

<u>Application Number</u>	WND/2022/0766
Location Description	PLOT 2 TYTHE FARM, HOLDENBY ROAD, EAST HADDON, NORTHAMPTONSHIRE
Site Details	REVISED DESIGN OF THE DWELLING FOLLOWING BREACH OF PLANNING OF DA/2015/0459, NMA/2016/0060 AND SUBSEQUENT APPEAL APP/W2845/C/21/3280574
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Applicant	MR JOHN GOODMAN
Agent	MR LEE RANDALL, LMR DESIGNS
Case Officer	NISAR MOGUL
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Ward	LONG BUCKBY WARD
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Reason for Referral	ON THE ADVICE OF MANAGEMENT
Committee Date	5 APRIL 2023
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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

The Proposal:

This full application seeks permission for the alterations to a residential dwelling that has been constructed larger and slightly different in appearance to that consented by the original planning permission ref: DA/2015/0459 and the subsequent Non Material Amendments under NMA/2016/0085 granted 4/1/2017 and hence this application has been submitted to alter the built form to be more in line with the approved permission under NMA/2016/0085 and in order to regularise the development as proposed.

The proposed changes to the built form include alterations to the design, reducing the overall height to the roof of the main body of the dwelling from 9.1 metres to 8.3 metres and from 7.3 metres to 5.9 metres over the garage element. The proposal also includes the demolition of the first floor rear element over the kitchen/dining room area. The element that is proposed to be retained as built is a 300mm additional depth along the rear elevation from what was previously approved under NMA/2016/0085.

Consultations:

The following consultees have raised **no objections** to the application:

East Haddon Parish Council

WNC Local Highway Authority

WNC Environmental Health Officer

WNC Ecology Officer

0 letters of objection have been received and 0 letters of support have been received.

Conclusion:

The application has been assessed against the relevant policies in the NPPF, the adopted Development Plan and other relevant guidance as listed in detail below in the report.

The key issues arising from the application details are impact on:

- Principle of Development
- Character and Appearance, including Effect on the Special Landscape Area
- Residential and Local Amenity

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

APPLICATION SITE AND LOCALITY:

The site lies in the open countryside, some 1.0km northeast of East Haddon village and some 1.3 km northwest of Holdenby village. Ravensthorpe village lies some 1.6 km to the north of the site. The site is accessed off a long private drive and is located approximately 790 metres away from Holdenby Road.

Tythe Farm comprises of an isolated group of former farmstead buildings, with a large converted traditional two-storey barn to the east (East Barn) and other smaller cottages/ houses to the south. The application dwelling and the immediately adjacent building to the south are two recently constructed dwellings that were initially granted planning permission under DA/2015/0459 and NMA/2016/0085 that was granted in January 2016.

CONSTRAINTS:

The site lies within the Special Landscape Area (SLA). A public footpath runs approximately 40 – 70 metres to the west of the site via the adjacent field and the footpath extends some 890 metres further out to the southwest side onto Holdenby Road. Another public footpath lies further to the west, approximately 500 metres away from the site and this runs to the north towards Ravensthorpe village.

DESCRIPTION OF PROPOSED DEVELOPMENT:

The proposal seeks to alter the existing built form of the dwelling that was granted planning permission initially under DA/2015/0459 and subsequent non material amendment under NMA/2016/0085. The built form however, was not constructed in accordance with approved plans but was built substantially higher and bigger with regards to the footprint than the approved plans and this proposal seeks to alter the dwelling more in line with previously approved plans as detailed below.

The approved drawings allowed for a dwelling that was: 28.7 metres in length by 6.2 metres in depth along majority of the dwelling with a maximum depth of 7.6 metres along the kitchen/dining room area. The maximum height to the ridge of the roof along the main body of the dwelling was 8.3 metres and 5.9 metres over the garage element.

The constructed dwelling in situ measures:

28.7 metres in length by 6.5 metres in depth along the majority of the dwelling and 7.9 metres along the kitchen/dining room area. Additionally, a first floor has also been constructed over the kitchen/dining room area. The height to the ridge of the roof on the main body of the dwelling is 9.1 metres and 7.3 metres over the garage element.

Alterations sought under this application:

There is no alteration to the length of the dwelling as this was in accordance with the approved plans.

The depth of the proposed is to remain as built, ie, 300 mm wider than the approved plans, however, the first floor over the kitchen/dining room area is proposed to be demolished in line with the appearance of the approved plans.

The height of the roof to the ridge over the main body of the dwelling will be reduced to 8.3 metres and 5.9 metres respectively as per the previously approved plans.

Overall, therefore, the proposal alters the built dwelling in line with the previously approved plans in height, scale and appearance other than a 300 mm extra in depth over the rear elevation of both the ground and first floor levels.

RELEVANT PLANNING HISTORY

The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
PD/2014/0024	Class Q prior approval was granted for the change of use and conversion of a bricked and corrugated agricultural barn into two dwelling houses, with accommodation at the first floor.	Approved
DA/2015/0459	Planning permission was approved for the demolition of the agricultural barn and construction of two, detached two-storey four bedroomed dwellings with attached garages on the site.	Approved
NMA/2016/0060	Non-material amendment was approved to application DA/2015/0459 to slightly amend the position of the two dwellings and to swap around the position of the house and garage of both plots.	Approved
NMA/2016/0085	A further non-material amendment was submitted to application DA/2015/0459 to slightly amend the position of the two dwellings, to swap around the position of the house and garage of both plots and to extend the first floor of plot 1 to change the property from a four bedroomed property to five bedroom property.	Approved

DA/2017/0065	<p>A further non-material amendment was submitted to extend the first floor of Plot 1 across the full length of the building and to the ridge of the main house, to create six bedrooms at the first floor. The changes were not considered to be acceptable as a non-material amendment and thus was refused for the following reason:</p> <p>“This alteration as currently proposed is not considered to be minor in the context of the previous planning approval (as amended) and would materially affect the character and appearance of both plot 1 and of the surrounding ensemble of buildings. The further lengthening of the first floor of plot 1 will not retain the overall character of the</p>	Refused
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	<p>original design, and the resultant building would compete with the converted brick barn facing it to the east which should remain as the dominant element within the group.</p> <p>The site sits within an Area of Special Landscape (SLA) and the original approval (DA/2015/0459) was accepted as an exception to prevailing policy against newbuild dwellings within the open countryside as it was considered that two properties with traditional proportions and appearance, designed to reflect the adjacent pre-existing nineteenth century barn but to be subservient thereto, would represent an overall environmental improvement. Subsequent incremental enlargements to plot 1 however have moved away from this position and it is considered that this current proposal, which will significantly alter the appearance and visual build of plot 1, would not be acceptable as a minor non-material amendment.”</p>	
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DA/2018/0157	<p>Following the refusal of a full height first floor element to Plot 1 under ref: NMA/2017/0065, where the changes were not considered to be minor in the context of the original planning approval, an application for full planning permission was submitted (in the form of a revised scheme) for Plot 1. This application sought permission for a 1.5 storey element on the northern end of the dwelling, as opposed to the full height extension, and planning permission was approved on 25 May 2018.</p> <p>In reaching the decision to approve the 2018 planning application, the Case Officer took into consideration that the changes follow-on from the previous NMA's but includes "the further extension of the upper storey to plot 1 effectively contained within the roofspace above the garage wing, and thus represent an alternative development scenario from the previous NMA" and</p>	Approved
	<p>"These are all sizeable dwellings sited within generous plots which are in an isolated location which is not readily visible from the public vantage points, the nearest being a public footpath which passes some 50 m away to the west at the closest point."</p> <p>"Previously the applicant was informed that it was unlikely that any further such extensions to the approved scheme would be looked upon favourably as continued incremental extensions would result in a property significantly larger than that originally approved, which would probably not have been granted approval if submitted as such from the outset. The further attempt to do just that was therefore refused. – (NMA/2017/0065)".</p>	
DA/2021/0131	Another separate application was submitted to regularise Plot 2, but this application was withdrawn by the Agent/ Applicant for that application.	Withdrawn

DA/2020/1148	Variation of Condition 2 (approved plans) of planning permission DA/2018/0157 (Erection of two storey detached dwelling utilising existing private access, Plot 1 Tythe Farm (revised scheme)) - To alter the scale and appearance of the dwelling, including raising the height of the building by 1 metre to provide living accommodation in the roof at second floor, construction of first floor balcony platform on rear elevation and to increase the footprint of the dwelling (Retrospective).	Refused
APP/W2845/C/21/3 280574 (Land at Plot 2)	The breach of planning control in the enforcement notice is: Without planning permission the erection of a residential dwelling larger and different in appearance to that consented by the original planning permission ref: DA/2015/0459 and subsequently approved non-material amendments ref: NMA/2016/0060 and NMA/2016/0085. Requirements of the notice are: a) Complete the necessary remedial works to the unauthorised building so that it is in accordance with the approved plans under NMA/2016/0085 b) Demolish the unauthorised building in its entirety ensuring that all materials resulting from the demolition are removed from the land.	Appeal Dismissed.

RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

The Development Plan comprises: the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029; and the adopted Settlements and Countryside Local Plan (Part 2) (2020). The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (2014) (Part 1) (LPP1)

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- R1 – Spatial Strategy for Rural Areas
- R2 – Rural Economy
- BN2 – Biodiversity
- BN5 – Historic Environment and Landscape
- BN7 – Flood Risk
- BN9 – Planning for Pollution Control

Daventry District Settlements and Countryside (Part 2) Local Plan (2019) (LPP2)

- SP1 – Daventry District Spatial Strategy
- RA6 – Open Countryside
- ENV2 – Special Landscape Areas
- ENV7 – Historic Environment
- ENV10 – Design
- HO8 – Housing Mix & House Type

National Planning Policy Framework (NPPF) (2021)

Presumption in favour of sustainable development

Para 9 Take local circumstances into account

Para 11 Approve proposals that accord with the dev plan without delay.
Where plan is absent, silent or out of date, grant permission unless adverse impacts significantly and demonstrably outweigh the benefits

Chapter 5 Delivering a sufficient supply choice of homes

Para 68 Need to maintain a 5 year land supply plus 5%

Chapter 9 Promoting sustainable transport

Chapter 12 Achieving well designed places

RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report.

Consultee Name	Position	Comment
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East Haddon Parish Council		"East Haddon PC considered this application at their meeting last night and have no comments or observations to make".
WNC Ecology		"I've reviewed the application documents and have no comments to make at this time".
WNC Highways		Does not have any comments or requests to make.
WNC Environmental Protection Team		Has no objection or comments to make.

RESPONSE TO PUBLICITY:

At the time of writing this report, there have been no letters of objections or letters of support from any neighbouring/local residents.

APPRAISAL:

Principle of Development

The principle of residential development on the site was initially established by the 2015 prior approval (PD/2014/0024). While this approval originally sought to convert a former 1.5 storey bricked and corrugated agricultural barn into two dwellings, with living accommodation at the first floor, the prior approval was not implemented and planning permission was subsequently granted for demolition of the building and for the construction of two, two-storey detached four bedroomed dwellings with single-storey attached garages under planning permission reference number DA/2015/0459 and the subsequently approved non-material amendments (NMA/2016/0060 & NMA/2016/0085).

Therefore, the principle of residential development has been established on the site and all the Council can consider in this application submitted for alterations to the built form, is the effect of the proposed changes on the character and appearance of the area, Special Landscape Area, public footpaths, residential amenity and highway safety when considered against those previous approvals..

Each of these matters are considered in turn below:

Character and Appearance of the Area (Including Special Landscape Area)

Policy RA6 of the Part 2 Local Plan recognises the intrinsic character, beauty and tranquillity of the open countryside and sets out the forms of development which will be supported in the open countryside. Criterion vi) gives support to existing

buildings that respect their form and character. Policy ENV2 offers protection to Special Landscape Areas and states that "The Council will consider the impact of proposals on the special qualities of the Special Landscape Areas, including cumulative impacts, and will resist proposals that would have a harmful effects on their special qualities that cannot be successfully mitigated".

In comparison with the dwelling approved under DA/2015/0459 and the subsequent NMA applications, the final constructed dwelling has been built approximately 800 mm taller in height to the ridge of the roof on main body of the dwelling, 300mm in depth larger with the addition of a first floor over the kitchen/dining room area.

The proposal seeks to reduce the overall height of the dwelling in line with what was approved under the DA/2015/0459 and NMA applications and also seeks to remove the first floor rear element over the kitchen/dining room area. In effect other than the 300mm additional depth over what was previously approved, the proposal seeks to alter the dwelling to conform with the approved plans in the previous permissions.

It is considered that the amended proposal which will almost mirror with the previously approved plans would not adversely impact on the character and appearance of the rural landscape and Special Landscape Area as was concluded when the under the original approval.. The impact on the character and appearance of the area including the Special Landscape Area are therefore considered to be acceptable in this instance.

Residential Amenity

Policy R1 (D) and ENV10 viii) seek to protect the amenity of occupiers of new and existing dwellings. The existing neighbouring premises positioned to the south east (East Barn) is positioned so that the proposal causes no direct overlooking from any windows from the proposal. Similarly, with regards to the other adjacent dwelling, Plot 1 Tythe Farm, this property lies directly to the south of the application site, however, there are no windows in the end elevation of this property and hence the existing windows in the front elevation of existing and proposed plan will not lead to any undue overlooking issues being caused.

Furthermore, the relationship of the proposed/existing dwelling in relation to the adjacent surrounding dwellings would have been assessed in the original planning permission, DA/2015/0459, where it was considered to be acceptable.

Overall, it is considered that the proposal conforms with policy ENV10 with regards to the protection of residential amenity.

Highway safety and parking:

The proposal utilises the existing access and the proposed development incorporates an attached double garage with sufficient space for parking a couple of cars and hence it is considered that the number of off-road parking spaces provided are sufficient for the proposed development and furthermore the WNC Highways

Authority commented on the proposal and have raised no objections to the proposal on highway safety grounds.

Biodiversity

The WNC Ecologist was consulted on the proposal in relation to any adverse impact on the biodiversity on the on the site raised no objection.

Financial Considerations

This development is not liable to pay the Community Infrastructure Levy (CIL) as it was exempt from the original planning permission DA/2015/0459 and the current proposal is exempt as the addition is less than 100sqm.

Planning Balance and Conclusion

The principle of residential development on the site has been established by the previous planning permissions. Owing to the scale, height and design of the original approved scheme, it is considered that the changes proposed in this application would not adversely impact on the character and appearance of the site, surrounding rural area and Special Landscape Area any more than the dwelling previously approved. The proposed changes would not result in any more impact on neighbour residential amenity and no significant highway issues or other issues have been identified that would justify refusal of the application.

RECOMMENDATION / CONDITIONS AND REASONS:

It is recommended that the application be **APPROVED** subject to the following conditions;-

CONDITIONS

- 1. Except where expressly stated by other conditions on this planning permission, the development shall be carried out strictly in accordance with the details shown on the following amended drawings deposited with the Local Planning Authority:**
 - **Drawing number: 015-012-003 Revision T 'Proposed Site & Block Plan' received by the LPA on 11.11.2022**
 - **Drawing number: 015-012-502 Revision A 'Proposed Elevation and Floor Plan received by the LPA on 23.2.2023.**
- 2. The alterations under the proposal hereby approved shall commence within 12 months from the date of this permission and shall be completed no later than 3 years from the date of this decision.**
- 3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order with or without modification) no development shall be carried out which falls within**

Classes A, AA, B, C D and E inclusive of Part 1 of Schedule 2 to the Order without the prior express consent of the Local Planning Authority.

REASONS

- 1. To clarify the terms of this planning permission, to ensure that the development is carried out in accordance with the submitted details and to allow the Local Planning Authority to consider the effect of any changes.**
- 2. In the interests of the visual amenity of the area and SLA in which the site lies and to ensure the works are completed in accordance with the approved plans having regard to the previous appeal decision and confirmed enforcement notice.**
- 3. To afford the LPA the opportunity of assessing the impact of any further alterations/extensions upon the immediate surrounding Special Landscape Area and upon the amenity of immediate residential properties**

NOTES

- 1. In making this decision, the Local Planning Authority has had regard to the requirements of Paragraph 38 of the National Planning Policy Framework and Article 35 (2) of the Town and Country (Development Management Procedure)(England) Order 2015 (as Amended).**
- 2. The applicant is advised that Northamptonshire has varying levels of radon due to its underlying geology. Radon can enter buildings and affect the health of the occupants living in affected areas. Advice should be sought from local authority building control officers or from approved inspectors to establish if radon protection is necessary and if this is the case radon protection measures will need to be installed in accordance with BRE Report (BR 211 Radon: guidance on protective measures for new dwellings)**