DELEGATED REPORT

Reference:- 11/00772/FUL **Parish:- Twycross Parish Council**

Applicant:- Mr A Davenport
Hall Farm
The Green
Orton On The Hill
Atherstone

Location:- Hall Farm The Green Orton On The Hill Atherstone Leicestershire

Proposal:- ERECTION OF BOUNDARY WALL AND ENTRANCE GATES AND ALTERATIONS TO EXISTING GARAGE.

Introduction:-

Full planning permission is sought for the erection of a boundary wall and entrance gates and alterations to the existing garage.

The original consent sought permission for a detached barn, which has subsequently been omitted from the description of proposal and re-consultation undertaken was on this basis.

The application proposes to alter an existing mono-pitched roof garage with an incongruous steel sheet finish to create a pitched roof garage with block work walls and timber framing. The location of the existing openings including the roller shutter door are to remain.

The scheme also proposes the erection of entrance gates and a boundary wall to a maximum height of 2 metres, spanning across the site entrance by some 15 metres.

During the course of the application, the applicant has also submitted revised plans, to show a reduction in the amount of timber framing and brickwork on all elevations for the garage and changes to the design of the entrance gates. Re-consultation has been undertaken with neighbouring dwellings.

The site is currently used as a dwelling and there are other equestrian facilities on site. Following concerns raised by officers amended plans have been received defining the residential curtilage.

The whole of the site is located outside the settlement boundary and within a local landscape improvement site, as defined by the adopted Hinckley and Bosworth Local Plan (2001). Church Farm is a Grade II Listed Building located to the north west of the site. Part of the site, including the dwelling, residential curtilage and the siting of the garage and boundary wall and gates are located within the Orton on the Hill Conservation Area. A public footpath runs in an east to west direction across the site.

The application is accompanied by a Design and Access Statement and Tree Survey Information.

Planning History

11/00245/BOC	Breach of Condition (11/00932/FUL)	Pending	
10/00169/UNBLD	Unauthorised Building Operations	Closed	16.12.10
11/00230/CONDIT	Variation of condition No. 5 of planning permission 10/00932/FUL to allow use of the ménage by friends and family	Permitted	17.05.11
10/00932/FUL	Extension to existing ménage and installation of 6 no. 6m lighting poles	Permitted	20.01.11

10/00225/CLU	Lawful development certificate for continued use as a single dwelling	Permitted	25.06.10
09/00819/FUL	Erection of new timber stables in field	Returned	28.01.10
02/00797/COU	Change of use to ménage with post and rail fencing	Permitted	06.08.02
89/1242/4	Conversion of farm buildings to residential accommodation	Refused - allowed on appeal	
88/1503/4	Conversion of farm buildings to appeal and widening of access	Refused - dismissed on	residential accommodation

Consultations:-

No objections received from:-

Director of Environment and Transport (Highways)
Director of Environment and Transport (Rights of Way)
Head of Community Services (Pollution)

No objection subject to conditions received from:-

Head of Corporate and Scrutiny Services (Tree Officer)

Three letters of objection have been received raising the following concerns:-

a) Not logical to convert the barn to a garage and then propose a new barn;
b) Upgrading of the garage has the potential for future residential conversion
c) The location of the barn will lead to further development;
d) Further step toward a fully commercial equine business centre;
e) Access to the new barn would be via Pipe Lane which is inadequate and would lead to an increase in traffic using it;
f) Application should be put before planning committee; the last application was “rubber stamped”; previous conditions have not been adhered to;
g) Land boundary outlined in blue does not belong to the applicant.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development.

Planning Policy Statement 5 (PPS5): Planning for the Historic Environment

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas

Local Development Framework: Core Strategy (2009)

None relevant

Hinckley & Bosworth Local Plan (2001)

Policy BE1: Design and Siting of Development

Policy NE5: Development in the Countryside

Policy BE7: Development in Conservation Areas

Policy NE10: Local Landscape Improvement Area

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): House Extensions

Supplementary Planning Document (SPD): Sustainable Design

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact upon the character and appearance of the countryside, impact upon the character and appearance of the conservation area, impact upon residential amenity, highway considerations and other matters.

Principle of Development

The site is located outside of the settlement boundary of Orton on the Hill, as defined by the adopted Hinckley and Bosworth Local Plan and is therefore within an area designated as countryside.

Both PSS7 and Policy NE5 are generally supportive of development in the countryside providing that it does not result in any material harm to the existing character of the landscape.

The site is an established residential site. Both the garage and the boundary wall and gates fall within the defined residential curtilage of the dwelling house.

For the avoidance of doubt the proposed barn is no longer subject to this application and the application description has been amended accordingly.

In respect of the garage this is an existing building located within the defined residential curtilage and as such there is no-in principle objection to external changes to the existing building. The design is subject to appraisal in later sections of this report..

In terms of the proposed wall and gated entrance it is not considered that there is any in-principle objection to this small scale development, which is in close proximity to the settlement boundary and where there are a number of other examples within the vicinity. The design is subject to appraisal in later sections of this report.

In summary, there is no in principle objection to the proposed alterations to the garage and the erection of a wall and gate entrance, subject to all other planning matters being adequately addressed.

Siting and Impact upon the Character and Appearance of the Countryside

In terms of the visual impact upon the countryside, the garage is located in close proximity to the existing buildings on site and is not visible from the north from The Green; would not be visible from the east due to the screening offered by the existing buildings; and would not be visible from the west due to the presence of mature hedgerow. The proposal would be more visible from the wider landscape to the south, however, it is not considered detrimental to the visual impact upon the countryside, given its improvements to design and its existing residential setting. In terms of physical impact and encroachment into the countryside, the garage is an existing building.

The location of the wall and gates, and their design are not considered to be visually prominent from this wider countryside setting.

In summary, whilst located in the countryside, by virtue of the design and scale it is considered that the proposals would not be detrimental to the character and appearance of the surrounding landscape and as

such the proposals are considered acceptable in respect of Saved Policy NE5 of the Local Plan.

Design and Impact Upon the Character and Appearance of the Conservation Area

The proposal is located within the Orton on the Hill Conservation Area. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area.

The garage proposes to provide a pitched roof with reclaimed Staffordshire blue clay pain tiles, with block work walls clad to match existing brick work, with timber framing to replicate the timber framing used in an existing adjacent building. During the course of the application the extent of the timber framing has been reduced to reflect the minimal amount of timber framing used in the adjacent buildings. Overall it is considered that the scheme provides a visual gain over the existing external appearance of the garage and it is considered to at least preserve the character of the Orton on the Hill Conservation Area on this basis alone.

There are other examples of entrance gates and brick walls within the vicinity of The Green and within the conservation area. Following the changes to the design of the timber entrance gates, to now be a frame and railing design allow some vision through them, it is considered that this would result in an appropriate means of boundary treatment of a design and using materials appropriate to the setting and is therefore considered to preserve the Conservation Area.

In summary, the proposals are considered to preserve the character of the Orton on the Hill Conservation Area in accordance with Saved Policy BE7 of the Local Plan.

Impact upon Residential Amenity

The alterations proposed to the garage are not considered to cause any significant detrimental impacts upon residential amenity over and above that of the existing, and the proposed wall and gates by virtue of this siting and scale would not cause any significant material impacts.

In summary, the proposal is considered to have minimal impacts upon amenity of neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 of the Local Plan.

Highway Considerations

The scheme proposes the erection of entrance gates and a wall. The scheme has been considered by Director of Environment and Transport (Rights of Way) who has no highway comments.

In summary, it is not considered that there would be any significant impacts upon highways safety. Accordingly the development accords with Saved Policy T5 of the Local Plan.

Other Matters

Impact Upon Trees

The application has been accompanied by a tree report which has been considered by the Head of Corporate and Scrutiny Services (Tree Officer) who recommends that hand digging for the boundary wall footings adjacent to the front willow are adhered to, with supervisions by the Arboricultural Consultant. As such it is recommended that this form part of the Notes to Applicant.

Landscaping

The site lies within an area identified as a local landscape improvement area and as such it is a requirement to provide additional planting. Given the scale and nature of the works proposed it is not considered that this would be necessary in this case.

Conclusion

In conclusion, whilst the site is located outside of the settlement boundary of Orton, both PSS7 and Policy NE5 are generally supportive of development in the countryside providing that it does not result in any material

harm to the existing character of the landscape. The proposals are not considered to give rise to any material harm to the existing character of the landscape, any significant material impacts upon the occupiers of the neighbouring dwellings, highway safety, trees and it is considered that the proposals preserve the character of the Orton on the Hill Conservation Area. Accordingly the application is recommended for planning permission, subject to the imposition of planning 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 would not result in any material detrimental impact upon residential or visual amenity, impact upon trees, impact upon the countryside and is considered to preserve the character of the Orton on the Hill Conservation Area.

Hinckley & Bosworth Local Plan (2001):- Policies BE1, NE5, BE7, NE10, T5.

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended details: Site Location Plan indicating Proposals Drawing No. 4079/01 Rev C; Proposed Garage Alterations Drawing No. 4079/03 Rev C and Partial Site Layout with Entrance Gate Proposal Drawing No. 4079/02 Rev B received by the Local Planning Authority on 20 January 2012.

3 Before any development commences, representative samples of the types and colours of materials to be used on all external elevations to the garage, boundary wall and gates, including coping details and paint finish shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reasons :-

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

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.

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 Hand digging for the boundary wall footings adjacent to the front willow should be adhered to, with

supervisions by the Aboricultural Consultant. Where significant roots are located, pile and beam construction should be used to bridge tree roots.

Contact Officer:- Ebbony Mattley Ext 5691