

## Item No. 2

<b>Application No:</b>	P/09/0046/2	<b>Date</b>	12th January 2009
<b>Application Type:</b>	Full	<b>Valid:</b>	
<b>Applicant:</b>	Mr J Alexander		
<b>Proposal:</b>	Erection of 2 storey extension to side of dwelling and garage to front and reconfiguration of access. (Revised scheme withdrawn P/08/0155/2 refers)		
<b>Location:</b>	Walnut Cottage, 37 School Lane, Woodhouse, Loughborough, LE12 8UJ		
<b>Parish:</b>	Woodhouse	<b>Ward:</b>	Forest Bradgate Ward
<b>Case Officer:</b>	Miss C Stapley	<b>Tel No:</b>	01509 634988

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### Description of the Application

This application seeks to erect a two storey extension to side of the dwelling to replace a double garage and to erect a replacement double garage to the front of the site. The two storey extension would be 9.6m long, 5.5m wide and 7.5m high to the eaves and the garage would be 6.2m long, 5.2m wide and 4.8m high to the eaves. The proposed extensions would be situated close to the common boundary between Nos. 33, known as Bray's Cottage and 37 School Lane. The application also seeks to reconfigure the access. The current access is 4m wide and would be disused to make way for the proposed access, located more centrally to the front of the site. The property is of a modern design, built in the 1980's and is set between two detached houses, a traditional style cottage, Brays Cottage and a Grade II listed building, known as Brook Cottage.

### Development Plan Policies and other material considerations

Borough of Charnwood Local Plan (adopted 12<sup>th</sup> Jan 2004)

Policy EV/1 – Design – seeks to ensure a high standard of design for developments which respect the character of the area, nearby occupiers and is compatible in mass, scale, layout, whilst using landforms and other natural features. It should meet the needs of all groups and create safe places for people.

Policy H/17 – Extensions to dwellings – seeks to ensure that the development meets the following criteria:-

- It remains compatible in scale, mass, design and use of materials with the original dwelling;
- It would not appear as an intrusive or incongruous feature in the street scene to the detriment of visual amenities.

- It would not prove detrimental to the amenities of occupiers of nearby properties by reason of overshadowing, dominance, or substantial loss of privacy or light;
- It would not involve the removal of areas of existing landscaping important to the character of the location.

Supplementary Planning Guidance on House Extensions – provides advice about the design and appearance of extensions and their impact on the amenity of neighbouring properties.

Supplementary Planning Document – Leading in Design- provides guidance intended to encourage, promote and inspire a higher design standard.

PPG15 – Planning in the Historic Environment – provides the national policy context for development in conservation areas and requires that new development preserves and enhances those areas. It also requires authorities to have special regard to the desirability of preserving the setting of the building.

Woodhouse Village Design Statement – the statement recognises and describes the important characteristics of the built and natural environment within Woodhouse which development proposals should respect.

## **IF IN A CONSERVATION AREA**

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that with respect to any buildings or land within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### **Relevant Planning History**

In 2006 there was an application for a double garage to the front of the dwelling and formation of access which was withdrawn following concerns about the impact on the listed building. (P/06/2605/2).

In 2008 a second application was refused for the erection of a 2 storey extension to side of dwelling and reconfiguration of access. (Revised scheme – withdrawn P/08/0155/2). This was withdrawn following concerns raised about the possible impact on the sycamore tree which has a Tree Preservation Order.

### **Responses of Statutory Consultees**

Parish Council – raised no objection.

Leicestershire County Council (Highways) – The Highway Authority considers that the proposed access provides better visibility out onto School Lane and therefore does not object subject to recommended conditions attached relating to visibility splays, drainage, surfacing materials and gradient be placed on the decision.

The County Archaeologist considers the works are small scale and as such below ground remains are unlikely to be affected.

Drainage – raised no objection however, works to a watercourse (culverting) will require Environment Agency consent.

Environment Agency – raised no objection, if conditions were secured to ensure the distance of the new buildings and raised ground levels does not come within 1m of the brook and that the bridge crossing over the brook be approved by the local planning authority.

The Council's Tree Officer comments that although the garage element of the proposal encroaches into the recommended root protection area of the sycamore on the frontage of the property, a comprehensive arboricultural survey and method statement demonstrate that the development can be successfully implemented without significant harm to the tree.

The Arboricultural Report gives precise instructions needed to ensure the existing trees are properly safeguarded and compliance should be conditioned accordingly.

The Council's Conservation and Design Officer has given advice about the design of the scheme, in particular the proposed garage. Improvements have been made by making the front of the garage appear symmetrical, to incorporate an eaves detail and to allow the rafters of the roof overhang the stone wall fronting School Lane. All of these amendments have been supported by the Conservation and Design Officer.

Friends of Charnwood Forest – have raised objections concerning the adverse impact on the surrounding area and neighbouring properties and the culverting of the brook. Furthermore the proposal is against the vision statement of the Charnwood Forest Regional Park which states that “cultural heritage features and settlement character will be safeguarded with any development being of high quality design in keeping with its setting within the Park.”

The Council to Protect Rural England – have raised objections concerning the impact on the conservation area and the setting of the listed building, Brook Cottage. They state that the proposal would not preserve or enhance the character or appearance of the area and that it would appear out of scale and incongruous with the setting of the listed building.

Loughborough and District Civic Trust – have raised concerns about the impact on the listed building, the brook and the character of School Lane as a whole. They request that if the application is approved, conditions relating to the replanting of the hedgerow, and additional tree planting, be secured.

### **Other Comments Received**

There have been 20 letters of representation and the details of the grounds of their objections have been summarised below:-

1. The two storey extension and garage would have a detrimental impact on the conservation area and the character and appearance of the surrounding area. The proposed extensions would serve to exacerbate an existing negative contribution that the existing house has on the character of the lane.
2. The double garage projects forward and would dominate the streetscene and would appear intrusive and incongruous.
3. The scale, mass and design are incompatible with the existing dwelling.
4. The two storey extension would have an over-dominating impact on Brays cottage which would suffer from over-shadowing. Furthermore the two storey extension would impact on the outlook of the neighbour opposite at No 38.
5. The proposed extension would affect the setting of Brook Cottage, a grade II listed building.
6. The proposed access and laying of hardstanding coming close to the listed building would result in ground floor habitable rooms losing privacy. The pergola would also impact adversely on the visual amenity from the rear of Brook Cottage and the patio area.
7. In creating a new access a significant length of the brook would be bridged, therefore obscuring the brook from the streetscene.
8. The creation of a new access would be visually intrusive and would exacerbate existing traffic flow problems. The proposed plan would necessitate drivers making a very sharp left turn upon crossing the brook which would affect highway safety.
9. With the culverting of the brook, there is an increased flood risk to the lane.
10. There would be an adverse impact on the protected sycamore and walnut trees.
11. Concern has also been raised about the effect of the development on the trees in the garden of Bray's Cottage which are close to the boundary. Furthermore the removal of areas of existing landscaping would have an adverse impact on the character of the area.

A further issue has been raised which is not a material consideration with regard to the temporary obstruction of the lane during construction.

### **Consideration of the Planning Issues**

The key considerations of this application are:-

#### **The impact on the setting of the listed building.**

The site lies adjacent to a listed building known as Brook Cottage. The cottage is of late 17<sup>th</sup> and 18<sup>th</sup> century style with a granite and rubble stone finish at ground floor and red brick at first floor with a Swithland slate roof. It is located close to the brook with a slate bridge crossing over to the main entrance. In terms of the impact on the setting of the listed building, the proposed two storey extension would be set away from the dwelling on the other side of the site and therefore there would be no immediate impact on the character of the building. On entering School Lane, the side elevation of the listed building is not clearly visible due to dense landscaping

upto the edge of the brook, therefore despite the garage projecting forward of the listed building, the view of it would not be affected. The materials to be used for the extension are of a red brick material and the first floor of the listed building is of a red brick material and is therefore in keeping.

The proposed pergola and driveway which pass alongside the listed building do not require planning permission and therefore would not be considered as part of this application.

### **Impact of the extension on the Conservation Area**

The site lies within the Old Woodhouse School Lane Conservation Area. The lane is made up of detached dwellings all of which are of a different style and design. In considering the impact of the proposal on the Conservation Area, the following key issues need to be addressed:-

- **Degree of visual prominence on the character of School Lane**

An important characteristic of School Lane is that several of the dwellings are built right up to the edge of the roadside with the brook running immediately below. The proposed garage would come close to the roadside, indeed it would be within 1.6m of the brook and on this basis it would be in keeping with the forward projection of neighbouring dwellings and buildings. The importance of respecting existing building lines is highlighted as a guideline for developers in the Woodhouse Village Design Statement. Indeed Brays Cottage has a detached garage which is set forward of the main dwelling and the proposed garage would be positioned alongside this garage. On entering School Lane, the garage would not be readily seen as it is largely obscured by the detached garage within the grounds of Bray's Cottage and only projects forward by 1m, therefore would not impact on the character of the lane. The height of the garage is 4.8m and the height of the garage alongside is 3.5m, therefore the pitch of the roof would be seen above the garage of Bray's Cottage. However only 1.5m would be visible, taking into account the difference in ground levels. The design of the proposed garage is sympathetic to the surrounding area as the wall fronting School Lane would be made of a natural stone material similar to the garage opposite at No 38. The roofing materials would match the reconstituted slate tiles of the dwelling and the eaves details at the front of the garage would match the eaves detail on the dwelling. The design of the garage has been amended from the original submission to show the front of the garage being symmetrical and the rafters of the roof overhanging the natural stone wall fronting School Lane. The design of this amendment has been approved by the Council's Conservation and Design Officer.

- **Materials**

The proposed two storey extension to the side of the house and the garage to the front are both of a red brick colour to match the existing facing

materials of the dwelling. Although the houses either side of Walnut Cottage are much older, they too are built of a red brick material so the proposal would blend in with the brickwork of the surrounding buildings. Indeed in the Woodhouse Village Design Statement, it recognises the importance of using a soft red brick for development proposals.

- Impact on the brook

The brook is one of the main attractive features of School Lane and runs alongside the highway. There are several bank top to bank top style bridges which cross from the highway to other houses along School Lane which contribute significantly to the character of the lane. Due to concerns raised by the Environment Agency with regard to the design of the proposed bridge with culverting beneath, the design of the proposed bridge would be conditioned to allow for a bank top to bank top style bridge, to be approved by the local planning authority.

The proposed access is to replace an existing access which currently covers a substantial part of the brook and is culverted. It is considered that as a result of the proposed access being the same width but not culverted, the brook would be opened up to a greater degree and would enhance the appearance of the brook which contributes significantly to the character of School Lane.

- Landscaping and trees

Trees and landscaping provide a significant amenity value to the character and appearance of the conservation area. In order to create the proposed access, existing landscaping is to be removed along the frontage of the lane. The Woodhouse Village Design Statement recognises the value that trees and landscaping contribute to the area and therefore suggest that any trees that are removed should be replaced. It is considered that the landscaping to be removed would not have a detrimental impact on the street scene as it is intended that the existing access would be closed off and replanted with hedging to allow the continuation of the green frontage. The holly tree and beech tree which form part of the hedgerow at the front of the site are to be retained, therefore maintaining a green frontage along the lane.

On the tree protection plan, drawing No 70516.2, it specifies large areas of new shrubs and ground cover within the site. Therefore a condition requesting a landscaping scheme to be agreed in writing by the local planning authority would be placed on the decision. This would lead to the overall appearance of the site being more natural and in keeping with the character of the area.

The trees in the garden of Brays Cottage, which are close to the extension, are not considered as significant to be a material consideration. The only tree which does contribute to the visual amenity of the conservation area is the ash tree which would be within close proximity to the rear of the two storey extension. Following discussions with the Council's Tree Officer, the

ash tree has been pollarded extensively and is considered to be in a poor condition, therefore it would be hard to resist the application on these grounds.

### **Impact of the amenity of residents of neighbouring properties**

It is considered that the two storey extension to the side of the dwelling would not have an over-bearing or over-dominant impact on the neighbour at No 33, Brays Cottage. The Council's space standards written into the Supplementary Planning Document, Leading in Design, recommend a distance of 12.5m where elevations containing main ground floor habitable room windows would face windowless flank walls. There would be a distance of 15m from the dining room window of Brays Cottage to the side of the two storey extension, therefore it is considered that this distance between the two houses would be acceptable. The lounge window set to the rear of Brays Cottage would not be materially affected as the proposed extension would not project further back from the rear of the Cottage. The two storey extension would be subordinate in size to the main dwelling, the pitch of the roof being 1.2m lower than the pitch of the dwelling, therefore would not appear incompatible in terms of the scale. The main ground floor window on the side elevation of the two storey extension would be set behind the garage and the smaller window would be conditioned to be obscure glazed, therefore there would be no loss of privacy to the neighbour. Although the pitch of the proposed roof would be seen above the garage of Brays Cottage, it would not be over-dominant or over-bearing since the garage would be set behind the detached garage alongside and would be positioned in front of the two storey extension.

The neighbours at No 34 & 38 School Lane would not be materially affected in terms of loss of light, privacy as they are positioned across the other side of the road, therefore there would be no immediate detrimental impact.

It is considered that the garage would not be intrusive or incongruous within the street scene as it would be largely hidden from view by the garage at Bray's Cottage located alongside. Incidentally there is a garage opposite at No 38 which is 5.1m in height, built close to the roadside and is clearly visible within the street scene on entering School Lane.

### **Highway Safety Considerations**

In terms of highway safety, Leicestershire County Council (Highways) have stated that the proposed access would provide better visibility out onto School Lane and therefore does not feel able to resist the proposal. The Authority have requested that certain conditions relating to visibility splays, drainage, surfacing materials and gradient be placed on the decision.

### **Impact on Trees**

The removal of the landscaping at the front of the site has already been discussed above and due to the fact that there is to be replacement planting, it is not considered that this would have an adverse impact on the character of the lane. The Council's Tree Officer has stated that the formation of the new access should not have a detrimental effect on the retained trees either side, providing the tree protection requirements (as shown on the relevant plan 70516.2) are strictly adhered to. This also applies to the other trees indicated on the plan which would be conditioned. The replacement trees are to be conditioned to be agreed in writing by the local planning authority.

The trees within the site which have a tree preservation order are the walnut tree, the sycamore tree and the holly tree. The tree which is most likely to be affected is the sycamore tree which would come within 2m of the garage. A comprehensive arboricultural report and method statement have demonstrated that, the development can be successfully implemented without significant harm to the tree. As a result of careful hand digging to determine the location of important roots, together with the benefit of the sloping ground, it has been possible to design an appropriate pile and beam foundation which avoids severance of roots or the need to alter existing ground levels. A condition requesting a method statement by the piling contractor would be placed on the decision.

The walnut tree and holly tree would not be affected by the proposals provided that the tree protection barrier as detailed in drawing No 70516.2 is adhered to.

### **Concerns of flooding**

The existing access into Walnut Cottage consists of a 4m wide bridge with culverting below. The first set of drawings submitted, showing details of the proposed access sought to achieve the same sought of bridge and culverting measures. The Environment Agency raised concerns however about the culverting measures and the close proximity of the garage to the brook as both of these elements together would be seen as an obstruction to access for future flooding maintenance. The Environment Agency advised that if the bridge were to be designed showing a bank top to bank top bridge, this would alleviate their concerns about the maintenance of possible future flooding. Therefore conditions would be placed on the decision to ensure that the distance of the new buildings and raised ground levels would not come within 1m of the brook and that the bridge crossing over the brook be approved in writing by the local planning authority. An informative to ensure that the existing bridge and culvert is removed would also be placed on the decision.

## **RECOMMENDATION**

Grant Conditionally - Recommendation - subject to the following conditions:

1 - The development, hereby permitted, shall be begun not later than 3 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2 - The development shall be carried out only in accordance with the details and specifications included in the submitted application, as amended by the revised drawings Nos 70516:2H, 70516:5F, 70516:4H, 70516:3F received by the local planning authority on 18 February 2008 and showing alterations to the design of the double garage.

REASON: To make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.

3 - Only those materials specified in the application shall be used in carrying out the development hereby permitted.

REASON: To ensure the satisfactory appearance of the completed development.

4 - No materials shall be placed on the site until such time as details of the materials to be used for the stone wall of the garage fronting School Lane, have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

REASON: To make sure that the appearance of the completed development is satisfactory.

5 - The small window in the east elevation shall be glazed with obscure glass which shall thereafter be retained at all times. Details of the glazing specification shall first be submitted for the approval in writing of the local planning authority. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation thereafter.

REASON: To minimise the effect of the development on the privacy and amenities of nearby residents.

6 - No part of the development, hereby permitted, shall be occupied or used until visibility splays of 2.4 metres by 2.4 metres have been provided on the highway boundary on both sides of the access and the areas have been laid out and surfaced in a manner previously agreed in writing by the local planning authority.

REASON: To make sure that drivers leaving the access have adequate visibility of vehicles already on the highway.

7 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order), no fence, wall, structure or hedge or other planting shall be erected, placed or planted within the splay areas referred to in the previous condition.

REASON: To make sure that drivers leaving the access have adequate visibility of pedestrians, particularly children, in the interests of road safety.

8 - No part of the development hereby permitted shall be occupied or used until drainage within the site has been provided so that surface water does not drain in the public highway and thereafter shall be so maintained.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing danger to road users.

9 - All driveways and parking spaces shall be laid using a porous construction to ensure that surface water does not drain into the public highway or to surface water drainage systems, and thereafter shall be so maintained. For at least the first 5 metres behind the highway boundary the surfacing shall be of a hard bound material.  
REASON: To reduce the possibility of surface water from the site being deposited in the highway, causing dangers to road users and to prevent the discharge of surface water causing an increase in the risk of flooding in the locality.

10 - The gradient of the access drive shall not exceed 1 in 12 for the first 5 metres measured into the site from the highway boundary.  
REASON: To make sure the drive is not too steep, in order to provide a reasonable level of safety in icy conditions.

11 - No development, including site works, shall begin until each tree shown to be retained on the approved plan has been protected as specified in the arboricultural report drawing no 70516.2. Each tree shall be protected in the specified manner for the duration of building operations on the application site. 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 of any kind shall be placed or stored thereon. 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.

12 - No development, including site works, shall begin until a detailed method statement supplied by the piling contractor has been received and approved in writing by the local planning authority.  
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.

13 - The replacement hedge to be planted within the existing access shall first be agreed in writing by the local planning authority, and shall be planted during the first available planting season and should it fail, shall be replaced within the first available planting season following such loss.  
REASON: The hedge is an important feature in the area and this condition is imposed to make sure that there is no long term loss to the overall appearance and character of the area.

14 - No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:  
i) the treatment proposed for all ground surfaces, including hard areas;  
ii) full details of tree planting;

- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any structures to be erected or constructed;
- vi) functional services above and below ground; and
- vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed..

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.

15 - The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

16 - No development, including site works, shall begin until a scheme to ensure there are no new buildings or raised ground levels within 1m of the top of the bank of the stream, inside or along the boundary of the site, unless otherwise agreed in writing by the local planning authority.

REASON: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

17 - No development, including site works, shall begin until such time as a scheme detailing a bank top to bank top bridge crossing over the stream has been submitted to, and approved in writing by the local planning authority.

REASON: To ensure a vehicular bridge crossing instead of a culverted access.

#### Informatives

1

PLANNING POLICIES RELEVANT TO THIS DEVELOPMENT - Saved Policies EV/1 and H/17 of the Borough of Charnwood Local Plan (2004), the provisions of PPG15, Planning and the Historic Environment, and the adopted Woodhouse Eaves Village Design Statement, have been taken into account in the determination of this application. The Council's Supplementary Planning Guidance on House Extensions and the Supplementary Planning Document, Leading in Design have also been taken into consideration. The proposed development complies with the requirements of these development plan and national policies and the supplementary planning guidance and there are no other material considerations which are of significant weight in reaching a decision on this application.

2

Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and,

otherwise, no harm would arise such as to warrant the refusal of planning permission.

3

The existing trees on the site, namely the sycamore, walnut and holly are the subject of a Tree Preservation Order and consent is needed for any works to uproot, cut down, top or lop the protected trees. Unauthorised works to a protected tree are a criminal offence.

4

Any works to a tree in the conservation area require six weeks prior written notice to Council. This is to allow an opportunity to consider whether a Tree Preservation Order is justified. Unauthorised works to a protected tree are a criminal offence.

5

Please contact Mr Buckingham, the Landscape Officer, on 01509 634766 before any works are started to clarify the details of your proposal and to avoid works which may harm the tree(s).

6

The pergola to be erected on site does not form part of this application, on the basis that it is below 2.5m in height and therefore deemed permitted development.

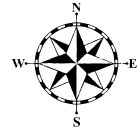
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The existing access and culverting of the brook should be removed once the proposed bank top to bank top bridge crossing over the brook is in place.



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**Application No:** P/09/0046/2  
**Location:** Walnut Cottage, 37 School Lane, Woodhouse, Loughborough, LE12 8UJ  
**Scale:** 1:1250

