DELEGATED REPORT

Recommendation Made: 20 April 2011

Reference:- 11/00099/FUL **Parish:-**

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 to obtain full planning permission for extensions and alterations to the Edge, 2 Mythe Lane, Witherley. The site is situated on entrance to and exit from the rural village of Witherley. The proposal is for a garden / hobby room with store area. The dwelling house to which the proposed garden room will serve is a large detached property with a gabled roof, facing brick and plain tiles, situated to the southeast of the site within the settlement boundary.

The site is bounded by a stream to the northeast, which is a branch off the main section of the River Anker. There is wooden fencing approximately 2.1 metres in height with tree cover positioned along the road frontage and conifers along the northwest boundary abutting the farmers track.

To the southwest of the site is Mythe Lane Cottage a grade II listed medieval timber framed property. Beyond the stream to the northeast includes a farmer's track, public footpath and agricultural fields.

Amended plans have been received omitting the canopy over the ramped access and indicating the correct height of the dormer windows when viewed on the side elevation. A topographical survey and supporting statement has also been provided. The supporting information suggests the floor level of the proposed garden room will not be below the main house. It also documents how the height of the ridge of the roof has been determined by having a 1.5m height from floor to eaves level and the height according to the agent has been minimised to reduce visual impact.

Planning History:-

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:-

Two letters of objection from the same respondent has been received raising the following concerns:-

a) Permanent structure outside the settlement boundary
b) Size and scale of the proposed garden room
c) Visibility of the proposal from the road and neighbouring properties
d) Open to view from the public footpath
e) The issue of local flooding: the loss of garden, the site was affected by recent floods.
f) No planning notice on display
g) Goes against the Village Action Plan

Witherley Parish Council objected raising the following concerns:-

a) Development outside the settlement boundary is contrary to a local survey
b) Concerned about the room being converted to a separate dwelling at some point in the future

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 proposed garden room will be located outside the settlement boundary falling within countryside. Nevertheless, the development will be sited to the northwest of the residential curtilage in the position of a former garage where the foundations still remain. The demolished garage received planning permission under reference 89/00473/4.

The main considerations for the determination of this planning application are the design / scale of the proposed garden room and its impact on the existing property, character of the countryside, street scene, the setting of a listed building and flood risk.

Design

The proposed garden room is single storey with pitched roof. The roof will be thatched and the proposed external elevations will be oak timber framed with a mixture of fixed glazed units and timber panels. There is a ramped access to the bike storey and hobby room on the rear and timber steps up to the front elevation doors 0.75 metres from ground level. The proposed garden room will be approximately 33 metres from the main house. Because of the nature of the proposed development (ancillary outbuilding) the use of the proposed materials is considered to be acceptable as long as they are sympathetic to the character of the surrounding area and its sensitive setting.

Scale

An objection was raised on the basis that the substantial size and height of the proposed garden room will make it visible from the road and property. Firstly, views of a proposed development from a neighbouring property is not a material planning consideration. The proposal is located on the footprint of a demolished garage building which was granted consent in 1989 however the date of when the garage was demolished has not been confirmed. Little weight can be given to the fact that there was a previous built structure on the site. Nevertheless, it is useful to compare and contrast the proposed development with the former garage to gain a comparative insight into its suitability.

In comparison to the former garage, the proposed garden room, bike store and hobby room covers a similar footprint. The roof section of the proposal will cover an area of 5.3m x 10.2m and this was a similar to the approved garage scheme that covered an area of 5.6m x 9.6m.

In contrast to the former garage, the proposed garden room will be 5 metres to the ridge, 1 metre higher than the 4 metre in height garage. However, unlike the garage proposal, the garden room will be on a raised brick

platform. This is considered to be a necessary flood proofing measure due to the potential risk of flooding. The brick base will be 0.75 metres off the ground, and it is this structure that adds to the overall height of the proposed garden room. An eaves height reduction to compensate for the brick base and bring the ridge down was discussed, but the agent has declined to make any amendments to lowering the eaves.

The roof pitch will be angled away from the boundary line fencing and the use of roofing material and existing boundary treatment to the site minimises its impact in the street scene. Due to the reduction in the roofs mass with the removal of the 3 metre in length canopy, it is considered the scale of the proposed development will not have a detrimental impact on the street scene.

Massing

The proposal originally included a continuation of the roof (3 metre in length x 5.3 metres in width) to provide a canopy over the ramp and store area which would have added to the mass of the proposed built structure and in doing so increased its bulk. In negotiations with the agent, amended plans have been received removing the canopy over the ramp and store area.

The proposal also includes two dormer windows on the northeast roof plane which also increases its mass. Nevertheless, the dormer windows will be on the northeast roof plane, positioned away from the street scene, it is not considered to have a detrimental impact.

When viewed along Mythe Lane, the tree cover is considered to be dense at the rear and this extra massing created by the dormer windows will not be visually prominent on entrance to the village. When viewed from the agricultural fields the dormer windows are considered to create an interesting elevational feature on the proposed development.

Landscaping

There is wooden fencing along the road frontage and the northwest boundary on entrance to the village which is considered to appropriately screen the proposed development up to the eaves. In front of the wooden fencing is a mixture of mature vegetation growth and tree cover, which will visually break up the roof line partially screening from street view the pitched roof. The visual presence will be reduced as the roof pitch will be angled away from the road frontage. A much denser tree cover along the northwest side boundary is considered to appropriately screen the rear elevation of the development on entrance to the village. Therefore, the proposal is not considered to be visually dominant within the street. The scale of the proposal is deemed to be large however the boundary treatment will sufficiently screen the development so that it will not have a detrimental impact on the street scene.

There was concern raised in a representation on the loss of tree cover increasing its visibility along the road frontage. It was noted during a site visit that the conifer trees within the site that extend from the existing gate entrance to where the proposal will be sited are cut back and future growth would provide some additional screening. However, the main trees along the frontage that will screen the development and breaks up its presence as indicated in drawing ref. 21/03 Version Ca have not been removed. These trees are outside the residential curtilage of the site (between the highway and curtilage) therefore cannot be controlled by condition. Bearing in mind the mass of the outbuilding has been reduced with removal of canopy should there be any loss of vegetation, it is still considered that a natural thatched roof will acceptably fit in with the character of the natural surrounding landscape. Due to the existing vegetation growth and tree cover along the frontage, it is considered the proposed garden room, bike store and hobby room will be sufficiently screened.

Impact on countryside

The site falls within open countryside. Witherley Parish Council objected on the grounds that a survey of Witherley residents undertaken by Parish Council highlighted that 89% of the persons who completed the survey opposed building outside the boundary, the Parish Council therefore must object to the application. Another representation states that it would be against the Village Action Plan. This is noted, however, the survey and Village Action Plan are unadopted non-statutory planning documents. Policy NE5 of the adopted Local Plan sets out the requirements for development in the countryside. Policy NE5 sets out the criteria for assessing applications stating that planning permission will be granted for built and other forms of development in the countryside if among other things it is an extension of existing buildings and it does not

have an adverse effect on the appearance or character of the landscape, it is in keeping with the scale and character of existing buildings and general surroundings and where necessary it is effectively screened by landscaping or other methods. Whilst the proposed development is not considered to be an extension to the main house, it is for ancillary use to the main dwelling and falls within the same residential use of the main dwelling house within its curtilage and sited in the location of a former built development where the foundations still remain.

Due to the wooden fencing and tree cover along the southwest and northwest boundaries, it is considered the proposal will be effectively screened by soft landscaping in accordance with Policy NE5. A representation has been received which states that the proposal will be fully open to view from the public footpath / main stream. It was noted during a site visit that there is a large willow and ash tree along the northeast boundary of the site adjacent to the stream, which will be in front of a section of the proposed garden room. The use of natural materials sympathetic to its countryside location as well as the existing landscaping where the tree branches will break up the built structure it is considered acceptable. It is argued the thatched roof will integrate well assimilating with the surrounding trees.

The more open view of the proposed garden room from the public footpath and surrounding fields is not considered to alter the character of the landscape as the development will be in a residential curtilage screened on all other angles and will form part of a group of surrounding buildings within the settlement boundary. Due to the vegetation and trees providing a soft edge and scattered contrast in front of the proposed development it is not deemed to be visually prominent within the countryside.

Impact on the setting of a Listed Building

The removal of the canopy and the 3 metre reduction in roof line reduces its scale. The Conservation Officer does not object to the proposal and considers the overall proposal is acceptable. However, the Conservation Officer did comment that the ridge on the thatched roof should be straight and not decorative as this is in keeping with the historic tradition for thatched roofs in Leicestershire. The siting of the proposal is 28 metres away from Mythe Lane Cottage and on the opposite side of the road. Its setting is considered to be preserved as the proposed roof will be partially screened and where it is visible sympathetic. On this basis it has been considered that the proposed garden room will preserve the character of the setting of the listed building.

Flood risk

The proposal falls within a flood risk area. For householder development and alterations falling within flood risk zones 2 and 3 such as this, the Environment Agency are not required to be consulted, nevertheless they do provide standing advice. In order to ensure flood measures are in place applicants should demonstrate that the floor levels within the proposed development will be set no lower than existing levels and that flood proofing of the proposed development has been incorporated where appropriate.

This was discussed with the agent and a topographical survey has since been submitted indicating that the floor level of the proposed garden room will not be below the main house. Although the brick base increases the overall height of the proposed garden room an extra 0.75m from ground level, it is considered to be justified within a flood risk area. It is noted and considered that the amended plan shows the brick base increased from 0.7m to 0.75m a minor increase of 0.05m.

In response to a representation received that raised concern over the loss of a pond and a grassed garden area, it has been noted that the concrete base to the former garage remains and therefore no significant grass would be lost as a result of development, therefore, building a garden room over this non-permeable base is not considered to exacerbate concerns over local flooding and drainage. Environmental Protection (Land Drainage) have raised no objections to the proposal.

Additional issues

A local resident notified the authority that there was no site notice on display. A site notice was originally displayed on 08/03/2011. In response a further site notice was put up on 24/03/2011. The Parish Council is concerned about the room being converted to a separate dwelling at some point in the future. The application has been submitted on a householder application form and is for ancillary use to the main dwelling house. A separate application would be required to convert the building to a dwelling house and would this would be

assessed on its own merits at that time.

Conclusion

In summary it is not considered the proposed garden room will have a detrimental impact on the existing property or the street scene. It has also been considered that the proposed development will not adversely affect the character of the countryside, it would preserve the setting of a listed building and appropriate measures are proposed to mitigate risk of flooding.

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 ridge on the proposed thatched roof should be straight and non-decorative.

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

Drawing – 21/01 F - Received on 26/04/2011
Drawing – 21/03 Version Ca - Received on 11/02/2011
Drawing – 21/04 Version F - Received on 26/04/2011
Drawing – 21/05F - Received on 26/04/2011
Drawing – 21/06 F - Received on 26/04/2011
Drawing - 21/07 Version F - Received on 26/04/2011

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 To ensure that the development has a local traditional appearance to accord with Policy BE5 of the adopted Hinckley & Bosworth Local Plan.

4 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).

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