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Ordnance Survey [100018056]

Scale - 1:1250  
Time of plot: 09:01  
Date of plot: 06/12/2017



## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2017/0939/FUL</b>	<b>ITEM 2</b>	
Proposal:	<b>Demolish existing garage block and replace with a detached dwellinghouse.</b>		
Address:	<b>Land To South Of 1, Crown Street, Oakham</b>		
Applicant:	<b>Mr Tosh Cooper</b>	Parish:	<b>Oakham</b>
Agent:	<b>Mr Tony Ansell, Rutland Planning</b>	Ward:	<b>Oakham North East</b>
Reason for presenting to Committee:	<b>Referred by Chairman and a Ward Member (Mr Dale)</b>		
Date of Committee:	<b>19 December 2017</b>		

## EXECUTIVE SUMMARY

**The scheme for a small dwelling on previously developed land has attracted objections on the grounds of loss of residential amenity and impact on a listed building. The scale and design of the house together with its orientation to the north of adjacent properties meets the relevant planning polices and constitutes sustainable development.**

## 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 complete accordance with the details shown on the submitted plan number TC/PL/01A/2017.  
Reason - For the avoidance of doubt and in the interests of proper planning.
3. No development shall take place until details of the facing and roofing materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The discharge of this condition shall include a sample panel of the stone and mortar to be used in the scheme being built on site for the approval of the local planning authority. The development shall be carried out in accordance with the approved details.  
Reason – To ensure that the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
4. No unbound material shall be used in the surface treatment of the vehicular access within 5 metres of the highway boundary, but the material and construction details used shall be porous.  
Reason – To prevent surface water and debris spilling onto the highway, in the interests of highway safety.

## Site & Surroundings

1. The site extends to approximately 0.128 hectares and comprises a mundane detached row of 6 garages, which front onto Crown Street, outside the designated town centre, but within the Oakham Conservation Area.

2. The area has a mix of commercial and residential uses with a modern residential development to the immediate east and north of the application site and a listed building to the west, directly opposite the site. There are retail units at the end of the street, associated with Crown Walk.
3. The rear wall of the garages forms the physical boundary of the garden to 1 Crown Street, although the legal boundary is undefined on the ground, allowing the occupier of 1 Crown Street an approximate 1 metre strip of land within the garden which belongs to the application site. The rear and southern end walls also form part of the boundary to the garden to 9 South Street with existing vegetation in the garden screening the end wall. A high privet hedge forms the remaining boundary around the corner of South Street and Crown Street. 1 Crown Street has a garden of approximately 42m<sup>2</sup> with an open car park to the rear (south east)
4. There is a row of outbuildings in the gardens of 5-9 South Street which partly form the boundary with the garden of 1 Crown Street. These are mono pitched and 3 metres high on 1 Crown Street side.
5. The agent confirms that none of the garages is currently occupied.

## Proposal

6. The proposal is to replace the garages with a 1½ storey house with 2 bedrooms and a bathroom at first floor level. The house would only have a 5 metre wide gable and a steep 50° pitched roof with parapet gables to give a ridge height of 6.2 metres and eaves height of 3.1 metres. There would be a single storey element on the northern end, 4.1 metres to the ridge and 2.3 metres to the eaves.
7. There would be 2 small dormers and a small rooflight over a bathroom on the front and a single rooflight over a stairwell on the rear roof slope. Sections show the rooflights would be a minimum of 1.8 metres above floor level.
8. Materials would be stone and slate with brick for the single storey extension on the northern end.
9. The building would be sited between 0.8 and 1.8 metres back from the rear of the pavement. The building would be sited further forward than the existing garages resulting in a 3 metre deep garden with patio, planting bed and bin storage. There would be a back door and a patio door on the rear elevation.
10. 2 parking spaces would be provided at the northern end of the site. Details are shown in the Appendix.

## Relevant Planning History

Application	Description	Decision
2013/0989/FUL	Conversion of garages into 2 shops	Refused – Appeal dismissed July 2014

## Planning Guidance and Policy

### National Planning Policy Framework

- Overall - Promotes sustainable development
- Section 6 – Delivering a wide choice of quality homes
- Section 12 - Conserving and enhancing the historic environment

## **The Rutland Core Strategy (2011)**

CS4 – Location of Development – Oakham will be the key focus for new development, consider dot be the most sustainable location for new development.

CS19 – Promoting Good Design

CS22 – The Historic and Cultural Environment

## **Site Allocations and Policies DPD (2014)**

SP5 – Built Development in the Towns and Villages

- Need to protect the environment and amenity
- Development on previously used land particularly encouraged.

SP15 – Design & Amenity

SP20 – Historic and Cultural Environment

## **Consultations**

11. Oakham Town Council  
The members felt they were unable to comment due to insufficient information but have concerns what the restrictions will have on the town's improvements and resident parking
12. RCC Highways  
No objection if built in accordance with Plan TC/PL/01/2017 and subject to conditions on surface material and drainage.

## **Neighbour Representations**

13. Owners of 9 South Street  
Rear wall of the proposed house is too high will block much needed light from the kitchen and garden and reduce views from the top floor windows, totally obscuring the view of the church. The build is on the boundary line, and will invade our tenants privacy and damage the roots of established hedging and plants. Security issue while our garden is exposed during building work. House will dominate the small garden. Over development in search of profit.
14. Marrons Planning, on behalf of Owner of 1 Crown Street  
Object: Lack of a suitable heritage statement. Impact upon residential amenity. Impact upon a designated heritage asset. It is the opinion of Marrons Planning that planning permission should be refused for the proposed development. If Officers are minded to approve the application, we request that the application is referred to planning committee.
15. Owner of 1 crown Street  
Garden will be in shade from 2pm. South facing garden that relies on light to front door and bathroom windows. Loss of light to kitchen from 2pm. Loss of light to bedroom from 2pm. Loss of privacy from dormer to rear. Over development of the plot.
16. Tenant of 9 South Street  
Chose to live here because of the privacy and security. Development will require access to my garden. Impact on quality of life, security and privacy. The proposed gable wall is very high and will block out all light in my garden and kitchen as well as take away any view from the upstairs room, resulting in a very hemmed in. Garden is very small, proposal will result in a lack of light affect plants etc.. Potoential oss of

well established hedgeThe proposed wall will also only be a few yards away from my top floor (bathroom) window and exceedingly close to the kitchen. Chimney close to upstairs windows.

## Planning Assessment

17. The main issues are policy, design, residential amenity, impact on the conservation area and setting of the listed building opposite and parking.

### Policy

18. The site is within the Planned Limit to Development where residential development is acceptable in principle. The Development Plan supports sustainable development on previously used land. The principle of development is thereby acceptable. The details need to comply with the other polices of the Development Plan, as set out above.

### Design

19. At pre-application stage the design was amended in line with the conservation advisor's comments to reflect better proportions and appearance in the conservation area. This resulted in more rear garden space and a gable profile of only 5 metres and a steep pitched roof, both appropriate to the historic setting in the Conservation Area. The materials and window design are appropriate to the location. The scheme complies with the relevant parts of Policy SP15, SP20 and CS22.

### Residential Amenity

20. This is the main issue that has been raised by the objectors. The plot is small but in town centres, development is often found at a higher density. This is part of the character of many urban conservation areas. The critical test is whether the erection of a dwelling here will have such a negative impact on the amenities of the neighbours as to make it unacceptable and outweigh the policy presumption in favour of redeveloping a brownfield site for housing.
21. The house would be located on the north-west side of 1 Crown Street and due north of the garden to 9 South Street. Consequently there would be little loss of sunlight from the proposal. Any impact would be limited to late evening in the summer to the rear garden of 1 Crown Street.
22. There would be no overlooking of any property from the scheme as all windows at first floor face the street. It would not be possible to see out of the rooflight above the stairwell.
23. The highest part of the roof would be 5.6m from the boundary with 1 Crown Street and 6 metres from the nearest part of the dwelling at 9 South Street.
24. There is a bedroom rooflight in the side slope of 1 Crown Street which would be 6.7 metres from the main end gable of the proposal .This may result in loss of sunlight late in the evening in summer but would not have a detrimental impact in terms of the use of a bedroom.
25. The building would be clearly visible from the windows of 9 South Street and would block a distant view of the Church spire. However, there is no right to a view over third party land and again the limited height of the eaves means that the overall impact on the neighbouring property is limited and not sufficient to refuse planning permission. Access

to adjoining property for construction is not a planning consideration and third party hedges and plants cannot be removed without approval of the owner.

26. The low eaves height and the fact that the ridge is further from either boundary than the walls of the building means that there is limited over-dominance.
27. The scheme complies with SP15.

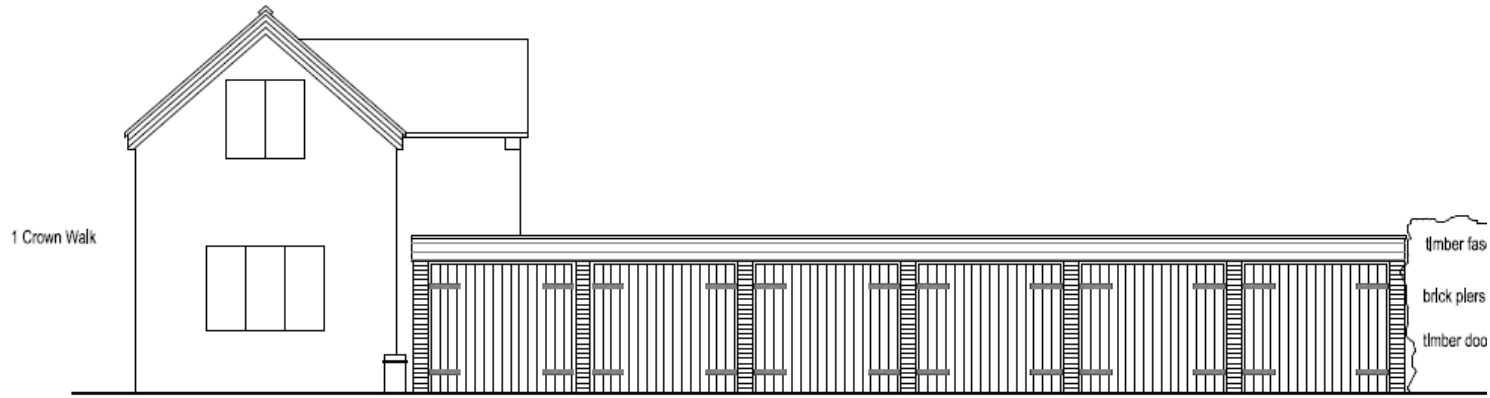
#### Impact on Conservation Area and Listed Building.

28. At the Statutory level, Sections 16 (2) and 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the setting of a listed building.
29. As the site also lies within a conservation area, there is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.
30. In the 2013 Appeal decision, the Inspector noted:  
*The appeal building is single storey and mono pitched, for garaging vehicles. It is constructed of brick, with timber doors. Although of little architectural merit, it is low key in design and blends in relatively unobtrusively with the dominant residential character of the street. It may be regarded as neutral in terms of its impact upon the appearance of the area.*
31. The current design evolved at pre-application stage from a bulky design set further back on the plot to the more traditionally proportioned building for consideration now. The proportions, materials and design are all appropriate for this setting and would not detract from the character of the conservation area or the setting of the listed building opposite. The current garages do not make a positive contribution to the character of the area and the proposal is an enhancement of the overall setting.
32. A revised heritage impact assessment has been received. Whilst this is not a major piece of work, such statements need to be proportionate to the proposal and this is now considered adequate in relation to this development.
33. The proposal complies with CS22 and SP20.

#### Parking issues

34. The scheme provides 2 parking spaces which comply with policy SP15 and the requirements set out in the Appendix to the Site Allocations and Policies DPD. Bin storage is also provided to the rear and is accessible from the street at the side of the dwelling. The access is flat so there is no need to impose a condition on drainage to the highway.
35. With regard to the use of the garages for parking, the agent states that his client bought the garages in June 2017 and 3 were being used for storage purposes only. They were all vacant within 4-6 weeks.
36. He further states that they haven't been used as garages for a few years. They are very tight for modern cars. You can park two cars across the front of the garages at a push.
37. There is correspondence on the 2013 appeal file which states that one garage was then used by a tenant for parking and all others were used for storage. In dismissing that appeal, the Inspector made no mention of loss of potential parking in reaching his

decision. As this was not a reason for refusal in 2013 it would be difficult to raise it as an issue now.

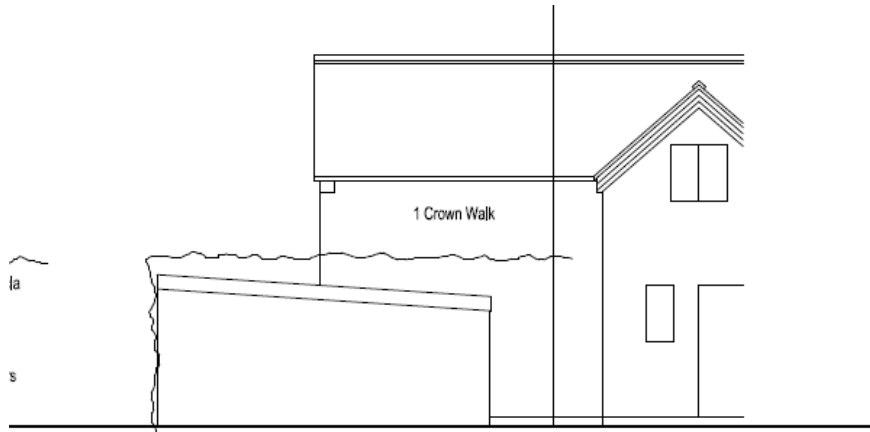


Existing Crown Street Elevation 1:100

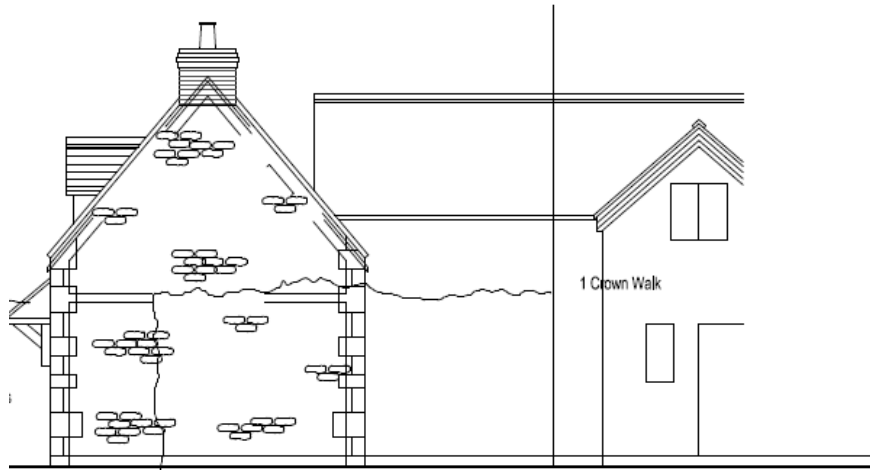


Proposed Crown Street Elevation 1:100

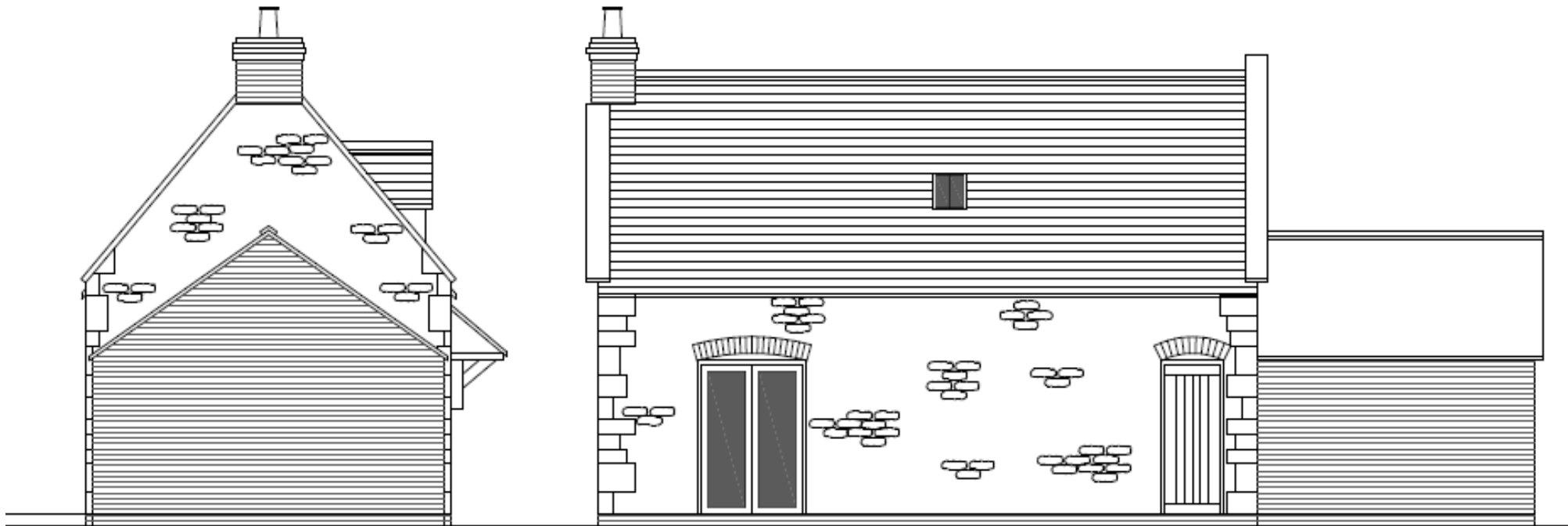




Existing South Street Elevation 1:100

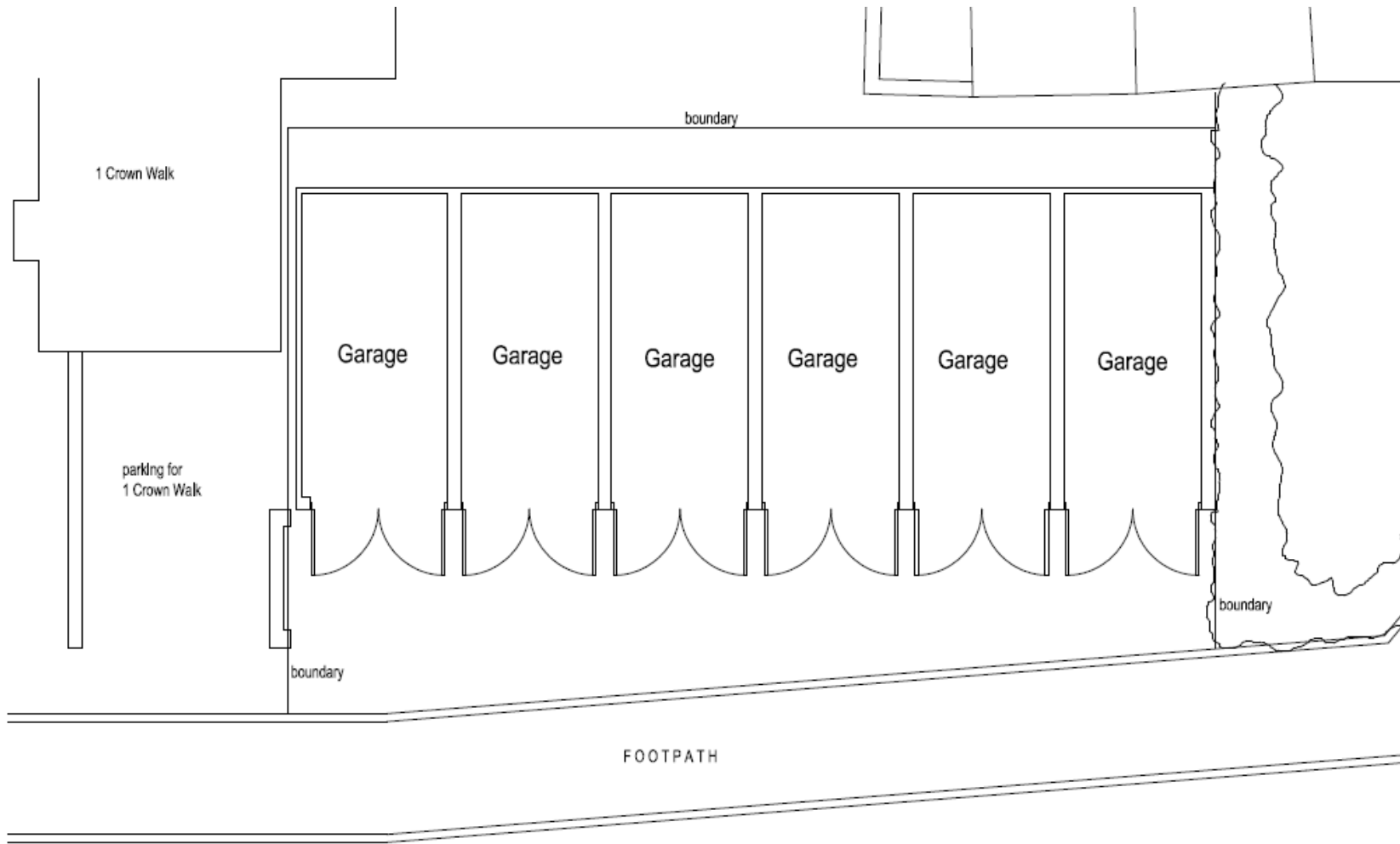


Proposed South Street Elevation 1:100 (West Elev)

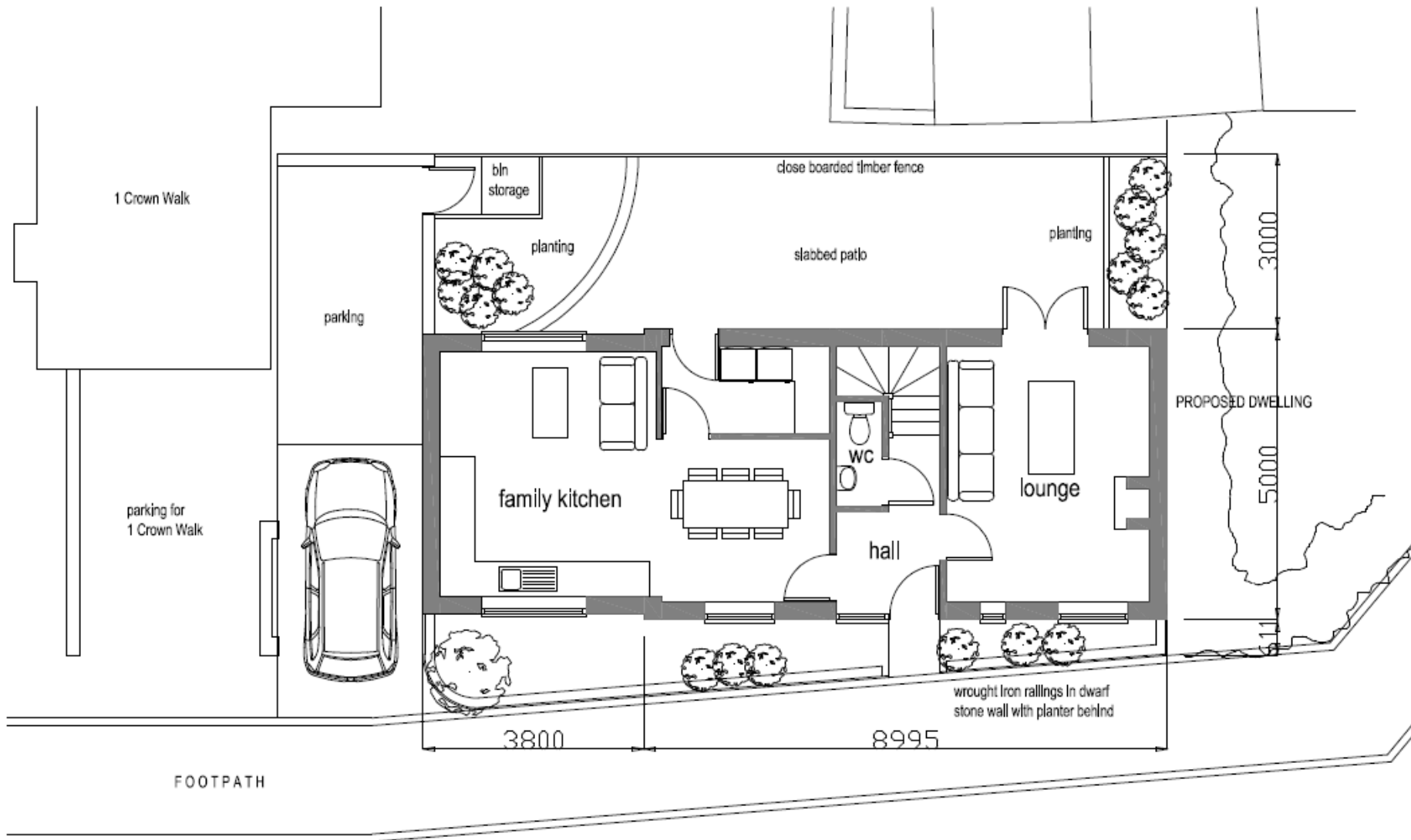


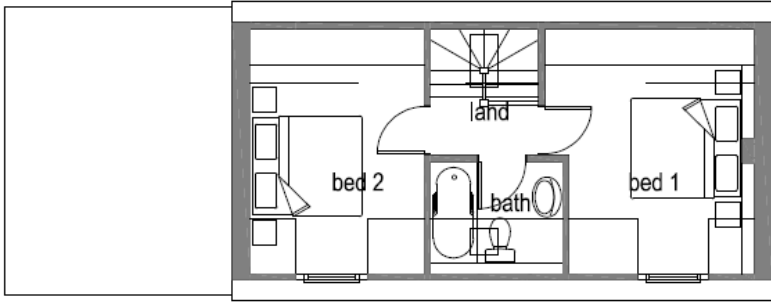
Proposed Side (East) Elevation

Proposed Rear Elevation

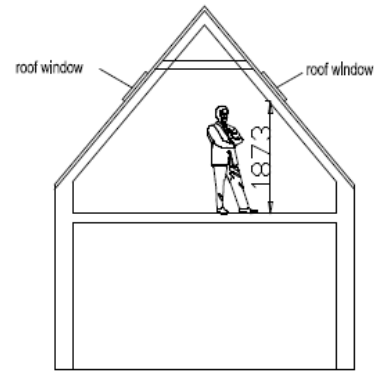


Existing Site Layout







Proposed First Floor Plan 1:100



Section Showing Roof Windows 1:100



Key.

-  prop dwelling
-  prop parking