



Scale - 1:1250
Time of plot: 15:30
Date of plot: 20/01/2015



Rutland County Council
Catmose,
Oakham,
Rutland
LE15 6HP

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Application:	2014/0842/FUL	ITEM 5	
Proposal:	Demolition of existing and erection of a replacement dwelling with integral garage.		
Address:	3 Kings Close, Market Overton		
Applicant:	Mr & Mrs D Skins	Parish	MARKET OVERTON
Agent:	Ms Eimear Murphy, Murphy Associates	Ward	Cottesmore
Reason for presenting to Committee:	Objections received		
Date of Committee:	3rd February 2015		

EXECUTIVE SUMMARY

Objections have been received from neighbours and the Parish, relating to the impact of the proposal upon residential amenity and the street scene.

The proposal would not have a detrimental impact upon the street scene or Conservation Area, and would not significantly affect the residential amenity of the area

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. The development shall be begun before the expiration of three 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 the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in accordance with the details shown on the submitted plans, numbers 1:1250 site plan, 4759-1reva, 323-SK-01 Rev C, 323-SK-02 Rev B, 323-SK-03 Rev C, 323-SK-05 Rev B.
Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
Reason – To ensure that materials of an acceptable quality appropriate to the area are used.
4. No development shall take place until the existing trees shown to be retained on the approved plan, have been protected in a manner previously agreed in writing by the local planning authority, in accordance with BS5837:2012. This protection shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason - The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the first floor windows in the side (west) elevation shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property 4 Kings Close.

Site & Surroundings

1. The site is a two storey detached 1970's dwelling located in Market Overton. It has a low pitched roof (30 degrees) and is constructed of brick and concrete tiles. The site area is approximately 0.1 hectare. The neighbouring dwelling (no 2) was built at the same time and shared a similar design and scale to the applicant's house, however no. 2 has since been extended several times and rendered (timber cladding and stone is used on a front extension).
2. The site is within the conservation area, located at the end of a private cul-de-sac. The site and surrounding area is predominantly flat. Though within the conservation area, the character of Kings Close is not historic, with relatively modern houses and bungalows lining the street.

Proposal

3. The proposal is to demolish the existing house, and replace it with a new dwelling, using stone with a slate roof. It would be 8.4m high, with 4 bedrooms and a double garage. It would have a footprint of 208m².
4. The applicant has revised the plans during the lifetime of the application. The plans are attached as **APPENDIX 1**.

Planning Guidance and Policy

Development Plan

The Rutland Core Strategy (2011)

CS3 – The Settlement Hierarchy
CS4 - Location of development
CS19 – Promoting good design
CS22 – The historic environment

Site Allocations and Policies Development Plan Document (2014)

SP5 – Built development in the towns and villages
SP15 – Design & amenity
SP20 – The historic environment

National Planning Policy Framework (NPPF)

Part 12: Conserving and enhancing the historic environment

Consultations

5. Market Overton Parish Council – On original plans:
 - Evidence would suggest that key neighbours have not been given notice specifically 2 Kings Road and households in Fountain's Row
 - The proposed building appears to be taller than others in King's Close. Neighbours will now be overlooked where as currently they are not.
 - There is a real danger that the size and height of the proposal will significantly affect the look and character of King's Close.
 - There appears to be no upper storey plans in order to form a judgement as to the disposition of windows which from the sketch of the building appears to look directly into Fountain's Row.

Following re-consultation on revised plans: “The Parish Council do not recommend this application as the concerns raised have not been addressed.”

6. Conservation Officer - No objection. The application relates to a 1970s built house which, although not unattractive, does not make a significant contribution to the historic character or appearance of Market Overton Conservation Area. Its replacement will not have a harmful impact on the conservation area.
7. Highway Authority – No objection, subject to conditions.

Neighbour Representations

8. 2 Kings Close. – Two objections received (one to the original plans and a further objection to the revised plans). The main grounds of objection relate to;
 - The size (footprint) and scale of the new house
 - The height of the proposed house
 - The increased proximity of the new building to their property, particularly the 2 storey element
 - loss of amenity
 - The proposed removal of several trees that currently form a natural screen between the properties.

In addition to this, further representations from the neighbour question consistency in relation to the neighbour's application for extensions to their property.

9. 1 Fountain's Row – Objection on the grounds of loss of privacy as a result of overlooking.

Planning Assessment

10. The main issues are the principle of development, the impact upon the conservation area/street scene, and the impact upon the neighbouring properties/residential amenity. Other issues are considered at the end of the report.

Principle of development

11. The existing house is of no significant architectural or historic interest, and the principle of demolishing and rebuilding a dwelling in this location is not contrary to the Council's policies.

Impact upon the conservation area/street scene

12. The cul-de-sac layout of the area means that the proposed dwelling would not be viewed straight on from the street, but rather at an angle. While the footprint of the house would be larger than the existing, it would not be out of proportion with the size of the plot, which is considerable, albeit 'L' shaped.
13. The objection from the neighbour and Parish regarding the proposal's impact on the street scene is noted. The applicant has reduced the height of the proposed dwelling from 9.75m to 8.385m during the lifetime of the application. This has been achieved through lowering the pitch of the roof to 42.5 degrees. While the existing house and neighbouring house (no. 2) have a low pitch of approximately 30 degrees, the surrounding housing have more traditional roof pitches in the region of 40-50 degrees. The proposal would be more in keeping with these surrounding houses than the existing, which due to its low pitch creates a disproportional relationship between the roof and walls.
14. It is acknowledged that the proposal would be higher than the neighbouring property, and closer to it at first floor level than the existing. However the height difference between properties of approximately 1.4m would not be significant enough to warrant refusal, given that the house is set back from the street and viewed at an angle from the private cul-du-sac. Its siting within the street scene is also acceptable.
15. The Conservation Officer has not objected to the proposal. The proposal would not have a significant impact upon the character or appearance of Market Overton Conservation Area.

Impact upon neighbouring properties / residential amenity

16. The objections received to the application relating to residential amenity are noted, and have been given due consideration.
17. One of the adjacent neighbour's comments relates to the boundary trees between the buildings. These are leylandii trees that may have been planted as a hedge, but have subsequently grown into individual trees. Though the trees may screen the properties from one another, they do not significantly contribute to the character of the conservation area. Their form and appearance would not lend themselves to a provisional Tree Preservation Order (TPO).
18. As such, were the applicant to separately notify the LPA of their intent to remove the trees, it is unlikely that the Local Planning Authority would issue a TPO for their retention. Given this, the current screening for the neighbour that the trees provide would not carry any significant weight. Notwithstanding that these trees could be removed, other trees along the shared boundary (while not publically visible) are shown to be retained. While the applicant is amenable to further landscaping here, a condition for further planting could not be justified, given the existing established nature of the site.

19. Part of the neighbour's rear garden would be visible indirectly from an upstairs bedroom window. Also if the leylandii trees were removed, the existing house would overlook this area. However, in both cases, any overlooking would be at an angle, and not direct. Other proposed windows on this elevation serve bathrooms (which would be obscured glazed), and the master bedroom (which is on the far side of the site). This level of overlooking would not be significant enough to warrant refusal of the application.
20. There is also concern on the grounds of overlooking from no 1. Fountain's Row to the south-west of the site. This is noted; however the nearest first floor window of the proposed house would be almost 24m away from the shared boundary (a high stone wall with vegetation above). This distance, at an angle of 40 degrees would not result in an unacceptable level of overlooking or loss of privacy.
21. The neighbour to the west (no. 4 Kings Close) would not be adversely affected by the development. Two first floor side windows serving the master bedroom and an en suite would face the shared boundary; the boundary trees would provide screening when in leaf, however are shown as being obscured glazed with opening restrictions to prevent overlooking.

Other Issues

22. With regard to the Parish comments, there are no upper floor plans (i.e. above the first floor) as this is roof space. Officers can also confirm that direct neighbours were notified and a site notice displayed.
23. The immediate neighbour (no. 2) has raised comments relating to restrictions imposed on them for a previous planning permission to extend their property. This is noted; however each planning application is assessed on its own merits, and extending a property raised potentially different planning considerations that a re-build. This point would therefore not carry any significant weight.
24. The proposal materials of stone and slate are welcome, and would be appropriate for the conservation area. The design and access statement makes reference to Spanish Slate for the roof, which can be susceptible to fading/deterioration in this climate. Final samples would be agreed via condition.
25. The dwelling would be marginally further away from the existing trees on the western boundary (shared with no. 4 Kings Close) than the existing dwelling is. Some trimming back of overhanging branches of the trees on the western boundary would be required to enable demolition of the existing dwelling and construction of the new dwelling. This would not adversely affect their health or appearance. Notwithstanding this, the tree roots here and to the front of the site should be protected during construction via a condition. This could be either through protective fencing, or ground protection (details to be agreed).
26. The proposed dwelling would use the site's existing access, and no changes to this are proposed. There would be ample off-street parking and turning space, and the proposal would not adversely affect highway safety. The garage size complies with the highways requirement (6m x 3m) and this is secured via the approved plans condition (and therefore not repeated in a separate condition).
27. Finally, given the recent changes to developer contributions for single dwellings, a Section 106 agreement is not now required for the proposal.





