

Item No. 3

**Application Reference Number P/19/1884/2**

**Application Type:** Householder                      **Date Valid:** 09/09/2019  
**Applicant:** K Ronald  
**Proposal:** Erection of double garage & alteration to the front garden to provide retaining walls and ramp.  
**Location:** 31 Orchard Estate  
Quorn  
Leicestershire  
LE12 8DZ  
**Parish:** Quorn                                      **Ward:** Quorn & Mountsorrel Castle  
**Case Officer:** Deborah Liggins              **Tel No:** 01509 634733

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This application is referred to Plans Committee in accordance with exceptions contained within the Council's scheme of sub-delegation to Heads of Service embedded within the Constitution.

**Description of the Site**

The application property is a hipped roof, semi-detached dwelling located at the western end of the street opposite the turning head of the cul-de-sac.

The dwelling has a 4.2m deep frontage with the floor level of the dwelling being 0.5m lower than the level of the footway and surrounding land uses are as follows:

<b>Boundary</b>	<b>Adjacent land use</b>
To the north	Is 45a Barrow Road which has a side facing elevation 34m from the rear of the application dwelling
To the east	Is 29 Orchard Estate which is the attached dwelling
To the south	Is the turning head of the cul-de sac and other Orchard Estate dwellings beyond
To the west	Are the 30m long gardens of Barrow Road dwellings

Part of the application site appears to be former garden land to No. 31 Barrow Road but now owned by the applicant and this is currently used for car parking with vehicular access taken off the cul-de-sac turning head. There are a number of small trees and shrubs on and adjacent to this area with those within the site requiring removal. To the south-west of this is the hipped roof garage associated with No. 29 Barrow Road.

The site is not within the Conservation Area.

**Description of the Application**

The proposal comprises 2 main elements as follows:

- The erection of a detached double garage on the area currently used for car parking. This structure would be erected within 700mm of the highway boundary and would be a brick and tile gabled structure with two separate roller shutter doors. The garage would measure 5.2m to its ridge and 2.3m high to eaves and would have a 6m x 6.3m footprint. The building would be 200mm within the southern boundary of the site and 700mm from the northern boundary and on the western boundary with Barrow Street gardens. Two roof lights are shown in the rear elevation with their lower cills being 3.5m above ground floor level.
- The reconfiguration of the house frontage to provide a pedestrian ramped pathway and small retaining walls and a level access block paved area to facilitate vehicular access to the garage building.

## **Development Plan Policies**

### Charnwood Local Plan 2011-2028 Core Strategy (adopted 9 November 2015)

The following policy is relevant to this application:

Policy CS2 – High Quality Design – requires new developments to respect and enhance the character of the area, protect the amenity of people who live and work nearby and function well and add to the quality of the area.

### Borough of Charnwood Local Plan (adopted 12 January 2004 (saved policies)

The saved policies relevant to this proposal include:

Policy EV/1 – Design - seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality

Policy H/17 – Extensions to Dwellings (including garages) – states that planning permission will be granted provided the development meets specific criteria relating to the scale, mass, design and use of materials with the original dwelling etc.

Policy TR/18 - indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The policy promotes standards that would require 3 parking spaces for a 4 or more bedroom dwelling, although it states that this will be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off - street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

### Quorn Neighbourhood Plan

This document has now been ‘made’ and its policies form part of the Development Plan. Relevant policies include:

- Policy S1 states that development proposals within the Neighbourhood Plan area will be supported on sites wholly within the settlement boundary where the proposal fully complies with all of the policies in the Neighbourhood Plan.
- Policy S2 states that new development should reflect the guidance of the Quorn Village Design Statement and that new development will be supported where it respects the character or appearance of the neighbourhood area and, where appropriate, incorporates vernacular building materials.

## **Material considerations**

### The National Planning Policy Framework (2019)

Paragraph 7 identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Chapter 12 of the NPPF concerns itself with achieving well-designed places and sets out that good design is a key aspect of sustainable development. The use of visual tools and design codes is encouraged as is the development of design policies alongside local communities and neighbourhood plans.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between the permission and completion, as a result of changes being made to the permitted scheme.

### National Planning Practice Guidance

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

#### National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government’s collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

#### Quorn Village Design Statement (2008)

The Quorn village Design Statement seeks to record the features of the built and natural environment of the village that are valued by its residents. The main purpose of the document is to safeguard and enhance the character of the village by promoting sympathetic and contextually appropriate design in all new developments. The document sets out various guidelines to inform developers as to what would be expected in terms of development quality.

#### **Relevant Planning History**

<b>Ref.</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/92/0895/2	Erection of detached garage to rear of No. 29 Barrow Road with access to Orchard Estate	Granted	25.6.1992
P/06/1365/2	Erection of detached garage	Refused	27.6.2006

This latter application was refused for the following reason: “The local planning authority considers that the introduction of a garage at this location would lead to the removal of a readily accessible off-street parking area and this would be likely to encourage parking within the highway to the detriment of highway safety. The proposal would therefore be contrary to Policy TR/1 of the Borough of Charnwood Local Plan.”

#### **Responses of Statutory Consultees**

Quorn Parish Council - is not opposed to the garage but has concerns about the overbearing design and would welcome some softening of it so it is more in-keeping with the street scene. The access ramp does not appear to include drainage provision.

#### **Other Comments Received**

29, 31, 35 Barrow Road, Quorn  
29 Orchard Estate

<b>Issue</b>	<b>Number of times Raised</b>
Garage not set back 6m from the road	2
The garage would be overbearing due to changes in ground levels (land to the north of the garage being approx. 1m lower)	1
The site would increase a parking issue	1
The garage would cause flooding and damp to neighbouring properties	2
The access ramp would cause flooding and damp to the adjoining house as no drainage is shown	1
The location of ramp and its use would cause a loss of privacy	1
The use of the garages is queried – storage or parking?	3
The proximity of the garage to the existing boundaries would not allow proper maintenance of the boundary fence and cause loss of foliage	2
Reversing out of the garages in the proposed location would be dangerous	1
Access to the single garage doors would be difficult	2
The proposal would affect property values	1
The proposed roof lights could cause a loss of privacy	1

## **Consideration of the Planning Issues**

The key issues in considering this application are considered to be:

- The design and impact of the proposal on the amenities of neighbouring occupiers
- The impact of the proposals on the street scene
- Car Parking & Highway considerations
- Drainage and flooding

### The design and impact of the proposal on the amenities of neighbouring occupiers

The application site benefits from being surrounded by properties with long gardens and the proposal would not be directly adjacent to any dwelling with the exception of the host property. The height, design, position and orientation of the garage in relation to neighbouring properties is such that significant loss of light to habitable rooms or sitting out areas is not likely to be experienced. Additionally, the distance that the garage is from adjacent buildings, due to the long back gardens, means that despite its height, proximity and the change in levels that the proposal would not have an overbearing relationship with nearby dwellings. Responsibility for the maintenance of or encroachment upon existing boundary treatment or foliage is a private matter and not one which is relevant to the determination of the planning application. The position, angle and height of the proposed roof lights are such that overlooking would be avoided and there would be no loss of privacy to adjacent occupiers. Despite concerns from residents there is no indication within the submitted plans that there is any intention to provide an upper floor.

In terms of the changes to the site frontage, the owner of the property could create a pathway leading to the front door and adjacent to the adjoining property boundary without the need for planning permission resulting in similar opportunities for overlooking which may be created from the use of the proposed pedestrian ramp. Although the boundary fence here is approximately 1m high, a higher fence could be erected by either party without the need for planning permission and this would increase privacy and mitigate any concerns of overlooking or privacy losses. It is therefore considered that both elements of the proposal would have no significant impact on neighbouring residential amenity and in these respects, the proposal accords with Policies CS2, EV/1 and H/17.

#### The impact of the proposal on the street scene

The street scene is characterised primarily by two storey hipped roof semi-detached dwellings almost all of which have converted their front gardens to off-street car parking using a variety of materials. The alterations to the property frontage would not therefore appear out of character in the street scene. The property is situated at the terminus of the street and the proposed garage would appear adjacent to the existing garages of No. 29 Barrow Road and No. 16 Orchard Estate which all have east facing garage doors. Although the proposed garage would be in a more forward position, around half of the structure would be obscured from longer views in the street scene by the existing frontages and boundary treatments of other dwellings on the northern side the street and it is considered that the proposal would therefore have a neutral impact on the street scene and would accord with Policies CS2, EV/1 and H/17.

#### Car Parking and highway considerations

Although a similar proposal was refused in 2006, the proposal under this application has to be judged against current policies and advice.

The development is of a type whereby the standing advice of the Leicestershire County Highway Authority applies. Although it is usually recommended that garages are set back from the highway boundary by at least 6m (in order to allow for a vehicle to pull off the public highway whilst doors are opened or closed) it is important to consider the highway characteristics of the street in which the proposal is to be erected. The street is a relatively narrow one with neighbours reporting a significant amount of on-street car parking although this is limited by existing driveways. Traffic speeds within the street are therefore likely to be low and the proposed garage is located where there is unlikely to be passing traffic. Whilst there will be occasions where there would be short periods of time when a vehicle has to pause within the turning head to open or close the garage doors, it is not considered that this would cause severe highway safety impacts.

It is also significant that almost all other occupiers with frontage parking would need to reverse out of spaces into the street and this would be no more hazardous than reversing out of the proposed garage or the existing car parking space at the site. It is concluded that the residual cumulative impacts of the development would not be 'severe' as set out in Paragraph 109 of the NPPF and that the general requirements of Policy TR/18 would be met and that there is no highway reason to support a refusal of planning permission.

#### **Other Matters**

### Flooding and Drainage

Although some residents and the Parish Council have referred to flooding and drainage issues, the site is located within Flood Zone 1 and according to Environment Agency mapping is land with a low probability of flooding. As such, it is considered that the proposed development would not result in significantly increased riparian flood risk or loss of flood storage capacity. It is however recommended that in the event planning permission is granted, the applicant be informed that drainage to the new hard-surfaced areas should not be discharged onto the highway.

### **Conclusion**

Decisions on applications need to be made in accordance with the adopted development plan policies and the material considerations that support them, including in this case the adopted Supplementary Planning Guidance on House Extensions.

The design and scale of the proposals are acceptable in terms of the visual impact in the street scene and amenity impacts to neighbours. The development is also considered to be acceptable in highway safety terms. Accordingly, the proposal accords with the development plan and there are no material considerations that would override this. As a result it is recommended that planning permission is granted conditionally.

### **RECOMMENDATION:-**

Grant Conditionally

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
2112.1 - Proposed elevations, floor plan and sections  
2112 - Proposed site layout  
1:500 scale block plan  
1:1250 scale site location plan  
REASON: To define the terms of the planning permission.
- 3 The facing materials to be used in the construction of the new works hereby permitted shall match as closely as possible those of the existing building.  
REASON: To ensure the satisfactory appearance of the completed development.

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION  
- Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies EV/1, H/17 and TR/18 of the Borough of Charnwood Local Plan have been considered in reaching a decision on this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Guidance on House Extensions and, therefore, no harm would arise such as to warrant the refusal of planning permission.
- 3 Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
4. The applicant is advised that drainage must be provided within the site so that surface water does not drain into the public highway from any private driveways or other hard surfaces, in the interests of highway safety.



