DELEGATED REPORT

Recommendation Made: 27 October 2011

Reference:- 11/00649/FUL **Parish:- Desford Parish Council**

Applicant:- Mrs Eunice Ward
Ashfield Farm
Kirkby Road
Desford
Leicester

Location:- Ashfield Farm Kirkby Road Desford Leicester Leicestershire

Proposal:- EXTENSIONS AND ALTERATIONS TO DWELLING.

Introduction:-

This application seeks to obtain full planning permission for extension and alterations to the existing side garage on this detached dwelling house. The proposal involves a roof extension and a front porch as well as alterations to the existing garage to be converted into living accommodation.

The dwelling is constructed from brown facing brick and grey pantile roof tiles.

Amended plans have been received showing the eaves detail correctly shown on the elevational drawing.

Planning History:

93/00866/4 – Non compliance with condition agricultural occupancy – Refused on 01/12/1993
93/00254/4 – Conversion and rebuilding of barns to form one dwelling – Refused on 28/04/1993

Consultations:-

Site notice displayed on 20/09/11 and neighbours notified

No objection has been received from the Head of Community Services (Land Drainage)

Development Plan Policies:-

National Policy

Planning Policy Statement 7 - Sustainable Development in Rural Areas

Local Policy

Adopted Local Plan

The site lies outside the settlement boundary of Desford as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 - Design and Siting of the Development
Policy NE5 - Development in the Countryside
Policy RES12 – New Agricultural Dwellings

Supplementary Planning Guidance: House Extensions Design Guidance (SPG)

Appraisal:-

The site is located outside the settlement boundary of Desford falling within countryside. Policy NE5 sets out

the criteria for assessing applications stating that planning permission will be granted for built and other forms of development in the countryside if among other things it is an extension of existing buildings and it does not have an adverse effect on the appearance or character of the landscape, it is in keeping with the scale and character of existing buildings and general surroundings and where necessary it is effectively screened by landscaping or other methods.

The extension will have a similar footprint to the existing garage although it will include an extra skin and porch extension to the existing covered canopy. The proposal will remain sited within the residential curtilage of the site bounded by a mature hedge to the north east with agricultural field beyond.

The dwelling was permitted in 1961 with an agricultural occupancy condition attached to the decision. It is not clear whether the dwellings permitted development rights remain intact. However, with the original planning permission being absent from the Council's records it is only reasonable to conclude that the permitted development rights do exist. Within this context it is important to note that the conversion of a garage into habitable space would be permitted development and can be carried out without the need to apply for planning permission.

The only part of the scheme which will form new operational development requiring permission is the erection of the gable roof to the existing garage.

The proposed porch will cover a ground area of approximately 3 square metres and will be 3.5 metres in height. Given the size of the proposed porch is just over what would be allowable under permitted development and the design of the roof pitch is the same as the rest of the extension, it is considered acceptable.

The main considerations in respect of this application is therefore the design and scale of the proposed roof extension on the dwellings lawful use as an agricultural occupancy dwelling, its impact on the character and appearance of the dwelling, surrounding area, countryside and on the amenities of the occupiers of neighbouring properties.

The gabled roof extension has the following dimensions, 4.5 metres in height x 4.2 metres in width x 8.2 metres in length. Although no first floor accommodation has been shown on the plans, the roof space could reasonably be used to accommodate habitable space without significant modification. This would increase the size of the dwelling which could result in a dwelling house whose size could exceed what could be justified by the functional requirement for agricultural need (PPS 7), and could therefore affect the continued viability of maintaining the property for its use in agriculture. No functional needs assessment has been submitted with the application to justify the need to increase the size of this agricultural occupancy dwelling. To ensure the dwelling house remains proportionate to its agricultural need it is important to control the use of the roof space. To this end it is recommended a condition be attached to the decision notice to prevent the roof space from being used as extra accommodation.

Impact on existing dwelling

The proposal is for a gabled roof that has the same roof form and a similar pitch to the main house. The change in roof design is considered to be a positive addition as it better reflects the character of the existing dwelling.

The proposed use of facing brick and pantile roof tiles will match the materials used on the main house. The proposed windows to be inserted on the front and rear elevations of the converted garage will match the style, size and proportions of those on the original building.

Given the design of the roof extension and its proportionate scale that reflects the character of the existing dwelling, the proposed roof extension will not have any adverse impact on the character of the existing dwelling and is therefore acceptable in design terms.

Impact on surrounding area and countryside

The design and scale of the proposed roof extension respects the character and appearance of the main house. There is a hedge that encloses the residential curtilage of the site to the north east and northwest

boundary. For this reason, it is not considered to have an adverse effect on the appearance or character of the countryside. As the proposed development is in keeping with the character of the existing dwelling, it will not result in a harmful impact on the surrounding area.

Neighbours amenities

Given the nature of the proposed extension and the distance of 55 metres to the nearest property, no adverse impact on residential amenities will arise.

Conclusion

The proposal would respect the scale and character of the existing dwelling. It would not adversely affect the character or appearance of the surrounding area or countryside. There will be no impact on the amenities of the occupiers of neighbouring properties. The application is considered to be in accordance with Policy BE1 and NE5 of the Local Plan and the Council SPG on House Extensions and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and the proposed development by virtue of the scale, mass and design of the proposed extension would not impact on the dwellings lawful use as an agricultural occupancy dwelling and would not detrimentally impact on the character and appearance of the existing dwelling, surrounding area, countryside or neighbours amenities and would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1 and NE5

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

3 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification) the buildings hereby approved shall not be enlarged or altered without the grant of planning permission for such extensions by the Local Planning Authority.

4 The occupation of the dwelling and extension hereby approved, shall be limited to a person solely or mainly working, or last working in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry or a widow or widower of such a person, and to any resident dependants.

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

Drawing - 2220 404A - Received on 07/10/2011
Drawing - 2220 401 - Received on 08/09/2011
Drawing - 2220 201 - Received on 08/09/2011
Drawing - 2220 301 - Received on 09/08/2011

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

3 To ensure that the dwellinghouse remains commensurate with the agricultural needs of the holding to ensure compliance with the requirements of Planning Policy Statement 7 Sustainable Development in Rural Areas.

4 The site lies within an area where the Local Planning Authority would not normally grant permission for residential development. The existing dwlleinghouse is subject to an agricultural occupancy condition and in accordance with the requirements of Policy RES12 of the Adopted Hinckley and Bosworth Local Plan , control over the occupancy of the development proposed is necessary.

5 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).

5 It should be noted that the application property still remains tied to agricultural occupancy.

Contact Officer:- Kevin Roeton Ext 5919