



Daventry Local Area Planning Committee

Minutes of a meeting of the Daventry Local Area Planning Committee held at The Forum, Moat Lane, Towcester, NN12 6AD on Wednesday 5 April 2023 at 6.00 pm.

Present:

Councillor Kevin Parker (Chair)
Councillor Alan Chantler (Vice-Chair)

Councillor Rupert Frost
Councillor Rosie Humphreys
Councillor Cecile Irving-Swift
Councillor David James
Councillor Peter Matten

Substitute Members:

Councillor Phil Bignell

Apologies for Absence:

Councillor Daniel Cribbin
Councillor Wendy Randall

Officers:

James Rodger, Development Management Manager
Neil Weeks, Planning Solicitor
Jeverly Findlay, Committee Officer
Nisar Mogul, Senior Planning Officer
Erica Buchanan, Principal Planning Officer

82. **Declarations of Interest**

None advised.

83. **Minutes**

RESOLVED:

That the Minutes of the Daventry Local Area Planning Committee of 8th March 2023 be approved and signed as a correct record.

84. **Chair's Announcements**

There were no announcements.

85. **Planning application WND/2022/0766 East Haddon**

Consideration was given to the report detailing the planning applications which had been previously circulated.

RESOLVED:

That, subject to the variations set out below, the advice set out in the report now submitted be agreed.

WND/2022/0766 EAST HADDON – REVISED DESIGN OF THE DWELLING FOLLOWING BREACH OF PLANNING OF DA/2015/0459, NMA/2016/0060 AND SUBSEQUENT APPEAL APP/W2845/C/21/3280574 - PLOT 2 TYTHE FARM, HOLDENBY ROAD

The Senior Planning Officer outlined the application for alterations to the built form of a dwelling following a breach of conditions in relation to application DA/2015/0459, a non-material amendment and the dismissal of an appeal against enforcement.

Members' attention was drawn to the list of late representations and the proposed change of condition 2. The condition as currently drafted did not reflect the timing as approved on both appeal decisions, which only gave a 12 month compliance period. In the circumstances it was considered that 12 months seemed more than appropriate to rectify the breach of control. This being consistent with the advice provided by the Council's Enforcement Team.

Members were shown a site plan and the drawings of the building identifying the remediation work. The latest plan showed no alteration to the length of the dwelling as this was in accordance with the approved plans. The depth of the building was proposed to remain as built, i.e., 300 mm wider than the approved plans, however, the first floor over the kitchen/dining room area was proposed to be demolished in line with the appearance of the approved plan. The first floor element had been built without permission. The height of the roof was being brought down to what had been agreed previously, 8.3 metres and 5.9 metres respectively and the rear dormers would be removed. The Committee were shown photographs of the building that had been built.

Further to enquiries, the Senior Planning Officer confirmed that 2 of the dormer windows would be changed to Velux windows and that if Members were minded to approve the application, the works would need to be completed within 12 months.

Derren Wilson spoke in favour of the application and highlighted that the owner was seeking to regularise the position. This plot was the smallest on the site.

Councillor Cecile Irving-Swift proposed that the application be approved, this was seconded by Councillor Peter Matten and on being put to the meeting, was declared carried unanimously.

RESOLVED:

That the application be approved as set out in the report, subject to the amendment of condition 2 as follows:

2. The alterations under the proposal hereby approved shall commence and be completed within 12 months from the date of this permission. The development shall thereafter be carried out in accordance with the approved plans unless alterations are submitted and approved by the Local Planning Authority prior to their commencement.

86. **Planning application WND/2022/0906 East Haddon**

WND/2022/0906 EAST HADDON – REVISED DESIGN AND REMEDIAL WORK FOLLOWING BREACH OF PLANNING OF DA/2018/0157 AND SUBSEQUENT APPEALS APP/W2845/C/21/3279492 AND APP/W2845/C/21/3279517 - PLOT 1 TYTHE FARM, HOLDENBY ROAD, EAST HADDON

The Principal Planning Officer Planning Officer outlined the application which had been submitted due to breaches of planning conditions and a dismissal at an appeal against enforcement. The building had been built larger than the approved drawings and this application sought to reduce the height of the building to that which was originally approved. The width and the height of the garage element would remain as currently built and the rear elevation was as approved. The two storey element was longer than that which had been approved. The applicants would be altering the porch as part of the application. There was a typographical error in paragraph 3.7 of the report regarding the length of the dwelling, which should read 36.5 metres as built. In paragraph 3.8 the word 'not' was missing. Members' attention was drawn to the list of late representations and the proposed change of condition 2 which reflected the timing as approved on both appeal decisions, for a 12 month compliance period.

Further to an enquiry, the Development Management Manager advised that the original application had allowed for a dwelling to be built 34 metres in length and the building had been built to a length of around 36.5 metres. The depth in the originally proposal was for the building to be built at 6.2 and 9.5 metres and as built it was 7 and 11.5 metres so overall there had been approximately a 17.5% increase in size. The proposal before the Committee was not to alter the floor space but to lower the ridge height by 1 metre and to rebuild the porch. The garage feature roof line would not be altered. Therefore, the main alterations for consideration were the increase in depth of the overall dwelling and the increased height of the garage element.

Members raised concerns regarding: the lack of landscaping; the lack of a garage which would result in cars being kept on the drive; that the area that had been designated for a garage was now being used as the living space which had resulted in a larger increase in size.

The Development Management Manager advised that should the applicant require a garage to be built, they would have to submit a separate application.

Councillor Charles Morton, one of the local ward Members, raised concerns that the house was too large and it had a negative impact on the Special Landscape Area. He

asked the Committee to stand by the Planning Inspector's decision who had considered that the house should be built to the original application specifications.

Derren Wilson spoke against the application as the house had been built much larger than that which had been originally permitted. The size and the mass of the building detracted from the Special Landscape Area and it was in breach of the Local Plan policies.

Further to an enquiry, it was noted that there was an error in the consultation section report as it stated that Councillor Bignell had objected to this application. Officers checked the application consultation responses and confirmed that there had not been a consultation response from Councillor Bignell. The Development Management Manager stated that the report was incorrect in this respect.

Further to discussion relating to declaring interests in previous applications at the site, the Council's Solicitor advised that this was a different application to that which had been considered previously and each application must be considered on its own merits. Members were required to exercise a planning judgement on this application, and the material differences from the previous application. Members could take into consideration the Planning Inspector's appeal decision and the guidance they had provided. The Planning Inspector had not been provided with any alternative options when they had considered the appeal and this application was an alternative option.

Arevik Jackson, the Agent, addressed the Committee and highlighted that the old existing barn had been large and the proposed scheme took up less space than that had. Further to queries from Members, Arevik Jackson considered this application should not be compared to the previous scheme. The issue to be considered was if this application caused any harm or impact on the surroundings.

Councillor David James proposed that the application be approved as the applicant was intending to reduce the height of the building which was a reasonable proposal. The proposition failed for lack of a seconder.

Councillors referred to the harm on the amenity of the neighbours due to the massing of the building and noted that the Inspector had referred to 'no lesser steps to remedy the breach of control'. The Development Management Manager highlighted that the Planning Inspector had not ruled out the applicant seeking to provide an alternative approach to deal with the breaches of planning control.

Councillor Cecile Irving-Swift, acknowledged that this application addressed some of the concerns such as the roof height but it did not address the massing of the building and the harm this had caused as identified by the Planning Inspector, the impact on the neighbouring properties and the impact on the landscape. Councillor Irving-Swift proposed that the application be refused using the decision made by the Planning Inspector with the removal of the word height.

For clarity, the Development Management Manager read out the reason for refusal by the Planning Inspector.

The proposition to refuse the application was seconded by Councillor Peter Matten and on being put to the meeting, was declared carried with 7 voting in favour and 1 against.

RESOLVED:

That the application be refused for the following reasons:

The originally approved dwelling is of a significant scale and the submitted proposal seeks to further increase the scale of the building. The dwelling, as constructed, by reasons of its sheer bulk and mass has deviated from the character and form of the original approved building, and the constructed development owing to its scale and appearance, detracts from the character and appearance of the existing group of buildings at Tythe Farm and has resulted in harm to the character and appearance of the Special Landscape Area and open countryside. The development, therefore, is contrary to Policies R1 9) C) E) i) and S10 (i) of the adopted West Northamptonshire Joint Core Strategy 2014; Policies SP1 (G), ENV2, ENV10 A) i) iii) vii) B), RA6 vi) of the adopted Settlements and Countryside Local Plan (Part 2) for Daventry District 2020; Paragraphs 122 d) e), 127 a) b) c) and 130 of the National Planning Policy Framework 2019 and The National Design Guide 2019 (Paragraphs 20-21, 37-39); which seek to protect Special Landscape Areas, promote 'environmental improvements', 'good/ high quality design and architecture', ensure planning proposals 'blend in well with the site and surroundings', 'add to the quality of the area and be sympathetic to local character' and 'respect the surrounding built and natural environment'

The meeting closed at 7.30 pm

Chair: _____

Date: _____