

Application:	2022/0469/FUL	ITEM 1	
Proposal:	Two storey side and rear extension and associated works to existing dwelling.		
Address:	16 Cold Overton Road, Langham		
Applicant:	Ms J Dodman	Parish	Langham
Agent:	Mr Chris Froggatt	Ward	Langham
Reason for presenting to Committee:	Referral by Chairman		
Date of Committee:	23th August 2022		

EXECUTIVE SUMMARY

This is a minor household development for a two-storey side and rear extension and detached garage. The proposal would sit within the residential curtilage, and there is no material planning consideration to object this type of development in already managing land.

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 plans, numbers unmarked Site Location Plan dated 28.04.2022, unmarked Block Plan dated 09.08.2022 Rev A, 1660-04 REV F Proposed Elevations, 1660-03 REV F Proposed Floor Plan, 1660/06 Section Y-Y Plan Rev A, 1660/07 Section Z-Z Plan Rev A, and details specified on the application form.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Before the work above the ground level begin a sample of the external material shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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 final details have not been agreed during the lifetime of the application.
4. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015(or any Order revoking and re-enacting that Order with or without modification); the new first-floor windows in the north-east elevation and the first floor bathroom window in the northern elevation shall be obscurely glazed and fixed-opening where any part of the window is below 1.7metres in height when measured from the internal floor level. The development hereby permitted shall not be occupied until these measures have been implemented and they shall thereafter be permanently retained in this approved form.
Reason: To protect the privacy and amenities of the occupiers of adjoining property.

INFORMATIVES

1. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
2. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

Introduction

1. This application was reported to the planning committee on the 19 July 2022. At the meeting Members resolved to defer the application for the following reasons:
 - To negotiate with the applicant for a reduced scheme for the increase in the ridge height but to have the extent of the rear projection, an element of that to be single storey only
 - To look at the materials being used
 - The parking at the front of the property

Site & Surroundings

2. The application site is located within Langham Conservation Area. The existing property comprises a two-storey detached dwelling, situated within a residential area.

Proposal

3. The development seeks permission to amend the scheme approved under reference 2020/0665/FUL. The proposals include a rear extension with room in the roofspace and a detached garage. The ridge height of the dwelling would be increased from approximately 6.1m to approximately 6.9m.
4. Following the Committee Meeting on the 19 July 2022 the applicant has amended the scheme to take into account the concerns Members raised. The amended scheme has reduced the two storey element to the rear of the application site so that there is a single storey projections as well. This helps to reduce the impact on the neighbour to the east of the application site.
5. The ridge height of the proposed dwelling is approximately 6.8m this similar to the neighbouring property to the east which has a ridge height of approximately 6.7m.
6. The applicants have also removed the detached garage from the application.

Relevant Planning History

Application	Description	Decision
2016/1105/FUL	Extension and alterations to existing dormer bungalow	Approved
2020/0665/FUL	Extension and alterations to existing dormer bungalow. Proposed detached garage	Approved

Planning Guidance and Policy

National Planning Policy Framework

NPPF (2021) Section 12
NPPF (2021) section 16

The Rutland Core Strategy (2011)

CS19 – Promoting Good Design

CS22 – The Historic and cultural environment

Site Allocations and Policies DPD (2014)

SP15 – Design and Amenity

SP20 – The historic environment

Langham Neighbourhood Plan

Section D Character of Landscape

Supplementary Planning Guidance

Design Guidelines for Rutland 2022

Representations

Langham Parish Council

The property is within both the Article 4 Direction and the Conservation Area of Langham.

The DAS is rather low on detail, and both the Block Plan and aerial view picture are out of date and do not show the development of 3 houses on Cold Overton Road. This house, 10 Cold Overton Road, seems to be missing from the Notified Neighbours list, but likely to be most affected by the extension, and therefore attention should be given to the windows facing east. The first-floor windows of the extension on the east side have the landing dormer window of obscured glass on drawing 1660/04 but not the bathroom window, contradicting what is in the DAS. The agricultural building mentioned in the DAS is in fact south of the neighbouring property to the east. It is worth noting that this building is actually an equestrian building rather than an agricultural building, without planning permission and situated on the Green Separation Zone as described in Langham's Neighbourhood Plan.

Although the property cannot be seen from the road, the proposed garage will be, so it is pleasing that the plan states the materials for the garage will be 'facing brick and tiled roof to local authority approval' and this should be adhered to and match nearby properties.

The house has been extended a number of times, and the layout and external appearance will benefit from what is proposed. Plan 1660/04 shows the size of the extension compared to the existing dwelling, and our concern is that the size of the two-storey extension seems to be tripling the size of the property. Although currently RCC is lacking a Local Plan, consideration should be given to Design Guidelines for Rutland and South Kesteven SPD (2021) which states under 6G Extensions: Scale/size - The extension is expected to respect the scale and character of the existing dwelling.

Recommend Approval if clarity is given to the large size if the extension meeting the Design Guidelines for Rutland mentioned above, and other points raised above acted upon.

Consultee Comments

The following consultee comments have been received from relevant professional bodies and advisors and have been taken into consideration by Officers in the assessment of this application.

Ecology

Please just add the following note to applicant re bats for this planning application (2022/0469/FUL):

'The property may be suitable for roosting bats, which are protected by law from harm. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls'.

Highways

I have now reviewed the application and provide the following comments on behalf of the LHA:-

There is no existing site block plan showing where parking and turning currently occur and the proposed block plan shows no detail in relation to parking, turning or shows dimensions to demonstrate what level of parking/turning will be made available post development. However, the proposed floor plan does show the garage and wording for parking, which would appear to be suitable for only one additional vehicle plus the garage, and it would appear that turning is not achievable to ensure all vehicles enter and leave the site in forward gear.

The proposed floor plan shows 9 habitable rooms and as such would require a minimum of 3 allocated parking spaces in accordance with Appendix 2 of the Site Allocations & Policies DPD 2014. 3 parking spaces are unachievable within the site with the garage in the proposed location. Even assuming that turning is achievable for one vehicle the LHA suspects that provision of 3 parking spaces would result in an under-provision of amenity area for a dwelling of this size. In any event, given the constraints of the site, it would not appear feasible for independent manoeuvring and turning of vehicles.

The site edged red does not abut the public highway, but clearly the existing house has at minimum a right of access along the shared access track. Personally, I would request an updated site location plan to include the shared access track and notice should be served accordingly.

Based on the above assessment the LHA would recommend refusal on the basis that the proposal does not provide adequate parking and turning for the proposed development, which is contrary to Policy SP15 of the Rutland Local Plan Site Allocations & Policies DPD 2014.

Langham Parish Council

“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?"

Neighbours and Members of Public

7. Two representations have been received objecting to the proposal and the points raised can be summarised as follows:
- Site is in a conservation area,
 - The existing properties in area are bungalows and provide accommodation for over 55's this proposal is contrary to that aim,
 - Overbearing and adverse impact on residential amenity,
 - Impact on biodiversity,
 - Concerns about over shadowing / loss of light,
 - Concerns about other enforcement issues not relating to this application, including allotment to rear of site, installation of drainage plant and removal of hedgerow

Other concerns raising issue not relating to this application or the applicants land have also been raised and passed on to the enforcement officer.

Planning Assessment

8. The proposed development is a revised scheme of the proposal reference 2020/0665/FUL. The proposed amendments would modestly increase the height of the dwelling. The proposed alterations would not have a significant impact on the appearance of the already approved development although the rear elevation would be two storey for its full length.
9. The site is set back from the main road and its visibility from the public scene is limited. As such, the development would not affect the character and appearance of the conservation area of Langham and would not be contrary to the relevant planning policy. The overall height of the proposed dwelling would be similar to the new development adjacent to the site.
10. Concerning the comments about boundary disputes. The plans of the proposal indicate that the development would be located within the residential curtilage. The boundary dispute is not a material planning consideration.
11. The comments from the Local Authority Highways have been full considered. However, the proposed garage has been approved under the reference 2016/1105/FUL and 2020/0665/FUL. The amended proposal would not increase demand for parking space above that which the property has and the already approved scheme. There whilst the highway authority comments are noted it would be unreasonable to use as a reason for refusal in this instance given the previous approvals. Following the previous committee meeting the applicant has now omitted the proposed detached garage as requested by Members in order to provide additional turning space on site.

Impact on the neighbouring properties

12. The proposed amendments would not lead to any unacceptable impact on the neighbouring properties. Conditions have been recommended to avoid overlooking by obscure glazing windows on the north eastern boundary. The two storey element running the full length of the rear garden has now been amended and reduced in length with a single storey element as well. This reduces the impact on the neighbour and is similar to a previously approved scheme. It is considered that the amended scheme is acceptable and takes on board the comments made at the previous Planning Committee Meeting by Members.
13. Given the above, it is considered that the proposed amendments would comply with Section 12 of the NPPF (2019), Policy CS19 of the Rutland Core Strategy (2011), Policy

SP15 of the Site Allocations and Policies Development Plan Document (2014) and Supplementary Planning Document – Extensions to Dwellings (2015).

Conclusion

14. Given this, the proposal by virtue of the design and scale would be in keeping with the host dwelling, street scene and surrounding in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011), Policies SP15 and SP20 of the Site Allocations and Policies Development Plan Document (2014) and Supplementary Planning Document – Extensions to Dwellings (2015). The proposal would not be contrary to the Langham Neighbourhood Plan (2017) or the Design Guidelines for Rutland.