

EDC Householder Application Ref: 19/0312
 Site Address: Fell View, Mellguards, Southwaite
 Case Officer: Nicholas Unwin
 Summary of Delegated Decision: **APPROVE**

Application for Householder Development Eden Local Plan 2014-2032/Material considerations assessment	<input checked="" type="checkbox"/> Acceptable	<input checked="" type="checkbox"/> Unacceptable
Amenity impact upon existing residents (privacy, light, oppressiveness, noise etc).	<input checked="" type="checkbox"/>	
Design impact upon form and character of area.	<input checked="" type="checkbox"/>	
Scale impact upon form and character of area.	<input checked="" type="checkbox"/>	
Layout impact upon form and character of area.	<input checked="" type="checkbox"/>	
Highway safety impact.	<input checked="" type="checkbox"/>	
Drainage requirements.		
Impact upon historic environment.	<input checked="" type="checkbox"/>	
Sustainable construction and efficiency measures.		
Any other interests of acknowledged importance (list below)		

Summary	 Acceptable	 Unacceptable
<p>Having regard to the provisions of the Development Plan, in particular the Eden Local Plan policies DEV1 and DEV5, Eden Housing Supplementary Planning Document 2010 (where appropriate) and other material considerations (including the provisions of the NPPF), the development is considered to be acceptable, subject to the conditions recommended.</p>		

Any further comment;
<p>The proposal is for the demolition of existing workshop and erection of a two storey extension at Fell View, Mellguards, Southwaite.</p> <p>The proposed development is located within a small cluster of six (6) dwellings approximately 500 metres North of the settlement of Southwaite. The existing dwelling is a two storey traditional, constructed of stone and render. There is a poorly constructed single storey workshop adjoining the North-West elevation (rear) of red brick and slate roof.</p> <p>The South-West elevation of the existing dwelling is adjacent to the C1041 road with the remaining elevations adjacent to open agricultural land. There are dwellings adjacent to the opposite side of the C1041 road with the windows of Rose Cottage directly opposite the proposed development approximately 16 metres to the South-West. The existing dwelling is set at a lower elevation than the C1041 road and the dwellings to the South-West with only the first floor visible from the C1041 road.</p> <p>The proposed development would replace the existing single storey workshop with a two storey extension. The proposal utilises render and slate roof to match that of the existing dwelling. There are large Bi fold doors in the ground floor and double door balcony in the first floor of the North-East elevation overlooking open agricultural land. The North-West elevation is blank. The South-West elevation initially had a window in the ground floor and in the first floor to the bedroom. The first floor window in the South-West elevation was considered to harm the amenity of residents of Rose Cottage to the South-West. The applicant submitted amended plans with the window retained but using grade 5 obscure glazing.</p> <p>Design: Chapter 12 Achieving well-designed places of the NPPF states that good design is a key aspect of sustainable development and that new developments should function well within the area, are visually attractive and sympathetic to local character, history and existing built environment. This is supported by Policy DEV5 of the Local Development Plan 2014-32 which states that the Council will support high quality design requiring development to show a clear understanding of the form and character of the built environment, use quality materials and protect features and characteristics of local importance.</p> <p>The proposal replaces an existing single storey workshop of a poor design and materials with a two storey extension of a much higher quality and materials. The proposal utilises similar materials to the existing traditional cottage. Modern elements such as the Bi fold door and balcony in the North-Eastern elevation ad an element of interest and permit the views to the North-East to be optimised. The</p>

proposal is additionally set at a reduced height to the existing dwelling to remain subservient and prevent the proposal from dominating the existing traditional dwelling. The proposal is therefore considered to be appropriate for its environment and a marked improvement to the existing structure.

Amenity:

Policy DEV5 of the Eden Local Plan states that development should “optimise the potential use of the site and avoids overlooking”, “protect the amenity of existing residents” and provide an “acceptable amenity for future occupiers”. This is supported by Chapter 12 Achieving well-designed places of the NPPF which states that new development should provide “a high standard of amenity for existing and future users”.

Many of the public responses received cited potential overlooking of the proposal caused by the proposed second floor bedroom window in the South-West elevation adjacent to the road. The distance between the proposal and Rose Cottage is approximately 16 metres. Within the Housing Supplementary Planning Document (Housing SPD) it states that “principal windows on a new or extended property should not be less than 21 metres from any directly facing windows in another property”. The proposed first floor window in the South-West elevation would be substantially closer than the recommended 21 metres. Discussions were had with the agent and new plans were submitted with the window utilising grade 5 obscure glazing, preventing this potential overlooking. The Housing SPD goes on to say that “a distance of 13 metres should be maintained from the main face of a dwelling to a blank gable wall”. The distance from the front elevation of Rose Cottage and the blank second floor South-West elevation (excluding the single obscure glazed window) is approximately 16 metres and therefore deemed acceptable.

Other public responses suggested that the proposal would be overbearing on Rose Cottage, however the proposed site is set at a lower elevation than the dwellings to the South-West of the road with only the first floor visible from the road and the proposed extension is at a lower elevation than the existing dwelling. Therefore the proposal is not considered to be overbearing.

Highway Authority – No objection

Parish/Town Council – No objection

Public Response – 4 letters of objection were received raising the following material planning considerations: Overlooking, overshadowing, highways impacts and design

Recommendation

That the application is granted subject to the following conditions:

Time limit for commencement

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby granted shall be carried out in accordance with the drawings hereby approved:
 - i. Application Form, dated 4 April 2019;
 - ii. Proposed Plans Rev A (19-105-02), date received 26 June 2019;
 - iii. Email confirming the use of grade 5 obscure glazing, dated 26 June 2019.

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

3. The first floor window in the South-West elevation of the proposal shall utilise grade 5 obscure glazing as stipulated within the aforementioned approved document 'Email confirming the use of grade 5 obscure glazing, dated 26 June 2019'.

Reason: In the interest of amenity.