



REFERENCE NO	PARISH/WARD	DATE RECEIVED
18/02406/APP	MENTMORE The Local Member(s) for this area is/are: - Councillor P Cooper	06/07/18
<p>SINGLE STOREY SIDE EXTENSION WITH ACCOMMODATION IN THE ROOF, GARAGE CONVERSION, ALTERATIONS TO EXISTING PORCH AND EXISTING FENESTRATION, PART DEMOLITION OF EXISTING ROOF AND REPLACEMENT WITH ALTERED ROOF CONTAINING HABITABLE ACCOMMODATION. NEW VEHICULAR ACCESS TO PUBLIC HIGHWAY AND REMOVAL OF TREES, BOUNDARY WALLS AND SINGLE STOREY EXTENSION</p> <p>OLD VICARAGE COTTAGE MENTMORE BUCKINGHAMSHIRE LU7 0QG</p> <p>FRANKS</p> <p>STREET ATLAS PAGE NO. 90</p>		

1.0 The Key Issues in determining this application are:-

- a) Impact on appearance and character of the dwellinghouse, street scene and wider area**
- b) Impact on the setting of the conservation area and listed buildings**
- c) Impact on Residential Amenity**
- d) Impact on Highways & Parking**
- e) Impact on Trees**

The recommendation is that permission be **GRANTED**, subject to conditions

Conclusion and recommendation

- 1.1 The proposal is considered to be of scale and form that respects the appearance of the existing dwelling and would not constitute overdevelopment. The proposal would have no impact on the setting of the Mentmore Conservation Area or the nearby Grade II listed buildings known as Laundry Cottages. In addition, it is considered that the new vehicular access would be an improvement to the existing arrangement and the Highways Authority is satisfied that the appropriate level of visibility can be achieved. Additionally, the proposal would satisfy the Council's SPG Parking Guidelines and would accord with the development plan policies.
- 1.2 It is therefore recommended that the application be **APPROVED** subject to the following conditions:

Conditions:

1. STC5 – Standard time condition
2. US07 – Materials as shown on forms
3. Prior to the occupation of the development the new access shall be designed/constructed in accordance with the approved plans. The access shall be constructed in accordance with; 'Buckinghamshire County Council's Guidance note, "Private Vehicular Access Within Highway Limits" 2013.
4. Prior to the occupation of the development minimum vehicular visibility splays of 43m from 2.4m back from the edge of the carriageway to the North West and a minimum vehicular visibility splays of 20m from 2.4m back from the edge of the carriageway to the South East of the new access shall be provided in accordance with the approved plans and the visibility splays shall be kept clear from any obstruction between 0.6m and 2.0m above ground level.
5. Within one month of the new access being brought into use the existing access shall be permanently closed and stopped up in accordance with, the approved plans. For the avoidance of doubt the applicants will be required to enter into a S184 Agreement with the Highway Authority in order to comply with the requirements of this condition.
6. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
7. The rooflights hereby permitted shall be flush fitting and shall not be glazed or reglazed other than with non-reflective glass.
8. The landscaping scheme as shown on drawing number OVC 01 shall be carried out no later than the first planting season following the completion of the development.
9. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged

or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reasons:

1. RE03 – To comply with Town and Country Planning Act and Section 51 of Planning and Compulsory Purchase Act.
2. RE11 – Satisfactory appearance
3. In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and accord with GP24 of the Aylesbury Vale District Local Plan.
4. To provide adequate visibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.
5. In order to minimise danger, obstruction and inconvenience to users of the highway and of the development and accord with GP24 of the Aylesbury Vale District Local Plan.
6. To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and accord with GP24 of the Aylesbury Vale District Local Plan.
7. To ensure a satisfactory appearance to the development and to comply with policy GP35 and GP53 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.
8. To ensure a satisfactory appearance to the development and to comply with policy GP9 and GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.
9. To ensure a satisfactory appearance to the development and to comply with policy GP9 and GP35 of Aylesbury Vale District Local Plan and the National Planning Policy Framework.

INFORMATIVES

1. The applicant is advised that the off site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Development Management at the following address for information:-

Highways Development Management
6th Floor, New County Offices

Walton Street, Aylesbury,

Buckinghamshire

HP20 1UY

Telephone 01296 395000

2. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
4. The presence of European protected species, such as bats, is a material consideration in the planning process and the potential impacts that a proposed development may have on them should be considered at all stages of the process. Occasionally European protected species, such as bats, can be found during the course of development even when the site appears unlikely to support them. The applicant is advised to soft strip the roof tiles by hand and in the unlikely event that bats are discovered it is advised that the developer stops work immediately and seeks the advice of the local authority ecologist and/or the relevant statutory nature conservation organisation (e.g. Natural England). Developers should note that it is a criminal offence to deliberately kill, injure or capture bats, or to deliberately disturb them or to damage or destroy their breeding sites and resting places (roosts). Further works may require a licence to proceed and failure to stop may result in prosecution.

WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, the agent was informed of the issues arising from the proposal and given the opportunity to submit amendments/additional information in order to address those issues prior to determination. The agent responded by submitting amended plans/additional information which were found to be acceptable so the application has been approved.

2.0 INTRODUCTION

2.1 Mentmore Parish Council raised material planning objections to the scheme and indicated that they wish to speak at committee.

3.0 SITE LOCATION AND DESCRIPTION

3.1 The application site relates to a detached dwelling fronting the public highway on the edge of the Mentmore Conservation Area. The dwelling is a three bedroom property with accommodation at first floor level. The dwelling has previously been extended to the rear and side, the previous extension to the north of the dwelling has been demolished. The dwelling is constructed in a mixture of brick, the single storey rear extension is finished in a darker red brick than the main building. The dwelling is characterised with a tiled gable roof and a gable projection forming the front elevation of the property.

3.2 The property is currently accessed from the highway to the south of the site, leading to an area of hardstanding. The dwelling benefits from an attached garage located to the south of the property.

3.3 The western boundary is marked by a brick wall, which lays adjacent to the highway. The northern boundary is marked by an approximately 1m high metal railing. There is a brick wall along the southern boundary, there is some vegetation along the eastern boundary of the site. The land falls from the west to east.

3.4 The dwelling is surrounded by open countryside to the north, the Old Vicarage and its gardens to the east/south and the public highway to the west. Opposite the dwelling, on the other side of the highway lays the Grade II listed terraced properties known as Laundry Cottages.

3.5 The application site falls within the Quinton Wing Hills Area of Attractive Landscape.

4.0 PROPOSAL

4.1 The application seeks full planning permission for a single storey side extension with accommodation in the roof, garage conversion and alterations to the existing porch, roof and fenestration. The proposal includes a new vehicular access to public highway.

4.2 The single storey side extension would be located to the north of the dwelling and would project 4.6m from the northern elevation of the dwelling, and would attach to the current single storey rear extension. The extension will have an eaves height of 2.8m and a ridge height of 6.1m. The side extension will include accommodation in the roof.

4.3 The alteration to the front porch includes the addition of ground floor space. This extension would project 1.7m from the front of the dwelling and will measure 4m in width.

- 4.4 The roof of the existing single storey rear extension would be altered to include accommodation. A dormer window will be located on the northern elevation of this extension. As part of this scheme the roof of the extension will be removed and replaced with a roof pitch to match the original dwelling.
- 4.5 There will be new openings on the west, north and eastern elevation of the dwelling.
- 4.6 The dwelling would be finished partly in brick to match the original building, and white render on the rear and northern elevation.

5.0 RELEVANT PLANNING HISTORY

- 5.1 86/01613/APP - Alterations and extensions – Approved

6.0 PARISH/TOWN COUNCIL COMMENTS

- 6.1 Mentmore Parish Council have objected to this application.
- 6.2 The full comments received from Mentmore Parish Council are appended to this report and a summary of their comments is provided below:

- Support the renovation of the building
- Increase in bedrooms (Overdevelopment)
- Parking provision
- Access (Highway safety)
- Unsympathetic development
- Impact on Conservation Area and nearby listed buildings
- Supporting documentation is misleading
- Impact to the Old Vicarage
- Development would be highly visible
- Concerns over level of development without obtaining permission

7.0 CONSULTATION RESPONSES

- 7.1 Ecology – no evidence of protected species or habitats. It is considered that there is not sufficient reasonable likelihood of bats roosting under roof slates and tiles to trigger a survey. It is recommended that an informative is applied to any decision so that the applicant can take appropriate measures should bats or evidence of their presence be discovered during removal of roof tiles.
- 7.2 Buckingham and River Ouzel Drainage Board – No Comment

7.3 Heritage – The proposals would preserve the character and appearance of the conservation area and the setting of nearby listed buildings. The development therefore complies with Section 66 and Section 72 of the Act. The proposal would cause no harm to the significance of the heritage assets. The application should be approved subject to conditions.

7.4 Trees – No Objections, subject to conditions

7.5 BCC Highways – The amendments made are considered to be a betterment to the existing situation, therefore, the Highway Authority has no objections subject to conditions.

7.6 AVDC Highways – Suggested conditions

8.0 REPRESENTATIONS

8.1 Two representations have been received, objecting this application for the following reasons:

- Old Vicarage Cottage is in need of renovation
- Lack of parking
- The new access point will be hazardous and unsightly
- Overdevelopment and therefore detrimental to the well maintained village of Mentmore and the local residents
- Lack of subservience to the Old Vicarage Coach House
- The change from a two bedroom property to four is significant
- Inadequate boundary treatment
- Loss of privacy/over looking
- Loss of enjoyment to occupants of the Old Vicarage (In accordance with Human Rights Act)
- Unsympathetic development
- Inaccuracies with submitted information/drawings
- Inadequate planting scheme
- The proposed white render would appear out of place in the Conservation Area

9.0 EVALUATION

a) Impact on appearance and character of the dwellinghouse, street scene and wider area

- 9.1 Policy GP.9 of the AVDLP states that proposals for extensions to dwellings will be permitted where they protect character of outlook, access to natural light and privacy for people who live nearby; respect the appearance of the dwelling and its setting and other buildings in the locality; and accord with published Supplementary Planning Guidance on residential extensions and the other policies of the development plan.
- 9.2 Policy GP.35 requires that developments respect and complement the physical characteristics of the site and its surroundings, the building tradition of the locality, and the scale and context of the setting, the natural qualities and features of the area and effect of the development on important public views and skylines.
- 9.3 Section 12 of the NPPF sets out the principles for achieving well designed places.
- 9.4 The proposed developments would be visible in the street scene and from the public right of way located to the north west of the site, route MEN/3/1.
- 9.5 The proposed scheme includes the addition of a single storey side extension which will be located towards the north of the dwelling, infilling a current space between the main building and the single storey rear extension. The proposal includes the alteration of the roof over the existing rear extension to create further accommodation at first floor level. The side extension will satisfactorily integrate into the host dwelling and would not appear to overwhelm the original building or the plot itself. The AVDC design guide on residential extensions suggests that new ridge lines which are set lower than the original will be generally preferred. The side extension will be set in line with the main ridge line and would not be set down. Although the extension would not be set down it is considered that the proposal continues to respect the roof pitch and design of the original and therefore would not appear out of place when viewed from the surrounding area.
- 9.6 Concerns have been raised in relation to the overdevelopment and unsympathetic development of the scheme. The dwelling will be increasing in footprint through the addition of the side extension, it is considered that the addition of this extension would not overwhelm the existing dwelling or the plot itself. The number of bedrooms will be increased as a result of this development, however, the enlarged dwelling would not appear cramped within its setting.
- 9.7 The local area is a mix of varying styles and ages of dwellings, the scheme would alter the appearance of the host dwelling when viewed from the surrounding area. It is considered that the alterations are modest and the changes would not be unsympathetic to the building itself or the area in general.

- 9.8 The extensions will be constructed in materials to match the main building and would be of a scale and design which would appear to be in keeping with the original character and appearance of the dwelling. The rear and northern elevation of the dwellinghouse will be partly finished in white render, it is considered that the addition of this render would not appear unduly prominent when viewed from the public realm.
- 9.9 Policy RA.8 of the AVDLP states that development proposals in areas of attractive landscape should respect their landscape character. Developments that adversely affect this character will not be permitted, unless appropriate mitigation measures can be secured.
- 9.10 The application site falls within the Quainton Wing Hills Area of Attractive Landscape. Due to the nature of the proposal and the relatively built up nature of the surroundings, it is considered that the proposal would not negatively impact the AAL.
- 9.11 In summary the proposal is considered to be of a scale and design that respects the character and appearance of the existing dwelling and does not overwhelm it. In addition is considered that the proposal would not appear overly prominent within the streetscene or the locality in general. The proposals are therefore considered to comply with GP9, GP35 & RA8 of the AVDLP, the Council's Design Guide Residential Extensions and NPPF.

b) *Impact on the setting of the conservation area and listed buildings*

- 9.10 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be.
- 9.11 Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities to give special attention to the desirability of preserving or enhancing the character and appearance of that area.
- 9.13 Policy GP.53 of the AVDLP seeks to preserve or enhance the special characteristics that led to the designation of the area. Proposals for development will not be permitted if they cause harm to the character or appearance of the Conservation Area, their settings or any associate views of or from the Conservation Area. Proposals for extensions must respect

and complement the character, materials and design details of the structure, the site concerned and its neighbours.

- 9.14 The application site is located on the northern edge of the village on the edge of the Mentmore Conservation Area, the Grade II listed buildings known as Laundry Cottages are located to the west of the site, on the opposite side of the road, which are designated heritage assets.
- 9.15 The scheme includes elements of existing brickwork remaining exposed, therefore helping to retain its original character. It is recognised that to the rear and side of the dwelling some areas will be rendered, this approach is welcomed and will not negatively impact on the setting of the Conservation Area. The proposal includes the removal of the existing iron stone chimney breast which is a later addition to the dwellinghouse. Whilst it is acknowledged that this may be considered a link to the adjacent dwelling, known as Old Vicarage, the stones of the chimney are different in their form and therefore inconsistent with the flatter stones of the Old Vicarage.
- 9.16 It is considered that the scale and design of the alteration and replacement extension is appropriate for the site and the Conservation Area. The development would not be highly visible in any important viewpoints indicated by the Mentmore Conservation Area Documents.
- 9.17 To the west of the application site is the former Lodge Laundry which is Grade II listed and now comprises three properties. It is considered that due to the road dividing these and the host dwelling it is considered that the proposal will not have a negative impact on the setting of these listed buildings.
- 9.18 Special attention has been paid to the statutory test of preserving or enhancing the character or appearance of the conservation area under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and to the statutory test of preserving the setting of the listed building under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, which are accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the conservation area and that the setting of the listed building would be preserved and so the proposal accords with section 66 & 72 of the Act. In addition, no harm would be caused to the significance of the heritage asset, and as such the proposal accords with guidance contained within the NPPF and GP53 of the AVDLP.

c) *Impact on Residential Amenity*

- 9.19 Policy GP8 of the AVDLP states that planning permission will not be granted where the proposed development would unreasonably harm any aspect of the amenity of nearby residents when considered against the benefits arising from the proposal.
- 9.20 The proposal will introduce new openings at ground and first floor level on the west, north and eastern elevation of the dwellinghouse. Some existing windows/doors will be replaced or removed. The alteration of the front porch will add a new window which will be located on the front elevation of the property, the side extension will include a new window in the same elevation. These openings will face onto the frontage of the application site, beyond this the highway. There are no concerns with loss of privacy to any nearby dwellings as a result of these windows.
- 9.21 The north elevation will include new windows at both ground and first floor level, these windows will face out onto the northern boundary of the site. To the north of the site lies open fields. The addition of these windows will cause no loss of amenity to any nearby properties.
- 9.22 Representations have been received from the neighbouring dwelling to the south, Old Vicarage, raising concerns over loss of privacy as a result of the scheme. The rear elevation will include the addition of a window at first floor level which will face onto the shared boundary with the neighbouring dwelling. The property will be set in from this boundary by approximately 6.2m. The outlook from this window will be of part of the rear garden of the Old Vicarage, with a similar view to the existing windows located on the rear of the original dwelling. Although it is noted that this opening will be located in closer proximity to the shared boundary it is not considered that the view into this area of the neighbouring dwelling will cause a detrimental harm to the privacy of this occupier.
- 9.23 Due to the relationship of the host dwelling with the surrounding properties there would be no undue loss of light, loss of outlook or over bearing impact as a result of the scheme.
- 9.24 No other properties will be unduly affected as a result of this proposed development and the proposal would accord with policies GP8 and GP9 of AVDLP.

d) Impact on Highways & Parking

- 9.25 AVDLP policy GP24 and the councils SPG Parking Guidelines stipulates that, for dwellings with four bedrooms, there should be three parking bays provided within the curtilage of the dwelling. These spaces must be, at minimum, 2.4m in width and 4.8m in depth.
- 9.26 The proposal involves the alteration of roof space in the rear extension to create an additional bedroom, thereby increasing the number of bedrooms from three to four. The proposal also includes a garage conversion, which will lead to the loss of one parking

space. The agent has demonstrated that three parking spaces of the required dimensions will be created within the curtilage of the dwelling through the creation of hardstanding to the front of the dwelling. This is a matter which can be secured by a condition.

- 9.27 The scheme will change the current access to the dwelling, which will now be located towards the north of the site. The application has received amended plans of which have removed the entrance gates, and altered the boundary wall heights, therefore overcoming original highway safety concerns over the conflict in turning and manoeuvring into the site. The amended drawing also shows the maximum achievable visibility splays, it is noted that the required level of visibility to the North West is achievable. The visibility splays to the South East are considered a betterment to the existing situation where a significantly lower level of visibility is achievable. The appropriate visibility can be secured by way of condition. The boundary wall on the western elevation has been reduced to 0.6m to ensure the maximum level of visibility can be achieved. This amendment has been shown on the proposed site plan, and therefore a condition is not required.
- 9.28 As such, the proposed development is considered to accord with ADVLP policy GP.24 and the Councils SPG Parking Guidelines and the NPPF.

e) *Impact on Trees*

- 9.29 There are five trees in the garden area of the dwelling. Two Box Elder (category C), one Purple Plum (category C), one Cherry (Category U) and one Lawson Cypress (category B). As part of this application 2 individual trees will be removed (Cherry tree and Lawson Cypress), these are located on the western and eastern edge of the site. The main impact of this proposal is the loss of the Lawson Cypress tree, the proposed landscaping scheme does not offer the same level of amenity/visual impact as the current tree. However, it is considered that given the sites constraints a similar tree would not be easily incorporated into the site. Representations have been received raising concerns over a the planning scheme submitted with this application, the loss of the Lawson Cypress located on the western boundary of the dwelling, will provide a lessened screening from the highway. However, it is considered that that the tree is not worthy of a tree preservation order and that the submitted planning scheme provides adequate screening from the highway and surrounding dwellings and accord with AVDLP policies GP38 and GP39.

APPENDIX –

APPENDIX 1 – Mentmore Parish Council Comments

While the Parish Council wholeheartedly supports the renovation of this building and its grounds, it must not be at the cost of overdevelopment in this sensitive part of the conservation area. Therefore the Parish Council OBJECTS to the planning application on the grounds of overdevelopment, insufficient parking allocation, dangerous road access and unsympathetic development within the conservation area.

The design and access statement repeatedly maintains that it is currently a three bedroom property which is misleading. The sales documents clearly show the existing property has two bedrooms with a bathroom upstairs and they are adding two rooms upstairs. Change from 2 to 4 is obviously a more significant jump than 3 to 4.

The design and access statement also misleads as to how many parking spaces are currently available and the ability to turn a vehicle. The existing access provides for at least 3 vehicles perhaps 4 and there is sufficient space currently for a vehicle to turn and not have to reverse onto the road. The design and access statement is misleading in that regard

The design and access statement mentions only one car will be able to turn within the site but the plans show two parking spaces, this is not entirely clear. Regardless, one or even two spaces for a 4 bed dwelling is obviously an insufficient parking allocation. AVDC's own rules state that for a 4 bedroom dwelling 3 spaces must be provided within the curtilage of the building. Given the rural location, with no shops or public transport (the nearest bus stop is 3 miles away), this property will rely entirely on private cars. There is no on-road parking in that area of the village.

The proposal is to take away two covered spaces and given the existence of the conservation area and the adjacent listed buildings, forcing parked cars into the open should not be encouraged.

Given no on-road parking availability, visitor parking should be taken into consideration at this property. There should be no parking in the vision splay of the road opposite, which is private anyway. (Rule 243 of the highway code clearly states that you may not park "opposite or within 10 metres (32 feet) of a junction").

The relocation of the entrance is dangerous, it moves it closer to the bend and despite the assurances in the design and access statement, vehicles will almost certainly be reversing out of the property onto the bend where either the reversing vehicle or the traffic on the road will be unsighted. Although it is a 30m ph zone we can provide evidence to show 85th percentile speeds are much higher (42mph) on approach to that corner. It is worth noting that permission was denied to make the Laundry Cottage road into an access point for Mentmore Towers as the junction was considered too dangerous.

Because it is being proposed to double the number of bedrooms and not allowing enough space for suitable and sympathetic parking this should be regarded as over development of the site. This is quite a sensitive part of the conservation area, it is surrounded by listed buildings in the form of the Laundry Cottages, the Church and Church Cottage. It is immediately adjacent to the architecturally significant Old Vicarage and the important Rosebery Stable yard all of which have been carefully preserved. We should insist that English Heritage be consulted even though this property is itself not listed. It was once the Coach House of the Old Vicarage, within its curtilage and was only separated by sale. It should be treated as if it were still within the curtilage of that building.

It is highly visible on the approach to the village from the Foot Path MEN/3/1, part of the Aylesbury Outer Ring. The new parking arrangements will place the parked cars in full view from the path. The Parish Council is alarmed that so much work was carried out on this property without any planning or conservation area consent being sought. We appreciate the actions taken by Environmental Health and Planning Enforcement to stop the work but this was not before extensive harm had been done. We understand significant alterations to walls and hedges were made without permission and has diminished neighbouring properties privacy and amenity. Any application should be taken with regard to how the property was before these unlawful alterations were made.

Should the officer be minded to approve this application we would like to request to speak at committee.