

Planning Committee 23 July 2019
Report of the Planning Manager

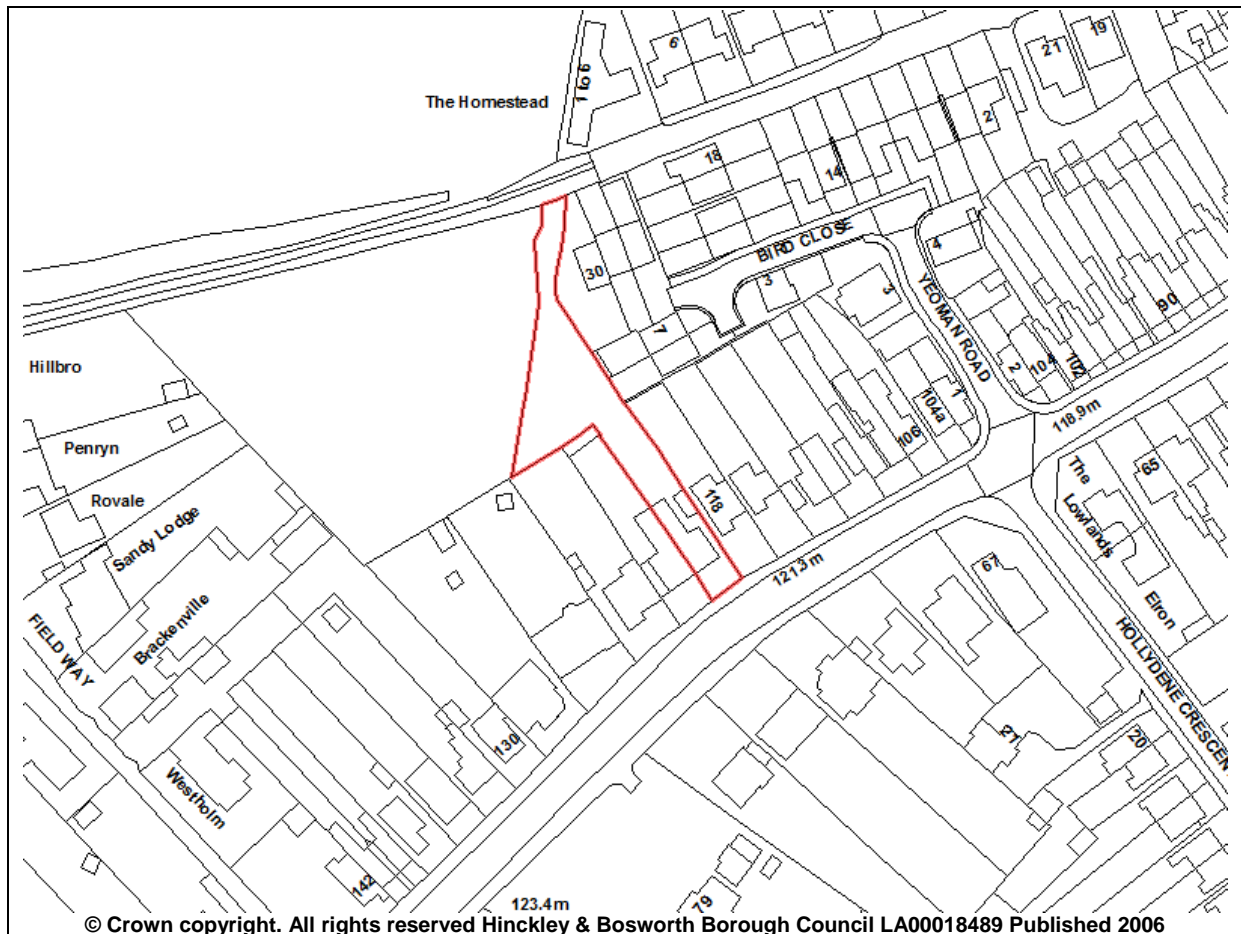
Planning Ref: 19/00611/HOU
Applicant: Sam Hollows
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 120 Hinckley Road Earl Shilton

Proposal: Detached garage



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks planning permission for a detached garage in the rear garden of 120 Hinckley Road, Earl Shilton. The garage would be sited in the north-east corner of the garden, abutting the boundaries of the dwelling's rear garden.
- 2.2. It is intended for the garage to house a motor boat and two motor vehicles. The garage would be reached using the existing access at the front of the host dwelling, off Hinckley Road. The entrance door into the garage would face towards this.
- 2.3. Amendments to the scale and mass of the garage were received during the course of the application, to better reflect its intended use.

3. Description of the Site and Surrounding Area

- 3.1. The application site comprises a semi-detached dwelling in the settlement boundary of Earl Shilton. The property is finished in red brick, grey roof tiles and grey UPVC windows and doors. To the front of the site is parking for approximately 3 vehicles.
- 3.2. Access to the rear of the site is open along the east elevation of the host dwelling, which vehicles are currently parked along. The residential garden space to the rear of the host dwelling is approximately 31 metres in length, and is bordered by high close boarded fencing to all sides. The line of fencing to the rear of this space marks a separation between the garden and a small yard at the back of the site, which forms part of the applicant's ownership accessed off Heath Lane South. Although included within the red line of the site, this area of land is not deemed to function as garden space and thus is not considered as part of the residential curtilage of the site. Land levels decrease from the front to the rear of the site, the levels to the front being considerably higher than those in the rear yard.
- 3.3. Rear gardens of neighbouring properties are of a similar length and there are examples of existing large outbuildings within the immediate vicinity, e.g. at no. 122 Hinckley Road, which is situated to the south west of the application site. Properties within the vicinity are of varied design and appearance.
- 3.4. A planning application for the erection of 4 flats in the rear yard is currently under consideration (19/00674/FUL).

4. Relevant Planning History

| | | | |
|--------------|--|-----------------------|------------|
| 19/00674/FUL | Erection of 4 flats (resubmission of 18/00618/FUL) | Pending consideration | |
| 18/00618/FUL | Erection of four flats | Refused | 15.08.2018 |

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Seven letters of objection from separate addresses and one letter neither objecting or supporting the proposed development have been received which raise the following concerns:
- 1) Potential for non-residential use
 - 2) Intensification of existing commercial activity to the rear of the property and its noise impacts
 - 3) Intensification of Heath Lane access onto the site and the potential traffic and pedestrian safety impacts
 - 4) Tree within falling distance of the building
 - 5) Land levels
 - 6) Incompatible with residential setting

6. Consultation

- 6.1. No objections were received from Earl Shilton Parish Council. A condition has been recommended in regard to ensuring the proposed garage is only used for purposes incidental to the use of the dwellinghouse.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

8.4. The proposed garage is for a property located within the settlement boundary of Earl Shilton. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP. Earl Shilton is an identified urban area whereby the principle of householder development is considered acceptable, subject to all other material planning considerations being acceptable.

Design and impact upon the character of the area

8.5. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features. The proposal is felt to comply with these requirements, according to the justification given below.

8.6. The proposed garage would be located in the north-east corner of the rear garden serving the host dwelling. The applicant intends for the garage to house his vehicles and boat, to provide a secure storage space and reduce the number of vehicles parked at the front of his property.

8.7. The garage originally proposed measured 14 metres in depth, 6 metres in width, 4.7 metres to the ridge and 2.4 metres to the eaves (approx.). Concerns were raised in regard to the need for this scale and mass, and thus amended plans were received reducing the depth of the garage to 12.8 metres and its ridge height to 4.3 metres.

A planning statement was also received specifying the dimensions of the motor boat and vehicles to be housed by the garage, and thus the need for the scale and mass proposed. It is these amended plans which are assessed in this application.

- 8.8. The amendments and justification provided are felt to overcome officer concerns in regard to the need for the garage's size. The planning statement also seeks to satisfy concerns raised by members of the public regarding the commercial use for the garage, by confirming its domestic storage purpose.
- 8.9. The garage would be reached from the front of the host dwelling, by the existing vehicular access to the front of the application site off Hinckley Road. The garage would not be accessed via the rear yard, and thus would not intensify existing vehicular traffic on Heath Lane South or cause harm to pedestrian safety.
- 8.10. The proposed garage would be constructed using suitable materials and would feature a pitched roof to complement the existing character of the host dwelling. Although visible from the highway, by virtue of its siting the proposed garage would be sufficiently set back from the host dwelling and therefore would be a subordinate addition to the site, with no adverse impacts upon the existing street scene's visual amenity.
- 8.11. It is concluded that the proposed development complies within Policy DM10 of the SADMP in this regard.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. The proposed development is felt to fulfil this aspect of Policy DM10, deduced from the justification given below.
- 8.13. The proposed garage would be set in from the shared boundary with no.122 Hinckley Road by approximately 2.5 metres and would pitch away from this neighbouring site. Existing high fencing also marks this boundary. Thus, it is not considered that the proposed garage would have any significant overbearing impacts upon this neighbour.
- 8.14. The proposed garage would abut the boundary shared within no. 118 Hinckley Road, the neighbouring property to the east of the application site. Despite the ridge height proposed, the eaves of the garage would be considerably lower at approximately 2.4 metres and the roof would still pitch away from this neighbour. High boundary fencing also borders this shared boundary and would screen the majority of the development up to eaves level. Due to the varying levels across the site, a condition shall be imposed should planning permission be granted to ensure that the garage's finished floor level aligns with the lower levels at the back of the site, to ensure no adverse overbearing relationship between the garage and the residential amenity of no.118. It is according to this latter measure and the former assessment that the proposed garage would not unduly overbear no.118, and thus does not warrant a refusal on such grounds.
- 8.15. According to the proposed garage's siting at the end of the host dwelling's garden, vehicular activity across the site would increase. Although this movement would be along the shared boundary with no.118, given the domestic use of the site and the garage, the frequency of movement would not be continuous, and therefore any noise impact upon the residential amenity of no.118 is not anticipated to be severe.
- 8.16. In terms of the amenity of current and future occupants of the host dwelling, it is acknowledged that the proposed garage would take up a large proportion of the existing garden space on site. Nevertheless, given the garden's significant length, it is felt that the proposed development would still retain an acceptable level of garden

space to sufficiently serve the amenities of any current and future occupants of no.120 Hinckley Road.

- 8.17. The proposed development is concluded as complying with Policy DM10 of the SADMP in this regard.

Other matters

- 8.18. Concern for any trees within falling distance of the proposed garage is a civil matter and does not prejudice the determination of this application.

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. The proposed development is for a property located within the settlement boundary of Earl Shilton. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, as long as the proposal is in accordance with the relevant policies of the SADMP.

- 10.2. The proposed development would respect the character and appearance of the host dwelling and surrounding area, and would not cause any adverse impacts on the amenity of occupants at no. 118, 122, or those residing at the host dwelling. On this basis, the proposal is considered to be in accordance with Policy DM1 and DM10 of the SADMP, and is recommended for approval subject to conditions.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

11.2. 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, Proposed Block Plan, Section, Floor Plan and Elevations
Drg No: 1413/REV-A received by the Local Planning Authority on 05 July 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 shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels of the garage 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).

4. The materials to be used on the external elevations of the proposed garage shall accord with those detailed in the submitted application form, received by the Local Planning Authority on 31 May 2019.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.3. 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. Rainwater from the detached garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties.