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## Rutland County Council

Catmose,  
Oakham,  
Rutland  
LE15 6HP

Application:	<b>2018/0448/FUL</b>	<b>ITEM 1</b>	
Proposal:	<b>Erect single dwelling with associated landscaping and utilising existing access on land adjacent 34 North Street West, Uppingham</b>		
Address:	<b>34 North Street West Uppingham</b>		
Applicant:	<b>Mr &amp; Mrs Wilks</b>	Parish	<b>Uppingham</b>
Agent:		Ward	<b>Uppingham</b>
Reason for presenting to Committee:	<b>Local objections</b>		
Date of Committee:	<b>2 July 2019</b>		

## EXECUTIVE SUMMARY

**This plot within the garden of 34 North Street West has been re-designed to take account of design, access and amenity issues. The site is within the Planned Limit to Development, now has adequate shared access and will cause limited impact on neighbours amenity or the character of the conservation 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 complete accordance with the details shown on the submitted plan number 2018719-10H.  
REASON - For the avoidance of doubt and in the interests of proper planning.
3. No development above damp course level shall be carried out until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction, the materials for the boundaries and the treatment of the surface between the dwelling and Pig Lane and the frontage to North Street West 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 the materials are compatible with the surroundings in the interests of visual amenity and because no details have been submitted with the application.
4. The boundary details and surfacing approved under condition 3 above shall be implemented before the dwelling is first occupied.  
REASON - To ensure that the completed development presents a suitable façade to the Lane, in the interests of visual amenity and the character of the conservation area.
5. The parking spaces shown on the approved plan shall remain available for the proposed dwelling at all times and shall not be sold off separately to the dwelling.  
REASON - In the interests of highway safety, by providing parking clear of the highway and without having to use Pig Lane which is a public footpath.
6. No materials shall be brought onto the site until such time as the access has been set at a minimum width of 4.5 metres for a minimum of 5 metres back from the highway boundary. This width shall be retained at all times.  
REASON - To ensure that 2 vehicles can access the driveway without having to wait on the road, in the interests of highway safety.

7. There shall be no vehicular access into the application site off Pig Lane. All vehicles shall access the site and park via 34 North Street West as shown on the approved plan. REASON - Pig Lane is a designated public right of way which is too narrow to cater for additional vehicular traffic. This restriction is therefore required in the interests of highway safety.
8. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the single first floor window to bedroom 3 in the north elevation, the single first floor window to the en-suite in the gable of the west elevation and the single window to bedroom 2 in the east 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.

Note to Applicant:

There must be no diminution in the width of the right of way available for use by members of the public. No building materials should be stored on the right of way. No damage or substantial alteration, either temporary or permanent should be caused to the surface of the right of way. Vehicle movements must be arranged so as not to interfere with the public's use of the way. No additional barriers (e.g. gates) should be placed across the right of way, of either a temporary or permanent nature. No wildlife fencing or other ecological protection features associated with wildlife mitigation measures should be placed across the right of way or allowed to interfere with the right of way. The safety of members of the public should be ensured at all times.

## Site & Surroundings

1. The site is part of the garden to 34 North Street West (NSW), a single storey dwelling approved in 1973 with a 2 storey building at the road frontage containing a garage and a studio above. Between that 2 storey building and Pig Lane are 2 and 3 storey stone houses, tight on the back of the pavement.
2. The site is within the Uppingham Conservation Area, the boundary of which runs along the north side of the plot. 10 to 16 NSW are listed buildings.
3. To the east of the site is a public right of way known as Pig Lane. This gives access to some properties and a garage was previously accessed in the application site from here. However it is clearly little used by the host property in recent times, the property having its main vehicular access off North Street West. Pig Lane is only 2 metres wide in some places, typically 2,4m at others. There is just room for a single vehicle to travel on the right of way. Visibility at the junction with North St West is poor due to a building tight on the west side and a garden boundary wall and hedge on the east. The current site boundary to Pig Lane is a close boarded fence.
4. Pig Lane is used as public footpath by school children and is busy during school terms. It also gives access from the Branston Road estate to the town centre.
5. To the rear (north) of the site are retirement bungalows (47 and 49 Johnson Road), adjacent to which is a 3 storey retirement complex. To the south is the garden of 22 NSW, bounded by a 1.8m fence, and the rear elevation of 28 NSW.

## Proposal

6. The plot is approximately 13 to 14m deep from Pig Lane. The dwelling would be sited between 0.5m and 2m back from the Lane behind a new brick wall and metal railings. It

would be set towards the northern end of the site to avoid windows on the side of the host property. The nearest part of the dwelling would be 13m from the rear boundary wall of 22 North St West. The height of the proposal would be 6.3m to the main ridge, just marginally higher than the host property

7. The dwelling would have a series of gables between 4.5m and 6.5m wide. It would be built of Ironstone with brick quoins with timber boarding around the living room area and a slate roof.
8. The usable garden space would be L shaped at the southern end approximately 19m deep and 14m wide max.
9. The south facing gable would have full height glazing which would be above a vaulted lounge ceiling, so there would be no looking out at the upper floor level.
10. There would be rooflights above the lounge, the Hall and an en-suite. See Appendix 1.

## **Relevant Planning History**

11. There was a refusal of planning permission for a dwelling along the northern edge of the garden of 34 NSW, with access off Pig Lane, in 1988, ref 88/0059. This was refused on the grounds of unsafe access and loss of amenity space for the host property. The subsequent appeal was dismissed, the Inspector finding that both reasons were justified.
12. Preliminary enquiries were made in 2015 and 2017 for a dwelling on the site. There is no longer a record of the earlier response but it is believed to have been negative. The 2017 prelim stated that whilst the principle of development was acceptable, as the site was in a sustainable location in the town centre, there were issues regarding the access and the then proposed design of the building.

## **Planning Guidance and Policy**

### **NPPF (2019)**

Chapter 2 - Supports sustainable development

Chapter 12 - Achieving well designed places

Chapter 16 - Conserving and Enhancing the Historic Environment

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

CS4 – Location of Development

CS19- Promoting Good Design

CS22 – The Cultural and Historic Environment

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

SP5 – Development in towns and villages

SP15 – Design & Amenity

SP20 – Historic and Cultural Environment

### **Uppingham Neighbourhood Plan**

Policy 1 – Protect the Central Conservation Area

Policy 4 – Single dwelling developments

Policy 8 – Design & Access

## Consultations

13. **Uppingham Town Council**  
Recommend for approval
14. **Archaeology**  
Thank you for consulting us on the above planning application. We have no objections. Although lying with the historic core, it appears that the site has previously been occupied by buildings which have since been demolished and removed.
15. **RCC Highways**  
Initial objection to the use of Pig Lane for vehicular access.
16. **Public Rights of Way**  
Initial objection to the use of Pig Lane for vehicular access. Revised proposal looks to be acceptable (avoiding vehicles using the public footpath, Pig Lane, in contravention of s34 of the Road Traffic Act) and may actually improve the street scene along Pig Lane. On the basis that none of the changes (metal railings) extend beyond the existing boundary (fence) and encroach on to the footpath, no additional comments. However, if permission is granted the applicant must still ensure (particularly during construction) that:
  - (a) There is no diminution in the width of the right of way available for use by members of the public
  - (b) No building materials are stored on the right of way
  - (c) No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way
  - (d) Vehicle movements are arranged so as not to interfere with the public's use of the way
  - (e) No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature
  - (f) No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way
  - (g) The safety of members of the public is ensured at all times

## Neighbour Representations

17. Objections have been received from 5 adjacent residents on the following grounds:
  - Loss of privacy across Pig Lane to adjacent dwellings
  - Loss of privacy to 22 NSW garden
  - Should have no dormers
  - Should be further back into site
  - Loss of light to dwellings on adjacent land
  - Disruption on Pig Lane from construction
  - Elderly residents use Pig Lane
  - Already an unoccupied apartment over the garage
  - Impact on nearby listed buildings
  - Inappropriate materials – boarding not appropriate
  - Inappropriate mix of boundary treatments facing Pig Lane
18. Correspondence was received from the St John and St Anne which owns the bungalows to the north. This states:

‘Noting the proposed changes to the original plan, St John & St Anne, as owners of the adjacent almshouse properties, do have a number of concerns

In relocating the proposed building so as to move it away from the southern boundary (13.18) the proposal is now for a property sited uncomfortably close to the northern

boundary.

This will have an outlook over our properties at 45 & 47 Johnson Road, one which can potentially create privacy issues.

In addition, the close proximity of the proposed structure to No 45, 47, & 49 Johnson Road (properties occupied by older and in some cases frailer individuals), will likely generate significant construction noise over an extended period.

As such the location of the revised proposal is less acceptable to SJSA than the one previously submitted.

The proposal (13.24) states that no trees will be removed.

The revised drawing would suggest the removal of a substantial tree sited at the north-east corner of the plot. This would not be an appropriate action, given current attitudes towards ecology.

In addition, the proposed removal might give an indication of just how intrusive this project will be to both Johnson Road residents and Pig Lane users in general.

The plan suggests that the property will connect to the existing drainage services (13.20). It is our understanding that those drainage services are already somewhat inadequate, and as a consequence SJSA (and AJAC before them) have found it necessary to provide and service a sewerage pump so as to ensure the produce from No 47 & 49 Johnson Road does not cause blockages / flooding into Taylor House.

Will the 'existing drainage' be that servicing No 34?

The claim (13.12) that the project will improve access onto Pig Lane seems to be gilding the lily somewhat, at best the end result will leave the situation pretty much unchanged for those who use the path as a route into the town centre. Our concerns however are around the impact of construction work on those who rely on Pig Lane, noting that SJSA accommodate individuals who use this route and who rely on mobility scooters.

What site management strategies will be adopted to ensure there can be no obstruction of the Pig Lane route from either materials, or plant?'

## **Planning Assessment**

19. The main issues are the design, considering the duty to preserve and enhance the setting of listed buildings and the character and appearance of the conservation area, residential amenity and highway safety.
20. At the Statutory level, Sections 16 (2) and 66 (1) of The The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the setting of listed buildings.
21. 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.
22. The site is within the Planned Limits to Development for Uppingham where development is acceptable in principal subject to the other polices, in particular SP5, SP15 and SP20.
23. There are listed buildings on the east side of Pig Lane, at 10-16 NSW, the latter is behind No.14 and faces the southern corner of the application site.

24. The scale and design of the building has been improved during the life of this application. It has also moved further north away from the listed building on the opposite side of the lane. With the right proportions and materials there is no reason why the development would impinge unacceptably on the setting of the listed buildings.
25. The use of timber boarding on a subservient part of the building does not detract from the overall appearance and gives it a contemporary flavour.

#### Residential Amenity

26. The building would be relatively close to the host dwelling which is a modest bungalow. The 1988 refusal was on the grounds that the proposal deprived the host property of sufficient amenity space. That is not true of this proposal as 34 would have a minimum of 15m x 25m rear garden. The impact on that property from the original bulky new dwelling in close proximity to the side elevation and its windows and patio doors was of more concern but the revised layout and design has reduced this impact considerably.
27. The nearest corner of the proposal would be just over 20m from No.14 NSW and 11m from No.16. There are no main windows on the north side of No.16. Many of the windows on No.14 are screened by No.16. There would be minimal overlooking of adjacent properties, subject to obscure glazing in the secondary bedroom window and the en-suite window. The only 'loss of privacy' to others on the opposite side of Pig Lane would be from proposed ground floor windows to smaller, narrower first floor windows on neighbouring properties that are a reasonable distance away.

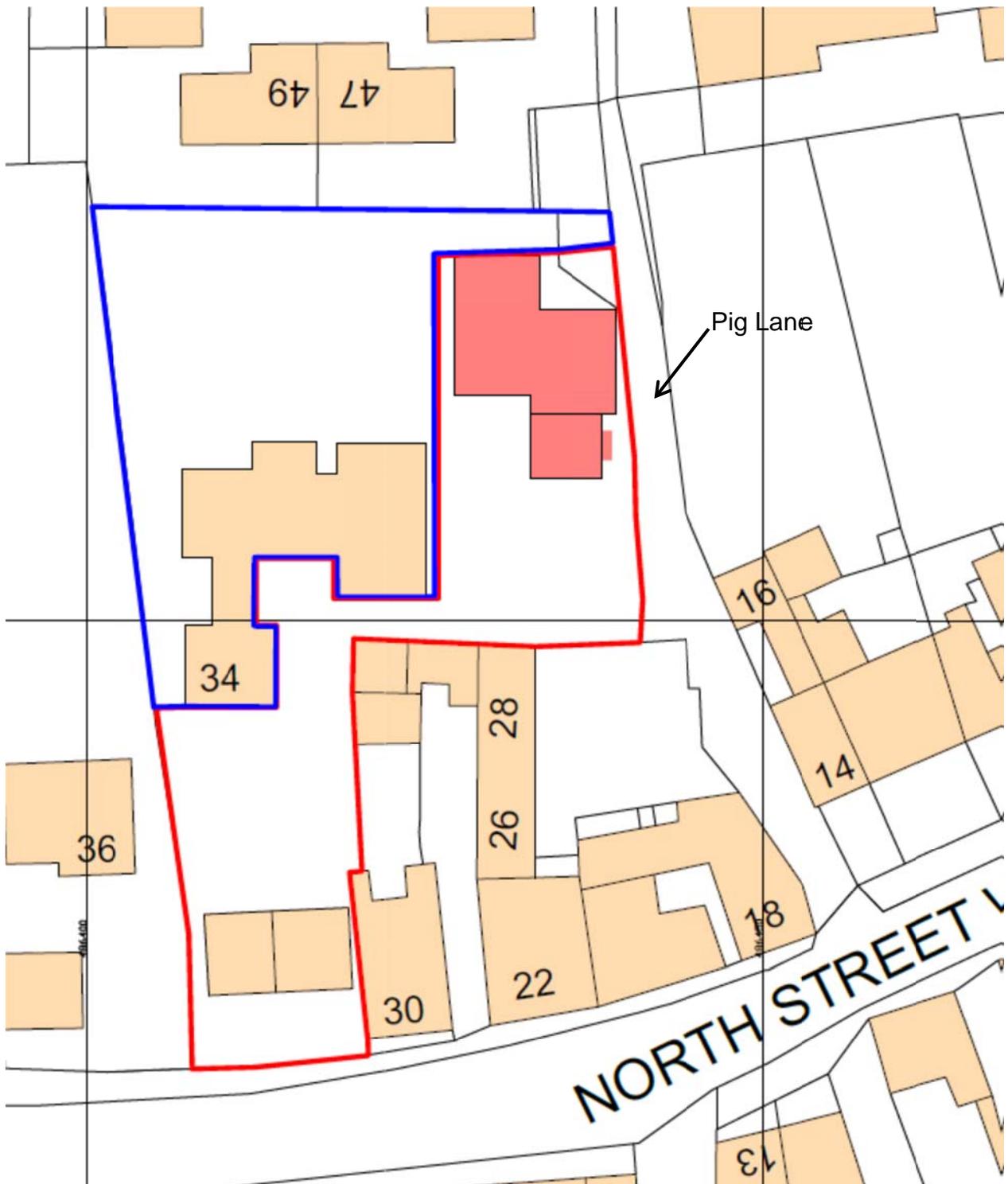
#### Highway Safety

28. In terms of access, the highway authority objected to the original proposal on the grounds that vehicular access along the public footpath known as Pig Lane was inadequate in width and visibility to use for an additional dwelling. The Footpaths Officer has confirmed that it is a PROW and is not registered as being owned by anyone.
29. It is used as a public footpath by schools and others to access the town as described above. Whilst there may be a right of way for the host property to use it for access, although it appears rarely used, there is no such right to use it for a new dwelling which would intensify its use considerably.
30. The revised scheme utilises the existing access off NSW where an archway under a frontage building provides access to a forecourt where there is a garage and space for at least 4 other vehicles to park.
31. Visibility onto NSW is good as the building is set well back behind an area set out as garden. Provided the access is made a minimum of 4.5m wide, there are therefore no highway safety issues to using the existing access.

#### Conclusion

32. Whilst there is some local concern about this development, it has evolved to a position where it can be recommended for approval as it meets the requirements of the development plan and there are no material considerations that would indicate a different decision.

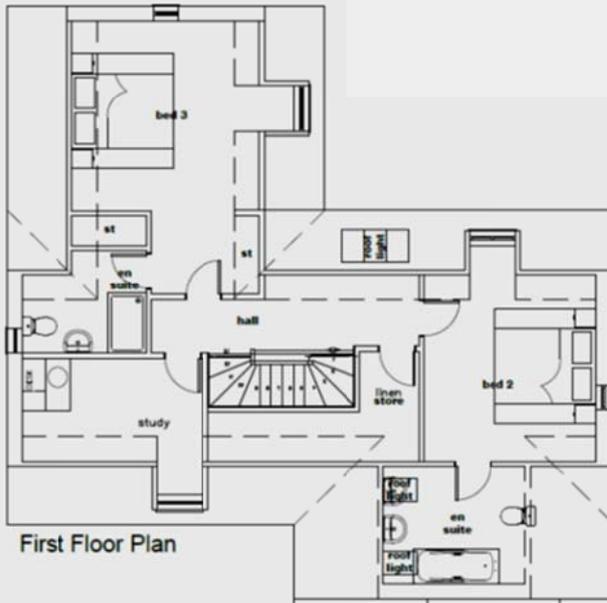
APPENDIX 1



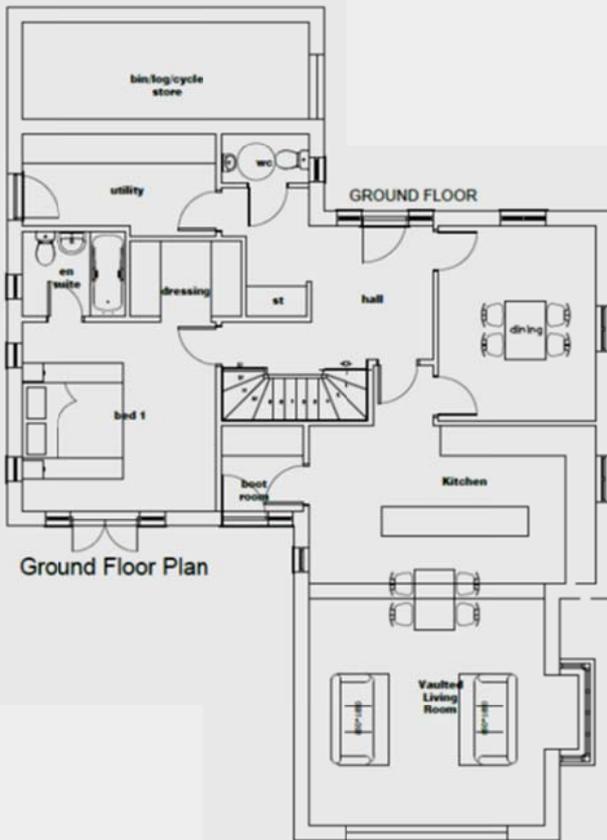




BLOCK PLAN 1:500



First Floor Plan



Ground Floor Plan



Elevation to Pig Lane