

Planning Committee 20 June 2017
Report of the Head of Planning and Development

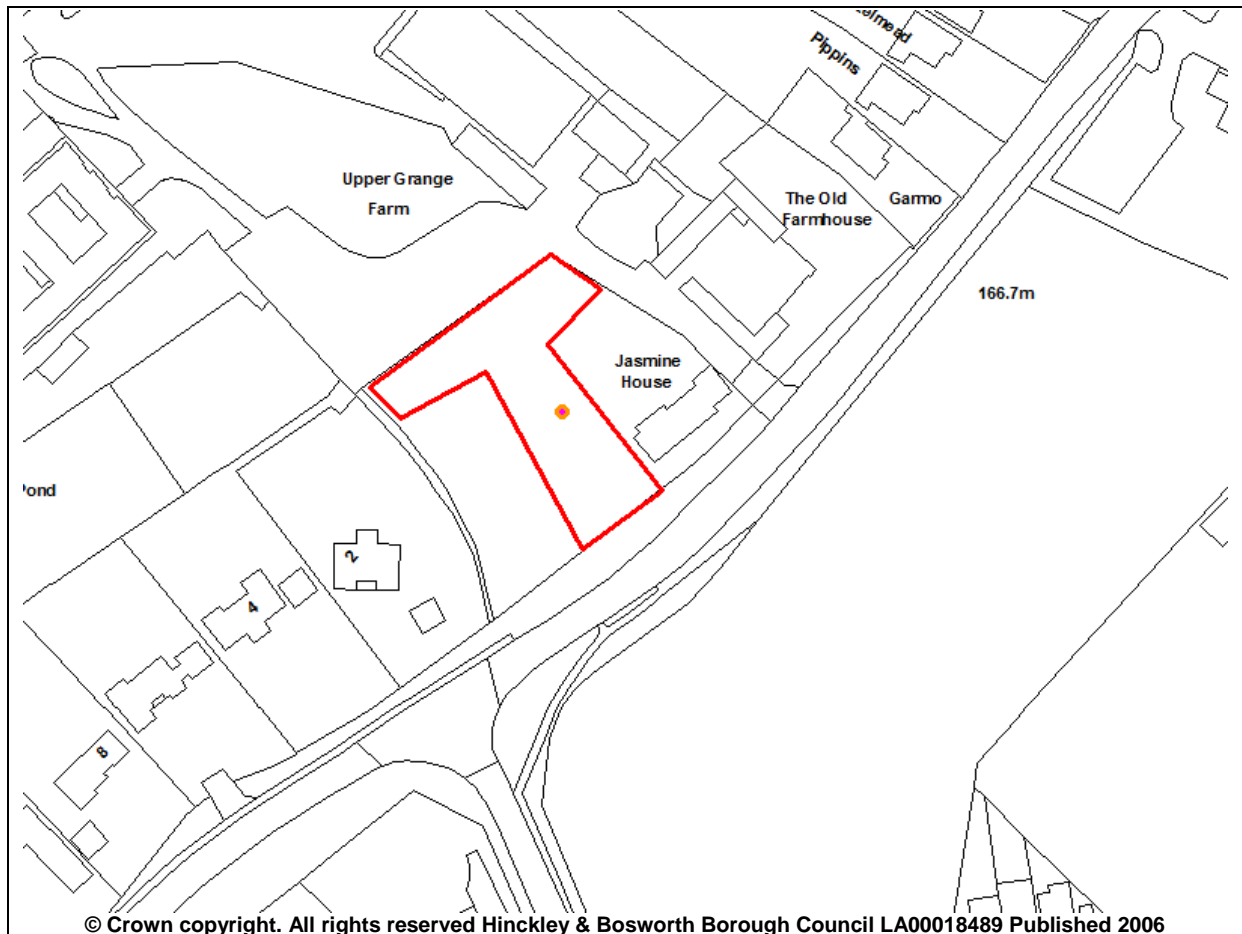


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00295/HOU
Applicant: Mr J Bowler
Ward: Markfield Stanton & Fieldhead

Site: Jasmine Ratby Lane Markfield

Proposal: Wood store to the rear of garage and reduction in the size of garage



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

- 2.1.** The application seeks planning permission for the reduction in size of a garage which was previously approved as part of a scheme to sub-divide the residential curtilage of Jasmine House and construct a two storey detached dwelling and detached garage (ref 15/00237/FUL). The applicant also seeks permission for the erection of a wood store to the rear of the garage.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 1150 square metres and was previously part of the residential curtilage to Jasmine House. The site is located outside the settlement boundary of Markfield and fronts onto Ratby Lane, in an area characterised by individually designed detached properties ranging from single to two storey dwellings within a ribbon development extending along Ratby Lane. To the northwest of the application site there is an existing dog kennels and dog training area.

4. Relevant Planning History

14/00086/OUT	Erection of two dwellings (outline - access only)	Permitted	01.04.2014
15/00223/FUL	Erection of dwelling with detached double garage	Permitted	19.05.2015
15/00237/FUL	Erection of new dwelling with detached double garage.	Permitted	28.05.2015
17/00291/CONDIT	Variation of condition 2 of planning permission 15/00223/FUL for alterations to dormer windows, doors and rooflights	Permitted	22.05.2017

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. Six letters of objection have been received in regard to this application with the grounds of objection being summarised below:
- The wood store proposed would be positioned on land not within the applicant's ownership
 - The wood store would be a fire risk at this location next to an established hedge.
 - The wood store will increase the population of vermin as they will be encouraged to the wood pile

6. Consultation

- 6.1. No comments have been received from:

Markfield Parish Council
Ramblers Association

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

8.2. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

8.3. The site is located outside of the settlement boundary of Markfield. Therefore Policy DM4 of the SADMP also has to be considered which provides the circumstances within which development would be considered sustainable within the countryside.

8.4. Whilst Policy DM4 makes no specific provision for the type of development being considered as part of this application; given the small scale and height of the wooden structure to the rear of a previously approved garage; it is considered that the development would be appropriate development at this location and would not have a significant adverse effect on the intrinsic value of the countryside. It is therefore considered acceptable subject to other material planning considerations.

Impact upon the character of the area

8.5. Policy DM10 of the SADMP require developments to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.6. The wood store would be located to the rear of the garage which would not be visible from the street scene. Therefore the proposed wood store would have no impact upon the character of the area and it is considered to be in accordance with Policy DM10 of the SADMP.

8.7. The application also proposes the reduction in size of the garage from 8 metres x 8 metres in floor area to 7 metres x 7 metres. The garage was previously approved and had no adverse impact on the character of the area. Therefore with the reduction in size of the garage the impact would be reduced further. It is considered that the development is in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon neighbouring residential amenity

8.8. Policy DM10 of the SADMP states that development should be permitted providing it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.

8.9. The wood store would have a maximum height of 3 metres with a mono pitch roof. It would be located to the rear of the garage; in addition the neighbouring boundary has significant boundary treatments with significant hedgerows surrounding the site and a 1.8 metre high fence to the rear of the garage. Therefore the wood store would have no impact upon residential amenity and would be in accordance with Policy DM10 of the SADMP.

Other Issues

- 8.10. Within the objections received it is alleged that the proposed wood store is not within the ownership of the applicant. The owner has signed Certificate A of the application form however and if there is a dispute in regard to land ownership this is a civil matter and not a material planning consideration in regard to this application.
- 8.11. Further objections stated that the wood store is a fire risk and could attract vermin to the wood pile. Neither of these matters are material planning considerations.

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.

10. Conclusion

- 10.1. The proposed wood store would be located to the rear of the garage and given this location would have no impact upon either the character of the area or upon neighbouring residential amenity Given that the garage would be reduced in size from that previously approved; there would be no adverse impact on the character of the area or in terms of the impact on the neighbouring residential amenity as a result of the proposed scheme. It is therefore considered that the development is in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

11. Recommendation

- 11.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.
- 11.2. That the Head of Planning and Development 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 51 of 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 Plan (Drawing Number: 1893 A) and Floor Plan & Elevations received by the Local Planning Authority on the 13 March 2017 and Site Location Plan received by the Local Planning Authority on the 16 March 2017.

Reason: To ensure a satisfactory appearance and impact of the developments to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

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.