

DEVELOPMENT MANAGEMENT COMMITTEE 20th MARCH 2023

Case No: 21/01958/FUL (FULL PLANNING APPLICATION)

Proposal: EXTENSION TO FORMER GARAGE AND USE AS A PERMANENT DWELLING,

Location: 8 GRASS YARD KIMBOLTON PE28 0HQ

Applicant: MR AND MRS JAMES HIGGINS

Grid Ref: 509774 267789

Date of Registration: 27.09.2021

Parish: KIMBOLTON

RECOMMENDATION - APPROVE

This application is referred to the Development Management Committee (DMC) because of the complex history of the site and the need to revoke an earlier planning permission (1200073FUL).

In 2007 planning permission was granted for a detached garage in the curtilage of No. 6 Grass Yard and this was subsequently built in 2007. In February 2013 planning permission was granted on appeal for the conversion and extension of an existing barn also within the curtilage to a dwelling under ref 1200073FUL. Work commenced on the conversion but stopped shortly after due to an access dispute. The permission was therefore implemented but never completed and the barn has been used as a storage building ever since.

The application currently under consideration seeks approval for the change of use of the former garage to be used as a permanent residential dwelling. The garage has previously been granted permission to be temporarily used as a residential dwelling during the construction and implementation of the barn conversion (1200073FUL).

In order to ensure that as a result of the proposal currently under consideration the site does not contain two separate private, residential dwellings, the application has been accompanied by a signed Unilateral Undertaking (dated 4th November 2021) to revoke permission 1200073FUL and reinstate its use as a barn ancillary to the main dwelling.

Section 97 of the Town and Country Planning Act 1990 states that:

- (1) If it appears to the local planning authority that it is expedient to revoke or modify—

(a) any permission (including permission in principle) to develop land granted on an application made under this Part, or

(b) any permission in principle granted by a development order, the authority may by order revoke or modify the permission to such extent as they consider expedient.

(2) In exercising their functions under subsection (1) the authority shall have regard to the development plan and to any other material considerations.

(3) The power conferred by this section may be exercised—

(a) In the case of planning permission that relates to the carrying out of building or other operations, at any time before those operations have been completed;

(4) The revocation or modification of a planning permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.

As the development of the barn has started but has not yet been completed, under section 97(1) of the Town and Country Planning Act 1990, the Council can, with the agreement of the interested parties, revoke the planning permission. Once approved it will become the 'Order' as referred to at S.97 of the Act – 'the authority may by order revoke or modify the permission to such extent as they consider expedient'. This will be done by exchange of legal letters.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The site is a long rectangular parcel of land that is accessed via Grass Yard - a private, unclassified road, which is west of High Street, Kimbolton. The site currently comprises of a barn conversion at the southern end of the site (approved under permission 1200073FUL) and an existing building that has been used as a residential dwelling on a temporary basis (permissions 15/01434/FUL and 17/00508/S73). The site is bound along western boundary by a close-boarded fence and along the eastern boundary by a brick wall.
- 1.2 The application seeks approval for the change of use of the former garage to be used as a permanent residential dwelling. The proposal also involves the erection of a single storey rear extension comprised of a flat roof, link element to a square, hipped roof element that would measure 5.6m by 5.6m with an eaves height of 2.5m and a ridge height of 5.4m. The proposed extension would be constructed of matching brick and roof tile to the existing building.
- 1.3 The application is accompanied by a Unilateral Undertaking to revoke planning permission 1200073FUL to prevent the creation of two dwellings on site.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (20th July 2021) (NPPF 2021) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2021 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'
- 2.2 The NPPF 2021 sets out the Government's planning policies for (amongst other things):
- delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - achieving well-designed, beautiful and safe places;
 - conserving and enhancing the natural, built and historic environment
- 2.3 Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website [National Guidance](#)

3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
- LP1: Amount of Development
 - LP2: Strategy for Development
 - LP5: Flood Risk
 - LP4: Contributing to Infrastructure Delivery
 - LP8: Key Service Centre
 - LP11: Design Context
 - LP12: Design Implementation
 - LP14: Amenity
 - LP15: Surface Water
 - LP16: Sustainable Travel
 - LP17: Parking Provision and Vehicle Movement
 - LP25: Housing Mix
 - LP30: Biodiversity and Geodiversity
 - LP31: Trees, Woodland, Hedges and Hedgerows
 - LP34: Heritage Assets and their Settings
- 3.2 Supplementary Planning Documents (SPD) and Guidance:
- Huntingdonshire Design Guide Supplementary Planning Document 2017
 - Developer Contributions SPD 2011
 - Huntingdonshire Landscape and Townscape SPD (2022)
 - Huntingdonshire Strategic Flood Risk Assessment (2017)
 - Cambridgeshire Flood and Water SPD 2017
 - LDF Developer Contributions SPD (2011)

- Annual Monitoring Review regarding housing land supply (2020)
- Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Kimbolton Conservation Area Character Statement

Local For full details visit the government website [Local policies](#)

4. PLANNING HISTORY

- 4.1 0701283FUL - Erection of garage/studio - Approved.
- 4.2 1200071FUL - Demolition of existing single storey garage and construction of detached double garage elsewhere on the site - Refused.
- 4.3 1200073FUL - Extension and conversion of existing barn to create a 2 bedroom single storey dwelling - Allowed on appeal.
- 4.4 15/01434/FUL - Use of garage as temporary residential accommodation for one year – Approved 22.12.15.
- 4.5 17/00508/S73 - Variation of condition 2 on application no 15/01434/FUL - To allow continued residential use of the garage until 01/05/2019 – Approved 04.05.17.

5. CONSULTATIONS

- 5.1 Kimbolton and Stonely Parish Council - Have no objections subject to the application being accompanied by a Unilateral Undertaking which limits the total number of dwellings to two.
- 5.2 Cambridgeshire County Council Highway Authority - Have no objections to the application. The application is to extend the former garage which has been used as a temporary dwelling and make it permanent. The garage has been used as a dwelling for many years and has an area for parking and turning so there will be no intensification of movements.

6. REPRESENTATIONS

- 6.1 Two representations from neighbouring properties have been received making the following comments:
- A previous planning application for the initial conversion, differed sufficiently from the structure that was actually built and for its purpose. Can we be assured that planning regulations are adhered to this time?

- This is not a single storey extension except for the link as the roof level is the same height as the original two storey conversion which has living accommodation on both floors.
- Query the need for roof lights as there are windows and French/patio doors on three sides of the proposed extension. The roof level would be a major factor in causing overshadowing and loss of privacy to our property.

Officer Response: The Agent has provided a response to the above comments stating that there is insufficient headroom with a pyramidal roof to insert a first floor. The apex of the roof would be 5.47m above ground level and would be 7.1m from the boundary with No. 47. Given the single storey nature of the proposal, it is not considered that the proposal would result in an unacceptable impact upon overshadowing or loss of privacy. The Velux roof lights on the West elevation will be conditioned to be obscure glass.

7. ASSESSMENT

- 7.1 The main issues to consider are:
- The principle of development
 - Design and visual amenity
 - Residential amenity
 - Highway safety

The Principle of the Development

- 7.2 The site is located within the settlement of Kimbolton, which the adopted Local Plan identifies as a Key Service Centre. Policy LP 8 states that a proposal for development on a site which is additional to those allocated in this plan will be supported where it is located within a built-up area of a Key Service Centre. The site is considered to be located within a built-up area, which the Local Plan identifies as distinct group of buildings that includes 30 or more homes.
- 7.3 The building in question has previously been granted permission to be temporarily used as a residential dwelling during the construction and implementation of planning permission 1200073FUL. In order to ensure that the site does not contain two separate private, residential dwellings, that would be unacceptable for other planning reasons, any planning permission granted would be accompanied by a Unilateral Undertaking to revoke permission 1200073FUL to reinstate its use as a barn.
- 7.4 As such, the principle of development is considered to be acceptable, subject to a Unilateral Undertaking and all other planning matters being addressed.

Design, Visual Amenity and Heritage

- 7.5 The Local Planning Authority is required to ensure that with respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72.
- 7.6 The site is located within the Kimbolton Conservation Area. The application seeks approval for the former garage to be used as a private residential dwelling, alongside the erection of a single storey rear extension.
- 7.7 Given the building in question has been used as a residential dwelling for a number of years on a temporary basis, the proposed permanent change of use is not considered to result in any detrimental impacts on the character of the area or the Kimbolton Conservation Area. Furthermore, the proposed dwelling would include adequate area of private rear amenity space and would benefit from the existing boundary treatment and landscaping arrangements that are considered to be acceptable for the dwelling.
- 7.8 The proposed single storey extension would extend beyond the existing rear elevation and would be made up of a flat roof link measuring 2.7m by 3.1m with a height of 2.8m connecting to a hipped, square extension that would measure 5.6m by 5.6m with an eaves height of 2.5m and a ridge height of 5.4m. The proposed extension would be subservient to the main building, both in terms of its footprint and its height. Furthermore, the proposed extension would be constructed of matching facing materials as the existing building, which would be acceptable.
- 7.9 The proposed extension includes the provision of an external chimney stack. Whilst the chimney stack would be located on the subservient element of the dwelling as opposed to the main portion of the dwelling, its introduction would be reflective of the majority of properties within the immediate vicinity and the wider Kimbolton Conservation Area, where chimney stacks are common features.
- 7.10 Therefore accords with Policies LP11, LP12 and LP34 of Huntingdonshire's Local Plan to 2036, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Sections 12 and 16 of the National Planning Policy Framework (2021) in this regard.

Residential Amenity

- 7.11 The proposed extension is not considered to result in any detrimental overbearing, overshadowing or overlooking impacts on any neighbouring residential property as it would be single

storey in height only, with the roof sloping away from the boundary - which would be approximately 2.4m away (between the site and The Manor House to the east) and 4.3m away (between the site and 47 Castle Gardens to the west).

- 7.12 The previous approval for the residential use of the garage included conditions requiring obscure glazing and restrictions on opening of the side facing first floor window and rooflights. The glass has been obscured and a restrictor fitted to the Velux roof lights in the north-east roof slope and the south-east facing gable window. The proposed Velux roof lights on the west and south elevation will be conditioned in the same manner. The relevant conditions are recommended to be re-imposed as 'compliance' conditions to ensure the retention of these measures for the duration of the use of the building as a dwelling in the interests of protecting neighbouring residential amenity.
- 7.13 It is also worth noting that as the building in question has been used as a residential dwelling for a number of years on a temporary basis, the proposed permanent change of use is not considered to result in any detrimental noise and disturbance impacts on any neighbouring residential property over and above the existing arrangement. Furthermore, any approval would be subject to a Unilateral Undertaking that would ensure that the site does not host two residential dwellings. Confirmation is being sought as to whether or not the temporary use as a dwelling secured wheeled bins for the residents and if not the Unilateral undertaking proposed would also seek the standard wheeled bin contribution for the provision of wheeled bins on site.
- 7.14 Therefore, taking the above factors into consideration, the proposal is considered to be acceptable with regard to its impact on residential amenity and therefore accords with Policy LP14 of Huntingdonshire's Local Plan to 2036 in this regard.

Highway Safety

- 7.15 Officer's note that the temporary two-year duration sought for the continued residential use of the building was to allow the vehicular access through Grass Yard to be formalised. It is understood that the owner of Manor House has now granted a vehicular right of way across Grass Yard for access. CCC Highways have been consulted on the application and have stated that an area for parking and turning is already present on the site and offer no objection.
- 7.16 The proposed extension would be located to the rear of the property and would not impact the parking or turning provision. Furthermore, as any approval would be accompanied by a Unilateral Undertaking to ensure there is only one dwelling within the site, the proposal would not constitute an intensification of the existing access.

7.17 Therefore, the proposal is considered acceptable in terms of its impact on highway safety and therefore accords with Policy LP17 of Huntingdonshire's Local Plan to 2036 and Section 9 of the National Planning Policy Framework in this regard.

Conclusion

7.18 The proposed development is considered to be compliant with the relevant national and local policy as it is:

*Acceptable in principle

And it:

* Is of an appropriate scale and design;

* Would preserve the character and appearance of the Kimbolton Conservation Area;

* Would not have a significantly detrimental impact upon the amenity of neighbours;

*Would not be detrimental to highway safety in the locality;

*There are no other material planning considerations which lead to the conclusion that the proposal is unacceptable.

7.19 Taking national and local planning policies into account, and having regard for all relevant material considerations, it is recommended that planning permission be granted, subject to a Unilateral Undertaking and the imposition of appropriate conditions.

8. RECOMMENDATION - APPROVAL subject to a Unilateral Undertaking to revoke the previous planning consent and potentially wheeled bins and subject to conditions to include the following

- Standard time limit
- Approved plans
- Submission of specific details of proposed external materials to be to be approved
- Retention of parking and turning
- Obscure glazing to some windows, and restrictor openings
- Submission of details of proposed hard and soft landscaping schemes to be approved
- Submission of details and provision of a biodiversity method statement to be approved
- Submission of cycle storage details
- Compliance of the development with the optional building regulation for water efficiency
- Barn use to remain ancillary to dwelling

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CONTACT OFFICER:

Enquiries about this report to **Carry Murphy Development Management Team Leader (South)**

carry.murphy@huntingdonshire.gov.uk

From: clerk@kimboltonandstonely-pc.gov.uk
To: [Niamh McMenamin](#)
Subject: RE: 21/01958/HHFUL 8 Grass Yard, Kimbolton
Date: 20 December 2021 13:00:22
Attachments: [image001.png](#)

Dear Niamh,

My apologies for creating confusion by not being clear as to my Council's wishes.

Essentially, they have no objection to the application subject to a unilateral undertaking being provided which limits the total number of dwellings to two.

Regards

Lionel Thatcher
Clerk to the Council

From: Niamh McMenamin <Niamh.McMenamin@huntingdonshire.gov.uk>
Sent: 16 December 2021 09:37
To: clerk@kimboltonandstonely-pc.gov.uk
Subject: 21/01958/HHFUL 8 Grass Yard, Kimbolton

Good Morning,

I am writing in relation to the above application.

I did ask the agent to clarify matters following comments from the Parish Council -

*I wanted to alert to you comments from the Parish Council -
We have a major concern that this development, if permitted, could ultimately result in an application to change the new dwelling into a dwelling which is entirely separate from 8 Grass Yard. Providing the applicant gives a **unilateral agreement signed before planning approval is given** that this will not happen, we would have no objection. Should this not happen, then the application should be refused.*

Will the proposed permanent dwelling continue to be solely associated with 8 Grass Yard and not a dwelling in its own right?

Agent Response:

No the property is a dwelling in its own right and has been since the pp in 2016(?). The UU which accompanies the application revokes the pp for the conversion of the building at the bottom of the garden. As such there will only be one dwelling on the land if pp is granted.

Suffice to say my client is not prepared to enter into a UU to the effect that the dwelling is ancillary to no. 8.

Can I please ask if the Parish Council are recommending the application for approval or refusal?

Kind regards,

Niamh McMenamin
Development Management Officer

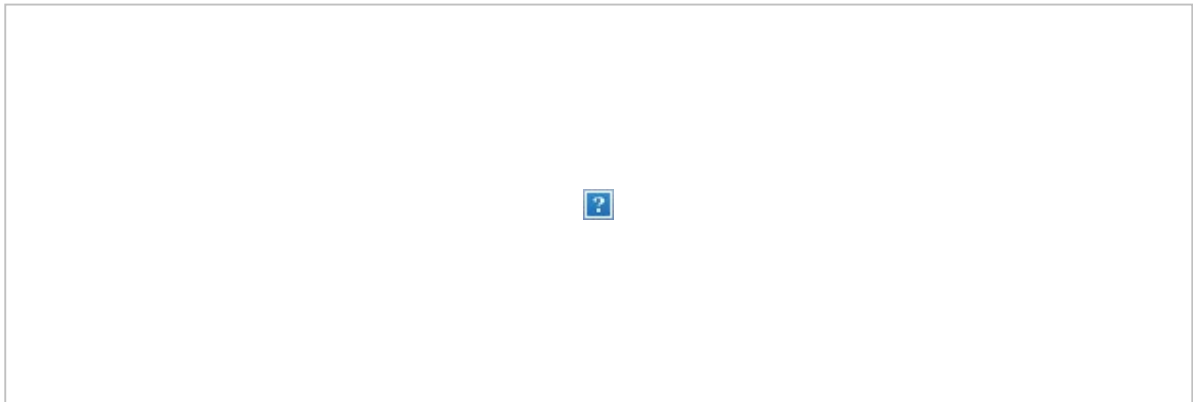
Development Services
Corporate Delivery
Huntingdonshire District Council
Pathfinder House, St Marys Street
Huntingdon
PE29 3TN



✉ Niamh.McMenamin@huntingdonshire.gov.uk

Please visit the Planning Pages of our new website at <http://www.huntingdonshire.gov.uk/planning> for all planning related enquiries, including full details of the pre-application services we are providing.

Any comments represent the informal opinion of an officer of Huntingdonshire District Council. These comments are made without prejudice to any eventual determination through the planning process.



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Development Management Committee



Scale = 1:2,500

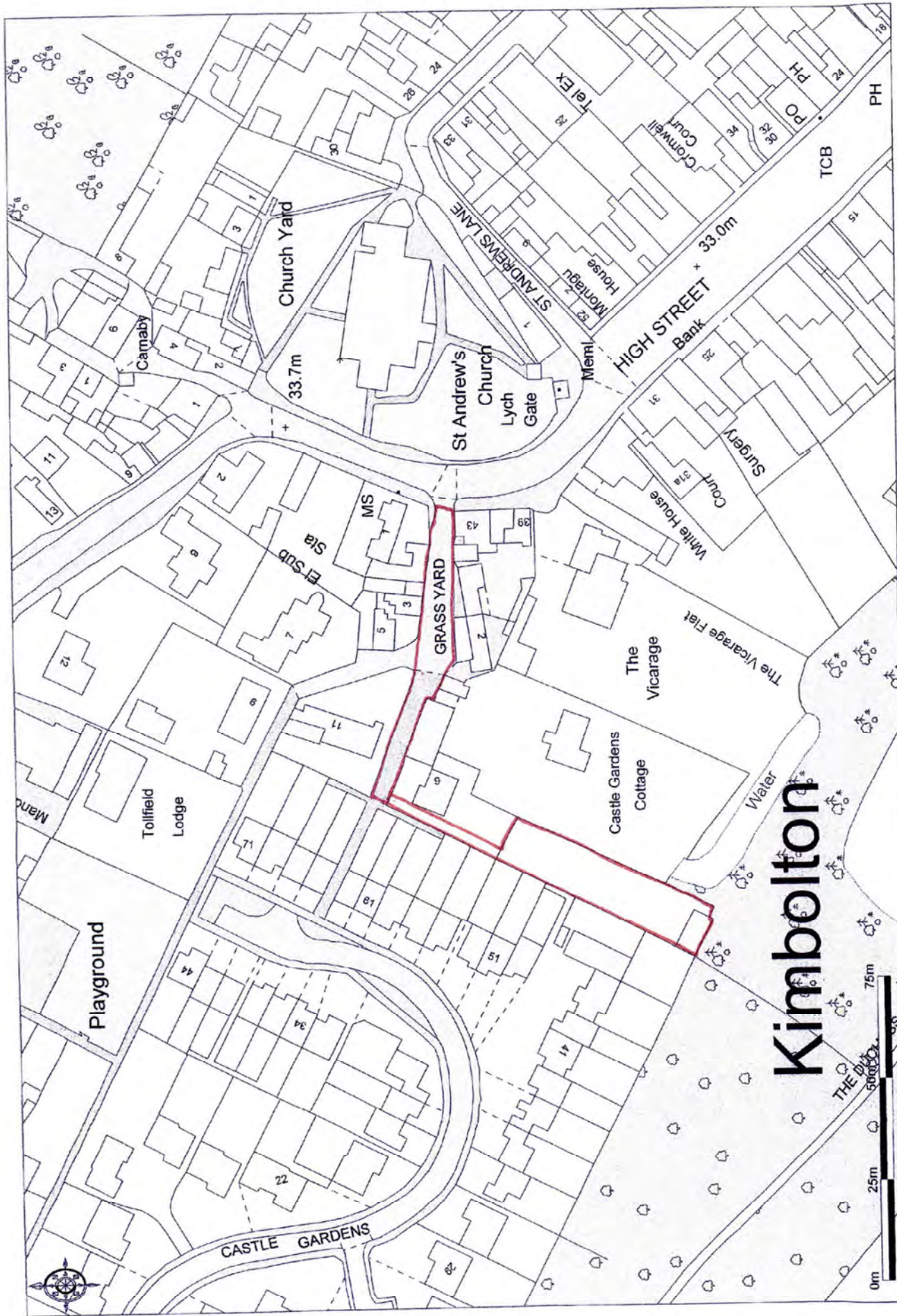
Application Ref: 21/01958/FUL

Date Created: 03/03/2023

Location: Kimbolton

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Ordnance Survey HDC 100022322





Kimbolton

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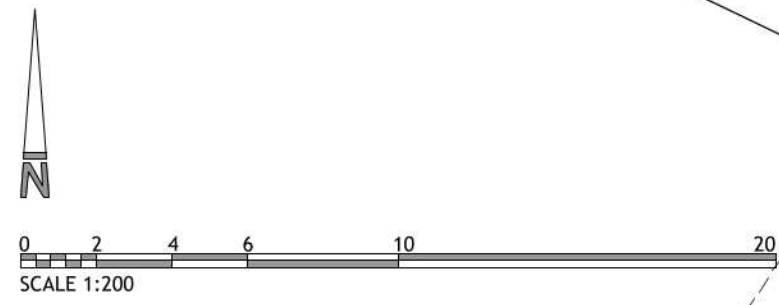


NOTES

- Contractors must check all dimensions on site. Only figured dimensions are to be worked from. Discrepancies must be reported to the Architect or Engineer before proceeding.
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KEY

- Existing planting beds
- Patio
- Lawn



REV	DESCRIPTION	DRN	CHD	DATE
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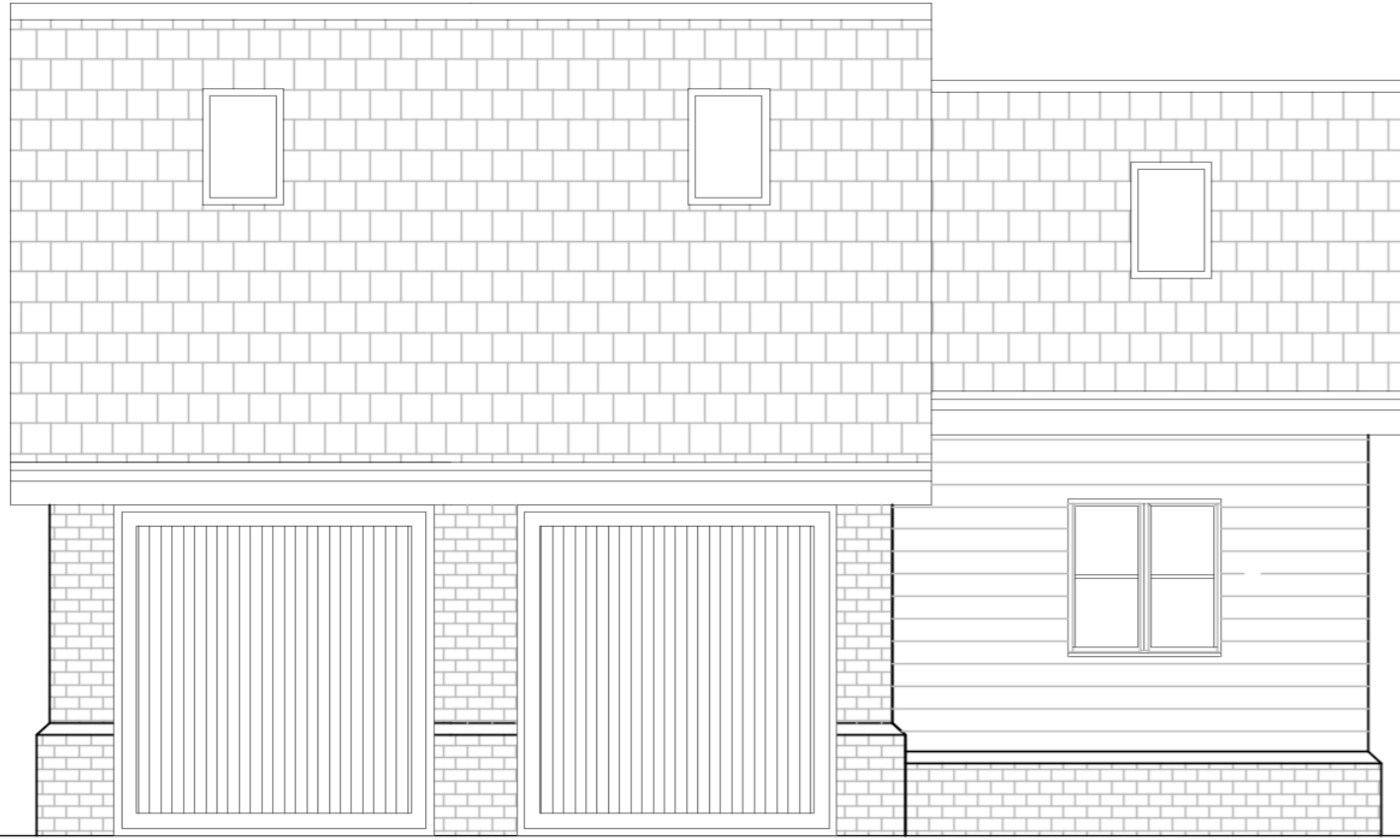
Proposed barn conversion & extension implemented consent No. 1200073/FUL to be rescinded

NOTES

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MATERIAL KEY

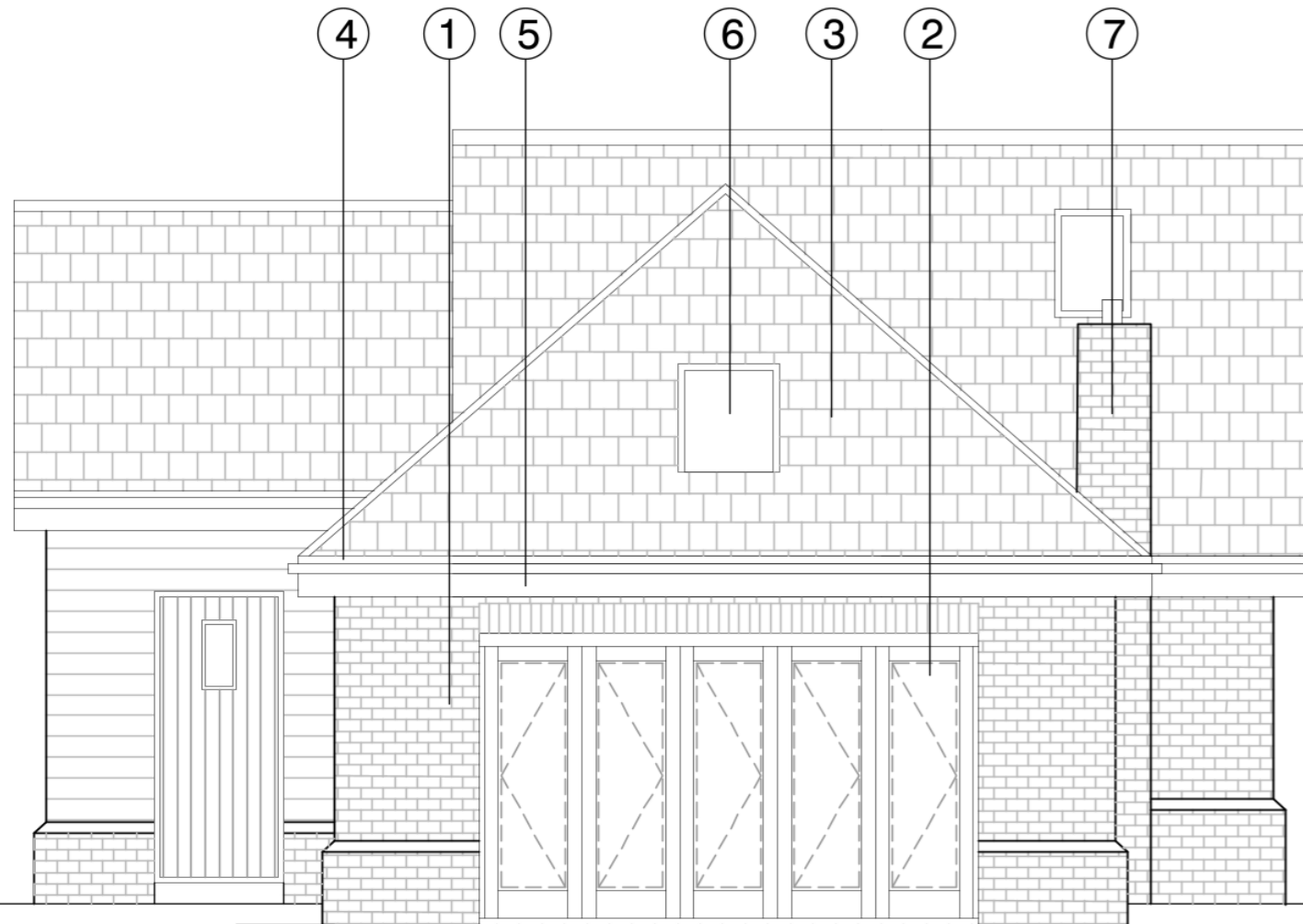
- Red brickwork blend to match existing
- White uPVC windows & doors to match existing
- Slate roof to match existing
- Black uPVC rainwater goods
- White uPVC soffit / fascia
- Rooflight dark grey
- Brick chimney



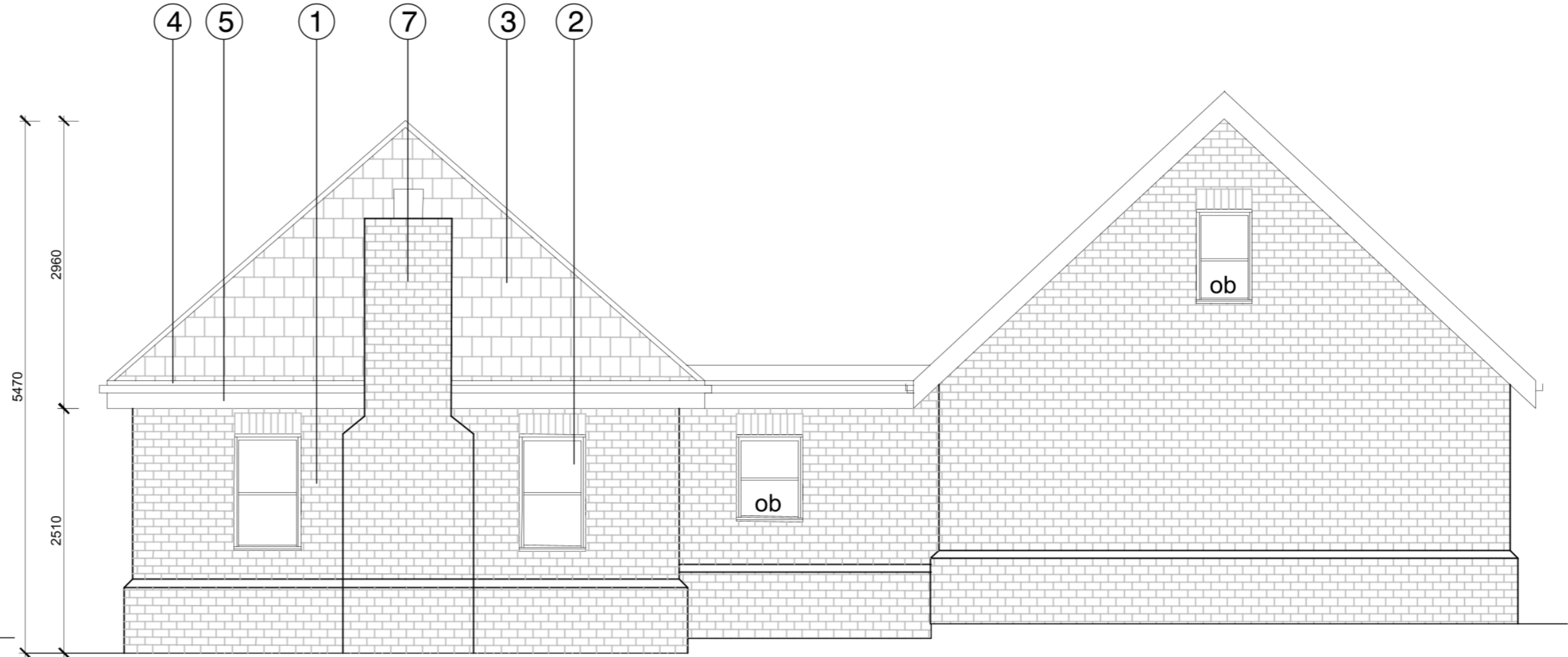
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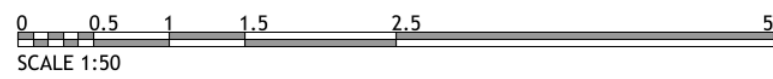
SIDE - WEST



REAR - SOUTH



SIDE - EAST



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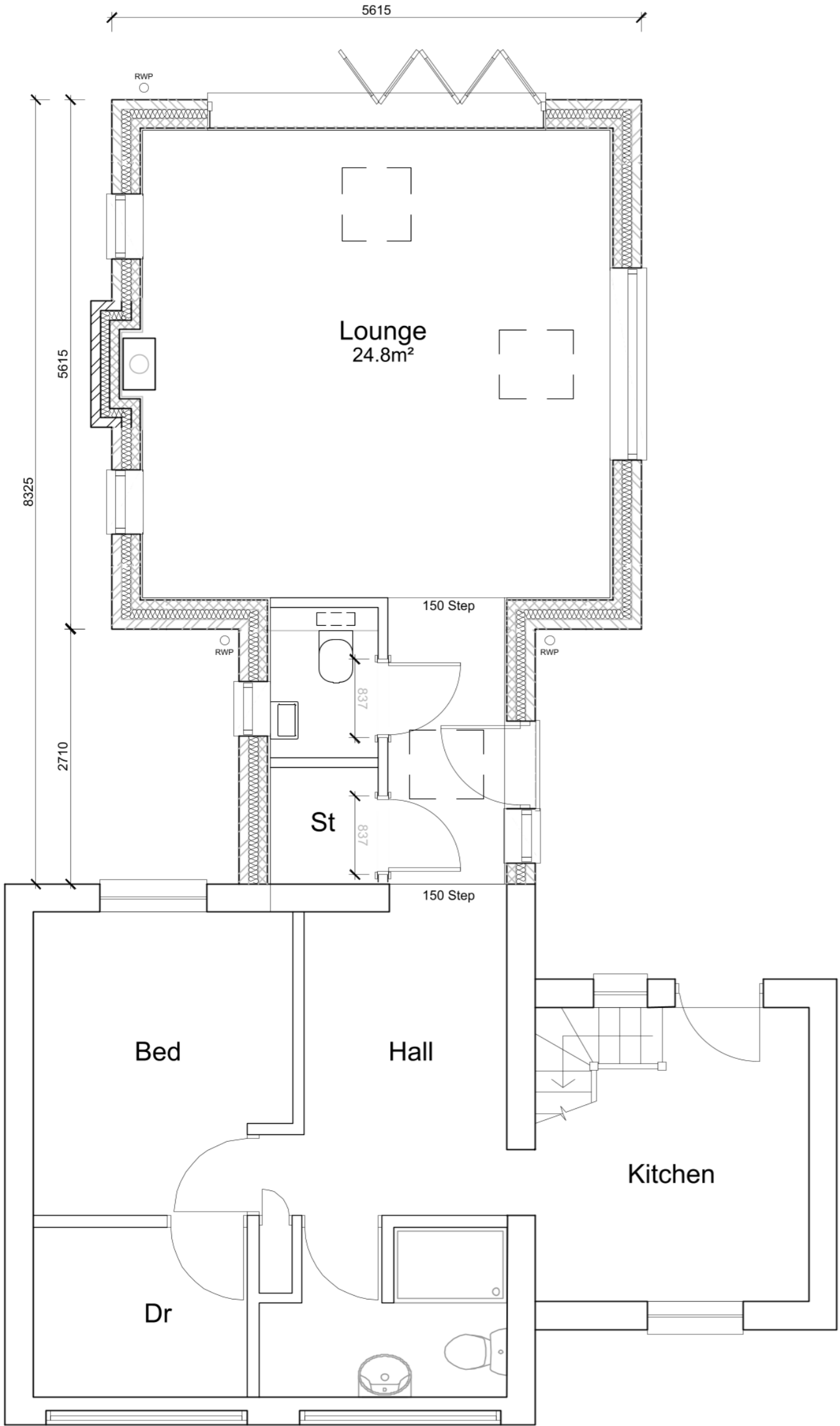
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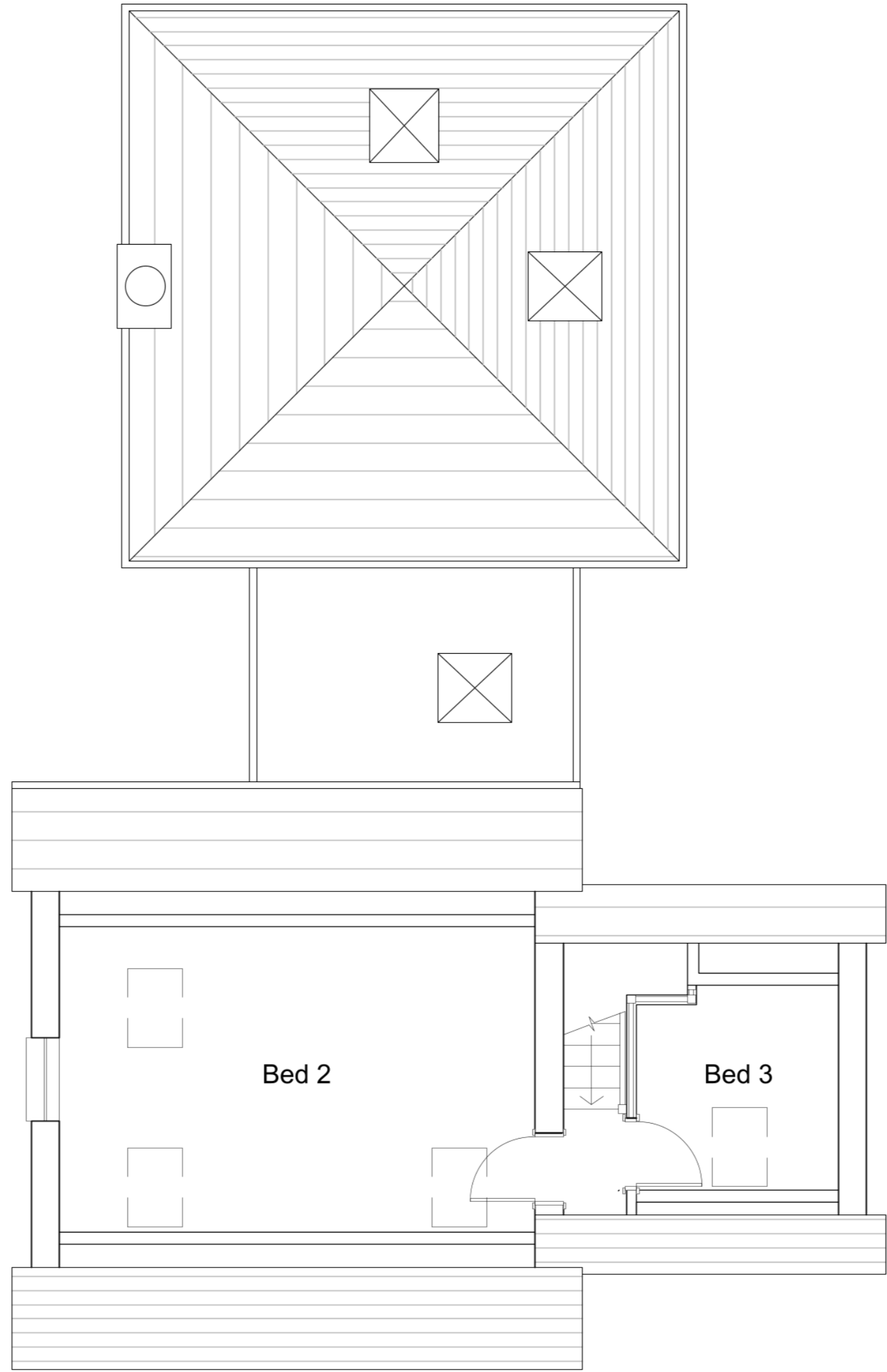
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DETAILS	PROPOSED ELEVATIONS
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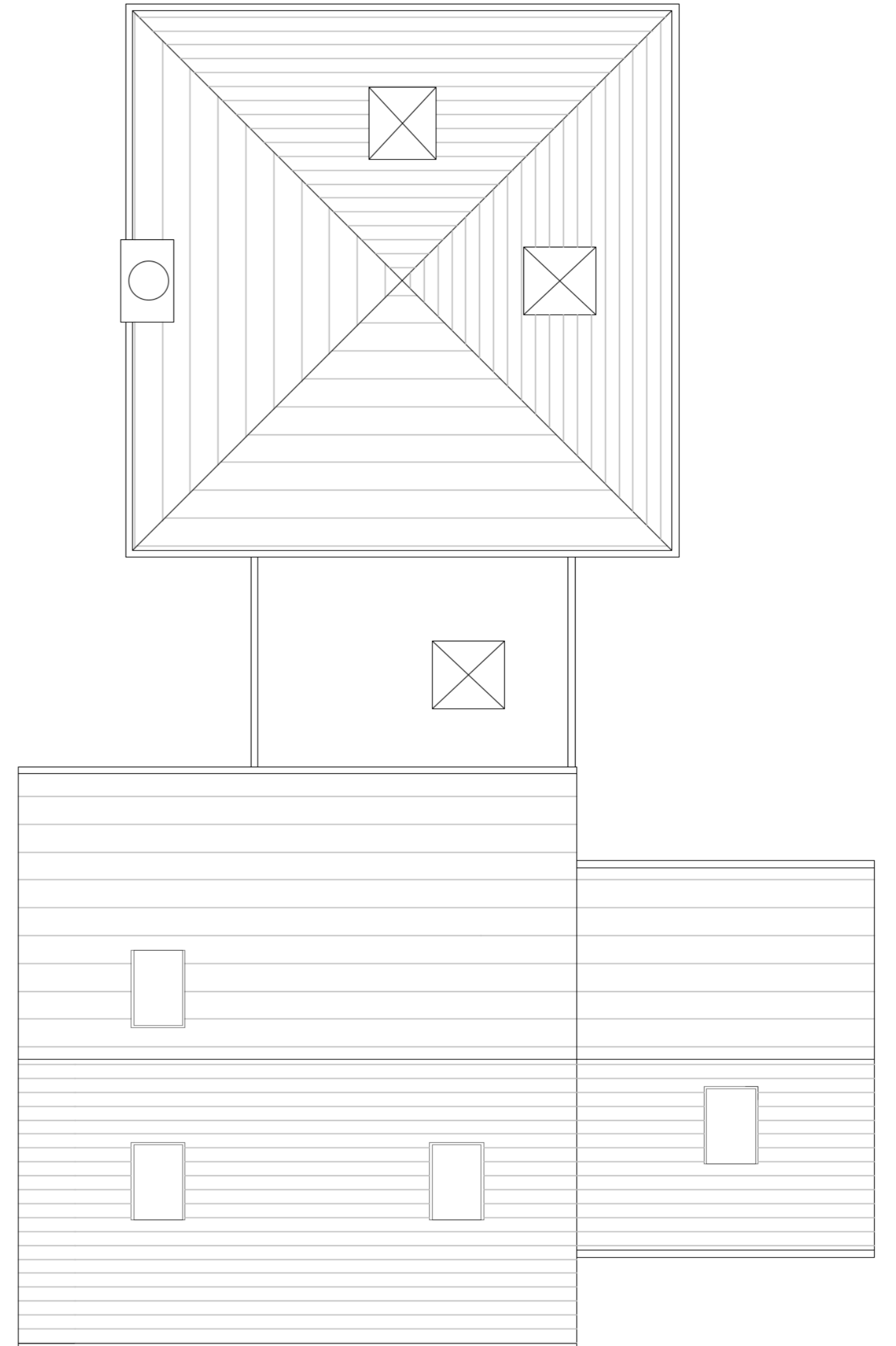
NOTES
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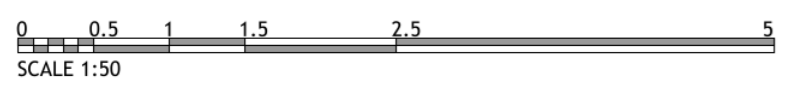
Ground Floor
68.2m²



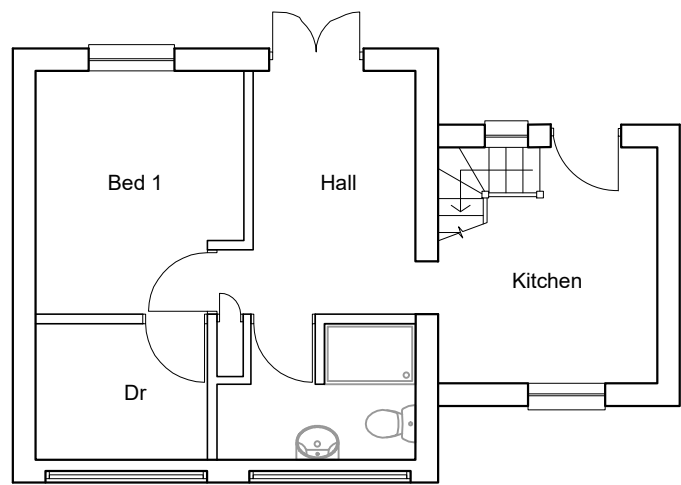
First Floor
23.4m²



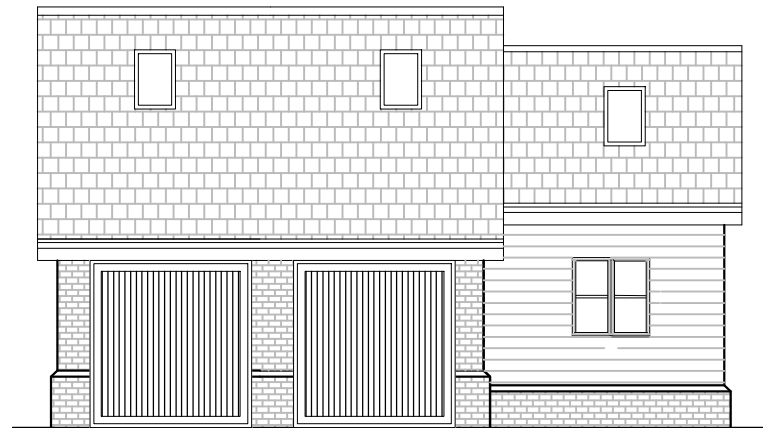
Roof Plan



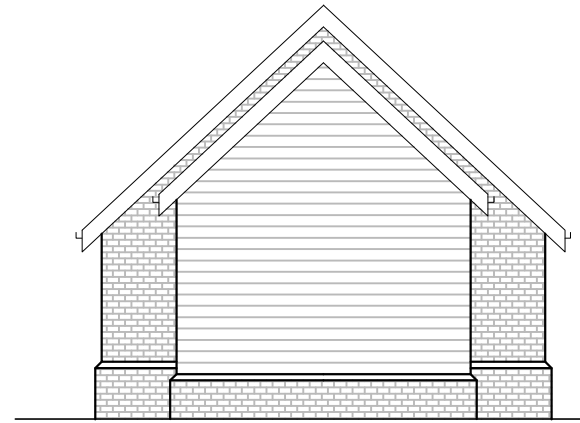
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DETAILS	PROPOSED PLANS			



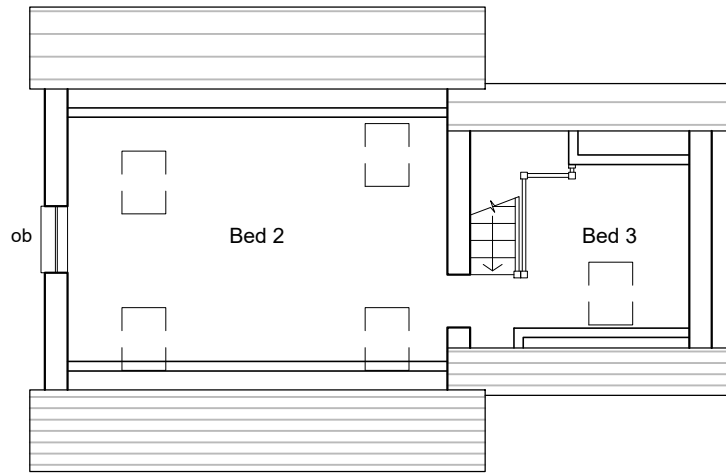
Ground Floor
35.1m²



FRONT - NORTH



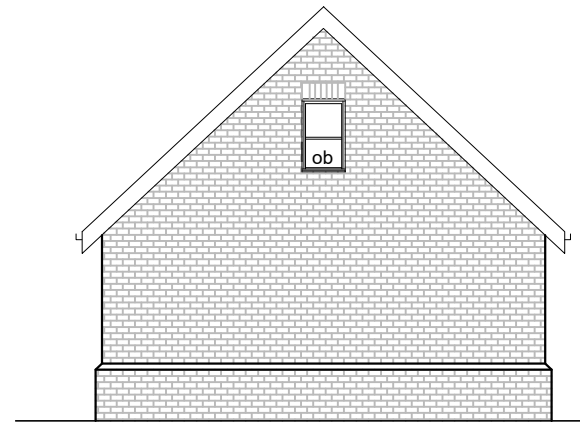
SIDE - WEST



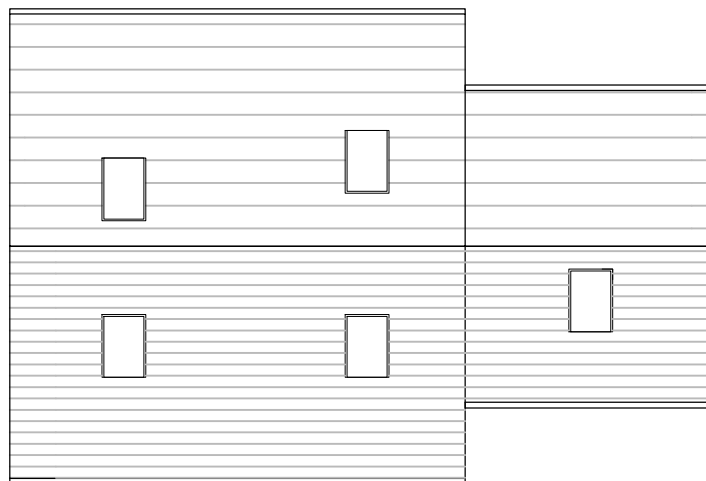
First Floor
23.4m²



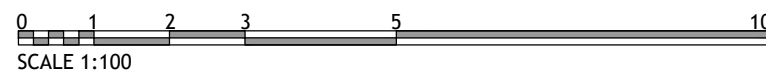
REAR - SOUTH



SIDE - EAST



Roof Plan



NOTES

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REV	DESCRIPTION	DRN	CHD	DATE
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