

Reference: 15/01152/HOU

Applicant: Mr & Mrs Mark Ensor

Location: The Cottage 2 Newton Lane Odstone

Proposal: Erection of two dormer windows on existing garage (retrospective)

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered by Planning Committee in accordance with the Scheme of Delegation, as the application has attracted interest from the occupiers of five or more addresses, the views of which are contrary to the officer's recommendation.

Application proposal

The application seeks retrospective planning permission for the erection of two dormer windows to the existing detached garage of the property.

The garage itself was granted planning permission on 7 July 2014 under ref. 14/00325/HOU. The current application proposes an amended design to the approved roof lights facing towards Newton Lane, with dormer windows. The dormer windows each measure approximately 1.65 metres in width, with dual pitched roofs measuring approximately 1.1 metres in height to eaves, and 1.9 metres in height to ridge. There are no further amendments proposed.

The site and surrounding area

The Cottage, 2 Newton Lane is situated on the corner of Newton Lane and Ibstock Road, located within the countryside, outside of the settlement boundary of Odstone. The property consists of a detached two storey dwelling, with a detached triple garage. The site is accessible from both Newton Lane and Ibstock Road.

Planning permission has been granted previously for the application site, for extensions and alterations to the dwelling, and the erection of a detached garage to the property (our ref: 14/00325/HOU). The approved garage is sited to the south east corner of the application site, with the principal elevation facing towards Newton Lane.

The surrounding area comprises a range dwellings. The properties located along Newton Lane are a mix of dwellings, including individually designed houses, as well as modern two storey, semi-detached, red brick dwellings sited on the opposite side of Newton Lane to the application site.

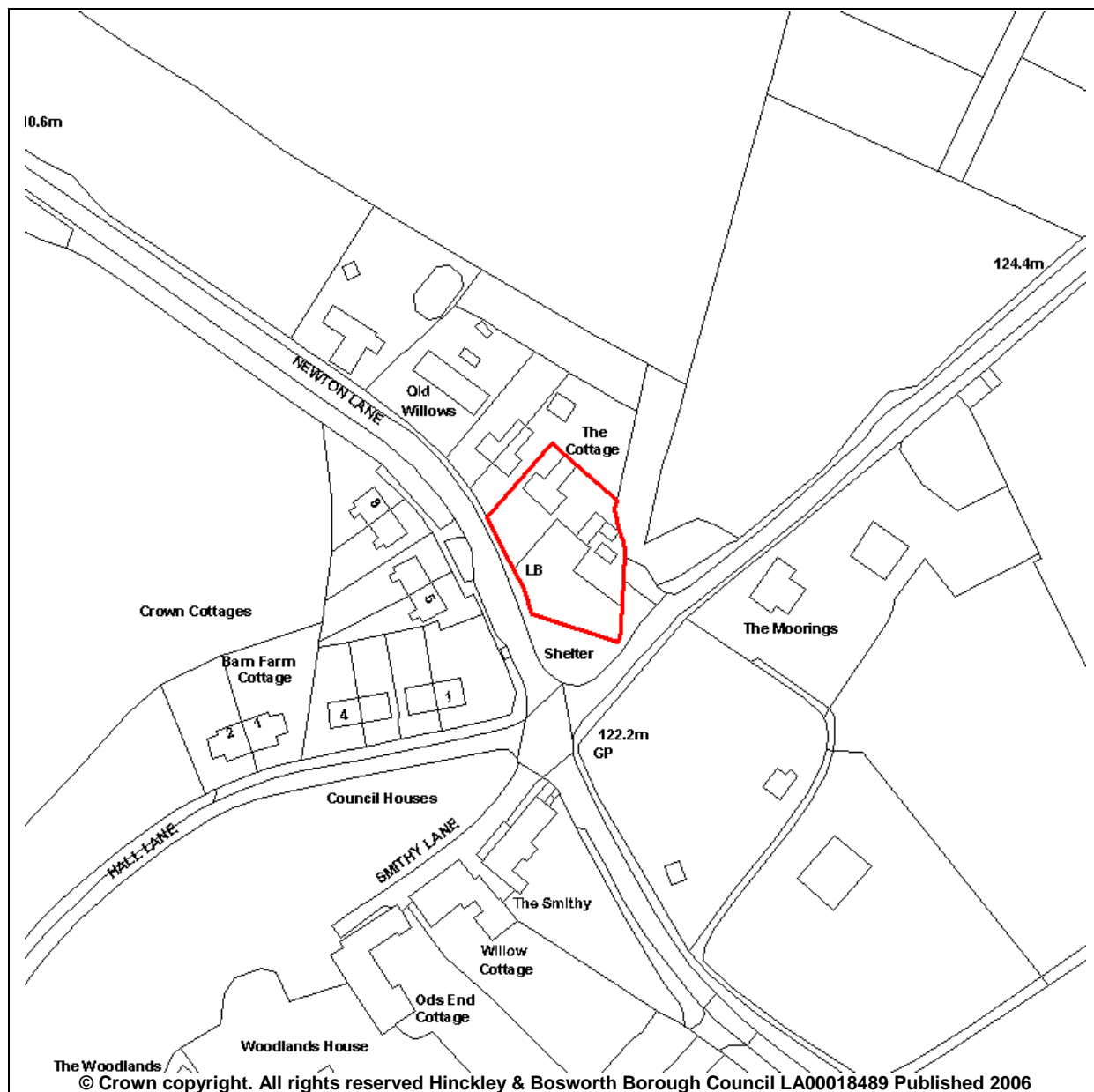
Technical documents submitted with this application

Planning and Supporting Statement

Relevant planning history:-

92/00507/4	Erection to detached double garage	Approved	17.07.1992
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97/00160/FUL	Siting of stable and tack room	Approved	04.04.1997
14/00325/HOU	Extensions and alterations to dwelling and the erection of a detached garage	Approved	07.07.2014



Consultations:-

No objections have been received for this application from:-

Shackerstone Parish Council.

Hinckley and Bosworth District Committee of Leicestershire CPRE have raised the following objections to the proposal:-

- i. The previous application was granted in accordance with countryside policies applicable to Odstone as it is classed as a hamlet.

- ii. The dormer windows would not be in keeping with the street scene or character of the surrounding area.
- iii. Existing garages within street do not have dormer windows.
- iv. Dormer windows are prominent within the street
- v. Would set a precedent for future development
- vi. Photographs submitted with the application are misleading.

Seven objections have been received from members of the public, raising the following issues:-

- i. Would result in adverse overlooking impacts to neighbouring properties.
- ii. Other garages in the area do not have dormer windows.
- iii. Not in keeping with surrounding area, and would have a detrimental impact on the character of Odstone.
- iv. Would be prominent within the street scene.
- v. Would be overbearing.
- vi. The existing hedgerow does not provide adequate screening of the development.
- vii. Would result in the use of the building for purposes other than as a garage.
- viii. Would set a precedent for future development.
- ix. Development is not classed as an extension to an existing building.
- x. The plans and information submitted are misleading/ inaccurate.
- xi. The construction of the dormer windows was unauthorised.
- xii. Would not be in keeping with the original design approved by planning permission 14/00325/HOU.
- xiii. Odstone is classed as a hamlet, where countryside policies strictly apply.
- xiv. Development is a breach of human rights.

Six representations from members of the public have been received in support of the application.

Policy

The National Planning Policy Framework

Site Allocations and Development Management Policies DPD (SADMP) 2014
Policy DM10 Development and Design.

Hinckley and Bosworth Local Plan 2001

Policy BE1 Design and Siting of Development (a, i and ii)

Supplementary Planning Guidance (SPG) - House Extensions

Appraisal

The main issues for consideration are:-

- i. The relationship to the neighbouring properties
- ii. The relationship to the character of the area
- iii. Other issues.

The relationship to the neighbouring properties

Policy DM10 of the SADMP emphasises the importance of good design, and provides a guide on the key considerations which the Borough Council will take into account when

assessing the design of new development. Policy BE1 (criterion i) of the Local Plan states that proposals should not adversely impact upon the amenity of neighbouring properties. The SPG on House Extensions provides further clarification and emphasis in respect of this.

The proposal would result in two dormer windows facing neighbouring dwellings No.5 and No. 6 Newton Lane, sited on the opposite side of the highway of the application property. However, given the minimum distance of 34 metres between the garage and the nearest dwelling, as well as the fact that the previously approved design of the garage included the insertion of roof lights to face these properties, it is not considered that the proposal would result in any adverse overlooking impacts to these neighbours.

Further, given the siting and minor scale of the dormer windows, it is not considered that the development would be result in any overbearing impacts to neighbours.

The relationship to the character of the area

Policy DM10 emphasises the importance of good design, and provides a guide on the key considerations which the Borough Council will take into account when assessing the design of new development. Policy BE1 (criterion a) of the Local Plan states that proposals should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

By virtue of the siting of the dormer windows, they would be visible from the street Newton Lane. Some screening is provided by existing vegetation along the boundary of the property; however views of the dormers would still be available. However, given the design elements of the dormer windows, such as the minor scale and subordinate ridge heights, it is not considered that the development is prominent within the street scene, particularly in relation to the scale of the existing garage. Additionally, it is not considered that the development detracts from the character of the area, given the mix of house types and designs within the street.

Further, the materials utilised match those of the existing garage, and the windows would be completed through the reuse of existing windows from the main dwelling. Therefore, the dormer windows are in keeping with the design of the existing garage as well as the main dwelling.

Other issues

In regard to the comments received concerning the use of the building for purposes other than as a garage, given that the building would remain ancillary to the existing property and would be utilised in conjunction with the main dwelling, the use of the building as additional living space is considered to be acceptable subject to other material planning considerations.

In regard to the comments received, stating that the development would set a precedent for future development, every application received is assessed individually, and on its own merits.

In regard to the comments received stating that the development is not classed as an extension to an existing building, this would not be a reason to refuse this application.

In regard to the comments received stating that the plans and information submitted are misleading and/or inaccurate, it is considered that the details are sufficiently clear to allow the development to be assessed.

In regard to the unauthorised construction of the dormer windows, this has no bearing upon whether planning permission should be granted.

In regard to the opinion that the development is not in keeping with the original design of the garage granted under planning permission 14/00325/HOU, the current application respects the garage in its current form and is therefore acceptable in design terms.

Conclusion

Overall, by virtue of the scale, design and materials proposed, the proposed dormer windows at The Cottage, No. 2 Newton Lane would not result in any material harm on the residential amenity of neighbouring properties, and will be in keeping with the character of the existing dwelling, and wider area. The proposals are considered to be in accordance with Policy DM10 of the emerging SADMP, Policy BE1 (criteria a and i) of the adopted Local Plan, the SPG on House Extensions, and the overarching principles of the NPPF. Therefore, subject to conditions the proposal is considered acceptable.

RECOMMENDATION:- Grant subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Conditions:-

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the dimensions and details specified in the following submitted details:- Proposed Elevation Drawing and Planning and Supporting Statement received by the Local Planning Authority on 30 October 2015.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

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