DELEGATED REPORT

Recommendation Made: 17 August 2011

Reference:- 11/00543/FUL **Parish:- Witherley Parish Council**

Applicant:- Mr Peter Jarvis
The Edge
2 Mythe Lane
Witherley
Atherstone

Location:- The Edge 2 Mythe Lane Witherley Atherstone Leicestershire

Proposal:- ERECTION OF A GARDEN ROOM

Introduction:-

This application seeks full planning permission for the erection of a garden / hobby room and store area within the residential curtilage.

The proposal is exactly the same in its design and scale to the previously approved scheme 11/00099/FUL. It remains sited in the northwest section of the residential curtilage. This revised application seeks to relocate the approved garden room 1.7 metres off-set from the boundary fence.

Planning History:-

11/00099/FUL – Erection of a garden room – Approved on 28/04/2011
98/00920/FUL – Erection of detached dwelling (revised scheme) – Approved on 16/12/1998
98/00160/FUL – Erection of detached dwelling conversion and extension of existing outbuilding to dwelling and erection of double garage – Approved on 07/05/1998
89/00473/4 - Erection of treble garage block - Approved on 19/05/1989

Consultations:-

Site notice displayed on 19/07/2011

Two Witherley Parish Councillors have objected on the following grounds:

a) Construction is outside the village boundary
b) Construction is 4 metres into a newly filled pond area
c) Construction is 1.7 metres from Mythe Lane
d) Construction is out of keeping with the style of the village
e) If granted no provision should be given to allow it to be turned into living accommodation

No objections have been received from:

The Head of Community Services (Land Drainage)

Development Plan Policies:-

Adopted Hinckley and Bosworth Borough Council Local Plan

The proposed garden room will be sited outside the settlement boundary of Witherley as defined in the adopted Hinckley and Bosworth Local Plan.

BE1 (Design and siting of development)
BE5 (Setting of a listed building)
NE5 (Development in the countryside)

NE13 (Effects of development on natural watercourses)

Appraisal:-

The garden / hobby room with store area recently received planning permission under planning reference 11/00099/FUL. No changes to the design or scale of the garden room to the previous scheme are proposed. The main consideration for the determination of this application is therefore the impact of its re-siting on the character and appearance of the existing dwelling, countryside, street scene, the setting of a listed building (Mythe Lane Cottage, grade 2 listed) and its impact on flood risk.

Impact on Existing Dwelling and Street Scene

The garden room will remain sited in the northwest section of the residential curtilage. Its minor repositioning will not harm the character of the main dwelling. In contrast to the recent previously approved scheme, the re-siting of the proposed development off-set 1.7 metres from the wooden fencing further reduces the extensions presence along Mythe Lane by taking a set back position. It is noted the existing landscaping that is both on-site and off-site remains the same since the time of the previous permission. This landscaping and design whereby the development makes use of natural materials results in development that becomes assimilated with its surroundings.

Impact on the setting of a Listed Building

In comparison to the existing permission this scheme involves re-siting the garden room an extra 1.7 metres inset from the boundary. This will make the development less visible from the setting of the adjacent listed building, Mythe Lane Cottage. On this basis, it is considered that the proposed re-siting of the garden room as previously determined will continue to preserve the character of the setting of the listed building (Mythe Lane Cottage, grade 2 listed).

Impact on Countryside

Increasing the off-set distance from the boundary fence will not elevate its prominence on the countryside and therefore does not adversely affect the character or appearance of the countryside. In response to the representation received from Witherley Parish Council objecting on the grounds that the development is outside the settlement boundary, this is noted but the proposed development falls within the residential. curtilage of the dwelling house and therefore there is a general presumption in favour of development in line with countryside policy.

Flood risk

The proposed garden room will remain on a 750 mm high brick base (an appropriate flood proofing measure). Regarding the infilling of a pond the suitability of the foundations would be determined separately through Building Regulations. The development will continue to be sited on an existing concrete base and therefore no significant grass would be lost as a result of development that would exacerbate local flooding and drainage concerns. It is noted no objections have been received from the Head of Community Services (Land Drainage).

Additional Issues

The Parish Council is concerned about the room being converted to living accommodation at some point in the future. The application is for ancillary use to the main dwelling house and should the garden room be converted to separate living accommodation that is not subsidiary or incidental to the enjoyment of the main dwelling house then a separate application would be required and this would be assessed on its own merits at that time.

Conclusion

The proposed garden room has the same design and scale to the previously approved scheme. Its new siting is not considered to have a detrimental impact on the existing property or the street scene and would not adversely affect the character of the countryside, preserving the setting of a listed building and would not result

in any material impacts on flood risk. The application is considered to be in accordance with Policy BE1, BE7, NE5 & NE13 of the Local Plan 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 it is on this basis that it is considered that the development preserves the character of the countryside, street scene and the setting of an adjacent listed building and would not harm the drainage functions of the natural watercourse and would not adversely impact on flood risk.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE5, NE5 & NE13

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 in the construction of the proposed development shall be in accordance with the details contained in the application, unless otherwise agreed in writing with the Local Planning Authority.

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

Drawing - Plan 21/01Ga - Received on 10/07/2011
Drawing - Plan 21/04Ga - Received on 10/07/2011
Drawing - Plan 21/05G - Received on 01/07/2011
Drawing - Block Plan 21/06G - Received on 01/07/2011
Drawing - Plan 21/07G - Received on 01/07/2011
Drawing - Plan 21/08Ga - Received on 10/07/2011

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 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).

Contact Officer:- **Kevin Roeton Ext 5919**