

Planning Committee 12 September 2017
Report of the Head of Planning and Development

Planning Ref: 17/00574/FUL
Applicant: Mr Peter Seditas
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: 1 Beacon View Bagworth Coalville

Proposal: Erection of a 2.5 Storey Dwelling and associated 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. This application seeks planning permission for the erection of a two and a half storey, detached dwelling and detached garage.
- 2.2. Amended plans have been submitted during the assessment of this application relocating the dwelling to the western side of the site and reducing the depth of the dwelling.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Bagworth in a residential area. To the east of the site is Station Road which is fronted by dwellings of a variety ages and types with several of the dwellings' gardens extending to the south of the application site. To the north and west of the site is a relatively recent residential development. The land slopes from the east down to the west.
- 3.2. The application site comprises garden land associated with 1 Beacon View. The site is bounded by close boarded fencing with an overgrown landscaped area fronting onto Beacon View.

4. Relevant Planning History

07/01240/FUL	Erection of one dwelling and double garage	Approved	17.12.2007
04/01259/FUL	Erection of one dwelling	Approved	27.01.2005
03/01153/FUL	Erection of two dwellings and detached garage	Refused	03.12.2003

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. Two representations of objection have been received which are summarised below:
- 1) Overshadowing and overbearing impact on neighbours
 - 2) Overlooking and loss of privacy to neighbours
 - 3) Noise and disturbance to neighbours
 - 4) The dwelling would be uncharacteristic of the area
 - 5) An application for two dwellings on the site was refused previously.

6. Consultation

- 6.1. No objection, some subject to conditions, has been received from the following:
- Environmental Health (Pollution)
Waste Services
Leicestershire County Council (Highways)
National Forest Company

7. Policy

- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
 - Policy 10: Key Rural Centres within the National Forest
 - Policy 21: National Forest
- 7.2. 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
 - Policy DM18: Vehicle Parking Standards
- 7.3. 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
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2. Policy 7 of the Core Strategy states that to support the Key Rural Centres and ensure they can provide key services to their rural hinterland, the Council will support housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and 16.

8.3. The proposed development seeks planning permission for the erection of a dwelling within the settlement boundary of Bagworth and therefore is supported by Policy 7 of the Core Strategy. The proposal seeks permission for one dwelling and therefore the provisions of Policies 15 and 16 of the Core Strategy are not applicable to this development.

Design and impact upon the character of the area

8.4. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.5. Policy 21 of the Core Strategy seeks new developments within the National Forest to reflect the Forest context their accompanying landscape proposals.

8.6. The section of Beacon View surrounding the application site is characterised by primarily large, detached, two storey houses with detached garages. The dwellings sit in proportionately sized plots with spaces at first floor level between the dwellings reducing the bulk and massing of the built form. Further along Beacon View to the west and fronting onto Station Road to the east of the site, there is a greater variety of dwelling styles and sizes, including two and half storey houses comparable in height with the application proposal.

8.7. This application seeks planning permission for the erection of a two and half storey, detached house to be sited on the side garden of No. 1 Beacon View. Concern has been raised that the dwelling would be uncharacteristic of the street scene due to the surrounding large dwellings. The proposed dwelling would be narrower than the adjacent dwellings however the site layout is reflective of the street scene. The dwelling is proposed to be sited to the western side of the plot which provides good separation distance at first floor level between the two dwellings either side. The resulting bulk and massing of the built form is reflective of, and proportionate to, the surrounding built form. The 2.5 storeys and narrower design of the dwelling are comparable to the dwellings immediately to the north east of the site fronting onto Station Road. The proposed dwelling would marginally exceed the building line of No 1 Beacon View but would be consistent with the building line of No. 5. Minor variations to the building are characteristic in the street scene and therefore are considered acceptable. The appearance of the proposed dwelling would complement and enhance the existing high quality design of the existing street scene with detailing including stone cills below the windows, brick soldier courses above the windows, a bay window with lead flashing above, brick detailing below the eaves, a porch hood and even a door design the same as others in the street scene.

- 8.8. Land levels on and surrounding the site slope from the east down to the west. To ensure an appropriate ground and finished floor levels, this information should be secured through a planning condition.
- 8.9. At present the application site comprises garden land bound by close boarded fencing with a landscaped area to the frontage. The landscaped area fronting onto Beacon View has become overgrown and is untidy. If the landscaped area was maintained, the close boarded fence behind would be visible on entrance to the development. Close boarded fencing is not a high quality material, adversely impacts on the appearance of the street scene and is uncharacteristic of boundary treatments along street frontages. A landscaping scheme should be secured through condition to ensure appropriate hard and soft landscaping is achieved.
- 8.10. The application site is located within the area designated as part of the National Forest. Within the National Forest landscaping proposals should reflect the context. Policy 21 of the Core Strategy identifies that the appropriate mix of landscaping features will depend upon the setting and the opportunities that the site presents. In this instance, given the limited size of the site and due to the siting within a built up area of Bagworth where there is no forest context present, it is not considered appropriate to provide any form of woodland planting.
- 8.11. It is considered that the proposed dwelling would be characteristic and proportionate and would enhance the street scene in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP seeks to ensure that development proposals do not have a significant adverse impact on the amenity of nearby residents.
- 8.13. No. 2 Beacon View is located to the north of the application site on the opposite side of Beacon View. The dwellings would have a separation distance of 18m between the front elevations and windows. The relationship is comparable to the facing windows of habitable rooms of the adjacent dwelling, No. 3, and the dwelling opposite, No. 4 which has previously been approved. Additionally, the closest window of No. 2 is opposite a proposed window to serve a landing and the proposed front facing bedroom would be opposite the stairway window of No. 2. It is considered that the proposed dwelling would not lead to a loss of privacy that would have a significant adverse impact on the occupiers of No. 2. Good practice requires habitable windows to be separated by at least 14m from a two storey elevation to avoid an overbearing impact on the occupiers of a habitable room. The proposed dwelling would be in excess of this requirement and sufficiently separated from No. 2 to avoid an adverse overbearing or overshadowing impact. It is considered that the proposed dwelling would not have a significant adverse impact on the amenity of the occupiers of No. 2.
- 8.14. No. 3 Beacon View is located to the west of the application site. The proposed dwelling does not extend beyond the rear building line and therefore would not impact on any rear facing windows or the rear amenity space. There is a window and a door in the side elevation of No. 5 serving. The window serves an en-suite bathroom and the door serves a utility room; neither of which are considered habitable rooms and therefore any potential impact on these windows is given limited weight. It is considered that the proposed dwelling would not have a significant adverse impact on the amenity of the occupiers of No. 3.
- 8.15. The proposed dwelling would be located on the existing side garden of No. 1 Beacon View. No. 1 would retain in excess of 95 sqm of rear amenity space which is sufficient to serve the occupiers of the dwelling to provide a good level of private amenity space. The proposed dwelling would extend beyond a section of the rear

elevation of No. 1 due to the orientation of the dwelling, however, not to an extent which would result in an overbearing impact on the windows or rear amenity space. There is one window at second floor level in the side elevation of No. 1 fronting the proposed dwelling. This window is a secondary window serving a bedroom and therefore the impact on the window is given limited weight. It is considered that the proposed dwelling would not have a significant adverse impact on the amenity of the occupiers of No. 1.

- 8.16. To the south of the application site is the rear garden serving No. 273 Station Road. The garden is separated from the dwelling via an access but is the amenity space for the occupiers. The proposed dwelling would have a back garden with a depth in excess of 11m and the rear elevation would be in line with the rear elevations of the adjacent dwellings along Beacon View which overlook amenity spaces of other dwellings. Whilst there would be some additional overlooking of the rear amenity space, due to the separation of the 11m deep rear garden, it is considered that the overlooking impact would not have a significant adverse impact on the users of the amenity space. To avoid additional overlooking that could be harmful to the occupiers in the future, it is considered reasonable and necessary to remove permitted development rights for extensions to the roof avoiding rear facing dormer windows and low level roof lights. There would be no overbearing or overshadowing impact on the amenity space. It is considered that the proposed dwelling would not have a significant adverse impact on the amenity of the occupiers of No. 273.
- 8.17. It is considered that the proposed development for a dwelling in a residential area would not give rise to noise and disturbance that would be harmful to the amenity of neighbouring occupiers.
- 8.18. The proposed dwelling would have a rear amenity space in excess of 80 sqm which is considered sufficient to serve the future occupiers of the dwelling.
- 8.19. The proposed dwelling would not have a significant adverse impact on the amenity of neighbouring occupiers and would provide a good standard of amenity for future occupiers. The proposed dwelling is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.20. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.21. This application proposes a vehicular access onto Beacon View. Beacon View is an unclassified, adopted road subject to a 30mph limit although includes speed calming measures. There is a speed table forward of the proposed dwelling which would not be impacted by the development as the proposed access is located to the east of the table. The road frontages are relatively open and would provide unobstructed vehicular visibility splays appropriate to vehicle speeds along the road. The access width, car parking spaces and garage dimensions are in accordance with the design guidance as set out in the 6Cs Design Guide. The proposed development would not have an adverse impact on highway safety.
- 8.22. As noted above, the proposed car parking spaces are in accordance with the 6Cs Design Guide, including the proposed garage. There would be three car parking spaces to serve the four bedroom dwelling which is considered appropriate in this location. It is considered necessary to ensure that the garage is retained for car parking purposes through a planning condition to ensure there is sufficient car parking in perpetuity.

- 8.23. The proposed development would not have an adverse impact on highway safety and would provide sufficient car parking to serve the future occupiers of the dwelling. The proposed development is considered to be in accordance with Policies DM17 and DM18 of the SADMP.

Other matters

- 8.24. It has been highlighted that an application for two dwellings on the land in the ownership of No. 1 Beacon View has been previously refused. The previous proposal sought two dwellings fronting onto Station Road. Subsequently No.1 Beacon View has been erected. This application proposes a scheme which is materially different to the previous scheme, the context of the area has changed and the previous refusal was determined in accordance with a Development Plan which has been superseded. Each application should be determined on its individual merits in the context of the current development plan and therefore very limited weight should be attributed to the previous refusal given the differing context.

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 development would be located within the settlement boundary of Bagworth where new residential development is supported by Policy 7 of the Core Strategy.

- 10.2. The proposed development would complement the existing visual appearance of the street scene and character of the area and would not give rise to harmful impacts on neighbouring amenity. The development would not have an adverse impact on highway safety and would provide sufficient car parking for the future occupiers.

- 10.3. The proposed development is in accordance with Policies 7, 10 and 21 of the Core Strategy and Policies DM1, DM10, DM17 and DM18 of the SADMP.

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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, details and materials:

100-01 rev B - Planning Layout (received on 21 August 2017)

4B1 (OP) rev A - Proposed Elevations (received on 21 August 2017)

4B1 (OP) rev A - Proposed Floor Plans (received on 21 August 2017)

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

3. Before any development commences, representative samples of the types and colours of materials to be used on the exterior of the proposed dwelling and garage shall be submitted to and approved in writing by the Local Planning Authority, The scheme shall be implemented in accordance with the approved materials.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

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

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. Prior to first occupation of the dwelling hereby permitted full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:

- a) Means of enclosure
- b) Hard surfacing materials
- c) Planting plans
- d) Written specifications
- e) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- f) Implementation programme

All approved landscape works shall be carried out prior to first occupation of the dwelling hereby permitted.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

6. Notwithstanding the provisions of Classes B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) the roof of the dwelling hereby permitted shall not be extended or altered without the grant of planning permission for such development by the Local Planning Authority.

Reason: To ensure there are no significant adverse impacts on neighbouring amenity resulting from overlooking to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

7. The proposed garage hereby permitted, shall be available for car parking at all times and shall be retained as such in perpetuity.

Reason: To ensure sufficient off-street car parking provision for the occupiers of the dwelling to accord with Policy DM18 of the Site Allocations and Development Management Policies DPD.

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.