust or other pollution;
- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity;
- Satisfactory access and parking can be made available.

**BE1** states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provision.

**The National Planning Policy Framework was published 27<sup>th</sup> March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

**The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.**

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside;
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

### **On Specific issues 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.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

### Conserving and enhancing the historic environment

- In determining applications LPAs authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting.
- Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise.
- In determining applications LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets.
- When considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

### Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highway Authority:</b></p> <p>Given the small scale of this proposal, its highway impact is likely to be of a similar scale.</p> <p>Current design guidance advises 2 parking spaces for a 3 bedroom dwelling rising to 3 parking spaces for a 4 bed dwelling. The proposed additional bedroom therefore may create an additional requirement of 1 extra parking space.</p> <p>Should no additional parking provision be afforded by the proposal it is unlikely the cumulative impact of 1 additional vehicle parking on-street in the vicinity of the site could be considered severe in accordance with paragraph 32 of the NPPF.</p> <p>Whilst it is noted Church Lane may exhibit extensive instances of on-street parking, the CHA is also mindful it is not the obligation of a development proposal to resolve any extant issues on the highway, and that a development proposal is assessed in view of any potential highway impacts it may have when considered against current design standards and policies.</p>	<p>Noted.</p> <p>Applications of this type are usually considered having regard to Standing Advice issued by the County Highway Authority, however in this instance, due to the number of comments received focussing on Highways, additional comments were sought.</p> <p>The proposal relates to a householder application, therefore it is not expected that there would be an increase in traffic to the site generated by the proposal to the detriment of highways safety. The proposal will also not have a significant impact upon the adequacy of car parking and turning arrangements.</p> <p><b>As such, the proposal is considered to meet the overall objectives of policies OS1 and BE1 in respect of highways safety.</b></p>
<p><b>LCC Ecology: No Objection</b></p> <p>The ecology report submitted in support of this application (Fauna Forest Ecology, June 2017) is satisfactory. No protected species were identified. However, we would recommend that the applicant's attention is drawn to the recommendations in the report.</p>	<p>Noted.</p>
<p><b>Barkestone, Plungar and Redmile PC: No Objection to initial plans but object to revised plans</b></p> <p>The Parish Council discussed the application at its meeting on Tuesday 20 June 2017 and raised no</p>	<p>Noted.</p> <p>The revised plans submitted show a reduced roof height and also the raising of the rooflights to 2.2m</p>

<p>objection.</p> <p>Revised plans were received on 5 October 2017,</p> <p>Revised comments were received from the Parish Council which stated the following</p> <p>The Parish Council object to the above application on the following grounds:</p> <p>We are concerned in relation to the car parking, highways issues and the shared drive access to this property</p> <p>We are concerned that the proposed extension of this building is not in keeping with its current character. The Byre's character is a single storey building</p> <p>The Parish Council observes that there are currently many properties in a small area and there is a danger of them being over developed.</p> <p>We have noted that there are a number of objections from Redmile residents, some who are not in the immediate vicinity.</p>	<p>above first floor level</p> <p>The submission of revised plans in an attempt to overcome objections received. The amendments reduced the height of the proposed extension by 0.5m and relocated rooflights to be above 'eye level'. The amendments made no alteration to the accommodation provided or demand made upon parking.</p> <p>Car parking has been discussed above in the comments from the County Highway Authority.</p> <p>Please see below comments on Character and Conservation.</p> <p>It is not considered that the proposal would lead to overdevelopment, the plot is of an acceptable size and the proposal adds a first floor to an existing single storey, no extension to the original footprint of the property is being created by this proposal.</p>
<p><b>Conservation Officer: No objections</b></p> <p>The property is located in the Conservation Area, where the narrow lane and tight plot sizes contribute to the traditional character of the area.</p> <p>The predominant vernacular material is ironstone, and the host dwelling is constructed in a combination of reclaimed brick and matching ironstone. The property is set back from the street frontage along a driveway and makes an overall neutral contribution to the character of the conservation area.</p> <p>Paragraph 131 of the NPPF advises that: <i>In determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness</i></p> <p>It is considered that the new development would not be unduly prominent in the Redmile Conservation Area and does not impact on any surrounding identified designated or non-designated heritage assets.</p> <p>The buildings are not identified on the 1885 or 1912 Ordnance Survey Maps and as such are not recognised as historic buildings. The materials can be conditioned as part of any subsequent approval, including any new facing materials, windows, rooflights, roofing materials and verge / eaves details, in order to align with the requirements of 131 which require the alteration to make a positive contribution to local character and</p>	<p>These comments are noted and supported.</p> <p><b>The application site is within Redmile Conservation Area. S72 of the Listed Buildings and Conservation Areas Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.</b></p> <p>The submitted drawings show a sympathetic design to those of its surroundings, with the use of matching materials to harmonise with the conservation backdrop</p> <p>The proposal is considered to cause less than substantial harm in this instance and therefore paragraph 134 of the NPPF should be taken into consideration</p>

distinctiveness.

**Representations:**

The application was advertised by way of a site notice at the application site and seven neighbouring dwellings were consulted. As a result of the consultation 13 representations have been received. The comments are summarised below.

Considerations	Assessment of Head of Regulatory Services
<p><b>Design of proposal and Impact Upon Character and Appearance of the Settlement</b></p> <p>Protected trees adjacent to the proposed development, concern over roots of trees being impacted on as a result of the development.</p> <p>Grangewood House is not listed but is of historical significance, its unique aspect and privacy should be protected.</p> <p>Proposed works will create a more dominant building and one which is not in keeping with the existing property and original intention of a single storey barn conversion.</p> <p>Stone barns in location that are in keeping with rural nature of the site. It is important to preserve the character and traditional look of the village, farm buildings underpin the rural nature of the area.</p> <p>The proposed design is entirely out of keeping with this and a double height structure would look completely out of place.</p> <p>When The Byre was built concern was raised that the footprint was too big for the site. The proposed extension will only add volume to an already overdeveloped space.</p> <p>The Byre is built on elevated land and is already situated above existing properties, as such the development is even more dominant and oppressive than may be implied from reading the plans.</p>	<p>The proposal would be built on an existing ground floor, there would therefore not be any reason as to why the development would impact on nearby tree roots.</p> <p>As per the comments of the Conservation Officer, the proposal is set back from the Highway and not visually apparent within the street scene, Grangewood House has very mature landscaping surrounding the site and given the separation distance, the application site is not considered to impact upon the setting of the House.</p> <p>The application site is surrounded by two storey dwellings, as per the comments of the Conservation Officer, the building is not recognised as one of historic significance, and therefore the addition of the second floor would not be at odds with the nature of the surrounding area.</p> <p>The proposal includes the use of materials already found on the site, the use of matching materials would ensure that the proposal harmonises well amongst its surroundings.</p> <p>It is not considered that the proposal would lead to overdevelopment, the plot is of an acceptable size and the proposal adds a first floor to an existing single storey, no extension to the original footprint of the property is being created by this proposal.</p> <p>The application site, when viewed on site does not appear elevated to that of the surrounding dwellings, the area of the site to be developed, sits alongside the neighbouring dwelling without any noticeable difference in levels.</p> <p>The NPPF advises at paragraph 60 that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.</p>

	<p>The design of the proposal is considered to be in keeping with the existing dwelling and the character of the surrounding area.</p> <p><b>The proposed first floor extension would be set back from Church Lane, therefore, only fleeting glimpses of the extension would be visible from Church Lane between the existing buildings. The proposal is therefore considered to meet the overall objectives of policies OS1 and BE1 of the Melton Local Plan.</b></p>
<p><b>Highways / Footpaths</b></p> <p>Parking is currently an issue on Church Lane, there is limited parking at The Byre as it has a shared drive.</p> <p>An additional bedroom could lead to an increase in vehicle owners.</p> <p>As there is nowhere else to park this would inevitably lead to more cars parking on the pavement down Church Lane.</p> <p>By approving this application it could potentially increase the number of vehicles parked in the lane making access even more difficult.</p> <p>Concern over safety of pedestrians on this narrow part of Church Lane.</p> <p>A 5 bedroom house could easily give rise to 4 or 5 cars at some point in the future which will only add to the exiting congestion.</p> <p>The property shares a drive and has no more space than for 1 or 2 cars.</p> <p>Should the application be approved a condition should be imposed meaning that car owners can park in their designated parking space always and always have access to parking spaces.</p>	<p>Noted.</p> <p>The proposal relates to an extension ancillary to the use of the dwellinghouse, therefore it is not envisaged that there would be significant increases in traffic using the access.</p> <p>Additional comment was sought from the CHA, Please see relevant section of the report.</p> <p>The proposal is therefore considered to meet the objectives of policies OS1 and BE1.</p>
<p><b>Impact Upon Residential Privacy and Amenity</b></p> <p>The creation of a second storey would impact on skyline views.</p> <p>The proposal will cause a considerable change to our view.</p> <p>I will no longer be able to see sky from my skylight, instead will be looking at a brick wall less than 0.5m away.</p> <p>Whilst the proposed development does not have windows facing our property, the extra height proposed clearly signals the presence of another dwelling.</p>	<p>Loss of a view is not considered a material planning consideration.</p> <p>The proposal is for a first floor extension to part of an existing dwelling, the proposal does not include the whole of the application site and cannot therefore be considered as an additional dwelling.</p>

<p>The proposal would severely impact on the privacy and light of neighbours in an already congested plot.</p> <p>The proposal would have an overbearing affect on neighbouring properties.</p> <p>The proposal would lead to neighbours being overlooked and hemmed in</p> <p>The revised plans do show that windows have been raised slightly higher, however they are still low enough for a person of average height to look out and directly in to private space. Should permission be granted frosted glass should be used to ensure privacy.</p> <p>All roof windows should be fitted with frosted glass and be of a design meaning they cannot be opened.</p> <p>The amended plans continue to include five windows directly overlooking private amenity space.</p> <p>The proposed area for building appears to be too small for the plans submitted and would impact on the amount of light accessible to several gardens of neighbours in the area.</p> <p>The amended plans have only reduced the height of the structure by 0.5m which will have no material difference to the significant impact of the proposal.</p> <p>I will have loss of light in the afternoon to habitable rooms and garden area, any loss of light is considered significant and would have a detrimental impact on the enjoyment of my home.</p>	<p>The neighbouring property that would be most affected by the proposal is 8 Church Lane to the north east of the site.</p> <p>The increase of ridge height at 0.88 metres is not considered as excessive and would not appear unduly overbearing.</p> <p>Amendments have reduced the height of the proposal from the original 1.38 metres and increased the height to which the rooflights are to be positioned at 2.2 metres above first floor level.</p> <p>When considered under permitted development rights windows of this type when positioned above 1.7 metres do not require planning permission, therefore this additional 0.5 metre is considered sufficient to ensure that the purpose of the roof light is for light and not viewing purposes.</p> <p>Whilst it is acknowledged that there would be some loss of afternoon light to the neighbouring property of 8 Church Lane, this is expected when a building's height is extended. The potential loss of light has been assessed and concluded that there would be a small loss of light to the neighbouring property in the afternoon, the amount though is not significant or considered to be so detrimental that it would warrant refusal of the application.</p> <p><b>The proposal is considered to meet the objectives of policies OS1 and BE1 of the Melton Local Plan.</b></p>
<p><b>Other Matters</b></p> <p>During the proposed construction phase there is bound to be a requirement for scaffolding and other building materials, potentially on our property which will add to visual intrusiveness, albeit temporarily.</p> <p>The present owners currently request access to the rear of the property via our garden for maintenance, we are happy to allow this on an infrequent basis, the new structure may mean increased maintenance requests, this is something that we are not prepared to allow.</p> <p>Any request to remove trees will be turned down.</p> <p>There will be considerable noise with any proposed development of this type.</p> <p>The noise and increased activity would negatively</p>	<p>The use of scaffolding is a matter for consideration by the applicant should permission be granted. It would not allow him access to land not owned.</p> <p>Access to land and works involving third party land would be subject to discussions between the applicant and the land owner.</p> <p>Noted.</p> <p>Excessive noise created by building works would be temporary in nature and would be controlled through powers delegated to Environmental Pollution legislation.</p>

<p>impact on the ability to train our competition horses.</p> <p>We were not consulted on the application.</p> <p>We were not given the opportunity to attend the Parish Council meeting where this application was heard.</p> <p>The consultation took place after the Parish Council meeting.</p> <p>The Location Plan for this application is out of date</p> <p>The Design and access statement states that Velux windows will be 1700mm above the floor to minimise overlooking. On the plans they are drawn with the above the 180mm headroom level with text stating roof lights for light only no overlooking.</p> <p>Plans are not correct as they show number 10 as detached, the dwelling is attached to number 4 and 8 Church Lane but this is not shown on the elevations.</p> <p>The elevations as drawn are not correct, the majority of the wall shown as an external wall on the elevation drawings is actually not visible as it forms part of the two other properties attached to it.</p> <p>Working from right to left on the drawing, number 4 Church Lane covers approximately two thirds of the length of this wall. Then towards the left, there is a small section of wall visible and then number 8 Church Lane covers the rest of this elevation. Neither of these existing attached buildings are shown on these drawings.</p> <p>The Peacock is being developed in a major way, ultimately bringing more traffic to the village, the proposed development will further alter the character of the village.</p> <p>How the building work will be executed without an unacceptable level of disruption for other residents is incomprehensible.</p> <p>The current applicants for the planning permission have sold the house subject to contact.</p> <p>Construction works should not be completed at weekends or during bank holidays.</p>	<p>Neighbours which share a boundary to the application site, were sent a formal letter of consultation, a site notice was also positioned at the entrance to the site to ensure residents were aware of the proposal.</p> <p>Parish Council meetings and their attendance of is not controlled by the Local Planning Authority</p> <p>Additional consultation response has been received from the Parish Council following the submission of revised plans.</p> <p>Amended location plans have been received.</p> <p>Amended plans have been received and the position of the rooflights clarified as a result of these plans.</p> <p>The submitted plans show the existing and proposed elevations and are sufficient for the purpose of understating the proposal.</p> <p>All planning applications are determined on their individual merit.</p> <p>Should permission be granted, building works and their disruption would be temporary, given the small scale of the proposal.</p> <p>Planning applications are determined upon an application site, the owner or occupant of the site is not a material planning consideration.</p> <p>Working hours would be controlled through Environmental Health legislation and not Planning.</p>
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**Other Material Considerations not raised through representations:**

Consideration	Assessment of Head of Regulatory Services
<p><b>Policy Considerations:</b></p> <p>The site sits within the Village envelope where residential development is supported. <b>Policies OS1 and BE1</b> seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with.</p>	<p>The proposal is to be built out of materials to match the existing dwelling similar to existing local structures.</p> <p>The proposed windows are positioned at a height where it would not be possible to overlook neighbouring private amenity space.</p> <p><b>It is considered that the applicant has taken into consideration the policies OS1, BE1 and the NPPF ensuring that the proposal will further enhance while being sympathetic and is therefore considered to satisfy the above criteria.</b></p> <p>It is considered that the NPPF is not in conflict with the provisions of the development plan which seeks to maintain high standards of design and to safeguard the character of the area and to not have a detrimental impact upon existing residential amenities.</p>
<p><b>The (new) Melton Local Plan – Pre submission version.</b></p> <p>The Local Plan has recently been submitted to the Planning Inspectorate for examination and consideration.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> <li>● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).</li> </ul> <p>Policy D1 of the submitted Local Plan relates to Raising the Standard of Design. Paragraph D in particular gives weight to the amenity of neighbours and neighbouring properties should not be compromised.</p> <p>Paragraph 9.4.11 states “The development should not adversely affect neighbours and nearby uses and occupiers by reason of being overbearing, overlooking, loss of privacy, loss of light, pollution (including that from artificial light) and other forms of disturbance.</p> <p>The proposal is in line with the Policies as mentioned</p>	<p><b>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</b></p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>The proposal is considered to be in accordance with the emerging local plan in terms of its location (see applicable policy opposite) which it is considered adds to the issues that add weight in support of the proposal.</p>

above.	
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### **Conclusion**

The proposed development lies within the village envelope of Redmile and thus benefits from a presumption in favour of development under policies OS1 and BE1. It is considered that the proposal would not have an unduly detrimental impact on either residential amenity or the streetscene and satisfactory access and parking can be provided within the site, and as such meets the objectives of policies OS1 and BE1 of the Melton Local Plan and is recommended for approval.

### **RECOMMENDATION: Permit, 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 proposed development shall be carried out strictly in accordance with plan drawing numbers  
263PL01-2A  
263PL01-3A  
received by the Authority on 5 October 2017.
- 3 No development shall start on site until all external materials to be used in the development hereby permitted have been agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

For the following 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 For the avoidance of doubt.
- 3 To enable the Local Planning Authority to retain control over the external appearance and preserve the conservation area.

Officer to contact: **Ms Louise Parker**

**Date: 26th October 2017**