

Planning Committee 25 June 2019
Report of the Interim Head of Planning

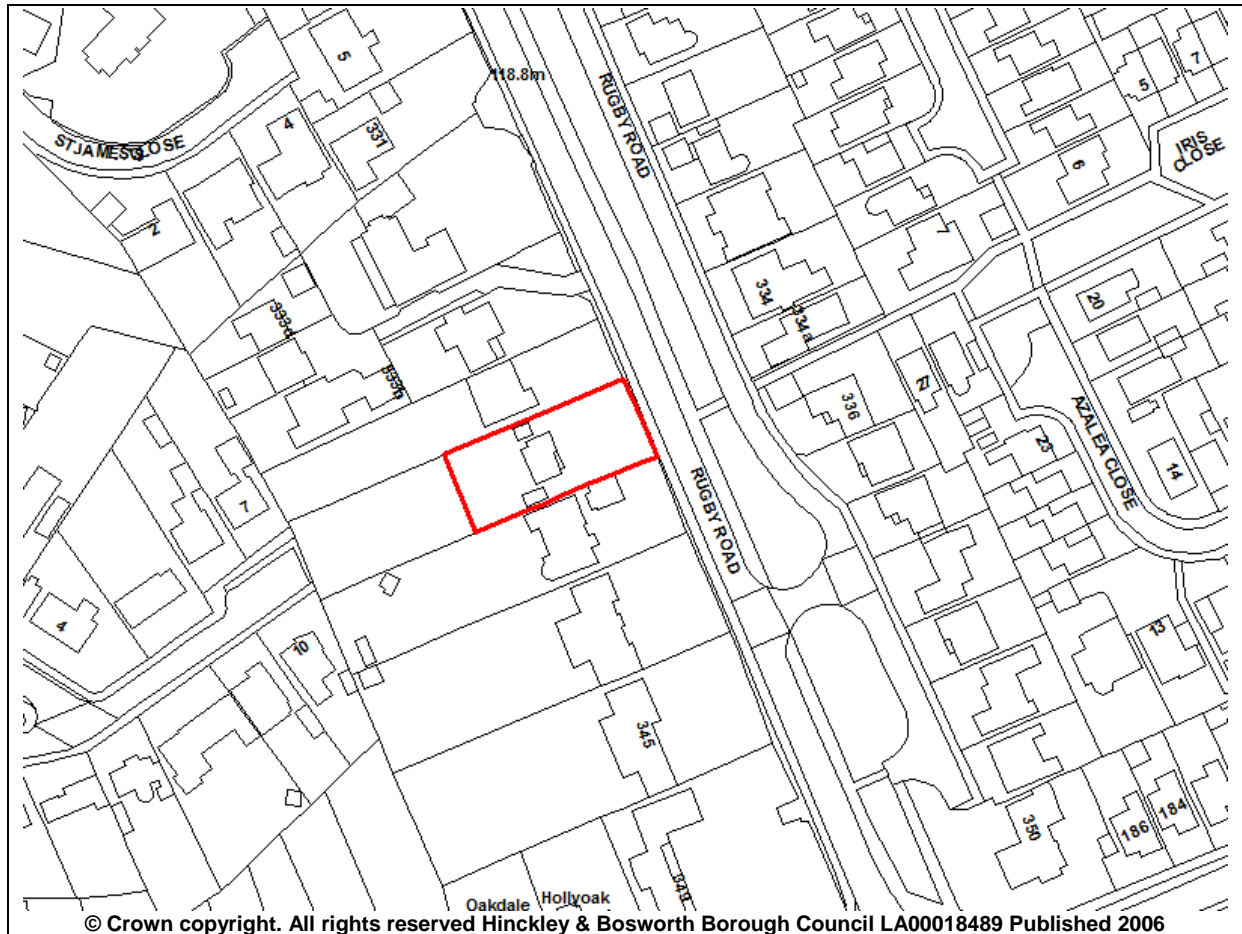
Planning Ref: 19/00413/FUL
Applicant: Ricky Child
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 339 Rugby Road Burbage

Proposal: Demolition of existing dwelling and the erection of a replacement detached dwelling and detached double garage (revised scheme)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1.** This application seeks full planning permission for the demolition of an existing detached dwelling and its replacement with a larger detached dwelling and a detached double garage set forward of the front elevation. The scheme is a revision to a previous and extant scheme for a similar development (reference

18/00122/FUL) that was approved subject to conditions by Planning Committee in July 2018.

- 2.2. The proposed replacement dwelling would be sited on a similar building line to the existing properties either side and beyond. The dwelling would have a footprint width of 16.5 metres, an overall depth of up to 13 metres, a ridge height of 8.4 metres and varying eaves heights. Windows are to the front and rear elevations only.
- 2.3. The main revisions to the current scheme from the approved extant scheme include:
- Amendments to the design and appearance of the front elevation to include projecting bay windows and porch with up to 1.5 metre depths, an increase in the eaves height by 0.5 of a metre from 4.5 metres to a height of 5 metres and incorporating stonework within the external materials;
 - Amendments to the design and appearance of the rear elevation to include a 5.3 metre wide single storey flat roof extension with a depth of 1.7 metres, an increase in the eaves height by 0.5 of a metre from 4.5 metres to a height of 5 metres and associated increase in first floor window heights and incorporating stonework within the external materials;
 - A reduction in the eaves height of the side elevations and front and rear gables by 0.5 of a metre from 5 metres down to 4.5 metres.

The overall height of the dwelling remains at 8.4 metres as previously approved.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located in a residential area within the settlement boundary of Burbage on the western side of Rugby Road. The existing dwelling is a detached two storey property which faces onto and is accessed from Rugby Road.
- 3.2. The application site lies within a row of individually designed dwellings of varying but predominantly two storey scale set within large plots, a number of which have detached garaging forward of the front elevation. All of the dwellings along the west side of Rugby Road in the vicinity are set back a considerable distance from the highway, on average by around 20 metres, many with substantial landscaping to the front boundary. The east side of Rugby Road is characterised principally by detached two storey dwellings but smaller in scale to those on the west side of Rugby Road and set behind an open landscaped public amenity space.

4. Relevant Planning History

14/01160/OUT	Demolition of Existing Dwelling and Erection of two new dwellings (outline - access only)	Outline Planning Permission	16.01.2015
18/00122/FUL	Demolition of existing dwelling and the erection of a detached two storey dwelling and a detached double garage (re-submission).	Permitted	04.07.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. As a result of public consultation, responses from 4 separate addresses have been received objecting to the proposal on the following grounds:-

- 1) Overbearing and adverse impact on neighbouring properties due to mass, scale, design, appearance and separation
- 2) Loss of light to neighbouring properties
- 3) Increase in mass from previously approved scheme through front and rear extensions and excessive height
- 4) Overdevelopment of the site and out of keeping with street scene due to height, mass and scale of proposal in proportion to the plot size
- 5) Design contrary to vernacular style and mass of buildings in the surrounding area
- 6) Proposed elevation drawing refers to a 'second floor' so will be a three storey property
- 7) Concerns of future change of use to a day nursery facility, other commercial use or house in multiple occupation
- 8) Static caravan installed on site is an eyesore and adversely affects the privacy of neighbouring properties
- 9) If approved, a condition for replacement boundary walls, fencing and hedgerow should be included to replace those already removed by the applicant

6. Consultation

- 6.1. No objection, some with notes to applicant, has been received from:-
Environmental Health (Pollution)
Environmental Health (Drainage)
Street Scene Services (Waste)
- 6.2. Burbage Parish Council objects to the proposal due to the height and mass of the dwelling.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 4: Development in Burbage
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Burbage Neighbourhood Plan (BNP) 2015 – 2026 (Pre-Submission Draft)

8. Appraisal

- 8.1. The application site lies within the settlement boundary of Burbage where residential development is generally acceptable in principle and supported by Policy 4 of the adopted Core Strategy and Policy 1 of the emerging Burbage Neighbourhood Plan (BNP). In addition, the principle of development for a replacement dwelling and detached garaging on the site of a similar mass and scale has already been established through the previously approved and extant planning permission (18/00122/FUL).

8.2. Therefore the key issues in respect of this application are:

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other issues

Design and impact upon the character of the area

- 8.3. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.4. Whilst currently afforded only very limited weight given its pre-submission draft status, Policies 2 and 4 of the emerging BNP support residential proposals that do not cause adverse impacts on the character of the area, are within the continuity of existing frontage buildings and are comparable in layout, size, scale and design to neighbouring properties.
- 8.5. The proposed dwelling would be a two storey five bedroom property, with a detached double garage located forward of the principal elevation of the property. The revised design retains a ridge height of 8.4 metres as with the previously approved and extant scheme. It also retains two projecting gables but having a lower eaves height of 4.5 metres to the front elevation, one with full height glazing providing a contemporary appearance and the other with a two storey flat roof feature window projection with cast stone coping. Two single storey projections to the other gable and entrance porch, also with cast stone copings, are included within the design.
- 8.6. The revised scheme includes amendments to the design and appearance of the rear elevation to include a 5.3 metre wide single storey flat roof extension with a depth of 1.7 metres, an increase in the main eaves height by 0.5 of a metre from 4.5 metres to a height of 5 metres and associated increase in first floor window heights and incorporating stonework within the external materials. The proposed amendments are consistent with the amendments to the front elevation and are acceptable in terms of design and appearance.
- 8.7. Whilst the adjacent neighbouring properties either side are lower in terms of ridge height than the proposed dwelling; there are varying ridge heights along this stretch of Rugby Road and there are other properties within the wider street scene that are similar in height to the that now proposed and previously approved. The proposed double garage to the front would have an eaves height of 2.5 metres and a ridge height of just below 5 metres, again as previously approved.
- 8.8. The dwelling itself would be set back from the highway by approximately 19.5 metres and notwithstanding the revised design with front window and porch projections, these are only of narrow depth (up to 1.5 metres) and therefore the dwelling would not break the building line along the west side of Rugby Road to any significant degree and would be consistent with the siting of the previously approved and extant scheme. The proposed detached garage would be set back from the highway by approximately 11.5 metres in a similar position to the detached garage to the neighbouring property at 341 Rugby Road.
- 8.9. The existing property is a three bedroom detached dwelling and is currently one of the smallest properties on the western side of Rugby Road. The existing property does not contribute positively to the street scene in design terms and its demolition and replacement with a better design as proposed would be acceptable. Rugby

Road is characterised by large detached dwellings which extend almost to the sides of each plot. The proposed dwelling would be set in by 0.9 metre from the side boundaries with both the adjoining neighbours allowing access to the rear garden. The character of properties along Rugby Road is varied in terms of scale, height, design and appearance. The revised scheme would continue to complement the varied character of the area. The use of cast stone window surrounds has been approved for a replacement dwelling at 333 Rugby Road which is currently under construction and therefore would not be uncharacteristic of the area.

- 8.10. The proposed detached double garage would be constructed with a dual pitch roof with an eaves height of 2.5 metres and a ridge height of just below 5 metres. There are a number of dwellings which have detached garages along Rugby Road which have been constructed forward of the principal elevation of the dwelling including at the neighbouring property of 341 Rugby Road. The proposed garage would be set back from the highway by approximately 11.5 metres. There is existing front boundary vegetation that provides screening of the site and additional tree planting is proposed within the application to provide further screening of the site from Rugby Road.
- 8.11. By virtue of its siting, scale, design and appearance the proposal would complement the varied character and appearance of the surrounding area and would therefore be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the adopted SADMP and Policy 2 of the emerging BNP require that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings or the future occupiers of the site.
- 8.13. The proposed dwelling would be set off the boundary with the neighbouring property to the north (337 Rugby Road) by 0.9 of a metre. Whilst the revised design includes an overhanging eaves detail along the side elevation that would reduce this distance, the adjacent property is also set off the side boundary and therefore adequate separation is maintained between them. This adjacent dwelling has one side window facing towards the proposed dwelling which serves a hallway. The revised scheme includes a lower side elevation eaves height than the previously approved and extant scheme therefore there would be no greater adverse impact over the approved and extant scheme. No windows are proposed to the northern elevation of the proposed dwelling and therefore there would be no overlooking of this neighbouring property or loss of privacy. The replacement dwelling has a greater depth than the existing dwelling to be demolished but, even with the addition of a single storey extension to the rear elevation in this revised scheme, the proposal would not project further to the rear than the adjacent dwelling. By virtue of the siting, design and separation distances, the revised proposal would not result in any significant adverse overbearing impacts or loss of privacy to the amenity of the occupiers of 337 Rugby Road. The double garage would be located forward of 337 Rugby Road and close to the site boundary. However, given its location 2.5 metres forward of the neighbouring dwelling and given that the roof slopes away from the boundary, being 2.5 metres at the closest point to the boundary, there would be no significant adverse impact on 337 Rugby Road in terms of overshadowing or overbearing impacts. In addition, there is a line of conifer trees within the neighbouring garden that provide significant screening.
- 8.14. The proposed dwelling would be set off the boundary with the neighbouring property to the south (341 Rugby Road) by 0.9 of a metre. Whilst the proposed design includes an overhanging eaves detail along the side elevation that would reduce this distance, the adjacent property is also set off the side boundary and

therefore adequate separation is maintained between them. This adjacent dwelling has three side windows at first floor level (serving a bathroom which is obscurely glazed and two hallway windows) and there are three small windows and a door at ground floor level, none of which are principle windows to habitable rooms and therefore there would be no significant impact on the amenity of this property. The revised scheme includes a lower side elevation eaves height than the previously approved and extant scheme therefore there would be no greater adverse impact over the approved and extant scheme. No windows are proposed to the northern elevation of the proposed dwelling and therefore there would be no overlooking of this neighbouring property or loss of privacy. The replacement dwelling has a greater depth than the existing dwelling to be demolished but the proposal would not project further to the rear than the adjacent dwelling. By virtue of the siting, design and separation distances, the revised proposal would not result in any significant adverse overbearing impacts or loss of privacy to the amenity of the occupiers of 341 Rugby Road. At the time of the site visit there appeared to be satisfactory boundary treatments to the rear gardens (as indicated on the submitted 'Landscaping' drawing) to protect the residential amenity of neighbouring properties.

- 8.15. To the west of the application plot there is a detached bungalow constructed on former garden land to the host dwelling and accessed off John's Close. The revised scheme retains a separation distance from the proposed main rear elevation of the replacement dwelling to the rear boundary with 8 John's Close of 14 metres and approximately 29 metres between opposing rear elevations, consistent with the previously approved and extant scheme. This revised scheme includes a single storey flat roof extension to the rear elevation which reduces the separation distance by 1.7 metres, however by virtue of its single storey scale this would not result in any adverse impacts on the privacy or amenity of the occupiers of the neighbouring bungalow.
- 8.16. Notwithstanding the marginal (0.5 of a metre) increase in the eaves height of the rear elevation and the first floor windows together with the introduction of a flat roof extension to the rear elevation, by virtue of the satisfactory separation distance between the two properties, the revised scheme would not result in any significant adverse overbearing impacts or loss of privacy from unacceptable overlooking to the occupiers of the bungalow at 8 John's Close. There is also an existing 1.8 metre high close boarded fence which forms the boundary treatment between the two properties and acts as screening between the two properties.

Impact upon highway safety

- 8.17. Policy DM17 of the SADMP states that development proposals will be supported where there is no significant adverse impact upon highway safety. Policy DM18 of the SADMP states that all new developments should provide an appropriate level of parking provision.
- 8.18. The replacement dwelling would be served by the existing domestic access from Rugby Road and given that the proposal is for a replacement single dwelling the access is considered to be acceptable. By virtue of the large plot and considerable set back of the dwelling from the highway boundary there is considered to be more that satisfactory space within the site to provide adequate parking (minimum three spaces) and turning facilities to serve the proposed five bedroom dwelling and enable vehicles to enter and leave the site in a forward gear. The provision and future retention of satisfactory off-street parking and turning facilities to serve the dwelling could be secured through the imposition of a condition to accord with current highway design standards.
- 8.19. The site layout of the revised proposal is consistent with the previously approved and extant scheme, would not result in any significant adverse impacts on highway

safety and would provide satisfactory off-street parking and turning facilities within the site to serve the size of dwelling proposed. The revised scheme would therefore remain in accordance with Policies DM17 and DM18 of the adopted SADMP.

Other issues

- 8.20. The proposed detached double garage would be constructed within the root protection area of the conifer trees within the front garden of 337 Rugby Road. As a result, a combined Arboricultural Survey, Method Statement and Tree Planting Proposal has been submitted to support this revised application. This proposes that as the garage would be a timber frame structure it would not require traditional foundations and instead proposes the use of concrete pads to support it and a permeable internal floor. However, the submitted plans indicate a brick and tile construction and this intention has been confirmed by the applicant. Therefore, notwithstanding the submitted report, the construction of the garage could have a significant adverse impact on the neighbouring trees unless adequate mitigation is undertaken. Therefore a condition requiring full details of tree protection measures and a revised arboricultural method statement with foundation design details for prior approval will still be required to ensure that there is no adverse impact on the trees as a result of the construction of the garage.
- 8.21. The site has satisfactory highway frontage to enable the presentation of refuse and recycling bins for collection.
- 8.22. Objections have been received on the grounds that the proposed dwelling is large enough to potentially operate for uses other than as a single private dwelling (including for commercial purposes). A planning application was submitted in 2015 by the applicant for the "Conversion and two storey extension of dwelling to a children's day nursery with residential on first floor" (Planning Reference: 15/01068/FUL). This application was withdrawn and no formal decision was made on this application. However, this does not form part of the proposal and therefore is not material to the determination of this application.
- 8.23. Comments have been received regarding a static caravan that has been sited within the rear garden of the site. This does not form part of the application. Under certain circumstances it is possible to site such structures within development sites without the need for planning permission if it is to be occupied by the applicant(s) and they are carrying out and undertaking a substantial amount of the construction works of the development themselves.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that accords with the policies in the Development Plan unless material considerations indicate otherwise. The site is located within a sustainable urban settlement with reasonable access to a full range of services and facilities by sustainable transport modes.
- 10.2. The principle of development for a replacement dwelling and detached garaging on the site of a similar mass and scale has already been established through the previously approved and extant planning permission (18/00122/FUL). This revised scheme retains the overall mass and scale of the dwelling but includes amendments to the design and appearance of the dwelling and very modest front and rear projections.
- 10.3. Notwithstanding the objections received, by virtue of the siting, layout, scale, design and appearance the revised proposal would continue to complement the varied character and appearance of the surrounding area, would not result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties or highway safety and would provide adequate parking and turning facilities within the site. The revised scheme would remain in accordance with Policy 4 of the adopted Core Strategy, Policies DM1, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF (2019) and is therefore recommended for approval subject to similar conditions to the previously approved and extant scheme.

11. Recommendation

- 11.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

- 11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

11.3. Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250 scale; Block Plan at 1:500 scale; Proposed Site/Landscaping Plan Drawing No. 13/01/19 Rev A at 1:100 scale; Proposed Dwelling Elevations Drawing No. 13/01/19 Rev A at 1:50 scale; Proposed Dwelling Floor Plans Drawing No. 13/01/19 Rev A at 1:50 scale and Proposed Double Garage Floor Plan and Elevations Drawing No. 15/08/18 Rev A at 1:50 scale received by the local planning authority on 30 April 2019.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling and garage hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall commence on site until a detailed scheme of measures for the protection of trees on site and adjacent to the boundaries of the site to be retained during the course of development shall be submitted to and approved in writing by the local planning authority. This shall include the following items;
 - 1) A site specific tree protection plan with details of site storage areas and welfare facilities;
 - 2) A full and detailed prescription for tree surgery works;
 - 3) A method statement for site works and foundation design within the Root Protection Area on or adjacent to the site.

Reason: To ensure that the development has a satisfactory external appearance and protects existing trees to be retained on site in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

6. Notwithstanding the provisions of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access within a distance of 5 metres of the highway boundary and any gates or barriers shall be hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with

tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be permanently so maintained at all times thereafter.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

8. The approved hard and soft landscaping scheme shall be carried out in accordance with the details submitted on Landscaping Plan Drawing No. 13/01/19 Rev A received by the local planning authority on 30 April 2019 in the first planting season following the first occupation of the dwelling hereby permitted. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata; i.e soakaways, previous paving, filter drains, swales, etc and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata area insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
3. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.
4. Rainwater from the garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge onto the surface of the application site and neighbouring properties.