

OVERTON PROPERTY & MAINTENANCE SERVICES

(FULLY INSURED)



The erection of a timber garage at The Old Rectory 19 Church Road Witherley

The Old Rectory is a detached property with a large garden between Church Road to the east and the River Anker to the west. The dwelling was originally constructed in the late 18thC but was largely extended and altered in the late 19thC. The site is situated within the conservation area, but there are no tree preservation orders. Below are a selection of images of the dwelling and the surrounding area.



Image to the side (eastern) elevation of the dwelling



Image to the east of the dwelling and view south down Church Road



Image north down Church Road and eastern boundary of property



Image of main entrance to property with glimpses of principal elevation

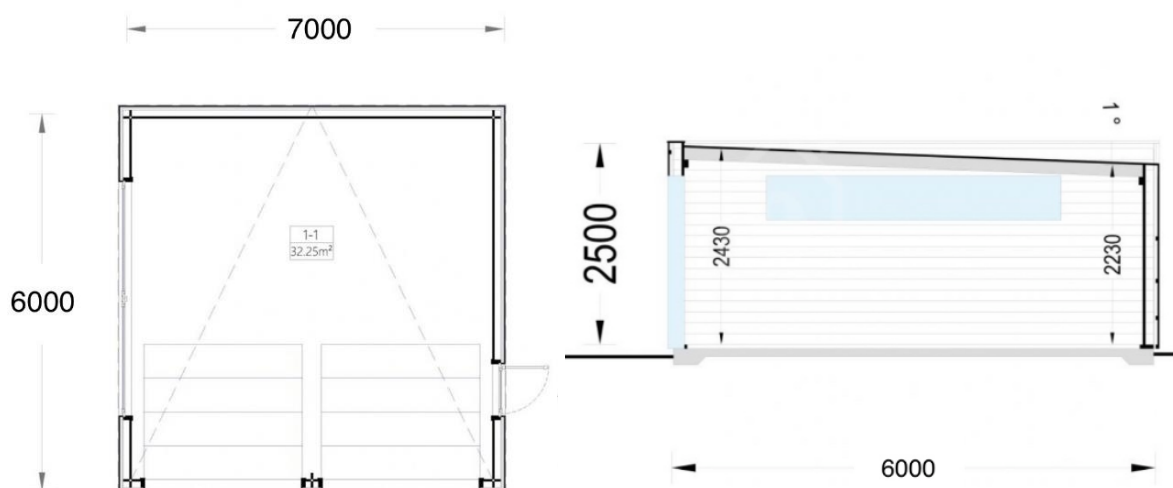


Image of proposed location of garage



Planning permission is sought for the erection of a detached timber garage.

The garage will be single story in nature with a shallow mono-pitched roof. Due to the proximity of a mature tree, to ensure minimal disruption to the ground, the garage will have no foundations, it will have a steel frame and base and it will be affixed to the ground via screw foundations. This construction method will mean that the structure will effectively float above the ground. The garage will have the following dimensions:



The design and construction of the garage has been specifically selected to ensure that there will be minimal disruption to the nearby trees and that it will preserve the setting of the conservation area. The timber construction is lightweight and will not compete with the design of the main dwelling, thus retaining its subservience.

Whilst the garage will be sited forward of the principal elevation of the dwelling, it will be situated to the south west of the dwelling and so will not compromise views of the property.

The garage is required for security reasons, to house the applicant's vehicles, its position will not however compromise existing parking arrangements. Alternative locations for the garage have been considered, but the selected location is the most suitable based on the site constraints and access requirements. By virtue of the mature boundary vegetation and the position of existing buildings, there will be no views of the garage externally and no views from Church Street. Nor will the garage compromise any important views. (as set out within the Conservation Area Appraisal)

As the site is located within Witherley Conservation Area, it is a statutory requirement that any new development should, as a minimum, preserve the character of the Conservation Area. The development will not compromise any of the special features identified in the Conservation Area appraisal and thus can be considered to preserve its setting.



Due to the presence of mature trees, the planning application and been accompanied by a Tree Survey and Arboricultural Method Statement. This has been conducted by AT2 Tree Surveys.

A tree plan is included on page 11 of the report, this shows canopies shaded in accordance with their BS5837 categories, and their root protection areas coloured magenta.

Tree Survey Plan



To facilitate the development, the two cedars will require minor crown lifting (subject to a separate application) of secondary branches to provide for clearance over the driveway and garage. To minimise the impact on roots, foundations will be constructed using specially engineered screw pile and beam. Hard surfacing will be installed using a no-dig, load-spreading geocell. Measures to minimise damage to the retained trees are detailed in the arboricultural method statement.

Relevant and Recent Planning History

Ref: 20/00226/TCA – Remove the lowest limb of Lebanon Cedar – Validated 2 March 2020 – Decline to Make

Ref: 17/00598/TPOCA – Crown thin and remove ivy from 1x Sycamore – Validated 23 June 2017 – Permitted

Ref: 13/00324/FUL – Change of use of land for the creation of tennis court – Validated 17 April 2013 – Permitted



Ref: 13/00003/HOU – Extensions and alterations to dwelling – Validated 02 January 2013
– Permitted

Planning Policy

This section sets out the key national and local planning policy which is material to the determination of this planning application.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (PCPA) requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan

The Development Plan comprises of the following documents:

- 2009 Hinckley and Bosworth Core Strategy (CS)
- 2016 Site Allocations and Development Management Policy Development Plan Document (SADMP)

Hinckley & Bosworth Site Allocations and Development Management Policies DPD 2016 (SADMP)

Policy DM1 – Presumption in Favour of Sustainable Development, repeats the presumption in favour as found in the National Planning Policy Framework.

Policy DM10 – Development and Design, provides a series of design-based criteria to which new development is required to meet.

Policy DM11 – Protecting and Enhancing the Historic Environment, requires development to understand, minimise and outweigh any harm caused to affect heritage assets.

Policy DM12 – Heritage Assets, builds upon the umbrella protection provided by Policy DM11 and provides specific tests, consistent with the statutory tests, in respect of prescribed heritage assets.

National Planning Policy Framework (NPPF)

The NPPF was originally published in March 2012. Since this date, various revisions have been published. The most recent revision was published on 19 December 2023.

The National Planning Policy Framework (NPPF) is an important material consideration.

At the heart of the NPPF is a presumption in favour of sustainable development. However, the NPPF makes clear that this does not change the statutory status of the development plan as the starting point for decision making.

There are three dimensions to sustainable development: economic, social and environmental. The presumption in favour of sustainable development is at the 'heart' of the Framework.



Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development; the second limb of the paragraph at 11(c) and 11(d) sets out how this should be done. Paragraph 11(d) is referred to as the tilted balance.

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it is stated that planning permission should be granted, unless the application of Framework policies that protect areas or assets of particular importance provide a clear reason for refusing the development, or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.

Section 4 sets out the approach to be taken by Local Planning Authorities in decision-making for proposed development in a positive and creative way. Paragraph 38 suggests that LPAs should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

The requirement to achieve well-designed and beautiful places is set out in section 12 of the NPPF. Paragraph 135 states that planning decisions should aim to ensure that developments;

- function well and add to the overall character of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change

Section 16 of the NPPF focuses upon the conservation and enhancement of the historic environment. It seeks to understand the wider social, cultural, economic and environmental benefits brought by the conservation of the historic environment, as well as the conservation of England's heritage assets in a manner appropriate to their significance.

Paragraph 189 states that planning decisions should be based on the significance of heritage assets and that the level of detail supplied by an applicant should be proportionate to the importance of the asset and should be no more than sufficient to review the potential impact of the proposal upon the significance of that asset.

Paragraph 207 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The village of Witherley has a designed **Conservation Area**, the map below illustrates its boundaries, along with key attributes and views.



To maintain the distinctive character and appearance of the Witherley Conservation Area it will be necessary to:

- Retain listed buildings and buildings of local interest.
- Ensure new development contributes positively to the character or appearance of the Conservation Area: siting, scale, design and materials used.
- Ensure house extensions satisfy the Borough Council's Supplementary Planning Guidance
- Ensure the consistent application of positive, sensitive and detailed development control over proposals to alter Bridge House, Witherley Hall, the Rectory, their grounds and associated buildings.



- Ensure important views of the church, the river and out into the countryside are protected. Special attention should be given to the desirability of preserving or enhancing the appearance of a Conservation Area.

Key private green spaces are the grounds of the Rectory, the adjacent paddock and Witherley Hall all of which have been carefully landscaped and fall gently towards the river

The Good Design Guide SPD (April 2020)

This sets out that Witherley developed in the early medieval period as an agricultural village on the banks of the River Anker and that much of the village has been expanded and in-filled with modern domestic housing but retains its historic street pattern. There are no specific design objectives relating to the application site or its immediate vicinity.

Landscape Character Area

The application site is situated within the Sence Lowlands Landscape Character Area which is characterised by hedged fields in a flat to gently undulating landscape with linear villages and scattered agricultural buildings.

Conclusion

The proposed garage has been carefully sited and designed to ensure that it will result in no materially harmful impacts in terms of appearance, residential amenity or on the surrounding trees. Furthermore, the proposal will preserve the character of the Conservation Area. There are no local or national policies that preclude this development and therefore it should be approved without delay.