

Item No.**Application Reference Number P/23/0382/2**

Application Type: Variation of condition **Date Valid:** 28/02/2023
Applicant: Mr Neal Gohill
Proposal: Variation of Conditions 2 and 3 (Approved Plans and materials) of Planning Permission: P/21/0773/2 (Proposed first floor extension above garage, single storey extensions to front and rear with associated works)

Location: 3 The Dovecotes
Queniborough
Leicestershire
LE7 3WP

Parish: Queniborough
Case Officer: Jim Worley

Ward: Wreake Valley
Tel No: 07591 947043

1. Background

- 1.1 This application has been brought to Plans Committee as it has been called in by Cllr Grimley for the following reasons:
- The solar panels would have an incongruous appearance on the setting of local listed buildings and the church.
- 1.2 The application was deferred from the meeting of the Committee on 20th June 2023 to allow for the consideration of amended plans in order to include changes to window proportions on the rear elevation and the addition of an air source heat pump to the rear.

2. Description of the Application Site

- 2.1 The application site comprises a modern detached dwelling on a residential cul-de-sac in the Queniborough Conservation Area. The property has a driveway to the front and a garden to the rear. To the north of the site is the dwelling at 2 The Dovecotes, to the south are the dwellings at 86, 88a, 88b and 94 Main Street. To the east of the site is St Mary's Church and the properties at The Mews and to the west is the dwelling at 3 Hall Farm Close. The site lies close to several listed buildings, most notably St Mary's Church, Queniborough Hall and the properties at 80, 82, 84, 86 and 94 Main Street. There are also further listed buildings on the southern site of Main Street. The property has an extant planning permission for a first floor extension above the garage, single storey extensions to the front and rear and other associated works under the planning reference P/21/0773/2. This permission is currently being implemented.

3. Description of the Proposal

- 3.1 The application seeks permission to vary conditions 2 and 3 of P/21/0773/2. These conditions relate to the materials to be used and approved plans. This permission granted permission for a single storey side extension, a two storey side and rear extension, alterations to the front porch, a first floor extension above the existing garage including 2 side dormers and fenestration alterations to the rest of the dwelling.
- 3.2 The reason for varying these conditions is to seek approval for the following:
- retention of solar panels to the southern roof slope of the dwelling;
 - to change the window frames from white UPVC window frames to black aluminium window frames;
 - The addition of a heat source pump to the rear of the property; and
 - minor variations to the window proportions in the rear elevation.
- The remainder of the proposal would remain unchanged from the previous permission.

4. Development Plan Policies

- 4.1 The Development Plan comprises the Queniborough Neighbourhood Plan (2021), the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies) and the Minerals and Waste Local Plan (2019).

- 4.2 The policies applicable to this application are as follows:

4.3 [Charnwood Local Plan Core Strategy](#)

- Policy CS1 - Development Strategy
- Policy CS2 - High Quality Design
- Policy CS14 - Heritage
- Policy CS16 - Sustainable Construction and Energy

4.4 [Borough of Charnwood Local Plan \(adopted 12 January 2004\) \(saved policies\)](#)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

- Policy EV/1 - Design
- Policy H/17 – Extensions to Dwellings

4.5 The Queniborough Neighbourhood Plan

The Neighbourhood Plan was made in 2021 and forms part of the Development Plan. Applicable policies are considered to comprise:

- Policy Q14: Design

5. **Other material considerations**

5.1 The Draft Charnwood Local Plan 2021-37

This document sets out the Council's strategic and detailed policies for the Borough over the period 2019-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. It is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 2023.

In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy DS5: Design
- Policy EV8: Heritage
- Policy CC3: Renewable and Low Carbon Energy Installations

5.2 Queniborough Conservation Area Character Appraisal (2011) (updated 2019)

This document sets out the special character of the Queniborough Conservation Area and how it should be preserved.

5.3 The National Planning Policy Framework (NPPF 2021)

The NPPF policy guidance of particular relevance to this proposal includes:

- Section 2: Achieving sustainable development
- Section 12: Achieving well-designed places
- Section 8: Meeting the challenge of climate change
- Section 16: Conserving and enhancing the historic environment

5.4 Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

5.5 National Design Guide

This document sets out the Government's design guidance to support the NPPF.

5.6 Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

5.7 Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

5.8 The Planning (Listed Buildings and Conservation Areas) Act 1990

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

6. Relevant Planning History

- P/84/1193/2 – Erection of three detached houses – Granted at appeal (05.07.1984)
- P/21/0773/2 - Proposed first floor extension above garage, single storey extensions to front and rear with associated works – Granted conditionally (15.10.2021)

7. Consultation Responses

7.1 The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee		Response
Councillor Grimley	Daniel	<ul style="list-style-type: none"> • Requested that the application be determined by Plans Committee due to the impact of the solar panels on the setting of nearby listed building, stating that solar tiles should be used instead.
Queniborough Council	Parish	<ul style="list-style-type: none"> • Raised concerns that the design of the proposal had been altered significantly since the previous application and that the solar panels were not in keeping with the surrounding area. The solar panels can be seen from the street scene, despite the application form stating otherwise. • Noted the change to black aluminum windows on the new plans which would need to be in keeping with the conservation area.
Responses to publicity		
From		Comments
Eleven letters of objection representing six addresses have been received.		<ul style="list-style-type: none"> • The proposal would be visible from Main Street, even though the application heritage statement states the opposite. • The solar panels would not match the existing dwelling and would be an eyesore on the conservation area. The black window frames and the installation of solar panels are out of character to the development referred to as the Dovecotes and are a blight on the surrounding character of the environment, • The retrospective nature of the application would give others the green light to start work before planning permission is granted. • Concerns regarding safety of the solar panels and future maintenance. • Agree with the use of renewable energy but object to the proposal to use standard solar panels.

	<ul style="list-style-type: none">• Consultation should have been carried out in advance of their installation.• Several close neighbours would have to look at the solar panels on a regular basis.• Concerns regarding the impact on nearby listed buildings.• Concerns regarding the potential for glare from the solar panels.• Concerns regarding the need for screening to other properties.• Overbearing impact on the environment.• There are further alterations not covered by the application – a heat pump and changes to fenestration.• The access road has been damaged by construction traffic and a condition should be imposed requiring its repair.• The planned position of the pump is currently too close to the neighbouring garden and there are concerns that the cold air from the pump will damage plants/trees that act to partly screen this extension.• The noise from the pump will impact on use of the neighbouring garden as it will be in very close proximity to seating areas. Has a noise test been carried out for the proposed siting of the heat source pump?• the heat Source Pump should be moved to rear Elevation of the property.• The Solar Panels can be seen from Main Street and are also in view of The Barn, 94 Main Street which is a heritage/listed property. As well as No 88a & 88b Main Street, plus the garden of no 86 Main Street as listed property.• A suitable compromise would be for the Solar Panels to be relocated to the rear of the property• The solar panels will set a precedent for such installations in the Conservation Area• The original condition regarding the use of matching materials should be adhered to
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8. Consideration of the Planning Issues

8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy and the Minerals and Waste Plan. It is acknowledged that several of these plans are over 5 years old; therefore it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly there is no reason to reduce the weight given to them, in this regard.

8.2 The main issues are considered to be:

- The principle of the proposed development;
- Design
- Heritage
- Residential Amenity
- Other matters

9. Key Issues

9.1 Principle of the proposed development

The principle of extensions to existing dwellings are not restricted by local or national planning policy, providing they accord with the other relevant policies of the development plan. The application therefore falls to be considered in terms of its design, impact on the design, the impact on heritage assets, amenity and highway safety.

9.1.1 Core Strategy Policy CS16 supports domestic scale renewable energy and emerging Local Plan policy CC5 similarly supports proposals for renewable and low carbon energy installations stating they will be supported where any adverse impacts, including cumulative impacts have been fully addressed. These issues are considered below.

9.2 Design and visual amenity

9.2.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 of the Local Plan supports development that is of a design, scale, layout and mass compatible with the locality and which uses materials appropriate to the locality. These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

- 9.2.2 Neighbourhood Plan Policy Q14: Design advises that residential development that reflects the distinctive and traditional character of Queniborough will be supported unless the development is of exceptional quality or innovative design. It provides criteria or design objectives including integrating into surroundings and creating a locally inspired or otherwise distinctive character.
- 9.2.3 Emerging Local Plan Policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.
- 9.2.4 The proposed solar panels, whilst visible from the properties to the south on Main Street, would not be prominent when viewed from the street scene and would have no significant adverse impact on the character and appearance of the locality. Furthermore, the property is a modern dwelling and the solar panels are of a domestic type that are typical of the type fitted to dwellings such as this, often as permitted development.
- 9.2.5 In terms of the impact of the change to the window design, whilst different to the other dwellings on The Dovecotes which is a modern cul-de-sac, the aluminium windows are considered to be an improvement and more sympathetic to the site's setting than the white UPVC windows currently at the property.
- 9.2.6 The heat pump is discretely located to the rear of the property and will not be visible from public vantage points. The changes to the windows comprise minor adjustment to their horizontal proportions and do not significantly impact on the appearance of the dwelling.
- 9.2.7 Whilst the grant of a Variation of Condition application effectively grants a new planning permission, so the whole proposal should be taken into account, the existing planning permission and the fall-back position it provides is a significant material planning consideration.
- 9.2.7 In terms of the rest of the development, the extensions are subservient to the host dwelling and use matching materials. Furthermore, the dwellings on the Dovecotes occupy large plots and these extensions are considered to be in keeping with the character and appearance of the area.
- 9.2.8 The impact of the proposed development on design and visual amenity is therefore considered to be acceptable and would be in accordance with Policy CS2 of the Charnwood Local Plan Core Strategy 2015, Saved Policies EV/1 and H/17 of the Borough of Charnwood Local Plan 2004, Policy DS5 of the Draft Local Plan, Policy Q14 of the Queniborough Neighbourhood Plan and the Council's Design Supplementary Planning Document 2020.

9.3 Heritage

9.3.1 In relation to heritage, the dwelling is in the Queniborough Conservation Area and is in close proximity to a number of listed buildings. These are:

- St Mary's Church,
- Queniborough Hall,
- 94 Main Street and
- 80, 82, 84 and 86 Main Street.

9.3.2 The Queniborough Conservation Area was designated in 1972 and incorporates the whole of the village as it was in medieval times up until the 19th century.

9.3.3 Policy CS14 of the Core Strategy (Heritage) seeks development to conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting.

9.3.4 Emerging Local Plan policy EV8 Heritage seeks to protect and enhance heritage assets, including non-designated heritage assets, and prevents harm to their significance and setting. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy EV8 is largely uncontested and can therefore be afforded moderate weight.

9.3.5 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

9.3.6 In terms of the impact on these heritage assets, it is considered that the aluminium-framed windows would be more sympathetic to the Conservation Area than the existing white UPVC windows and would not be prominent outside of the Dovecotes, which is a modern insert into the Conservation Area. They would therefore not result in any harm to the setting of the wider Conservation Area or nearby listed buildings that would need to be outweighed by public benefits and the impact of this change is therefore considered to be acceptable.

9.3.7 The solar panels would back onto the dwellings at 88a and 88b Main Street which are not listed buildings but are more modern properties. The solar panels would be visible from exceptionally brief and fleeting views from Main St, in the small gap between 88 and 88A. However, they would not be prominent from the street scene or the wider Conservation Area beyond this or from any of the nearby listed buildings and certainly bear no comparison to the prominence of the installations on the outbuilding at no 76, a short distance along Main Street. The proposed solar panels would therefore not result in any harm to the Conservation Area or the setting of nearby listed buildings that would need to be outweighed by public benefits. The heat pump and changes to window proportions are not considered to be of any consequence to heritage interests due to their scale and location.

9.3.8 Individually, it is considered that the listed buildings have strongly defined settings formed by their own boundaries and surrounding buildings and trees. These are not readily seen within the same visual context as the application site. It is not considered that the development would result in harm to them, or to their settings

9.3.9 The impact of the proposed development in relation to heritage is therefore considered to be acceptable and would be in compliance with Policy CS14 of the Charnwood Local Plan Core Strategy 2015 and Policy EV8 of the Draft Charnwood Local Plan.

9.4 Residential Amenity

9.4.1 Policies CS2 of the Core Strategy and EV/1 of the Local Plan seek to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity. Saved policy EV/1 of Local Plan and policy CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved.

9.4.2 Emerging Local Plan policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.

9.4.3 The solar panels and proposed windows would not result in any increase in the built footprint of the dwelling that would lead to loss of light and the windows would be in window openings very similar to those already approved, with the only changes being to the design of the windows frames and minor horizontal proportions, there would therefore be no additional impact in relation to overlooking in comparison to the previous permission.

9.4.4 In terms of the issue of glare raised by neighbours, the solar panels are typical of the type of domestic solar panels fitted to domestic properties (often as 'permitted development') and it is considered that there would be no unacceptable impact in relation to this that would justify a refusal of planning permission.

9.4.5 The alterations are sufficiently distanced from neighbouring properties that there would be no significant impact in relation to loss of light or over-dominance. Furthermore, other than roof lights there are no windows facing the properties on Main Street, that would lead to overlooking, other than roof lights which are of a sufficient height and angle, that they would have no significant impact. The other properties on the Dovecote are more distant from the proposal or set back much further in the street scene to the extent that there would be no impact on overlooking.

- 9.4.6 Following representations from an adjacent property, the heat pump has been located from the side to rear elevation. The heat pump would qualify as permitted development had the dwelling been complete and within this is a condition that it meets the Microgeneration Certification Scheme Planning Standards (or equivalent) to regulate noise emissions. Similar requirements can be imposed by means of condition.
- 9.4.7 The impact of the proposed development on residential amenity is therefore considered to be acceptable and would be in compliance with Policy CS2 of the Charnwood Local Plan Core Strategy 2015, Saved Policies EV/1 and H/17 of the Borough of Charnwood Local Plan 2004, Policy DS5 of the Draft Charnwood Local Plan and the Council's Design Supplementary Planning Document 2020.

9.5 Other Matters

- 9.5.1 In terms of other matters raised, the safety and maintenance issues are not a material planning consideration that can be taken into account in the determination of the application and the application being retrospective also has no bearing – such applications are provided for under s 73 of the Planning Act 1990 and must be considered on planning merits like all other applications. In terms of the comments regarding consultation being undertaken prior to the installation of the solar panels, due to the application being retrospective, this was not possible. However, consultation has been undertaken prior to the determination of this application, with all neighbours being notified and a site notice and press advert being placed as legally required and additionally as amendments have been submitted.

10. **Conclusion**

- 10.1 The installation of domestic scale renewable energy equipment is encouraged by both National and Local Policy, including the adopted and emerging Local Plans.
- 10.2 The changes to the window styles and proportions are considered to be a modest improvement and an appropriate treatment for the more modern immediate surroundings of the application site, within the Conservation Area and would not therefore affect its character or appearance. For similar reasons, it is not considered that they would have an adverse effect on the settings of nearby Listed Buildings.
- 10.3 It is considered that there would be no significant adverse impact on neighbour amenity as a result of the proposed development and there would also be no significant adverse impact on visual amenity or highway safety. The impact of the proposed development is therefore considered to be acceptable.

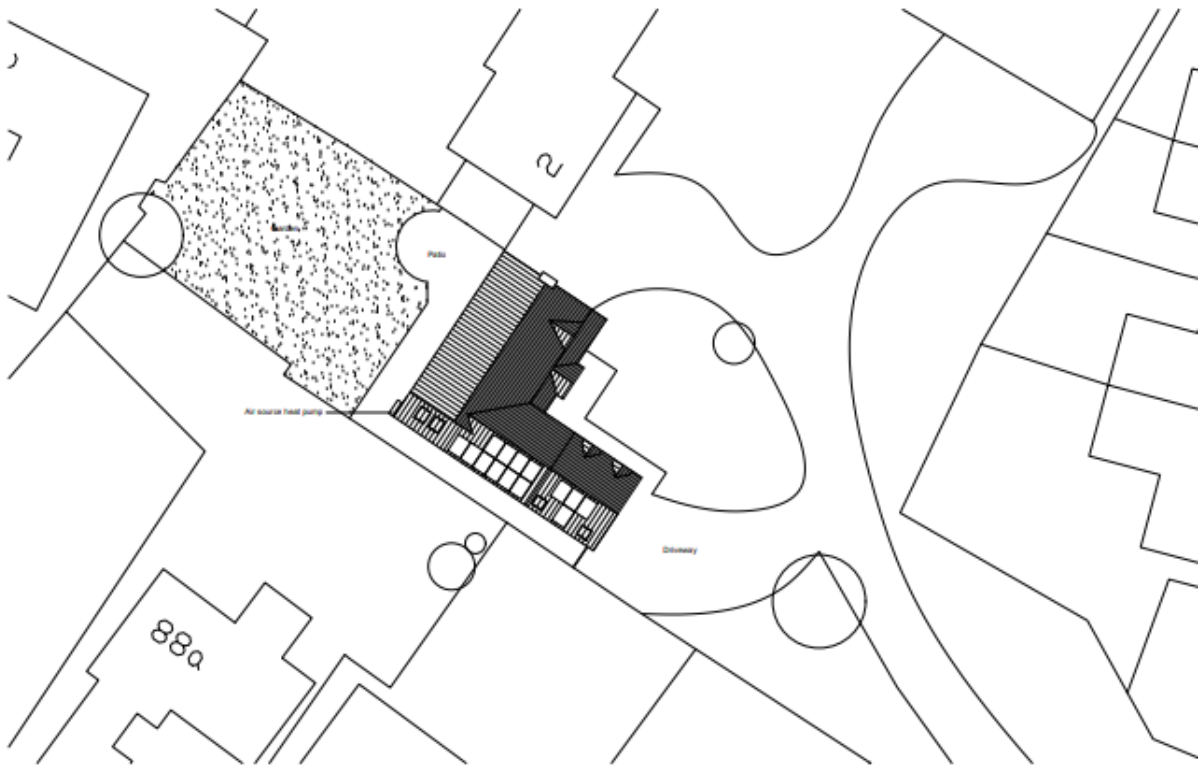
10.4 It is therefore considered that the development accords with the requirements of the Development Plan and there are no other material considerations presented which indicate a decision departing from its content is appropriate. Overall, the application is therefore recommended for approval subject to conditions.

11. RECOMMENDATION

11.1 That planning permission is granted subject to the following Conditions:

1.	<p>The development hereby permitted shall be carried out in accordance with the following plans:</p> <ul style="list-style-type: none"> - Proposed Drawings – Amended Plans - WAA153 Proposed Drawings rev S received by the Local Planning Authority on 22.6.2023 <p>REASON: To define the terms of the planning permission.</p>
2.	<p>Only those materials specified in the application shall be used in carrying out the development hereby permitted.</p> <p>REASON: To ensure the satisfactory appearance of the completed development in accordance with Saved Policies EV/1 and H/17 of the Borough of Charnwood Local Plan 2004, Policies CS2 and CS14 of the Charnwood Local Plan Core Strategy 2015, Policies DS5 and EV8 of the Draft Charnwood Local Plan, Policy Q14 of the Queniborough Local Plan and the Council’s Design Supplementary Planning Document 2020.</p>
3.	<p>The air source heat pump hereby approved shall meet the standards specified in the Microgeneration Certification Scheme Planning Standards MCS 007.</p> <p>REASON: To ensure sufficient control of noise in the interest of residential amenity and to satisfy the requirements of Policies CS2 of the Charnwood Local Plan Core Strategy 2015 and DS5 of the Draft Charnwood Local Plan 2021-37</p>

SITE LOCATION PLAN



4. Proposed Site Plan 1:200