

**11. FULL APPLICATION – S.73 PLANNING APPLICATION FOR VARIATION OF CONDITION 2 ON NP/DDD/0419/0399 – AT ORCHARD FARM, MONSDALE LANE, PARWICH, (NP/DDD/1021/1143, SC)**

**APPLICANT: MR ROBERT ROEBUCK**

**Summary**

1. The application seeks permission to vary condition 2 (Approved Plans) of planning permission NP/DDD/0419/0399. The permission (and condition) relates in part to the construction of an outbuilding, incorporating a double garage and workshop, ancillary to the main dwelling.
2. The changes proposed are for alterations and enlargement of the building. These would include reversing the footprint of the building so that the workshop element would be closer to the main dwelling, for easier access to incoming mains electric.
3. Enlargement in length and height of the building is proposed to incorporate Solar PV panels to the roof and to create useable space above the workshop. In addition, revised door and window positioning within the elevations are proposed to respond to the other changes.
4. In this case, the proposed scheme is considered acceptable in size, design and conservation terms and therefore the variation of condition to incorporate these changes is recommended for approval, subject to the other outstanding conditions from the original decision carried over and new conditions to secure the appearance of the solar panels being imposed.

**Site and Surroundings**

5. Orchard Farm is large detached 3-storey dwelling, sited on the south side of Monsdale Lane towards the eastern edge of the village of Parwich. The building group is set within a large plot and consists of the 3-storey farmhouse with an attached 2-storey barn converted to holiday letting. Around 20 metres west of the house, currently lies a modern Dutch style barn with an attached corrugated lean-to.
6. There are two accesses to the property, both off Monsdale Lane. One serves a parking and manoeuvring area close to the Dutch style barn and the other better serves the holiday cottages to the east of the farmhouse. A public footpath runs in a predominantly east west direction along the southern boundary of the property.
7. The nearest neighbouring dwellings are High Barn and Fair Oak both sited north and on the opposite side of Monsdale Lane and Bluebell Cottage and Trevarny to the west. The property, its outbuildings and associated land are all sited within the Conservation Area of the village.

**Proposal**

8. Permission is being sought to vary condition 2 on previously approved planning application (NP/DDD/0419/0399 - *Proposed extensions to house and proposed detached garage/workshop*). In this case the permission is now extant, as the extension to the dwelling has been completed.
9. The proposed changes would include, reversing the footprint of the scheme, so the

workshop element would be closer to the main dwelling for easier access to incoming mains electric. Enlargement in length and height of the building to incorporate Solar PV panels to the roof and make available, useable space above the workshop. In addition to revised door and window positioning within the elevations.

### **RECOMMENDATION:**

- 10. That the application be APPROVED subject to repeating across all other outstanding conditions from the original decision, and including additional conditions to secure the appearance of the solar panels.**

### **Key Issues**

11. Whether the variation of the condition would result in a negative impact on the character and appearance of the host property, the Conservation Area, the privacy and amenity of neighbouring dwellings and highway safety.

### **Relevant Planning History**

12. 2019 – (NP/DDD/0419/0399) – Proposed extensions to house and proposed detached garage/workshop – Granted subject to conditions.

### **Consultations**

13. Highway Authority – *‘No highway objections to the variation of condition 2, on the basis the previous highway comments relating to the original application continue to apply’*

14. Parish Council –

*‘1. In general The Council continues to regret the loss of the historic open Dutch barn from its location in the Conservation Area. It draws the Planning Authority's attention to its previous comments to this effect. 1.2. The Council continues to consider that the replacement garage is not suited to its location as it has a negative impact on the Conservation Area in which its lies’.*

*2. ‘In particular in relation to this application the Council objects to 2.1. The proposed further enlargement of the garage as this will adversely impact its perceived mass. This is already a concern as it replaces an open structure with a solid one. 2.2. The mirroring of the garage from its currently approved location which will increase its perceived mass from the road. 2.3. Any change to construct walls adjacent to the road boundary any higher, or closer to that boundary as these would increase its perceived mass from the road. 2.4. The installation of photo voltaic panels on the garage roof which will be visible from other properties and public spaces, and out of keeping with the Conservation Area in which they would be situated. There are not believed to be any visible photovoltaic panels on the roofs of buildings in the conversation Area’.*

### **Representations**

15. Two letters of objection have been received and summarised below:

- Object to the removal of the Dutch barn as it is an important landmark in the village.
- Size of the development does not fit in with the existing landscape of the conservation area.
- The development is completely out of context with the site.
- The existing barn is important for local wildlife such as barn owls and bats.
- Proposed solar panels will be have a negative impact on the Conservation Area.

- The increased size will hamper safe access and egress for the property and increase the perceived mass from the roadside.
- Any consent granted may lead to future application for change of use to add another holiday let or the property would be separated into two dwellings and sold on.

16. Whilst the above representations and the Parish Councils concerns are observed, it should be made clear, that in considering such an application (S.73), the Planning Authority may only consider the question of the conditions and not revisit the principle of the development. In this case, as the original permission has already been implemented (with the erection of the side extension to the main house), the permission is extant and the outbuilding has consent in perpetuity to be built out as approved.

17. Consequently, the only requirement is to look at the scale and design and the potential impact of these matters on the site, the conservation area, neighbourly amenity and highway safety. Which are addressed in detail in the following body of the report.

### **National Planning Policy Framework (NPPF)**

18. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.

19. In particular Para: 176 states, that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

20. Section 16 of the revised NPPF sets out guidance for conserving the historic environment.

21. Paragraph 194 states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

22. Whilst Paragraph 199, states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

23. In the National Park, the development plan comprises the Authority's Core Strategy and the new Development Management Policies (DMP). These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.

24. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

### **Main Development Plan Policies**

#### **Core Strategy**

25. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
26. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
27. DS1 - *Development Strategy*. Supports extensions and alterations to dwellinghouses in principle, subject to a satisfactory scale, design and external appearance.
28. L3 - *Cultural Heritage assets or archaeological, architectural, artistic or historic significance*. Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. Other than in exceptional circumstances, development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.
29. CC1 - *Climate change mitigation and adaption*. Sets out that development must make the most efficient and sustainable use of land, buildings and natural resources. Development must also achieve the highest possible standards of carbon reductions and water efficiency.
30. CC2 - *Low carbon and renewable energy development*. Sets out that proposals for low carbon and renewable energy development will be encouraged provided they can be accommodated without adversely affecting landscape character or the special qualities of the National Park.

#### Development Management Policies

31. DMC3 - *Siting, Design, layout and landscaping*. Reiterates, that where developments are acceptable in principle, Policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
32. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting*. The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals
33. DMC8 - *Conservation Areas*. States, that applications for development in a Conservation Area, or for development that affects it's setting or important views into or out of the area, across or through the area should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced.
34. DMH7 - *Extensions and alterations*. States that extensions and alterations to dwellings will be permitted provided that the proposal does not detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings.

35. DMT3 - *Access and design criteria*. States amongst other things, that a safe access should be provided in a way that does not detract from the character and appearance of the locality and where possible enhances it.

### **Assessment**

36. Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that local authorities may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions.
37. Thus, it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear, that in considering such an application a Local Planning Authority may only consider the question of the conditions and not revisit the principle of the development.

### **Reasons for variation**

38. Currently condition 2 reads:
39. *'The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plans, drawing numbers 06H, 05G & 09E and subject to the following conditions or modifications.*
40. Reason: *To enable the National Park Authority to retain control over the extent of the use and to prevent any adverse effect upon the character of the area and the interests of nearby residents.*
41. The applicant wishes to make changes to the scale and external appearance of the originally approved garage/workshop outbuilding, as shown on the approved plans (condition 2) of planning consent NP/DDD/0419/0399.
42. The changes would include, reversing the garage and workshop footprint, so the workshop element would be sited closer to the main dwelling, to afford better access to incoming mains electricity.
43. There would also be required an enlargement in length and height of the outbuilding to incorporate Solar PV panels within the inner roofslopes of the building, whilst also making available, useable storage space above the workshop.

### **Enlargement & alterations to the garage/ workshop outbuilding**

44. The proposed changes in size of the building would see the approved length of the garage increased from 6.3m to 7.3m, an increase in length of 1m and the height to the ridge from 5m to 5.4m, an increase of 0.4m.
45. In addition, the garage element would be more offset within the side elevation of the workshop as opposed to a more central position as approved. The length and width of the workshop part would not alter, but the height would rise from 5.2m to 5.4m, an increase of 0.2m.

46. Whilst these changes would effectively take the side elevation of the garage closer to the road, the overall increase in massing that would come about by the relatively small increase in scale of the building, would have not have a significantly increased impact upon the character and appearance of the site or the Conservation Area than the already approved development.
47. In addition, the approved doors and windows (including rooflights) would be revised to reflect the changes. These would include having one larger door opening in the gable elevation of the workshop, with a window above to light the upper floor of the workshop.
48. Also, re-locating the approved single door from the gable of the workshop to the side elevation and re-siting a rooflight to the same elevation roofslope is proposed, to allow further natural light to the upper workshop floor.
49. These changes are considered to give a better solid to void relationship within the sides and roof elevations of the outbuilding, and are therefore considered acceptable in design terms.

#### **With regard to the Solar PV panels.**

50. Amended plans have been submitted which aside from showing the revised scale of the building, indicate the size, position and number of panels (18), which would be located on the inner roofslopes of the outbuilding away from the road – albeit they would be visible at a short distance (30m) from a public right of way, which runs to the south of the site.
51. As the outbuilding has not yet been constructed, the applicant had been advised that rather than laying the panels directly onto slates, the panels should be integrated into the fabric of the roof – as recommended in the Authority's Climate Change Supplementary Planning Document (SPD). This way they would appear flush with the roofslope, having a reduced prominence and retaining simplicity of form to the roof.
52. The applicants have agreed to this. Therefore, if permission is granted further conditions should be imposed relating to the fixing and incorporation of the panels into the roofslope, securing the frames and panels to be a dark recessive colour (black), and to require they are removed and the roof made good when they are no longer required for the purposes of micro regeneration.
53. In this way, the development would appear less intrusive on the building and consequently have less impact on the character of the locality and the village Conservation Area.
54. In this case and subject to all relevant conditions being carried out, the solar panels are acceptable in scale and design, in accordance with policies CC2, DMC3, DMC5, DMC8 & DMH7 in these respects.

#### **Potential amenity impacts**

55. The nearest neighbouring dwellings are High Barn and Fair Oak to the north and on the opposite side of Monsdale Lane and Bluebell Cottage and Trevarny to the west, all lying over 20m from the development.
56. In this case, the lane sits above the level of the main house, therefore the potential height and visual impact of the development would be less when viewed from the lane.

57. In addition, due to the siting and relatively low-key use of the garage/workshop building, this part of the development would have no adverse impact or significantly harm the residential amenity of neighbouring property or any other residential dwellings in the locality than has already existed.
58. Consequently, the amenity of neighbouring dwellings or any other dwellings in the locality would not be unduly compromised by the development; according with policies GSP3 & DMC3 in these respects.

### **Potential highway impacts**

59. The Local Highway Authority has raised no objections, subject to garage and workshop/store use remaining private and ancillary to Orchard Farm.
60. In this case the relevant condition from the previously approved scheme would be replicated in any new permission. Subsequently, the proposal would be acceptable in highway terms, according with policy DMT3 in these respects.

### **Environmental Management**

61. The proposed solar PV panels to the new garage/workshop roofs would help supply power to both the main dwelling and the garage/workshop, helping to reduce the carbon footprint of both the main house and the outbuilding. The proposed rooflights would also provide some natural light into the building, reducing the need for artificial lighting.
62. In this case, given the scale of development, the changes are sufficient to meet the requirements of Policy CC1. In addition, the proposed solar panels would have a low impact and recessive appearance that would conserve the appearance of the locality, according with policy CC2.

### **Conclusion**

63. The variation of condition 2 is acceptable for the reasons stated in the above report. Subject to this and the replication of all applicable and subsisting conditions from the original consent being carried over to any new permission, the proposal is recommended for approval.

### **Human Rights**

64. Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

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