



## 20/00192/FUL - 1 Belvoir Avenue, Ab Kettleby

Full planning application for the erection of bungalow to the rear of 1 Belvoir Avenue (amended scheme)

Applicant: Mr and Mrs Watkinson

<b>Corporate Priority:</b>	3: Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Old Dalby : Councillor Joe Orson
<b>Date of consultation with Ward Member(s):</b>	13 January 2020
<b>Exempt Information:</b>	None

### 1 Summary

- 1.1 The application site is currently rear garden land associated with the property known as no. 1 Belvoir Avenue. The application site faces onto Quorn Avenue and open countryside lies to the west of the site. The land rises up from Quorn Avenue to the north where the site meets the boundary with no. 3 Belvoir Avenue.
- 1.2 This is a full application for the erection of 1 dwelling. This is a revised scheme, following a previously refused application on the same site for a similar development. This application proposes revisions to the scheme seeking to overcome the previous reason for refusal.

### 2 Recommendation(s)

- 2.1 It is recommended that the Planning application is **APPROVED** subject to conditions.

### 3 Reason for Recommendations

- 3.1 The proposal accords with the requirements of Policies SS1 and SS2 which emphasises the need to provide housing in locations that can take advantage of sustainable travel and make appropriate. Ab Kettleby is a 'Rural Hub' under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of 'windfall'.

- 3.2 The proposal is also sited within the limits to development for Ab Kettleby and is considered to be 'windfall' development as defined under the provisions of Policies S1 and H3 of the recently adopted Ab Kettleby Neighbourhood Plan.
- 3.3 The proposed development of the site of 1 bungalow would not have any adverse impact upon the character of the streetscene, given its small scale nature and relationship to the streetscene.
- 3.4 Due to the separation distances, revised siting, 'dug down' nature of the proposal, and the single storey nature with the proposed dwelling pitching away from the boundary with no. 3, it is not considered that the development would have a significant adverse impact upon the residential amenity of no. 3 Belvoir Avenue or any surrounding properties.



## **4 Key Factors**

### **4.1 Reason for Committee Determination**

4.2 The application is required to be presented to the Committee due to being a revised scheme of an application previously determined at Planning Committee.

### **4.3 Relevant Policies**

4.3.1 The Melton Local Plan 2011-2036 was adopted on 10<sup>th</sup> October 2018 and is the Development Plan for the area.

4.3.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.

4.3.3 The Ab Kettleby Neighbourhood Plan was made on 12<sup>th</sup> November 2019.

4.3.4 Please see Appendix D for a list of all applicable policies

### **4.4 Main Issues**

4.4.1 The main issues for this application are considered to be:

- Principle of development; compliance with Development Plan Policies.
- Impact upon the character of the area
- Impact upon residential amenities
- Impact upon highways and parking
- Other issues

## **5 Report Detail**

### **5.1 Position under the Development Plan Policies**

5.1.1 The site is on the edge of the settlement of Ab Kettleby adjacent to the existing residential properties on Quorn Avenue and Belvoir Avenue. Given the siting within the settlement of Ab Kettleby, Policies SS1 and SS2 of the Melton Local Plan and Policies S1 and H3 of the Neighbourhood Plan apply.

5.1.2 Policy SS2 of the Melton Local Plan sets out the development strategy for the Borough for housing and employment and states development will be distributed across the Borough in accordance with the spatial strategy.

5.1.3 Service Centres and Rural Hubs will accommodate approximately 35% of the Borough's housing residual requirement\* (1822) on a proportionate basis. This will be delivered by planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036, and by encouraging small scale residential 'windfall' development.

5.1.4 Policy S1 of the Neighbourhood Plan states that development proposals within the Limits to Development will be supported where they comply with other policies in this Plan. Policy H3 of the Neighbourhood Plan states that residential development proposals on infill and redevelopment sites will be supported subject to proposals being well designed and meeting relevant requirements set out in other policies in this Plan and other development plan policies, and where such development meets certain criteria including where the development fills a gap in an otherwise built up frontage or on other sites within the Limits to Development of Ab Kettleby.

5.1.5 Other material considerations are the National Planning Policy Framework (NPPF).

### **5.2 Principle of Development**

- 5.2.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise the need to provide housing in locations that can take advantage of sustainable travel. Ab Kettleby is considered to be a sustainable location and is identified as a 'Rural Hub' and as such is appropriate for a limited quantity of development in the form of allocations and accommodation of smaller sites.
- 5.2.2 Given the siting within Ab Kettleby, a Rural Hub, this development is considered to be fall under the provisions of 'windfall' development within the Melton Local Plan.
- 5.2.3 The development is within the limits to development of the Neighbourhood Plan and is therefore considered to fall under the provisions of windfall development under the provisions of Policies S1 and H3 of the Neighbourhood Plan, subject to satisfying other material planning considerations.
- 5.2.4 As such, the principle of development is considered to be acceptable subject to satisfying all other material planning considerations.

### **5.3 Impact upon the character of the area**

- 5.3.1 The location of the site is on the edge of the village of Ab Kettleby with views to the countryside to the west. The application would involve the subdivision of the existing rear garden serving no. 1 Belvoir Avenue and would result in a single storey property which faces onto Quorn Avenue. As such, the development is not considered to be a form of inappropriate backland development given the relationship to the street.
- 5.3.2 The development is considered to fit within 'confines' of the village, contained by the surrounding development to the north and the surrounding landscape provided by the boundaries of the site. Levels on the site rise from Quorn Avenue to the north and the proposed dwelling is to be 'dug down' into the site which reduces the prominence of the proposal. Views of the dwelling from afar are limited and if any would be seen against the backdrop of the existing properties.
- 5.3.3 The proposed dwelling itself would be modest in scale, and unobtrusively sited within the plot and constructed from materials that would allow the proposal to integrate well with its surroundings.
- 5.3.4 Due to the proposed dwelling's modest scale, and its siting within the plot combined with the use of suitable materials, it is not considered that the proposed development would adversely impact on the character of the surrounding area.
- 5.3.5 Amended plans have been received revising the boundary treatments of the site, ensuring that the site frontage remains as open as possible with 1 metre high boundary fence at the front of the site.
- 5.3.6 The application would also not conflict with the provisions of Policies ENV1, ENV2, ENV3, ENV6 of the Neighbourhood Plan given its location and siting in the rear garden of an existing residential property. It is not considered that the development would impact upon the important view 6 within the Neighbourhood Plan (Policy ENV7) given the site's location within the village.
- 5.3.7 The application site and proposed development is, therefore, considered to be entirely appropriate in relation to landscape character and visual amenity.

### **5.4 Impact upon Residential Amenities**

- 5.4.1 This application is a resubmitted scheme from a previously refused application on the site. The reason for refusal was as follows –

1. The proposed dwelling, by virtue of its length, height and proximity to the boundary of the site, would result in an unacceptable intrusion into the amenities enjoyed by the adjacent property, no 3 Belvoir Avenue. It would therefore compromise the amenity of the neighbouring properties and would be contrary to policy D1 of the Adopted Melton Local Plan 2011-36.
- 5.4.2 This revised application has re-sited the dwelling further away from the boundary with no. 3 and more significantly, proposes to 'dig down' the dwelling into the site so it sits level with Quorn Avenue, taking account into the rise in levels to the north.
- 5.4.3 The dwelling is now proposed to be sited approximately 7 metres away from the boundary with no. 3, with the dwelling moved further to the west, away from the rear elevation of no. 3 and their immediate garden area.
- 5.4.4 A site section drawing has been provided with the application which demonstrates that the dwelling would be significantly set down from the ground level of the garden area serving no. 3 and as such, the eaves of the dwelling would be approximately level with the height of the boundary fence separating the application site with no. 3.
- 5.4.5 In addition, the dwelling would have a roof that pitches away from the boundary of no. 3 which further reduces the potential for the development to have an overbearing impact on the occupiers of no. 3.
- 5.4.6 It is not considered that the development would adversely impact upon the amenity of the properties to the south on the opposite side of Quorn Avenue, as a result of the significant separation distances involved. It is acknowledged however that the development would alter their outlook to an extent, however this is not considered sufficient to warrant refusal.
- 5.4.7 While it is recognised that the proposed development would alter the outlook of no. 3, due to the separation distance, revised siting of the property further away from the boundary, 'dug down' nature of the proposal, and the roof of the proposed dwelling pitching away from the boundary with no. 3, it is not considered that the development would have a significant adverse impact upon the residential amenity of any surrounding properties.
- 5.4.8 To protect the residential amenity of no. 3, it is considered reasonable and necessary to remove permitted development rights for the property to protect the potential impact extensions and additions to the garden area may have on no. 3.
- 5.4.9 **The proposal would not have an adverse impact on the amenity of neighbouring land uses and as such the proposal would comply with Policy D1 of the Local Plan and Policy H3 of the Neighbourhood Plan.**

## 5.5 Highway Safety

- 5.5.1 Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements. Policy H3 of the Neighbourhood Plan states that development should provide safe vehicle access to the site and Policy H4 states that adequate off-road parking should be provided as a minimum of two car parking spaces for properties with up to three bedrooms and three spaces for dwellings of up to four bedrooms or more.

5.5.2 Access is provided to the front of the site which, notwithstanding the public comments raised, is considered to be suitable to cater for the development. Two off street parking spaces are proposed which is considered acceptable under the provisions of the Neighbourhood Plan. Although vehicles would be reversing out onto Quorn Avenue, given the limited number of vehicles using Quorn Avenue and anticipated slow moving nature of vehicles, it is not considered that this would result in severe highway safety impacts. Pedestrian visibility splays have been provided as a result of tapering the boundary fence.

5.5.3 **As such, subject to conditions the proposal would be acceptable in highway safety terms and would comply with the policies D1 and IN2**

## 5.6 Other issues

5.6.1 Comments have been received regarding the village already containing sufficient bungalows. However there is no policy in place restricting the number of bungalow type properties, and there is considered to be a high demand for bungalows in the Borough as a whole.

5.6.2 Comments have been received regarding the fence that has been erected around the site without obtaining planning permission. The existing fence would be amended if planning permission is granted for the proposed development and subject to further enforcement matters if required.

## 6 Impact on Infrastructure

6.1 None.

## 7 Consultation & Feedback

7.1 A site notice was posted and neighbouring properties consulted. As a result letters of representations were received from three properties, two objecting and one supporting the proposal.

## 8 Financial Implications

8.1 None.

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

## 9 Legal and Governance Implications

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

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

## 10 Background Papers

10.1 18/01464/FUL – Erection of a detached bungalow to the rear of 1 Belvoir Avenue  
Refused - 05.04.2019

## Appendices

A: Summary of Statutory Consultation responses

B: Summary of representations received

C: Recommended Planning Conditions

D: List of applicable Development Plan policies

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## Appendix A : Consultation replies summary

### Parish Council:

Ab Kettleby Parish Council having heard submissions from the applicant and taken into consideration objections made by the owner of 3 Belvoir Avenue, **raises no objection** to the above application.

### Revised Plans -

No further comments

## Appendix B : Summary of representations received

### Neighbours:

Two objections have been received from local residents raising the following concerns:

- Lack of clarification on the plan
- Overbearing impact upon adjacent property
- Request for committee to undertake a site visit
- Adverse residential impact upon adjacent properties
- Site inadequate size to accommodate a dwelling
- Fence erected on the boundary of the site without planning permission
- Unsympathetic addition to the character of the area
- Overlooking and loss of privacy
- Over development of the site
- Dominant and oppressive environment created by the proposal
- Highway safety and traffic impact as the road is too narrow at this point
- Village is already well serviced with bungalows.

One letter of support received stating that the addition of a bungalow with an attractive garden will make the surrounding area more aesthetically appealing.

## Appendix C: Recommended Conditions

1. The development hereby permitted 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.

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

A1-23-01-2020 Sheet 1 of 2 Location Plan, Site Plan, Proposed Plan and Proposed Elevations

received by the Local Planning Authority on 13 February 2020

A1-23-01-2020 Rev 2 Sheet 2 of 2 - Existing and Proposed Site Section, Proposed Front Street Scene and Landscape Plan



received by the Local Planning Authority on 18 March 2020

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

3. The materials to be used on the external elevations of the proposal shall accord with the approved A1-23-01-2020 Sheet 1 of 2 Location Plan, Site Plan, Proposed Plan and Proposed Elevations and details contained within the submitted Application Form received by the Local Planning Authority on 13 February 2020.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

4. The proposed development shall be implemented in accordance with the proposed ground levels of the site and proposed finished floor levels of the development as detailed on approved A1-23-01-2020 Rev 2 Sheet 2 of 2 - Existing and Proposed Site Section, Proposed Front Street Scene and Landscape Plan received by the Local Planning Authority on 18 March 2020.

Reason: To ensure that the development has a satisfactory external appearance and to protect the residential amenity of adjacent properties, in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

5. Prior to the first occupation of the dwelling hereby permitted, all boundary treatments of the site shall be erected in accordance with the details submitted on approved A1-23-01-2020 Rev 2 Sheet 2 of 2 - Existing and Proposed Site Section, Proposed Front Street Scene and Landscape Plan received by the Local Planning Authority on 18 March 2020 and once provided shall be permanently so maintained and retained at all times thereafter.

Reason: To safeguard the privacy and amenity of the existing dwelling and the future occupiers of the site and to ensure the development has a satisfactory external appearance in accordance with Policy D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

6. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policies IN2 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab

Kettleby Neighbourhood Plan.

7. The development hereby permitted shall not be occupied until such time as the parking facilities have been implemented in accordance with the approved A1-23-01-2020 Rev 2 Sheet 2 of 2 - Existing and Proposed Site Section, Proposed Front Street Scene and Landscape Plan received by the Local Planning Authority on 18 March 2020. Thereafter the onsite parking provision shall be so maintained 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 IN2 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

8. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policies IN2 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

9. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policies IN2 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood Plan.

10. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no development within Classes A, B, C, D and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Reason: To retain the appearance of the development, the overall character of the surrounding area and to protect the residential amenity of the future occupiers of the dwelling, in accordance with Policies SS1 and D1 of the Melton Local Plan and Policies H3 and H4 of the Ab Kettleby Neighbourhood

Plan.

## **Appendix D : Applicable Development Plan Policies**

### Melton Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy IN2 Transport, Accessibility and Parking
- Policy D1 Raising the Standard of Design
- Policy EN1 Landscape
- Policy EN2 Biodiversity
- Policy EN6 Settlement Character
- Policy EN9 Energy Efficient and Low Carbon Development

### Ab Kettleby Neighbourhood Plan

- Policy S1: Limits to Development
- Policy H3: Windfall Sites
- Policy H4: Housing Design
- Policy ENV7: Safeguarding Important Views
- Policy ENV8: Renewable Energy Generation Infrastructure
- Policy T1: Traffic Management