

Item No. 3

Application Reference Number P/19/1218/2

Application Type:	Full	Date Valid:	05/06/2019
Applicant:	Gayna Lees		
Proposal:	Conversion of building to dwelling and creation of vehicle access to 30 Main Street.		
Location:	30 Main Street Cossington LE7 4UU		
Parish:	Cossington	Ward:	Wreake Villages
Case Officer:	Pat Reid	Tel No:	01509 634747

This item is referred to Plans Committee at the request of Councillor Poland who considers that the vehicular access is incapable of serving an additional dwelling.

Description of the Application Site

The application site is an outbuilding and part of the rear garden of a detached bungalow, No.30 Main Street. It is currently occupied by the outbuilding and associated hardstanding. The outbuilding is a large detached three bay garage of approximately 11 metres by 7.7 metres with a 6 metres high ridged roof. It is constructed in red brick with an asbestos panel roof. It is on land which wraps around the end of the rear garden of the neighbouring property, No.28 Main Street.

Description of the Proposals

The proposal is to convert the outbuilding into a 1.5 storey three bedroom dwelling. The existing doors and windows on the front elevation would be replaced by glazing and new windows are proposed on the side and rear of the property. Roof lights are proposed in the front (4 number) and rear (6 number) roof slopes.

The existing vehicular access to No.30, which runs between that property and No.28, would serve the new dwelling. A new access is proposed for No.30 with parking for three vehicles and a bin store to serve that property. The proposed new dwelling would have a vehicular turning area and parking for three vehicles.

The end 25 metres of the rear garden of No.30 would provide a garden for the proposed new dwelling. A rear garden of approximately 15 metres x 12 metres would be retained with No.30.

No 30 Main Street and the outbuilding are adjacent to, but outside, Cossington Conservation Area. No.40 Main Street, a grade II listed building, is approximately 12 metres south of the southern boundary of No.30 Main Street and about 35 metres from the application site itself.

The site is within the Limits to Development for Cossington.

Development Plan Policies

The following Development Plan policies and guidance are relevant in the assessment of an application for the development:

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS1- Development Strategy- Directs most development to the Leicester PUA and larger settlements in the borough. In Other Settlements (which includes Cossington) should respond positively to small-scale opportunities within defined limits to development.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

CS14 – Heritage – aims to conserve and enhance our historic assets.

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

The policies relevant to this proposal include:

ST/2 – Limits to Development – confines new dwellings to land within the Limits to Development.

Policy EV/1 – Design – seeks to ensure a high standard of design that respects the character of the area and is compatible in mass, scale and layout.

Policy TR/18 - Parking Provision in New Development - notes 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 minimise harm to visual and local amenities.

Other material considerations

The National Planning Policy Framework (2019)

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, fulfilling an economic, a social and an environmental role (para.8). Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPF states that the government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development (para.124). Planning decisions should not attempt to impose architectural styles or tastes but should seek to reinforce local distinctiveness (para.60).

Development should only be refused on highways grounds if the impact upon highway safety would be severe (para. 109)

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 (para.130).

The impact of development upon heritage assets (paras.189- 202) should be taken into account in the determination of applications.

The NPPF also explains that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development being considered, enforceable, precise and reasonable in all other respects.

Supplementary Planning Document Leading In Design

This document seeks to encourage, promote and inspire higher design standards in new development.

Cossington Conservation Area Character Appraisal (April 2009)

Describes what is special about the historic core of the village.

National Design Guide

This document sets out 10 characteristics for good design along with good practice and considerations for the future.

Planning (Listed Building and Conservation Area) Act 1990

Relevant Planning History

P/18/0187/2 – Construction of a dwelling – Refused 5th October 2018.
Appeal dismissed 21st February 2019.

An Enforcement Notice was served on the 26th November 2019 in connection with the use of the land to the rear of the bungalow for storage of scrap vehicles and materials. The Notice takes effect on the 31st December and the owners have one month to comply unless an appeal is submitted prior to the Notice taking effect.

Responses of Statutory Consultees

Cossington Parish Council – Support letters of objection from two of the neighbours.

Other Comments Received

Councillor Poland - Objects to the proposal on the grounds that the access is incapable of serving an additional dwelling.

Four neighbours (Nos 26,28,36 and 41 Main Street) – Object on the following (summarised) grounds;

- The conversion would have an adverse impact upon character and appearance of the area ,including the conservation area and nearby listed building
- The proposal would result in the loss of transitional area between built-up village and countryside beyond
- The proposal would have an adverse impact upon amenities of neighbours due to noise, disturbance, fumes, loss of privacy and overlooking. Contrary to relevant guidance
- Inadequate and unsafe access is proposed which would impact upon highway safety close to primary school, including inadequate fire vehicle access
- The proposal would have an unacceptable impact on flood risk due to inadequate drainage
- Application building is misrepresented as a workshop; it is a domestic garage
- The proposal fails to address the previous reasons for refusal which were upheld on appeal

Full copies of the correspondence received are available for reference on the planning file.

Consideration of the Planning Issues

The main issues to be considered in the determination of this application are:

- 1) Principle of development
- 2) The appeal decision
- 3) Impact on the character and appearance of the area
- 4) Heritage Assets
- 5) Impact on neighbours
- 6) Access and highway safety
- 7) Flooding and drainage

Principle of development

The starting point for decision making on all planning applications is that they must be made in accordance with the development plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Borough of Charnwood Local Plan are therefore the starting point for consideration.

The principle of development is guided by policy CS1 of the Core Strategy. It directs growth to the Leicester Principal Urban Area (PUA), with the majority of the remainder being met in Loughborough and Shepshed. The next tier of settlement is the Service Centres and then the Other settlements which includes Cossington, where a proportion of new dwellings will be provided by responding positively to small-scale opportunities within defined limits to development.

The site is within the settlement boundary for Cossington where the principle of development is generally acceptable and as the development is also small scale and conversion of an existing building, (1 unit), it would be in accordance with policy CS1.

The appeal decision

In October 2018 planning permission was refused (P/18/0187/2) for a large four bedroom detached house on the site of the outbuilding and hard standing which is the subject of the current application. An appeal against that decision was dismissed in February 2019 (APP/X2410/W/18/3216620). That decision, as part of the planning history of the site, is a material consideration in the determination of the current application.

The application was refused on the grounds of adverse impact upon the character and appearance of the area, including the conservation area and setting of the nearby listed building; noise, disturbance and loss of privacy from the use of the access and an inadequate flood risk assessment. These issues and their relevance to the current application will be assessed in the following sections of this report.

Impact on the character and appearance of the area

The application site is outside, but adjacent to, the eastern boundary of the Cossington Conservation Area. It is also close to No.40 Main Street, which is a Grade II listed building.

Policy CS2 seeks to require high quality design that responds positively to its context. Policy CS2 and saved Local Plan policy EV/1 also require that new development respects and enhances the character of the area in terms of scale, density, massing, height, landscape, layout, materials and access arrangements.

This part of Main Street is characterised by linear development, with dwellings on the street frontage and large gardens backing onto open countryside. The previous application was refused because it proposed a substantial dwelling out of keeping with the linear pattern and layout of Main Street. It was considered that the dwelling would conflict with the character of the western side of Main Street, where large gardens provide an undeveloped transition between this part of the Cossington and the adjoining countryside. While that analysis was supported by the appeal decision, it is relevant to the determination of this application that the decision Appeal Inspector's Decision Letter, (DL) paragraph 6) noted that *"the proposed new dwelling would be significantly larger in scale and bulk than the workshop.."*

This proposal is significantly different from the scheme which was dismissed on appeal. That application related to a large four bedroom detached house with a floor area of approximately 300 square metres and a ridge height of 7.3 metres. It would have occupied the site of both the existing outbuilding and the hard standing in front of that building. The current application proposes the conversion of the outbuilding in to a relatively modest three bedroom house of approximately 150 square metres, with an unaltered ridge height of 6 metres.

It is considered that the external alterations to the building and associated development would not impact on the character of the frontage development on Main Street or the countryside to the north to such an extent that it would now be reasonable to refuse planning permission.

The outbuilding is mainly screened from the south and east by 2 metre high hedges. It is sited on land which wraps around behind No.28 Main Street and, consequently, there are only glimpses of the building from Main Street, (from the gap between Nos 28 and 30). It is

also visible from public rights of way in the neighbouring countryside, (approximately 140 metres to the west of the application site). Other views are from private land and buildings.

Significantly, the appeal decision (DL paragraph 6) notes that *“the workshop already has a physical presence of an isolated building to the rear of frontage properties when viewed from the near-by public rights of way. However, the proposed dwelling would be significantly larger in scale and bulk than the workshop.....whether viewed from the public rights of way or along the drive between Nos. 38 and 30....”*

The alterations to the building comprise of replacing doors and windows in the front elevation with large windows and a front door; a ground floor window in the rear elevation; two ground floor windows and patio doors in the side elevation and roof lights in the front (4 number) and rear (6 number) roof planes. While these domestic features would alter the appearance of the building it would still have the appearance of a historic, ancillary structure discreetly located 20 metres behind existing properties on Main Street.

The subdivision of the garden to No.30 would not significantly alter the character of the substantial rear gardens in this part of the village as two good sized areas would remain. The outbuilding and hard standing have been used as the garage and parking for No.30. The continued use of the access and hardstanding by vehicles would not materially alter the character and appearance of the site. The proposed new access and parking in front of No.30 is not dissimilar to the existing arrangement with other properties in the area.

It is considered that the proposal would not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would be in accordance with Core Strategy policy CS2 and saved Local Plan policy EV/1.

Heritage Assets

Policy CS14 also seeks to protect heritage assets and their settings and section 72 of the Town and Country Planning (Listed building and Conservation Areas) Act 1990 requires that special regard shall be had for preserving and enhancing the conservation area. Additionally, the NPPF requires a judgement as to whether substantial or less than substantial harm would occur to the significance of the heritage assets as a result of the development

The application site is outside, but adjacent to, the eastern boundary of the Cossington Conservation Area. It is also close to No.40 Main Street, which is a Grade II listed building.

The conservation area appraisal defines its special interest as being derived from:

- *“the individuality of architectural styles and wealth of influences from different periods all found along a single street, from medieval remains and Tudor inspired details to the Gothic revival, Georgian terraces, Victorian villas and Arts & Crafts alterations;*
- *the interplay of chimneys with the tones and textures of traditional building materials which creates attractive distinctive roofscapes;*
- *the contribution of the mature trees throughout the streetscene which is an uncommon feature of the Soar Valley villages;*
- *the consistency of the front boundary treatments which are often at a low level and combined with open frontages ensures that buildings are relatively exposed allowing the architecture to define the streetscene;*

- - *the easily discernable historic forms and fabric which are not dominated or overwhelmed by infill developments.*”

The listing for 40 Main Street reads:

“House, formerly 2 cottages, C18. Red brick, whitewashed to front, and thatch roof with brick right ridge and end stacks, that on right end projecting. 2 ranges, that to left with coped gables, of 2 storeys of a 3 light centre opening casement with top lights. Range to right of 1”

There is evidence that the outbuilding was used as a garage during World War II, but its precise use and history is unknown. Since that date it has been used to garage a variety of private and commercial vehicles, generally in association with the use of No.30 Main Street. Although it is not considered to be a non designated heritage asset in its own right the conversion to a dwelling would nevertheless retain a building with some historic value.

The application site is adjacent to the boundary of Cossington Conservation Area and is also close to No.40 Main Street, which is a Grade II listed building. There is a requirement that special regard is had to the desirability of preserving Listed Buildings or their settings and the impact upon the character and appearance of a conservation area. The appeal decision considered that, (DL paragraphs 7 and 8), the listed building is *“sufficient distance from the site to avoid the proposed development having an adverse effect on its setting”* and *“the setting of the conservation area would not be harmed because the appeal site includes a site with the existing workshop rather than introducing an entirely new building on the edge of the area.”* It concludes that there would be *“no conflict with policy CS14 regarding conservation and enhancing heritage assets for their own value have been identified”*

The conversion of the existing building would have even less impact than this previously refused scheme, as it is smaller in scale and more closely reflects the historic workshop function of the building in its design.

The proposal would not impact upon any of the features described in the listing for 40 Main Street. Additionally it would not have any impact upon the main characteristics of the Conservation Area. It is also important to note that it is not an infill development and that it does not overwhelm the historic fabric.

The new access would involve the removal of a section of the low wall to the front of 30 Main Street. The agent has clarified that the existing gravelled parking area and planting (other than that removed for the access), would be retained. Due to its scale and nature it is not considered that this element would impact on the significance of the listed building or the conservation area.

Consequently, it is considered that there would be no harm to the significance of the heritage assets, namely the listed building at No.40 Main Street and Cossington Conservation Area.

In addition the proposal is considered to preserve the character of these heritage assets and would, therefore, be in accordance with Section 72 of the Planning Act 1990, paragraph 193 of the NPPF, Policy CS14 of the Core Strategy and the Conservation Area Character Assessment.

Impact on neighbours

The application site has boundaries with Nos 26, 28 and 36 Main Street. The proposal has the potential to impact upon these neighbours. It is considered that there would be no impact upon neighbours who are further away. There would also be a potential impact on No.30 Main Street which would be retained as a separate dwelling.

There would be no significant impact upon neighbours on the opposite (eastern) side of Main Street. There are no neighbours to the rear, as the site backs onto open countryside.

The front of the outbuilding is approximately 30 metres, from the rear of neighbouring properties on Main Street. The Borough Councils adopted Supplementary Planning Document, Leading in design advises that there should be 21m separation distance between main habitable rooms for two storey buildings. The proposed building contains rooflights that face towards these properties but as these are in excess of 21m distant, separated from these neighbours by a 1.8 metre high hedge and at an angle and height that makes views out difficult it is not considered they to lead to a material loss of privacy.

The proposed dwelling which was the subject of the appeal had first floor windows overlooking the rear garden of No.36 which it was considered would result in unacceptable overlooking of that property. A first floor window which was proposed in the side elevation, overlooking the rear garden of No.36 has been removed.

The appeal decision assessed the impact of the new dwelling upon neighbours at Nos 26 and 28 Main Street. While that dwelling would have had a detrimental effect upon the outlook from those gardens it was considered that (DL paragraph 10) *"When the size of the gardens is taken into account the degree of harm would be limited and that and this matter alone would not be a reason for this appeal to fail but does add to the unacceptable harm which has been identified"*

The proposal which was previously refused would have resulted in a 7.3 metres high gable wall built up to the rear boundary of No.28, approximately 22 metres from the rear of the dwelling. This application proposes the retention and conversion of the existing building with the 3.7 metres high eaves on the front elevation approximately 10 metres from the boundary with No.28 and 32 metres from the rear of that neighbouring dwelling.

Consequently, it is considered that the relationship between the existing and proposed dwellings and neighbouring gardens in terms of privacy is acceptable. Additionally, due to the distance to neighbouring properties and the scale of the proposal there would be no loss of light or overbearing impact upon these properties.

The final element of the impact upon neighbours is potential disturbance from the use of the existing drive to access the proposed new dwelling. This would be used separately from the occupation of No.30. The impact of vehicle movements associated with this use upon the enjoyment of the rear garden and a secondary window in the side of No.30, were part of the reason why the previous appeal failed.

The application proposes that the secondary window in the end elevation, overlooking the drive, would be blocked up and a 2 metres high fence would be erected along the boundary

between the drive and the rear garden of No.30. Subject to this mitigation it is not considered that by itself the disturbance from vehicles using the drive upon neighbours, particularly No.30, would be so severe that it would be reasonable to refuse planning permission.

On balance, taking the above into account, it is considered that the proposal will ensure reasonable residential amenity and accords with Core Strategy policy CS2 and saved Local Plan policy EV/1.

Access and highway safety

The application proposes that the long established vehicular access to the existing garage would be used to serve the proposed new dwelling and that 3 car parking spaces would be provided. A new access and 3 parking spaces are proposed in the front of No.30 to serve the existing dwelling.

The Highway Authority has not commented on the application and standing advice has been used. It is considered that the access would not result in a significant impact on highway safety and the proposal would make sufficient off –road parking provisions. To refuse a planning application on highway safety grounds it must be demonstrated that there is severe residual cumulative impacts resulting from the proposal. The proposed parking and access arrangements comply with standing advice and are considered to be acceptable.

Having regard to the above, it is considered that the proposal accords with the National Planning Policy Framework (NPPF) and saved policy TR/18 of the adopted Local Plan and that severe impacts as described in Paragraph 108 of the NPPF would not be caused by the development.

Flooding and drainage

One of the reasons for the refusal of the previous planning application (P/18/0187/2 – see history above) was that the Flood Risk Assessment which was submitted in support of that application was considered to be unacceptable and the Environment Agency (EA) recommended that planning permission should be refused.

After the appeal against that refusal of permission was lodged, the EA removed their objection and, consequently, flooding and drainage did not form part of the appeal case which was considered at that time. The EA stated that :

The Charnwood Strategic Flood Risk Assessment (SFRA), which was updated in 2014, shows the site to be in Flood Zone 1. Flood Zone 1 is the area of land deemed to be at least risk of flooding, and where proposals such as the appeal application do not require the submission of an FRA, in line with the Technical Guidance to the National Planning Policy Framework. The Environment Agency understands that the outputs from the SFRA would have been arrived at by using detailed modelling of the extent of flooding attributed to the ordinary watercourse.

We therefore accept that the SFRA represents the more accurate source of information on flood risk to the site and so we withdraw our objection to the proposals submitted under planning application P/18/0187/2 (appeal reference APP/X2410/W/18/3216620).

This confirms that the site is within Flood Zone 1 where there is a low probability of flooding; the site has an area of less than 1 hectare and the EA has not identified any critical drainage problems. Consequently, a FRA is not necessary and there is no reason to object to the proposal on the grounds of flooding and drainage.

Conclusion

Decisions on applications need to be made in accordance with the adopted development plan policies and the material considerations that support them. In this case the planning history of a similar development was also relevant.

Cossington is an "other settlement" where a proportion of dwellings should be delivered by responding positively to small-scale opportunities within defined limits to development. This is an acceptable development which accords with Core Strategy policy CS1.

The proposal would not have an adverse impact upon the character and appearance of the area and there would be no harm to the significance of heritage assets or their setting. It would be in accordance with Core Strategy policies CS2 and CS14, saved Local plan policy EV/1 and the NPPF.

The proposal would not have a material impact on the residential amenities of neighbouring properties and accords with Core Strategy policy CS2 and saved Local Plan policy EV/1.

It is considered that the proposal would not result in severe residual cumulative impacts, given the existing use of the site and the new access and parking area which are proposed and would accord with standing advice and saved Local Plan policy TR/18.

The site can be adequately drained and there is no significant risk of flooding.

Accordingly, having regard to the above considerations, 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:
 - 1:1250 Location Plan and 1:500 Existing and Proposed Site Plans – Drawing number 1001 Rev A

- Elevations – Drawing number 1002 Rev A
- Plans and Section – Drawing number 1003 Rev B
Received by the Local Planning Authority 23rd October 2019

REASON: To define the terms of the planning permission.

3. No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

REASON: To make sure that the appearance of the completed development is satisfactory.

4. The dwelling hereby approved shall not be occupied before a 1.8 metre high fence has been erected along the boundary between the access to the proposed dwelling and the rear garden of No.30 Main Street. The fence shall thereafter be retained in perpetuity.

REASON : In the interests of the amenities of neighbours.

5. The dwelling hereby approved shall not be occupied before the secondary window in the side of No.30 Main Street has been blocked up in accordance with the details shown on Drawing number 1001 Rev A. The window shall thereafter be blocked up in perpetuity .

REASON: In the interests of the amenities of the occupiers of No.30 Main Street

6. The dwelling hereby approved shall not be occupied before new access arrangements shown on Drawing number 1001 Rev A have been provided . These shall thereafter be retained along with the existing parking area in perpetuity.

REASON: In the interest of highway safety.

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1,CS2 and CS14 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies EV/1 and TR/18 of the Borough of Charnwood Local Plan have been taken into account in the determination of 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, otherwise, no harm would arise such as to warrant the refusal of planning permission.

- 3 The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process. This led to improvements to the scheme 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.

