

## Delegated Report

**Planning Ref: 24/00312/HOU**

**Applicant: Mr and Mrs Prentice**

**Ward: Twycross Sheepy & Witherley**

**Site: The Old Rectory 19 Church Road Witherley Leicestershire**



Hinckley & Bosworth  
Borough Council

### **Proposal: Detached timber garage**

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#### **1. Recommendations**

##### **1.1. Grant planning permission subject to:**

- Planning conditions outlined at the end of this report

#### **2. Planning application description**

- 2.1. This householder application seeks planning permission for the construction of a detached double garage for a dwelling, The Old Rectory, 19 Church Road, Witherley.
- 2.2. The proposal would be located close to the existing site access between and below the canopies of two overlapping trees and with double doors facing internally across the site towards the dwelling. It would have a width of 7 metres and a depth of 6 metres and a very shallow pitched roof set behind a flat parapet of 2.5 metres in height. It is proposed to be constructed with dark natural stained horizontal timber boarding and anthracite composite garage doors.
- 2.3. A Planning Statement, Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan have been submitted to support the application.
- 2.4. Amended plans have been submitted to address inconsistencies within the originally submitted plans. Re-consultation has been undertaken.

#### **3. Description of the site and surrounding area**

- 3.1. The application dwelling is located with the settlement boundary of Witherley and within the Witherley Conservation Area to the west of Church Road. It is a substantial detached late-18<sup>th</sup> century dwelling (with subsequent later extensions and alterations) with numerous architectural features. It is constructed of red rustic facing bricks, plain clay tiled roof and cream painted timber windows. The site access lies some distance to the south and runs around the rear of a neighbouring converted period stable block (No. 17) to a large area of hardstanding. The dwelling occupies an extensive plot with numerous mature trees, mature landscaping and lawns and sits behind a 2 metres high red brick wall that forms the highway boundary on Church Road.
- 3.2. Witherley Hall set in its extensive grounds lies at some distance to the north, the River Anker lies at some distance to the west and an area of undeveloped open land lies to the south. The Memorial Playing Field lies on the opposite side of Church Road to the east.

#### **4. Relevant planning history**

##### **98/00175/FUL**

- Erection of boundary wall and new entrance gates
- Permitted
- 17.04.1998

### **13/00003/HOU**

- Extensions and alterations to dwelling.
- Permitted
- 27.02.2013

### **13/00324/FUL**

- Change of use of land for the creation of tennis court
- Permitted
- 06.06.2013

## **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. No responses have been received as a result of public consultation.

## **6. Consultation**

- 6.1. No objection has been received from:
- Leicestershire County Council (Ecology)  
Leicestershire County Council (Tree Officer)  
Witherley Parish Council.

## **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 12: Rural Villages
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM6: Enhancement of Biodiversity and Geological Interest
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- Planning (Listed Buildings and Conservation Areas) Act 1990
  - National Planning Policy Framework (NPPF) (2023)
  - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Witherley Conservation Area Appraisal (WCAA) and Map (2007)
  - Good Design Guide (2020)
  - National Design Guide (2019)
  - Local Highway Authority Design Guide

## 8. Appraisal

8.1. Extensions, including detached ancillary buildings, to existing dwellings within settlement boundaries are generally considered to be sustainable development in principle. The key Issues in respect of this application are therefore:

- Design and impact upon the character and appearance of the site and Witherley Conservation Area
- Impact on trees
- Impact upon neighbouring residential amenity
- Impact upon parking provision

Design and impact upon the character and appearance of the site and Witherley Conservation Area

8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.3 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205 - 208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

8.4 Policy 12 of the adopted Core Strategy requires new development to respect the character and appearance of the Witherley Conservation Area (WCA) by incorporating locally distinctive features of the conservation area into the development.

8.5 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment including conservation areas and national and locally important heritage assets and should ensure the significance of a conservation area is preserved and enhanced.

8.6 Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and suggests that: *'Garages and car ports should generally be set back from the existing dwelling so as not to dominate the street scene.'*

8.7 The Old Rectory is a grand late-18<sup>th</sup> century dwelling (with subsequent late 19<sup>th</sup> century extensions and alterations) located within the historic core of the Witherley Conservation Area. It was originally the rectory for St Peter's Parish church, located further to the south. Due to its historic and architectural interest it is identified as being an important local building in the Witherley Conservation Area Appraisal (WCAA) (2007), and it contributes positively to the character and appearance, and thus significance of the conservation area. The Old Rectory sits within large well landscaped grounds, which includes a number of fine mature trees. The grounds are identified as a key space within the WCAA, and a number of the trees are identified as being important for their amenity value, including those that flank the access drive from Church Road. Due to the presence of a converted stable block (No. 17 Church Road), high boundary walls and vegetation there are no clear views of the grounds of the Old Rectory from Church Road, other than for an angled view

looking south-westwards (identified as being important within the WCAA) between the converted stable block and side elevation of the Rectory from which the amenity value of some of the fine mature trees within the grounds can be appreciated

- 8.8 Whilst the garage would be sited well forward of the front elevation of the Old Rectory, the proposal would be appropriately located close to the existing site access and hardstanding to the front of the application dwelling and between and below the canopies of two overlapping mature trees. It would have a rectangular floor plan with an appropriate width of 7 metres and depth of 6 metres and a very shallow pitched roof set behind a flat parapet of only 2.5 metres in height. It would have double doors facing internally across the site towards the rear gardens of the application dwelling. By virtue of its scale the proposal would appear as a clearly subordinate ancillary building to the substantial detached dwelling that it would serve.
- 8.9 The proposed more contemporary flat roof design would contrast with the period construction and features of the application dwelling but the design responds to the constraints of the siting below the canopy of important trees. Notwithstanding the contemporary design, it would be set apart from the dwelling and to the side of the main approach where it would not be unduly visually prominent or detract from the period features of the application dwelling. The proposed use of dark stained vertical timber boarding for the external walls and anthracite composite garage doors is considered to be acceptable and to reflect the semi-rural appearance of the plot and the wider area. By virtue of its height of only 2.5 metres, flat roof design and discreet siting between and below the tree canopy and 20 metres to the rear of the neighbouring converted stables that front directly onto Church Road, the proposal would not be visible from public areas or have any adverse visual impacts on the rural character or appearance of the grounds, the key space or important view from Church Road identified within the WCAA or the wider Witherley Conservation Area.
- 8.10 By virtue of the siting, scale, form, design, and subject to the proposed use of appropriate external materials and satisfactory protection of the important trees through appropriate construction methods and tree works which can be secured by condition and are assessed in the report below, the proposal would respect the scale of, and complement the character and appearance of, the existing dwelling and would result in a neutral impact upon the character and appearance of the Witherley Conservation Area thus preserving its significance. It is considered that the proposal would also have no adverse impacts upon the key space in which The Old Rectory is located or the important view identified in the WCAA Map from Church Road of the trees over the 2 metres high boundary wall. The proposal is therefore considered to be in accordance with Policies DM10, DM11 and DM12 of the adopted SADMP, the principles of the adopted Good Design Guide, Section 16 of the NPPF, and the statutory duties of Section 72 of the Planning (Conservation Areas and Listed Buildings) Act 1990.

#### Impact on trees

- 8.11 Policy DM6 of the adopted SADMP seeks to preserve and enhance features of nature conservation. It requires that such features should be retained, buffered and managed favourably to maintain their ecological value.
- 8.12 The Witherley Conservation Area (WCA) Appraisal Map identifies a number of trees lining the west side of the site access as important trees within the WCA. It is proposed that the double garage would be constructed between and below two of these important trees and therefore a Planning Statement and Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan have been submitted to support the application.

8.13 These propose that the garage would be constructed midway between the two adjacent important trees and with a screw pile and beam foundation and suspended floor to minimise any significant adverse impacts on the trees root systems through severance or soil compaction. The proposed hard surfacing to serve the garage is proposed to be of geocell construction with permeable surface layer to avoid soil compaction and provide adequate ventilation to the root systems. Crown lifting of some lower limbs (including one dead limb) would be necessary to create sufficient height space for the garage below the tree canopies. However, the proposed low level tree works are not considered to be unreasonable as they would not imbalance the overall shape of the trees or adversely affect their contribution to the visual amenities of the WCA.

8.14 Subject to the development being implemented in strict accordance with the submitted Arboricultural Method Statement and Tree Protection Plan which can be conditioned, it is considered that this would ensure that the proposal would not result in any significant adverse impacts, either during or post construction, on the long term viability or biodiversity or visual amenity value of the important trees. The proposal would therefore accord with Policies DM6, DM11 and DM12 of the adopted SADMP.

Impact upon neighbouring residential amenity

8.15 Policy DM10 of the adopted SADMP and the adopted Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.

8.16 By virtue of its discreet siting, single storey scale, flat roof design and separation distance of over 20 metres from the nearest neighbouring dwelling to the east (No. 17), it is considered that the proposed detached double garage would not result in any significant adverse impacts on the residential amenity or privacy of the neighbouring occupiers. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Design Guide. No objections have been received from any neighbouring properties.

Impact upon parking provision

8.17 Policy DM18 requires adequate off-street parking space to be provided/maintained to serve the development.

8.18 The site already provides ample off-street parking and turning on a large hard surfaced yard area adjacent to the south side of the application dwelling. The proposal would provide an additional four spaces within the detached double garage and its new appropriately hard surfaced forecourt. The proposal would therefore be in accordance with Policy DM18 of the adopted SADMP and the general principles of the local highway design guidance.

## **9. Equality implications**

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1. The proposal is for a detached ancillary garage building to serve an existing dwelling located within the settlement boundary of Witherley where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. By virtue of the siting, scale, form, design, and subject to the proposed use of appropriate external materials, the proposal would respect the scale of, and complement the character and appearance of, the existing dwelling and would result in a neutral impact upon the character and appearance of the Witherley Conservation Area thus preserving its significance. Subject to the development being carried out in full accordance with the submitted arboricultural report recommendations the proposal would not result in any significant adverse impacts on any important trees, the key space in which The Old Rectory is located or the important view identified in the WCAA Map from Church Road. By virtue of the siting, scale, design, screening and separation distances the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. More than adequate off-street parking and private amenity space would be retained within the substantial plot to serve the resulting dwelling. The proposal is considered to be in accordance with Policy 12 of the adopted Core Strategy, Policies DM1, DM6, DM10, DM11, DM12 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide, section 16 of the NPPF (2023) and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is therefore recommended for approval subject to conditions.

## **11. Recommendation**

### **11.1 Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

### **11.2 Conditions and Reasons**

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:

Location Plan at scale 1:1250 and Proposed Floor Plan (untitled) received by the local planning authority on 2 April 2024 and Proposed Elevations Drawing (untitled) received by the local planning authority on 7 May 2024.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the proposed detached garage hereby permitted shall be in strict accordance with the approved Proposed Elevations Drawing (untitled) received by the local planning authority on 7 May 2024 and once so constructed shall be permanently maintained as such at all times thereafter.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby permitted shall be implemented in strict accordance with the submitted and approved Arboricultural Method Statement and Tree Protection Plan dated 18 March 2024 by AT2 Tree Surveys.

**Reason:** To ensure that the visually significant trees on site are retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policies DM6 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

### 11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [building.control@blaby.gov.uk](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.
2. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) therefore, vegetation clearance should be undertaken outside the breeding season (March to August inclusive) unless carefully checked by a suitably qualified person.