

## PLANNING & LICENSING COMMITTEE

19TH JULY 2022

### ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
137/2022	1	2022/0469/FUL	MS J DODMAN	LANGHAM

#### Consultee Comments

Langham Parish Council have made the following comments:

“Langham Parish Council are concerned that the planning application for 16 Cold Overton Road is now going to the RCC Planning Committee for a decision on 19 July, but the report to be presented at that meeting does not answer the queries we raised in our response to the application. We would like to highlight the following points:

- The map on the front of the report to the Committee is out of date and does not show the relatively new houses immediately adjacent to the east of 16 Cold Overton Road with just an access drive between the two properties. A similar out of date location map, and also an aerial view, have been used in the application giving the incorrect impression that there is no immediate house to the east. One of these houses is most likely to be affected by the proposed extension and does not appear to be on the Notified Neighbours list as mentioned in the LPC response. Has this house been notified now?
- 'Planning Guidance and Policy' refers to several fairly dated documents, but does not mention Design Guidelines for Rutland and South Kesteven SPD (2021), 6G Extensions Scale/size which is mentioned in the LNP comments. Why not, as it is very relevant, particularly in the absence of a Local Plan?
- LPC queried the size of the proposed extension in our response. It is appreciably bigger than that put forward and approved in 2020/0665/FUL and not 'modest' as expressed under 'Planning Assessment'. This is obvious if you look at both sets of plans. A precedent was set by Meadow Edge, Burley Road, Langham LE15 7HZ when the size of the work in the original application was significantly cut back after concern expressed by LPC.
- The height and length of the extension may well break the rules on visibility for the glass-backed home next door to the east (not shown on the out-of-date map mentioned above).

In addition, the report states under 'Neighbours and Members of Public' that 'other issues not relating to this application or the applicants land have also been raised and passed on to the enforcement officer'. This should include the Equestrian building in the Green Separation Zone which has no planning permission and is contrary to LNP and should be removed. It is important that this is included in what has been passed on to the enforcement officer by RCC, and we would appreciate confirmation that this is the case.”

## **Ward Member Comments (Cllr Hemsley)**

"I as ward member have been contacted by the applicant and a neighbour, there have been issues that Justin Johnson will address either prior or at the meeting regarding the use of out of date maps, and the reality of the size of the extension in relation to the neighbouring houses, Langham parish Council have commented on this, I would urge all of you to give careful consideration to such things as the 25 Degree test:

"If a new building or extension breaches a perpendicular line at an angle of 25 degrees above the horizontal taken from a point 2 metres above ground level on an existing house, it is likely that windows in the existing house will be overshadowed."

This test is clearly aimed at the rural development communities and we should consider this as part of the decision making process?

Langham is a Rural village and the properties on the whole reflect the heritage of this, and these include Ruddle Way, we are only the custodians of the county at this time and we need to make sure that the decisions that we arrive at meet the needs of the community and we can with a clear conscience say we did our best to protect our county.

I hope that you Arrive at the right decision and maybe a site visit could help prior to a final decision?"

## **Additional Comments from the applicant:**

"Looking through the comments I just wanted to clarify a couple of things please:

1. I see the parish council comments about the stable block to the south of number 8. I believe this to be incorrect - I will scan and email a copy of the planning approval for that from 2006 - FUL/2006/0064/MS. It may not be relevant but in case it is, I just wanted to clarify.
2. I note the concerns regarding parking. At the moment, we can fit 3 cars on our driveway. We can turn round at the bottom or there's also space about half way down the drive, although we don't tend to use that. If the committee disagrees with your assessment and there remains significant concern then we are extremely keen to work with them to resolve that (i.e. we really don't want that to be a main barrier). As such as we are content to remove the garage to allow for greater turning ability if needed. We aren't wedded heavily to building a garage. Is it worth me pre-emptying this or should I just say if it comes up for discussion over and above your report?
3. I see the comments about the scale of the extension. I appreciate we had some discussion at pre application but I just wanted to reiterate. We can't knock the house down and start again as it's mortgaged. We've kept the original part of the house at the level it is now because that mirrors the dormer bungalow behind us (no 14). We've then mirrored the height of number 8 on the north east side to get the head height upstairs on the extension. It means we can comply with the regulations and guidance for both sides. We have very genuinely (despite numbers 8 and 10's beliefs) tried to consider everyone. The reason we needed the height is that we've had a second baby since the 2020 application - he was born May 2021 - we need to be able to access both of the

children's bedrooms easily from ours. In the old design, we'd have to go down, through the house and up again - fine if they were older teenagers but not when they're so little. The design we have will give us appropriate living space and also the access we need for safety. "

### **Additional Comment from Applicant's father**

"Member of the Public comments submission as advised by compliance department (as unable to attend in person)

#### **INTRODUCTION**

My Name is Darryl Philip Dodman, I have been a Member of the Public for at least 70 years and am Jennifer's Father. My involvement began in 2016, when Jennifer purchased this house - a dormer bungalow (one of a pair of former farm cottages built in the 1930s).

As a retired civil engineer and surveyor I have been involved voluntarily in the preparation of planning documents for the Architect of the subject building extension scheme, and it's first revision.

#### **BACKGROUND**

At the time of buying the house Jennifer was single and the house had, and still has, two small bedrooms in the loft space with sloping walls doubling as the roof. In the meantime, Jennifer has gained a partner and two children, hence the original planning application that was approved in 2017. Since then, the existing and adjacent property to the east, with it's large green garden and orchards has been demolished and replaced by a development of access roads and three new substantial houses of outward light stone construction, one of which is immediately adjacent to Jennifer's house and completely dominates it in size and height.

I will now address in order the objector's statements and claims made in correspondence to [planning@rutland.gov.uk](mailto:planning@rutland.gov.uk) dated 16:44 20 May 2022

Objector's use of the expression: "Important Green Area"

There is no such expression to be found or defined in the Governments Planning Website. However, there is an expression of "Local Green Space", and this contains no regulation that will impact the planning application 2022/0469/FUL. The area to the south of the boundary of the site of the planning application was designated a Conservation Area in the now defunct Langham Village Plan.

Objector's statement of: "Creep is a risk....."

This implies that an unnecessary risk is caused by future RCC planning officer's not carrying out their mandatory duties! This statement made by a newly arrived resident to Langham.

Objector's statement of: "Houses behind 16 Cold Overton Road"

The simple fact is, there are NO houses behind 16 Cold Overton Road. The Conservation Area boundary line is behind 16 Cold Overton Road and then green uncultivated fields further to the south. There are, however, 2 houses in front of 16 Cold Overton Road. The first being the dormer bungalow (number 14) that is a twin of number 16; the second being a red brick relatively newly built full house bordering the public highway on the north side.

Objector's statement of: "Langham aim of providing to elderly over the age of 55 years of age"

The stated "Langham Aim" cannot be found, nor can any government official definition of the word "elderly". Therefore it is difficult to comment on a meaningless expression. However, for indicative purposes, if we assume that the elderly phase of life begins at about the state pension age the "Objector" person and others would not have complied with the stated version of the Langham Aim when buying the adjacent newly built houses. This begs the question of what administrative mechanism is in place to prevent developers building, and non-elderly people buying, such large and imposing properties in Langham village?

Objector's statement of: "...right up to my boundary"

It is not clear which boundary is being referred to, as there are two. It is assumed that the boundary between the two properties is the one being referred to. When the new house was built pedestrian access was provided at the adjacent side and their newly built closed boarded fence erected on the boundary between our properties. We too will be providing pedestrian access between their close boarded fence and our newly built extension. It will also stop short of the southern boundary for the same reason. The height of the extension will be similar to that of the newly built adjacent houses.

Objectors suggestions of: "out of character; type and scale; proportionate; over bearing; in keeping"

The southerly building boundary in this part of the village has a line of 11 properties that can be seen properties from the southerly aspect, some of which are also dormer bungalows. Of these, six are red brick faced, three are rendered in varying colour, including number 16; and, the two new houses that are visible are of light coloured stone. Contrary to statements in the objector's correspondence, it could reasonably be concluded that in reality it is the newly built stone houses that are not in visual keeping with the existing and long established houses. Furthermore, number 16's proposed extension will be finished in the same rendered colour as the existing part and also the same as the existing adjacent similar dormer bungalow (number 14). With the extension built the house will remain, along with number 14, one of the smallest and most unremarkable houses in view along this line of properties. There is no evidence that the long established residents of 14 Cold Overton Road consider the extension will have any affect on them whatsoever, contrary to the Objector's false statement that they will be "significantly affected".

Objector's suggestion of: "Visibility from the road"

Contrary to that stated in objector's correspondence, number 16 is not visible from the public highway. Visibility is blocked by 2 other houses and a multitude of hanging and large trees and hedges over a distance of a measured 70.6 metres from the nearest road along a gravel track that routes up the side of the three properties.

Objector's suggestion of; "size"

The existing current number 16 building plot is physically measured by me at 535.5 square meters. Similarly, the existing building footprint is measured at 76.8 square meters giving a percentage footprint of 14.3. From dimensions taken from the architect's drawings and set-out by me in-situ the proposed extension will add a further 55.7 square metres to the footprint (excluding the garage) which increases the percentage from 14.3 to 24.7. This is contrary to the Objector's statement of "the majority of the plot of 16", when the simple fact is it is less than a quarter of the plot.

Objector's statement about "Nature of the materials and window detail".

This is a very loose, broad-brush expression with no supporting evidence at all provided.

The property's existing aged windows that would have remained after the extension has been built have recently been replaced with very good quality CE grade, same size and shape windows and an industry compliance certificate issued. This will apply also to the extension windows sourced from the same supplier.

Suffice to say that the materials used for the extension build will be in accordance with current UK building control regulations and as specified on Architect's drawings. The BDO (building control officer) appointed is QUADRANT, a nationwide professional company with local offices in Stamford. See also comments extracted below from architect's documents.

Further overall supporting evidence:

Extracted from the professional Architect's "Design and Access Statement" (Items 1-4, copy held by the Council) states, inter-alia, that:

1. There will not be any adverse impact to neighbouring properties in the form of over-looking' over-shadowing etc..
2. The development proposals will contribute to sustainability, in terms of design, location, energy improvement and making the property suitable as a family home.
3. The previous Langham local plan places the application site within a conservation area. We feel that our proposals enhance the property, which has changed a lot since first built.
4. The property cannot be seen from the public highway.

In addition, and in a similar vein, the existing brick-built ancient septic tank/cess-pit has already been replaced by a professional specialist company who have installed a state-of-the-art Water Treatment Plant converting waste water to 95% purity which is then directed by automatic pump to a natural drainage field in accordance with current National Water Regulations.

Darryl Philip Dodman

Father of Jennifer Dodman, Applicant”

### Officer Comments

With regard to the accuracy of the map in the front of the agenda the Council’s Planning System maps need to be updated following the release of Ordnance Survey data, The IT team are currently in the process of updating the map layer. The current version does not show the adjacent development however officers are fully aware of the development following site visits to the site. The development is shown on the aerial view shown below, which will form part of the committee presentation. In addition to the aerial photo the presentation will also include photos of the adjacent development so that members are fully aware of the site and the adjacent developments.



The following is an extract from the Council's adopted Design Guidelines:

### 6E: Residential amenity

Residential amenity is determined by factors such as space, privacy, outlook, outdoor space and natural light. New development should promote amenity by following these principles.

Where practical, windows should not look onto private areas of other homes, including habitable rooms (living rooms, dining rooms, bedrooms), kitchens and patio areas in gardens immediately adjoining the building.

The '45 degree rule' states that there is normally the potential to achieve adequate levels of daylight and outlook when no part of a building cuts through a line radiating at 45 degrees from the centre of a window that lights a habitable room. Application will generally apply to front and rear single storey extensions which project 4m or more in depth and to two storey extensions which project 3m or more in depth.

The '25 degree rule' states that there is normally the potential to achieve adequate levels of daylight and outlook when no facing building breaks a 25 degree angle from the horizontal from a point 2 metres above the floor level. This rule takes account of changes in level between buildings.

Where habitable rooms face the rear of a home, the back to back privacy distances shown here should normally apply.

The 'rules' here are rules of thumb, likely to apply in many places, depending on site context. Separation distances may be lower where an element of public realm or highways separates the buildings.

#### KEY QUESTION:

- Have the rules to ensure satisfactory levels of privacy and natural light, and good outlook, been applied?

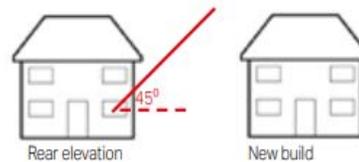
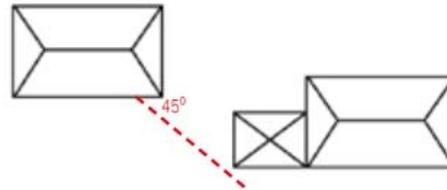


Figure 45: The 45% rule ensures that adequate levels of daylight can be maintained.

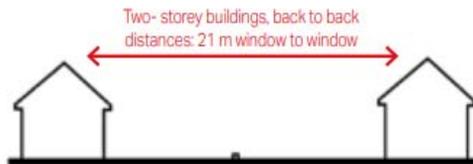


Figure 48: Back to back privacy distances.

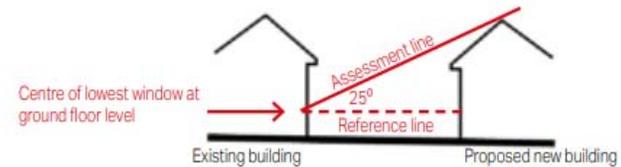


Figure 46: 25 degree thumb rule. Section in plane perpendicular to the main face of the building.

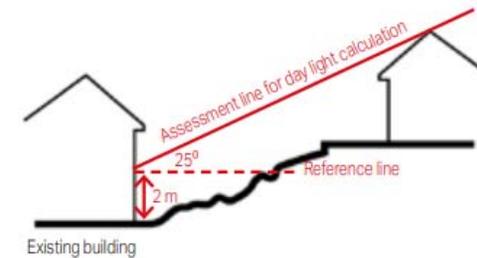
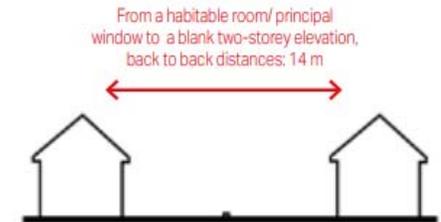


Figure 47: 25 degree thumb rule. On sloping sites over shading is more of a problem and greater spacing is required.



The above sets out how the Council will use a 45 degree rule to assess the impacts of developments on adjacent properties. The 25 degree rule is not relevant in this instance.



The Parish Council has also made reference to the Rutland Design Guidance and in particular section 6G, copied in full below:

### 6G: Extensions

This section applies to those situations where planning permission is required. Outside certain areas, such as Conservation Areas, household extensions up to a defined set of dimensions are Permitted Development, meaning planning permission is not required, but design is still a consideration. In some areas, further restrictions to what changes can be made are set out in Article 4 Directions.



See [here](#) for details on what is covered by Permitted Development Rights.

This section briefly summarises the [Rutland County Council Extensions to Dwellings Supplementary Planning Document](#), the content of which is also relevant for South Kesteven.

**Appearance of extensions** – As with all development, the extension will be expected to respect its wider surroundings in terms of its scale, position, design and building materials. Innovative solutions are possible but must still complement the original dwelling and be of high quality.

**Scale/size** - The extension is expected to respect the scale and character of the existing dwelling. It should also mitigate any potentially detrimental effects on neighbouring properties. In relation to guidance on page 5 of the Rutland Extensions SPD, in some circumstances it may be possible to have an extension that respects the integrity and character of the original dwelling, but is not subordinate – such as by being equal to the original in some respects like height and building line.

**Detail issues to address** - Architectural features are expected to mirror the character of the existing building to help create a unified overall appearance:

- Extensions need to respond to the climate emergency (see section 5B above);
- Details such as lintels, corbels, eaves and sills are expected to reflect the method of construction and where possible match the original house;
- Chimneys are expected to be retained, where possible, because they often contribute to an interesting and traditional roof form;
- New windows and doors are expected to match the style, size and proportions of those on the original building;
- External materials are expected to reinforce local distinctiveness in terms of type, colour and method of construction whilst matching or complementing the existing dwelling;
- Where brick or stone is used, they should match existing sizes, coursing, finish and method of pointing;
- Pitched roofs are expected to be of materials to match the existing roof;
- Dormers are expected to be of modest size and to match or complement the existing building - their suitability will be assessed in relation to site context; and
- Window materials are ideally expected to be consistent with the original house.

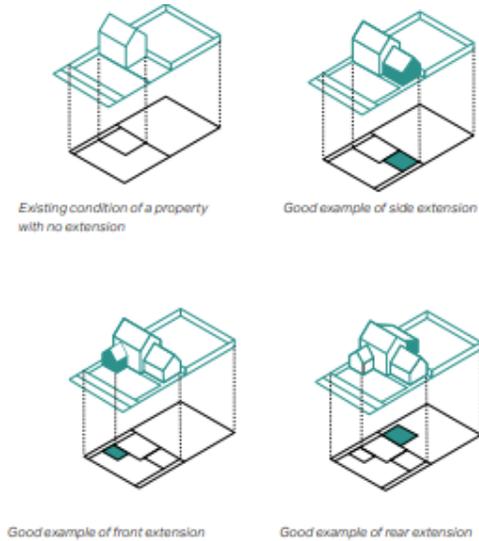


Figure 51: Good examples of approaches to existing building scale, massing and building line.

#### KEY QUESTIONS:

- How has the extension been designed in response to the surrounding context, including the dwelling that is being extended?
- Will the impact on neighbouring properties be acceptable?
- Why have the architectural features and details been selected?

AECOM

The existing dwelling is well screened from the wider public street view by the existing properties on Cold Overton Road. Whilst in the majority of cases the Council will resist developments that are not subservient to the host dwelling in this instance it is considered that an increase in the overall ridge height of the extension element of the dwelling can be considered acceptable given its design, location and the fact that it would not have a significantly adverse impact on the adjacent neighbour when taking into account the 45degree guidance set out above. Although the Design Guide was not specifically referenced in the committee report it has been given due consideration and is relevant to the determination of this application.

The Parish Council has made reference to a precedent been set by development at Meadow Edge, Burley Road. This is however not considered to be the case, each application must be assessed on its own merits.

Reference has also been made to a number of issues which have been investigated by the Council's Enforcement Officer. The stable block to the rear of the site appears to have received planning permission in 2006 and the planting of vegetables on agricultural land does not require planning permission as it does not constitute a material change of use.