



Report to Buckinghamshire Council – (North Team) Planning Committee

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| Application Number: | 23/00246/APP |
| Proposal: | Householder application for demolition of conservatory and erection of single storey rear extension |
| Site location: | The Stud House, Ledburn Road, Mentmore, Buckinghamshire, LU7 0QE |
| Applicant: | Mr and Mrs Brazier |
| Case Officer: | Shelley Ghazi |
| Ward affected: | IVINGHOE |
| Parish-Town Council: | MENTMORE |
| Valid date: | 26 January 2023 |
| Determination date: | 21 April 2023 |
| Recommendation: | Permission be GRANTED subject to conditions |

1.0 Summary & Recommendation

2.0 Description of Proposed Development

- 2.1. The Stud House is a detached house with 'M-plan' gabled form and gabled side extension with triple garage. The dwellinghouse is set back from the road with garden to the front and rear of the property. The dwelling has been identified as a non-designated heritage asset (NDHA) and described as a late nineteenth century stud farm manager's house.
- 2.2. Its significance as a NDHA derives from being part of a group of model farms built in the mid-late C19 and the Stud manager's house for adjacent Manor Farm (now Howell Hill Close). The original house is encased in later extensions. There are estate railings along the road frontage with relatively ornate iron gate on decorative cast iron gate piers accessing a short brick-paved path.
- 2.3. This application seeks planning permission for the demolition of the existing conservatory and erection of single storey rear extension with materials to match existing. The existing conservatory is thermally unsuitable for its intended use and of an age requiring replacement. The proposal is to alter and extend the ground floor with a single storey addition that does not project further than the existing conservatory with a similar ridge height.

2.4. The application is accompanied by:

- 334-PD01-P1- proposed site plan and location plan
- 334-PD02-P1- proposed plans and elevations
- MB-SURV-SH-FE-001-A3 Rear Elevation
- MB-SURV-SH-GF-001-A3 Ground Floor
- MB-SURV-SH-LSE-001-A3 Left Side Elevation
- MB-SURV-SH-RE-001-A3 Rear Elevation
- MB-SURV-SH-RSE-001-A3 Right Side Elevation
- MB-SURV-SH-TS-001-A1 Topographical Survey
- Design And Access Statement
- Ecology And Trees Checklist

3.0 Relevant Planning History

Reference: 76/01276/AV Development: Extension and alterations

Decision: Approved Decision Date: 14 October 1976

Reference: 83/00837/AV Development: EXTENSION AND GARAGE

Decision: Approved Decision Date: 4 August 1983

Reference: 92/01305/APP Development: TRIPLE GARAGE

Decision: Approved Decision Date: 16 September 1992

Reference: 94/00855/APP Development: SITE FOR DWELLING

Decision: Refused. Decision Date: 4 August 1994

Reference: 22/02948/APP Development: Householder application for proposed installation of a ground mounted solar panel array

Decision: Withdrawn Decision Date: 27 September 2022

Officer note: application withdrawn due to it being the incorrect application type. Subsequent full application was submitted and is pending consideration under application reference: 22/03262/APP

Reference: 22/03262/APP Development: Installation of ground mounted solar panels

Decision: Pending consideration

3.1 The development has been screened under the Environmental Impact Assessment Regulations and the local planning authority has concluded that an environmental impact assessment will not be required in this case.

4.0 Representations

No representations have been received at the time this report was being written.

5.0 Policy Considerations and Evaluation

The Development Plan

Vale of Aylesbury Local Plan (VALP), adopted 15th September 2021

- Policy BE1 Heritage Assets
- Policy BE2 Design of New Development
- Policy BE3 Protection of Amenity of Residents
- Policy T6 Vehicle parking
- Policy NE1 Biodiversity and Geodiversity
- Policy NE4 Landscape character and locally important landscape
- Policy NE8 Trees, hedgerows and woodlands

Buckinghamshire Minerals and Waste Local Plan, adopted 19th July 2019

Policy 1 – Safeguarding Mineral Resources. (Officer note: The site is not situated within a Mineral Safeguarding Area and therefore does not require further consideration against Policy 1 of the Buckinghamshire Minerals and Waste Local Plan)

Neighbourhood Plan

No made or emerging neighbourhood plan for Mentmore

Design Advice Leaflets & Guidance Notes

Residential Extensions
Conservation Area Appraisal

National Policy

National Planning Policy Framework 2021
National Planning Policy Guidance

6.0. Principle and Location of Development

6.1 National and local planning policy aims to achieve sustainable development. Residential extensions that follow good design and that do not unreasonably harm any aspect for existing and future residents are supported in principle. In this case additional policy areas as detailed below, were considered and found to meet the principle of sustainable development.

Raising the quality of place making and design

6.2. Policy BE2 ‘Design of New Development’ of the VALP states all new development proposals shall respect and complement the following criteria:

- a. the physical characteristics of the site and its surroundings, including the scale and context of the site and its setting
- b. the local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials
- c. the natural qualities and features of the area, and
- d. the effect on important public views and skylines.

- 6.3. Policy NE4 'Landscape character and locally important landscape' of the VALP is also relevant due to the location of the site within the Quainton-Wing Hills Area of Attractive Landscape (AAL).
- 6.4. The application seeks permission for demolition of the existing conservatory and erection of a single storey rear extension. The existing conservatory is not considered to be of merit and therefore no objections are raised with regard to its removal.
- 6.5. The proposed extension would have a similar footprint to the conservatory it replaces, being of very similar depth but slightly wider. The proposed extension would form a modest addition that would be subservient to the existing dwelling and in keeping with the scale and character of the existing dwelling. The proposed windows to the extension would match those on the first floor in terms of size and style and the exterior walls would be constructed of brick to match the finish of the walls to the host dwelling. Based on the design and materials the extension would be in keeping with the existing property.
- 6.6. Due to the proposed use of materials for the extension to match those of the existing dwellinghouse, the position of the extension to the rear of the dwelling and the subservient scale of the extension, the proposal would appear as a modest addition, in keeping with the existing dwellinghouse. Whilst great weight is given to conserving the significance of the Area of Attractive Landscape, for the reasons set out above, it is considered the proposal would retain the character of the landscape and would conserve the significance of the Area of Attractive Landscape. The proposal is therefore considered to accord with Policies BE2 and NE4 of the Vale of Aylesbury Local Plan, section 12 of the National Planning Policy Framework and sections C1, I1 and I2 of the National Design Guide.

Amenity of existing and future residents

- 6.7. Policy BE3 'Protection of the amenity of residents' of the VALP sets out that development should protect the amenity of existing residents and achieve a satisfactory level of amenity for future residents.
- 6.8. Due to the siting of the proposed extension to the rear of the dwellinghouse, the single storey design and the significant degree of separation from any neighbouring properties, the proposed extension would not impact the privacy of adjoining properties.
- 6.9. The proposed extension would also positively contribute to the amenity of occupiers of the dwelling.
- 6.10. The proposed development therefore accords with Policy BE3 of the Vale of Aylesbury Local Plan and paragraph 130 f) of the National Planning Policy Framework.

Transport matters and parking

- 6.11. Policy T6 'Vehicle Parking' of the VALP outlines that all development must provide an appropriate level of car parking in accordance with the parking standards set out in Appendix B.
- 6.12. In this instance, the proposed extension would occupy a similar footprint the existing conservatory to the rear of the dwelling and would not impact the existing parking spaces.

The proposed rear extension would not result in any additional bedrooms and therefore would not increase the demand for parking spaces. The existing parking arrangement would therefore remain acceptable in line with Policy T6 of the Vale of Aylesbury Local Plan.

Ecology

- 6.13. Policy NE1 'Biodiversity and Geodiversity' of the VALP seeks to protect and enhance biodiversity including protected species.
- 6.14. The application site is within a red impact risk zone for Great Crested Newts. The Council's Newt Officer was therefore consulted and raised no concerns but requested that an informative be added to any decision to provide advice in case any newts are encountered.
- 6.15. Subject to an informative being added, the proposal is considered acceptable with regards to ecology impacts and would accord with Policy NE1 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework in this regard.

Historic environment (or Conservation Area or Listed Building Issues)

- 6.16. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Policy BE1 'Heritage Assets' of the VALP highlights that proposals for development shall contribute to heritage values and the impact must be assessed in proportion to the significance of the heritage asset. The policy outlines "All development, including new buildings, alterations, extensions, changes of use and demolitions, should seek to conserve heritage assets in a manner appropriate to their significance, including their setting, and seek enhancement wherever possible".
- 6.17. The dwelling is identified as a Non-Designated Heritage Asset and is situated within Mentmore Conservation Area. Approximately 60metres south/south east of the site is Mentmore Towers Grade II* listed Historic Park and Garden.
- 6.18. The Council's Heritage Team was consulted and has advised that as the proposed rear extension would not be visible from the road within Mentmore Conservation Area or from the nearby Mentmore Towers Registered Park and Garden, the proposal would not negatively impact the character and appearance of the Conservation Area or the setting of the Registered Park and Garden. The proposal would therefore have a neutral impact on the significance of the Conservation Area and the setting of the Grade II* Park and Garden.
- 6.19. With regard to the impact on the host dwelling itself, which is a NDHA, as the proposal seeks to replace the modern conservatory which has no historic significance and given the replacement extension is only a small enlargement to the existing footprint of the conservatory, the proposed development would have a neutral impact on the NDHA.
- 6.20. Great weight has been given the conserving the significance of the designated heritage assets and in this instance, the proposed development would have a neutral impact on designated heritage assets and a neutral impact on the special interest of The Stud House as a non-designate heritage asset. The proposal would therefore conserve the significance of the heritage assets and is therefore considered acceptable and would accord with Policy

BE1 of the Vale of Aylesbury Local Plan and chapter 16 of the National Planning Policy Framework.

Archaeology

- 6.21. Policy BE1 'Heritage Assets' of the VALP also seeks to preserve archaeological assets.
- 6.22. The application site lies adjacent to an Archaeological Notification Area for medieval earthworks. The Council's Archaeology Team were therefore consulted and advised no objections to the proposal as the proposed extension is unlikely to substantially harm the archaeological significance of any assets. The proposal is therefore considered acceptable and would accord with Policy BE1 of the Vale of Aylesbury Local Plan and chapter 16 of the National Planning Policy Framework.

Trees

- 6.23. Policy NE8 'Trees, hedgerows and woodlands' of the VALP seeks to prevent the loss of or damage to trees, hedgerows or woodlands that make an important contribution to the character and amenities of the area.
- 6.24. There are a number of trees within the application site which are afforded protection by virtue of their location within the Conservation Area. The Council's Trees Team were therefore consulted on the application and have advised that whilst the proposed plans indicate that there are no existing trees directly impacted by the construction/demolition, there may be a need for some crown-lifting if access is required for delivery of skips/materials etc. There is however ample space for delivery of materials, contractor parking etc.
- 6.25. The imposition of a condition is therefore recommended to require details of any necessary crown lifting to be submitted to and approved in writing by the Local Planning Authority, such to prevent accidental damage or over-lifting of the trees. Subject to the imposition of conditions, the proposed development is therefore considered acceptable with regards to the impact on trees and would accord with Policy NE8 of the Vale of Aylesbury Local Plan.

7.0 Weighing and balancing of issues / Overall Assessment

- 7.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 7.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 7.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.4 The application has been considered with regards to the adopted Development Plan and it is concluded that the development is acceptable in terms of its design, impact on heritage assets, residential amenity, parking provision, ecology and trees and would comply with Policies BE1, BE2, BE3, NE1, NE4, NE8 and T6 of the Vale of Aylesbury Local Plan and the National Planning Policy Framework and the National Design Guide.
- 7.5 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.
- 7.6 Human Rights Act 1998: There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

8.0 Working with the applicant / agent

- 8.1 In accordance with paragraphs 38 and 39 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 8.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 8.3 During the consultation process the Heritage Officer recommended that the roof lantern to the proposed extension be revised to be flush fitting or reduced in height so it does not sit awkwardly in front of the rear first floor windows. The agent responded that this was not

possible due to new building regulations an insulated up-stand is required to improve the thermal performance of roof lights and roof lanterns and highlighted its importance for controlling condensation and mould.

- 8.4 In this instance whilst the recommendation from the Heritage Officer has been noted it is noted that request was made such to achieve an improved design solution, and that the Heritage Officer did not raise an objection to the design as proposed. In addition, Officers appreciate the building regulation requirements mean that this request cannot be accommodated in this instance. Taking this into account, Officers consider that overall, the proposed design is acceptable and the application is recommended for approval as submitted.

9.0 Recommendation

Recommendation: It is recommended that planning permission be GRANTED, subject to the following conditions, reasons and informatives:

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

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the details contained in the planning application hereby approved and drawing numbers as received by the Local Planning Authority on 25 January 2023:

334-PD01-P1- proposed site plan and location plan

334-PD02-P1- proposed plans and elevations

MB-SURV-SH-FE-001-A3 Rear Elevation

MB-SURV-SH-GF-001-A3 Ground Floor

MB-SURV-SH-LSE-001-A3 Left Side Elevation

MB-SURV-SH-RE-001-A3 Rear Elevation

MB-SURV-SH-RSE-001-A3 Right Side Elevation

and in accordance with any other conditions imposed by this planning application.

Reason: For the avoidance of doubt and to ensure that the details of the works are acceptable to the Local Planning Authority.

3. The materials used in the external construction of the development hereby approved shall match those of the existing building in terms of type, size, colour and texture.

Reason: To ensure a satisfactory appearance to the development and to comply with Policies BE2 of the Vale of Aylesbury Local Plan, Section 12 of the National Planning Policy Framework (2021), and Section's C1, C2 and I2 of the National Design Guide (2021).

4. Prior to any works to the existing trees within the site as shown on drawing '334-PD01-P1- proposed site plan and location plan' details of the works to the trees, including any crown lifting, shall have been submitted to and approved in writing by the Local Planning Authority. The works to the trees shall thereafter be carried out in accordance with the approved details. Any tree to which works are undertaken which then 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.

Reason: To maintain the health and a satisfactory appearance of the tree(s) and in the interests of the amenities of the area and to comply with policies NE4 and NE8 of the Vale of Aylesbury Local Plan.

INFORMATIVE(S):

Great Crested Newts (European Protected Species)

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Ponds, other water bodies and vegetation, such as grassland, scrub and woodland, and also brownfield sites, may support great crested newts. Where proposed activities might result in one or more of the above offences, it is possible to apply for a derogation licence from Natural England or opt into Buckinghamshire Council's District Licence. If a great crested newt is encountered during works, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

List of approved plans:

Received 25 January 2023

Plan Reference

334-PD01-P1- proposed site plan and location plan

334-PD02-P1- proposed plans and elevations

MB-SURV-SH-FE-001-A3 Rear Elevation

MB-SURV-SH-GF-001-A3 Ground Floor

MB-SURV-SH-LSE-001-A3 Left Side Elevation

MB-SURV-SH-RE-001-A3 Rear Elevation

MB-SURV-SH-RSE-001-A3 Right Side Elevation

Appendix A: Consultation Responses and Representations

Appendix B: Site Location plan

APPENDIX A: Consultation Responses and Representations

Councillor Comments

None received at the time this report was written.

Parish/Town Council Comments

Mentmore Parish Council has no comment.

Consultation Responses (Summarise)

Archaeology Officer

Comments: The nature of the proposals is such that they are unlikely to substantially harm the archaeological significance of any assets. We therefore have no objection to the proposed development and do not consider it necessary to apply a condition to safeguard archaeological interest.

Heritage Officer

Comments: The proposed rear extension will not be visible from the road within Mentmore Conservation Area or from the nearby registered park and garden, Mentmore Towers. I therefore believe the proposal will not negatively impact the special character the CA or the registered park and garden.

The applicant building has recently been listed a None Designated Heritage Asset (NDHA). The proposal is the replacement of a modern conservatory with no historic significance and the replacement extension is only a small enlargement to the existing footprint of the conservatory; therefore I believe the proposal will have a neutral impact on the NDHA. My only recommendation would be for the roof lantern to either be flush fitting or reduced in height so it does not sit awkwardly in front of the rear first floor windows.

Arboricultural Officer

Comments: The proposed plans indicate that there are no existing trees directly impacted by the construction/demolition. There may be a need for some crown-lifting if access is required for delivery of skips/materials etc. If so, it would be appropriate to request details to prevent accidental damage or over-lifting. There is ample space for delivery of materials, contractor parking etc. If required, an informative to advise that, in order to safeguard retained trees, the applicant should refer to the guidance set out in BS5837:2012

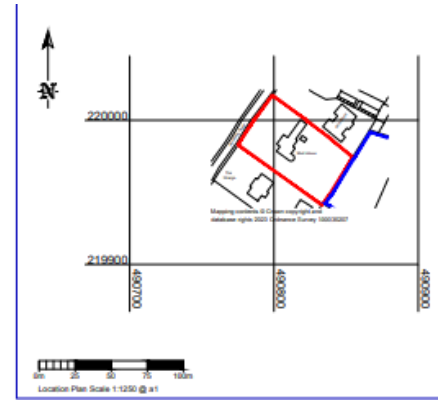
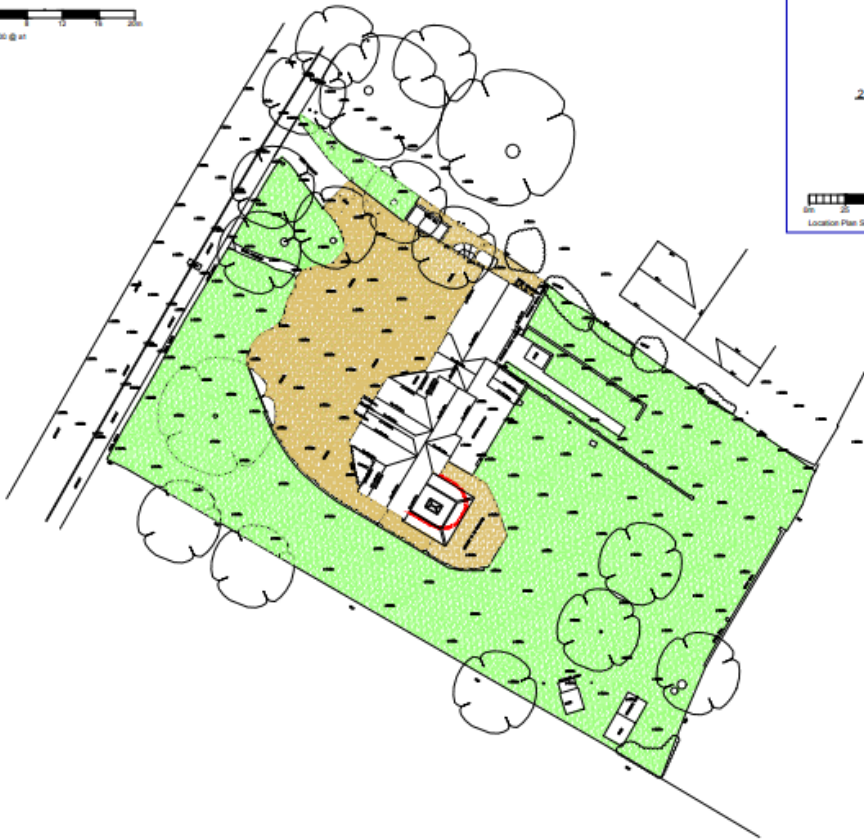
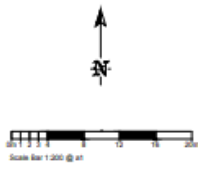
Newt Officer

Comments: No concerns for the application however, I do recommend the use of an informative.

Representations

None received at the time this report was written.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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