

Delegated Report

Planning Ref: 23/00230/CONDIT
Applicant: Mr James Watson
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

**Site: Oak Tree House Hinckley Fields Farm Rogues Lane Hinckley
Leicestershire**

**Proposal: Variation of condition 2 of planning permission 21/01423/HOU. Amendment
to the size and design of the proposed garages**

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission. In this case, planning permission 21/01423/HOU granted full planning permission for the erection of two single storey extensions to the side and rear elevations, a porch to the front elevation and an additional garage block to a dwelling, Oak Tree House, Hinckley Fields Farm, Rogues Lane, Hinckley, subject to conditions. Condition 2 of the planning permission requires that the approved development shall be implemented in accordance with the submitted and approved plans.
- 2.2. This application seeks planning permission for the variation of condition 2 of that planning permission to enable the development to be implemented in accordance with amended plans which seek to increase the size of and amend the design of the approved garages block and provide additional mezzanine floor space accessed via an external staircase. A new gated entrance is also proposed between the existing double garage blocks serving the application dwelling and neighbouring dwelling Swallows Rest. The other three single storey extensions remain as previously and originally approved.
- 2.3. Amended plans have been submitted to address officer concerns in respect of the size and design of the garage block submitted. Given the scale and nature of the amendments made and the consultation response received, no further re-consultations are considered to be necessary or have been undertaken in this case.

3. Description of the site and surrounding area

- 3.1. The application dwelling lies in the countryside to the north of Hinckley and forms part of a former farm complex of three dwellings. Oak Tree House is the original two storey farmhouse, the neighbouring houses Swallows Rest and Rogues Barn are converted 1½ storey and single storey former agricultural barns and there are also ancillary garaging and outbuildings. Oak Tree House is an attractive two storey dwelling with double apex gable sided roof form. It is constructed of red rustic facing bricks and grey plain clay roof tiles. It has three ground floor bay windows to the front elevation, two chimney stacks, corbelled eaves, string course and stone headers and cills to the front elevation windows and arched brick headers and stone cills to other elevations. It has a detached similar red rustic brick built double garage with dual pitched grey plain clay tiled roof. Access to the complex is along a 300 metres long shared farm track from Rogues Lane to the north leading to

extensive tarmacadam surfaced hard-standing providing parking and turning space serving both Oak Tree House and Swallows Rest.

4. Relevant planning history

21/01423/HOU

- Erection of two single storey extensions, erection of a porch and erection of a garage building
- Permitted
- 03.03.2022

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.
- 5.2. One response has been received as a result of public consultation raising objections to the revised proposal on the following grounds:
- 1) Out of keeping with the country setting
 - 2) No need for the original permission to be changed or additional accommodation
 - 3) New entrance too close to neighbouring dwelling

6. Consultation

- 6.1. No other consultations necessary or undertaken.

7. Policy

- 7.1. Core Strategy (2009)
- No relevant policies
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

- 8.1. Notwithstanding its countryside location, extensions and alterations to existing residential properties are generally considered to be sustainable development in principle, and in this case the principle of development and the siting of the proposed extensions and alterations has already been established through the earlier grant of the extant planning permission (reference 21/01423/HOU) on the site. The key issues in respect of this application are therefore:

- Design and impact upon the character of the building complex and surrounding countryside
- Impact upon neighbouring residential amenity
- Impact upon parking provision
- Conditions

Design and impact upon the character of the area and surrounding countryside

- 8.2 Policy DM4 of the adopted SADMP allows extensions and alterations of existing buildings in the countryside which lead to an enhancement of the immediate setting and where it does not have a significant adverse effect on the appearance and open character of the countryside. 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.
- 8.3 As a result of public consultation an objection has been received on the grounds that the revised proposal would be out of keeping with the country setting and that there is no need for the original permission to be changed or for additional accommodation.
- 8.4 The amended proposed size and design of the garages block would result in modest increases in its depth of only approximately 1.1 metres (from 6.3 metres approved to 7.4 metres), its ridge height of only approximately 0.7 metres (5 metres approved to 5.7 metres) and width of only approximately 0.3 metres (from 6.7 metres approved to 7 metres) with an additional external staircase to access the mezzanine floor space. The amended design retains its traditional dual pitched roof form and is considered to result in a more agricultural appearance to suggest a converted cart shed structure with front elevation doors extending to full eaves height with Oak beam headers and traditional ledged and braced vertical plank doors and a sympathetically designed covered external staircase of timber and tile construction. Notwithstanding the objection received, it is considered that by virtue of the modestly amended proposed scale and design of the garages block it would continue to respect and complement the scale, design and appearance of the existing former agricultural complex which exhibits a variety of roofscape heights and would still be viewed from the surrounding countryside in the context of the existing former agricultural buildings complex. It is therefore considered that the amended proposals would not result in any significant adverse visual impacts on the rural character or open appearance of the surrounding countryside.
- 8.5 In respect of 'need', the supporting letter outlines that the originally approved garages are not sufficient in length for the primary purpose of accommodating the applicant's classic cars intended to be housed within them and therefore a modest increase in their depth is sought. In order to maintain an appropriate roof pitch to respect and complement that of existing buildings within the wider complex this also results in an increase in the overall height of the garage block and presents an opportunity to make more sustainable and reasonable use of that additional space.
- 8.6 The other three single storey extensions to the front, side and rear elevations remain as previously approved and by virtue of their siting, single storey scale, design and appearance would continue to respect and complement the scale, character and appearance of the existing dwelling.
- 8.7 As no details of any specific external construction materials have been submitted a condition to require samples to be submitted for prior approval would be reasonable and necessary in this case to ensure a satisfactory appearance.

- 8.8 Notwithstanding the objection received, it is considered that by virtue of their siting, scale, amended design, and subject to the use of sympathetic external construction materials, the proposed amended extensions and alterations would respect and complement the scale, character and appearance of the application dwelling and the surrounding building complex and would not result in any significant adverse visual impacts upon the rural character or open appearance of the surrounding countryside. The amended proposals are therefore considered to be in accordance with Policies DM4 and DM10 of the adopted SADMP and the general principles of the adopted Good design Guide.

Impact upon neighbouring residential amenity

- 8.9 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.
- 8.10 An objection has been received on the grounds that the proposed new entrance is too close to the neighbouring property.
- 8.11 The proposed new gated pedestrian entrance would be located between two existing double garages, one of which serves the application dwelling and the other the neighbouring dwelling, Swallows Rest. It would be located at least 6 metres from the main accommodation body of Swallows Rest and recessed such that the gate would not be readily visible from the neighbouring property. It would have a 3 metres high and 2.4 metres wide brick surround with central 1.5 metres wide segmented arch and replace an existing 2 metres high close boarded timber fence panel. Notwithstanding the objection received, it is considered that the proposed new pedestrian access and its domestic use would not result in any significant adverse visual or any other adverse impacts on the privacy or residential amenity of the occupiers of either of the neighbouring properties.
- 8.12 The proposed amended garage block would be sited in a similar position to that originally approved and would be set back from the front elevation of the existing double garages to avoid any significant adverse visual impacts on the outlook from the southwest elevation window of Swallows Rest. By virtue of the modest proposed increase in its depth and height, screening provided by the existing dual pitched roof double garages and application dwelling together with separation distances it is considered that the amended garage block would not result in any significant adverse overbearing or overshadowing impacts on the residential amenity or privacy of either of neighbouring properties.
- 8.13 The other three single storey extensions to the front, side and rear elevations remain as previously approved and by virtue of their siting, single storey scale, design, screening and separation distances would not result in any significant adverse overbearing or overshadowing impacts on the residential amenity of either of the neighbouring properties or any significant loss of privacy to the neighbouring occupiers from any potential overlooking.
- 8.14 Notwithstanding the objection received, it is considered that by virtue of their siting, scale, design, screening and separation distances, that the proposed amended extensions and alterations would not result in any significant adverse impacts on the residential amenity or privacy of either of the neighbouring properties and that the revised proposals are therefore in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.15 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.

- 8.16 The site provides extensive off-street parking and turning to serve all three dwellings and this would be unaffected by the revised proposals. The proposed additional garaging is to serve a defined and reasonable purpose and would add to the parking provision rather than subtract from it. The revised proposals would therefore result in/retain adequate off-street parking provision in accordance with Policy DM18 of the adopted SADMP and local highway authority design guidance.

Conditions

- 8.17 Condition 1 (Time) will need to refer to commencement of development within three years from the date from the original planning permission that this application seeks to vary as development has not yet commenced. Condition 2 (Plans) will need to be amended to refer to the amended plans submitted with this application. Condition 3 (Materials) will need to be repeated as no external material samples have yet been submitted for prior approval, but with an amendment to refer to extensions and alterations (to correct an erroneous reference to dwellings).
- 8.18 An additional condition to ensure that the use of the garage block building remains ancillary to the residential occupation of the application dwelling and is not used at any time for business or commercial purposes is considered to be reasonable and necessary to ensure compatible use with the residential uses of the remainder of the site and that the detached building is not used as an independent unit which may result in additional impacts.

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. Notwithstanding the location of the site in the countryside, the proposal relates to a variation to an extant planning permission for extensions and alterations to an existing dwelling where there is a general presumption in favour of sustainable development as set out in Policies DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.

- 10.2. Notwithstanding the objection received, it is considered that by virtue of their siting, scale, amended design, and subject to the use of sympathetic external construction materials, the proposed amended extensions and alterations would respect and complement the scale, character and appearance of the application dwelling and the surrounding building complex and would not result in any significant adverse visual impacts upon the rural character or open appearance of the surrounding countryside. Notwithstanding the objection received, it is considered that by virtue of their siting, scale, design, screening and separation distances, that the proposed amended extensions and alterations would not result in any significant adverse impacts on the residential amenity or privacy of either of the neighbouring properties. The revised proposals would retain more than adequate off-street parking and turning and ample private amenity space to serve the application dwelling. The amended proposals are therefore considered to be in accordance with Policies DM1, DM4, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good design Guide and are therefore recommended for approval subject to amended conditions and an additional condition in respect of ancillary residential use.

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 3 March 2022, the date of the original permission (reference 21/01423/HOU).

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: Site Location Plan Drawing No. 211475-PL1001 and Site Block Plan Drawing No. 211475-PL1002 received by the local planning authority on 10 March 2023, Proposed Floor Plan Drawing No. 211475-PL1005 Rev A received by the local planning authority on 22 May 2023 and Proposed Elevations Drawing No. 211475-PL1006 Rev B received by the local planning authority on 12 June 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the proposed extensions and alterations to the dwelling and garage block hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policies DM4 and DM10 of

the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The garage block with mezzanine floor space above hereby permitted shall not be used for any purposes other than those ancillary to the residential occupation of the dwelling known as Oak Tree House, Hinckley Fields Farm, Rogues Lane, Hinckley and shall not be occupied, sold or separately leased or let as an independent unit of residential accommodation or for any business or commercial purposes at any time.

Reason: To ensure that the use of the building remains compatible with the existing residential uses on the site and is not occupied as an independent unit which may have additional impacts in accordance with Policies DM1, DM4, DM10, DM17 and DM18 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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.