

<u>Application Number</u>	WND/2021/0552
Location Description	OLD WHITE HORSE, CREATON ROAD, TEETON, NORTHAMPTONSHIRE, NN6 8LH
Site Details	VARIATION OF CONDITION 2 OF PLANNING PERMISSION DA/2020/0385 (DETACHED DOUBLE GARAGE AND WORKSHOP) TO AMEND POSITION AND INCREASE GABLE WIDTH, RIDGE HEIGHT AND SLAB HEIGHT
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Applicant	MR STUART STOCKLEY
Agent	S HAMMONDS
Case Officer	
Ward	LONG BUCKBY WARD
Reason for Referral	CALL IN
Committee Date	3 NOVEMBER 2021

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal seeks to secure consent for a re-positioned footprint and a increased external dimensions for a previously approved detached garage and workshop. The garage is part- built on the alignment and dimensions now sought, not in accordance with the previously approved plans, but the current application seeks to regularise this. The applicant had also requested an increase in the ridge height to 5.0m but this element has since been withdrawn so the proposal is for the ridge to remain at 4.5m from d.p.c (as currently built). It is proposed to use the roofspace of the garage as an ancillary home-office so an internal staircase is also now incorporated into the plans.

The application is a S73 minor amendment to a previously approved scheme.

If approved, the final version of built development at the site will be a completed version of what has currently been started on site, with the eaves and ridge staying as currently built.

Consultations

The following consultees have raised objections to the application:
Teeton & Hollowell Parish Council.

3 letters of objection have been received and 1 letter of support has 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 at Section 8 of the report.

The key issues arising from the application details are:

Design and visual amenity
Neighbour amenity
Highways and parking

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 provide full details of all consultation responses, planning policies, the Officer's assessment and recommendations. Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1 Old White Horse is a two storey detached building, sited at the back edge of the road at the southern end of its large corner plot. The natural land level rises towards the northern boundary with Olde Church House, which is sited on much higher ground. The boundary with the highway on this wide sweeping bend in the road is formed by a low wall, mainly stone with some brick, which itself is set above road level atop a narrow rising grass bank.
- 1.2 The site currently hosts a part-built detached garage/workshop that has been left unfinished, un-rendered and with only a basic roof-structure for many months, pending the formal agreement of a suitable compromise with which the applicant can proceed. The siting and dimensions of the part-built garage differ from those previously approved, but it is the "as-built" situation that currently exists on site that the applicant is now seeking to regularise.

2. CONSTRAINTS

- 2.1 The site is not within a Conservation Area and does not form part of the setting of any Listed Buildings.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The previous approved application (DA/2020/0385) authorised a detached ancillary building in the northern part of the site. The approved plans show the building to be a single storey double garage with two garage doors and a workshop with a door to the front and a window to the side. Three rooflights were also shown. The external dimensions of the approved garage were shown to be 10.7m long by 5.8m wide with a ridge of 4.5m. The footprint of the garage was shown to be parallel to the boundary line with Olde Church House to the north.
- 3.2 The garage has not been constructed in the approved position and not to the approved external dimensions, so the partial build does not accord with the approved plans. The current application seeks to regularise the as-built situation, as follows.
- 3.3 The changes that are now proposed to the previously approved plans are:
 - a re-positioned footprint that is parallel with the road and set further away from and at an angle to the neighbouring (northern) boundary
 - a gable width of 6.3m (the same as approved in 2018 (although 500mm wider than the mis-drafted 2020 plan))*
 - a length of 11.1m (100mm wider than approved in 2018 (although 500mm wider than the mis-drafted 2020 plan))*
 - an eaves height of 2.7mm (200mm higher than approved in 2020).
 - an internal staircase so the loft space approved in 2020 can serve as a home-office

* see planning history section 4.1 - 4.4 below for explanation of the variances in the 2018 and 2020 consents.

- 3.4 The initial proposal to also increase the ridge height by 500mm to 5m high from d.p.c. has been withdrawn by the applicant.

4. RELEVANT PLANNING HISTORY

- 4.1 The earliest relevant planning application was DA/2018/0097, which gave consent for a detached garage and workshop close to and parallel with the northern boundary (this consent also related to other extensions to the main house). That 2018 application had initially proposed a much higher garage with first useable floor space and an external raised decking area, but officers were concerned about the visual dominance of that proposal (and the amenity impact of the raised deck) so the garage was negotiated down in scale during the course of the application. The garage that was ultimately approved by the 2018 consent measured 11m long by 6.4m deep and 2.3m and 4m high to eaves and ridge respectively.

- 4.2 In 2020 an application was made to amend the garage and this was granted consent under reference DA/2020/0385. The intention of this application was to increase the ridge height to 4.5m to allow for a floor in the roofspace that would be accessed by loft ladder and provide additional storage. The 2020 plans did not show any change to the previously approved footprint – but it seems with hindsight that this was an error on the architects part as apparently the footings had already been installed in their current position by that time (the architect had not re-visited site since the 2018 draft due to the pandemic). It has also come to light that the architect made a further error in drafting smaller external dimensions for the garage than had been approved by the 2018 consent (although it was not the applicant's intention to reduce the external dimensions). The garage that was ultimately approved by the 2020 consent was shown to be 10.7m long by 5.8m deep and 2.5m and 4.5m to eaves and ridge respectively.
- 4.3 It seems that the applicant's contractors then proceeded to build to the brick and blockwork on the slab that had been (incorrectly) laid, assuming this to be correct, and they built to the initial 2018 dimensions (11m x 6.4m). Planning enforcement acted upon an enquiry about the position and dimensions of the garage not according with the approved plans in July 2021 and work has been paused since that time whilst discussions were taking place about how to resolve the situation and the current application was drafted and submitted.
- 4.4 The purpose of the current application is therefore to consider if it is acceptable to allow the garage to be built (1) on the revised footprint, (2) to the length and width dimensions that were permitted in 2018, (3) to the ridge height that was permitted in 2020, and (4) with a 2.7m eaves height, which is a 200mm increase on the 2.5m permitted in 2020.
- 4.5 The full details of the two relevant previous applications are listed here:
- DA/2018/0097 – Construction of ground floor glass extension and first floor extension with revised roof line, new render to side and rear, re-roofing whole building. Detached double garage with workshop. Approved 27/4/18.
- DA/2020/0385 – Construction of detached double garage and workshop. Change of use of land to garden and retaining wall to road frontage. Approved 10/8/20.

5 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

Development Plan

5.2 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 (Part 1) (LPP1)

5.3 The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development

Settlements and Countryside Local Plan (Part 2) (LPP2)

5.4 The relevant policies of the LPP2 are:

- RA4 – Small Settlements / Hamlets
- RA6 – Open Countryside
- ENV10 - Design

Material Considerations

5.5 Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Hollowell & Teeton Village Design Statement (2008)

6 RESPONSE TO CONSULTATION

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

6.2 Hollowell & Teeton Parish Council – object
- to increase the height conflicts with the Parish Council's observation made on DA/2020/0385 (that the ridge height should not exceed the height of the neighbours fence).
- Refer to the following Village Design Statement (VDS) Guidelines:
(5) On a rising site new extensions must not dominate over their neighbours or spoil views across into and out of the village
(6) New development shall not be allowed if it is too large in scale and massing for the plot
(7) Developments should provide off road parking in line with current policy standards. Garages should not intrude upon the streetscene and all parking areas must be designed to incorporate drainage systems.

- Refer to comments made on previous two applications. Notably they raised no objections to the 2020 scheme but asked that the ridge height should not exceed the height of the neighbours fence, and that the use is restricted so not to allow any future application for change to residential use.

6.3 Cllr Phil Bignell – strongly objects

- the structure dominates the streetscene and is overbearing on the plot
- with reference to the planning history, works have been carried out in flagrant disregard for the actual permission given and for the planning conditions

7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.1 There have been 3 objections from local residents raising the following comments:

- Plans are confusing as the height measurements are taken from a higher datum than previously.
- Ridge will be substantially higher than originally approved – this is not a minor amendment, it should be a full application.
- A higher two storey office/garage would dominate the streetscene due to its scale and massing even more than it does now.
- The current scale of development is already too large and imposing for the location. It dominates the view on the bend.
- The roof blocks private views from neighbouring properties.
- Would change the village from a rural hamlet to a more built-up environment.
- Affects the setting of the old church (now Olde Church House), a historic building
- Contravenes Village Design Statement (VDS): garages should not intrude upon the streetscene
- Contravenes VDS: New development should not be allowed if it is too large in scale and massing for the plot.
- Contravenes VDS: All existing views within and into the village should be protected.
- Contravenes VDS: Infill development should not interfere with important views
- Contravenes VDS: On a rising site development must not dominate over their neighbours or spoil the views into or out of the village
- The new position appears to be tight for parking and turning within the plot – there is no defined area for parking and turning
- Fear that the building will become an annex, a separate dwelling or a business in future – cavity walls are being used to prepare the way for this
- As-built situation is not acceptable and should be enforced against
- Anger that the planning system allows for retrospective applications and variations
- Civil issues regarding boundary excavations, party wall etc.

7.2 There has been 1 letter of support from a local resident raising the following comments:

- The adjustment seems rather minor
- The applicant has made enhancements to Old White Horse and when the garage is finished this will further enhance the overall view
- Support provision of garaging
- It is a pity the build has been delayed for so long, we hope they are allowed to complete the half finished building as soon as possible.

8. APPRAISAL

Principle of Development

- 8.1 The principle of a detached double garage and workshop with loft storage, to be sited at the northern end of the application site, has already been established by the granting of planning permissions DA/2018/0097 and DA/2020/0385. The current application seeks to deal with matters of detail, notably the mistakes made in the quoted dimensions on the plans and in the actual siting of the building within the site.
- 8.2 There has been much comment about the degree of change from the previous permitted schemes and the events leading to the current application – but the main question is whether or not the current proposal is acceptable on its planning merits.
- 8.3 As the former request to increase the ridge height to 5.0m has been withdrawn, it is effectively the “as-built” situation on site that is being put forward for consideration in the current application. This enables the impact of the proposal, in terms of its scale and siting, to be assessed in real life rather than the usual situation of it being envisaged through proposed drawings. But whilst the application is now retrospective, the development must still be assessed objectively and fairly on its own planning merits in the same way as any other application and as though it were prospective. The planning merits are considered in detail in the sections below.

Design and visual impact

- 8.4 The external design, style and general appearance is broadly the same as the 2020 approved scheme with its rectangular form, gable roof, two garage doors, workshop door and rooflights above. The proposed width and length of the structure, whilst 500mm greater than shown of the 2020 plans, does align with the dimensions of the first approved garage building in 2018. The eaves has raised slightly, with an additional course of blockwork being incorporated above the garage doors, but the ridge remains broadly what was previously approved in 2020 (ie 4.5m), any slight difference being purely that arising from the datum point.

(NB: Previous applications were not absolutely clear on the datum point from which height measurements were taken but on this application it has been

clarified that the building heights are all measured from the top edge of the engineering brick course, which will be the finished floor level of the garage. This is not only a consistent level, but it should be noted that this has itself already been dug down into the site putting it well below the adjoining road that rises towards the north – this can be seen from the site photographs).

- 8.5 Viewing the scale of the building in situ, I do not believe that the raised eaves is so harmful to render it unacceptable from a design point of view. The proportions of the building still work and it is not overscaled for the site. A higher ridge would in my view have tipped the balance, but as the ridge height has been negotiated back down to 4.5m I feel that this is within the limits of what is acceptable for this site.
- 8.6 The revised position within the site has enabled the necessary retaining structures for the neighbouring boundary to be better dealt with and the attractive gabion wall “baskets” filled with natural Northamptonshire Ironstone deal with the changes in site levels in a highly practical way whilst presenting a visually pleasing solution that uses traditional local materials and creates an attractive and high quality backdrop for the proposal.
- 8.7 The building has moved nearer to the Old White Horse, but there is still substantial separation between these two buildings so the garage does not crowd in on the host dwelling or dominate it visually. Using and cutting into the natural land levels to set the garage down within the former sloping site has helped to ensure this.
- 8.8 Turning now to the Village Design Statement (VDS), I will consider each of the guidelines that have been referred to in turn.
- 8.9 VDS guideline 5 “on a rising site, extensions to existing properties must not dominate over their neighbours or spoil views across, into and out of the village”. I do not feel that the garage does either of these things. No public views across the village are interrupted by the garage, nor are views in or out of the village. The roof of the garage is visible over the fence of Olde Church House in their private views, but it is beyond the remit of the planning system to seek to protect an individual property’s private view.
- 8.10 VDS guideline 6 “new development shall not be allowed if it is too large in scale and massing for the plot”. Old White Horse is a substantial plot that has been recently expanded to the east, and it already comfortably accommodates extensions to the main house whilst leaving a large area of garden, including that upon which the proposal is sited. Neither the scale nor the massing of the proposal is disproportionate to the existing house or its plot. There is ample open amenity area remaining both for hardstanding and for the softer landscaped garden area and lawn. The garage is cut down into the land so that it is set into the backdrop of rising land behind it as viewed from both sides that are visible from the street (ie the front and side elevation).

8.11 VDS guideline 7 "garages should not intrude upon the streetscene and parking areas should incorporate drainage systems". The garage is clearly visible in the streetscene, most notably on approach from the south as you come round the bend in front of Old White Horse – this is the case in the approved schemes as well as the proposed. But being visible in the streetscene is different from "intruding upon" the streetscene which is inevitably a subjective judgement. My observations on the degree of intrusion are as follows. The garage has been set well down into the site, cut into the natural land level, and this means that the rising level of the adjacent road and its associated rising grass bank that leads up to the stone boundary wall, all serve to reduce the dominance of the garage in the streetscene as you pass by. The backdrop of rising land beyond, and the higher position of neighbouring Olde Church House that is visible over the top of the garage's roof, helps the garage to blend in with its setting. On approach from the north (from Creaton) the garage blends in very well with the village's built form, nestled down into its site and partially screened by the stone wall that reduces from the driveway of Olde Church House along the site's boundary with the highway. The stone boundary wall alongside the side and front of the garage is lower so offers less physical screening, but I do not feel that this lower screen makes it unacceptable in these streetscene views and I certainly don't find that it "intrudes upon" the streetscene. Lastly I note that throughout the village there are examples of buildings and garages adjacent to the street and forming part of the streetscene and giving a sense of enclosure. So even if this garage is found to add enclosure to the streetscene this is not out of character for the village.

- 8.12 Staying with guideline 7 in relation to drainage, the applicant has advised that the whole area enclosed by the garage, the garden retaining walls, the side entrance of Old White Horse and the highway is to be hard surfaced in permeable material and aco drains are also to be incorporated to intercept any overland flow (as this is a sloping site). This could be ensured by condition.
- 8.13 Overall I find that the garage as now proposed (and as currently built on site) blends in with its backdrop, integrates with its setting and so is acceptable in terms of its impact on the character of the village and streetscene in line with SCLP policy ENV10(iii) and (v) and the guidelines in the Village Design Statement.

Neighbour amenity

- 8.14 I have noted the Parish Council's request on earlier applications that the garage ridge be no higher than the top of the neighbours fence. However in terms of the tests for planning conditions, this would not have been a reasonable restriction to impose so it was not imposed as a planning condition on the earlier consents.
- 8.15 Because the garage is actually set down significantly into the natural land level it is significantly lower than the higher land level of neighbouring Olde Church House. It is consequently only the top section of the garage roof that can be seen from the neighbouring property. I have been able to observe on site that

the private views enjoyed by residents of Olde Church House are interrupted by the top part of the garage's roof, which is visible over their boundary fence. However the impact on these private view is not a planning consideration that can be given any weight. It is beyond the remit of the planning system to seek to protect an individual property's private view.

- 8.16 The separation distance of the roof's ridge from the neighbouring property and boundary, together with the fact that the roof slopes away from the neighbouring property and boundary, is such that there would be no possible overbearing or closing in impact, and little to no impact on daylighting to the neighbours property.
- 8.17 There are no other properties near enough to the proposal to be directly affected.
- 8.18 Overall the impact on neighbour amenity is considered acceptable and in line with ENV10(A)(viii).

Access and highways

- 8.19 The hardstanding that will be formed in the area framed by the garage, the garden retaining wall, the side of Old White Horse and the highway is more than sufficient to provide off-road parking for three cars (as per the Highways standard for a property of this size). Additional parking space will also be created in the new garage.
- 8.20 The site access would be unaltered and would give access to the garage via the above mentioned hardstanding within the plot. There will be no adverse impact on highway safety.

Use of the garage

- 8.21 As mentioned in representations, and in line with the condition imposed on the two previous consents, a condition is recommended to ensure that the use of the garage, workshop and home office remains ancillary and is not used as a separate dwelling or an independent business unit.

9 FINANCIAL CONSIDERATIONS

- 9.1 The floorspace created by the proposal is below the threshold that would trigger liability for payment of CIL.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 Whilst the principle of a detached garage and workshop has been established, the current application seeks to regularise the as-built structure which does not accord with the previously approved plans in relation to its position within the site and its external dimensions.

10.2 The planning system does allow for development to be regularised by way of retrospective planning permission. All such applications should be treated no differently to any other application and on their merits as if the development had not taken place. The fact that this application is retrospective cannot be a material consideration.

10.3 The overall design and general appearance of the proposal has previously been found to be acceptable under previous consents and the applicant has agreed to withdraw his initial proposal to increase the ridge height to 5m. The increase in the eaves height that is now proposed is relatively modest and does not detract from the approved scheme so significantly to warrant refusal. Equally the re-positioned footprint within the site does not render the proposal unacceptable in its context. The impact on the streetscene has been considered in detail alongside the guidelines in the Village Design Statement, and found to be acceptable. There is no significant increase in the impact on neighbour amenity in respect of overlooking or overbearing.

10.4 Approval of the current proposed scheme will facilitate an acceptable compromise that will resolve a difficult situation that has been at an impasse for many months. To enable the build to finally be completed and finished with render, as originally proposed, will be a benefit to the whole village as it is inevitable that a half-finished development creates a bit of a blot on the landscape.

11. RECOMMENDATION / CONDITIONS AND REASONS

11.1 The proposed development is recommended for approval subject to conditions.

11.2 As a S73 amendment results in a new planning consent in its own right, it is necessary to consider the previously imposed conditions and to carry forward any that remain relevant to the revised scheme, as well as adding any new conditions that may be necessary.

11.3 Regarding condition 1, the time period for implementation cannot be extended by a S73 application, so the original commencement deadline remains - in this case the development has already commenced in time so the permission remains extant.

11.4 Condition 2 will be updated to list the new plan references.

11.5 Condition 3 regarding materials and 4 regarding the restriction to ancillary use will be carried forward as these remain relevant.

11.6 An additional condition is proposed regarding the permeable surfacing for the hardstanding.

11.7 A full list of all the recommended conditions and reasons is given below.

CONDITIONS

- 1. The development hereby permitted shall be begun before 10 August 2023, that date being three years from the date of the original consent.**
- 2. The development hereby permitted shall be carried out in accordance with drawings B101-1rev5 received 20/10/2021 and B102rev3 valid 10/9/2021.**
- 3. The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those to be used in the alterations to the existing dwelling.**
- 4. The garage and workshop hereby permitted shall not be occupied at any other time other than for purposes ancillary to the residential use of the dwelling known as Old White Horse, Creton Road, Teeton NN6 8LH.**
- 5. Prior to the first use of the garage, workshop and office hereby approved, the open area within the site that is framed by the garage, the retaining wall for the garden, the side elevation of the main house and the public highway, shall be surfaced with permeable hard-surfacing and set aside permanently for the parking and turning of vehicles.**

REASONS

- 1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).**
- 2. To ensure development is in accordance with the agreed amendments and to enable the Local Planning Authority to consider the impact of any changes to the approved plans.**
- 3. In the interests of visual amenity and to ensure that the materials are appropriate to the appearance of the dwelling.**
- 4. To clarify the terms of the permission as the application has been submitted and assessed as an ancillary building for Old White Horse.**
- 5. To ensure adequate and well drained parking and turning for the site in the interests of highway safety and sustainable development.**

NOTES

- 1. As required by Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015 (as Amended) the following statement applies:**

In dealing with this planning application the Local Planning Authority have worked with the applicant in a positive and proactive manner with a view to seeking solutions to problems arising in relation to the consideration of this planning application.