

Planning Committee 5 December 2017
Report of the Planning Manager, Development Management

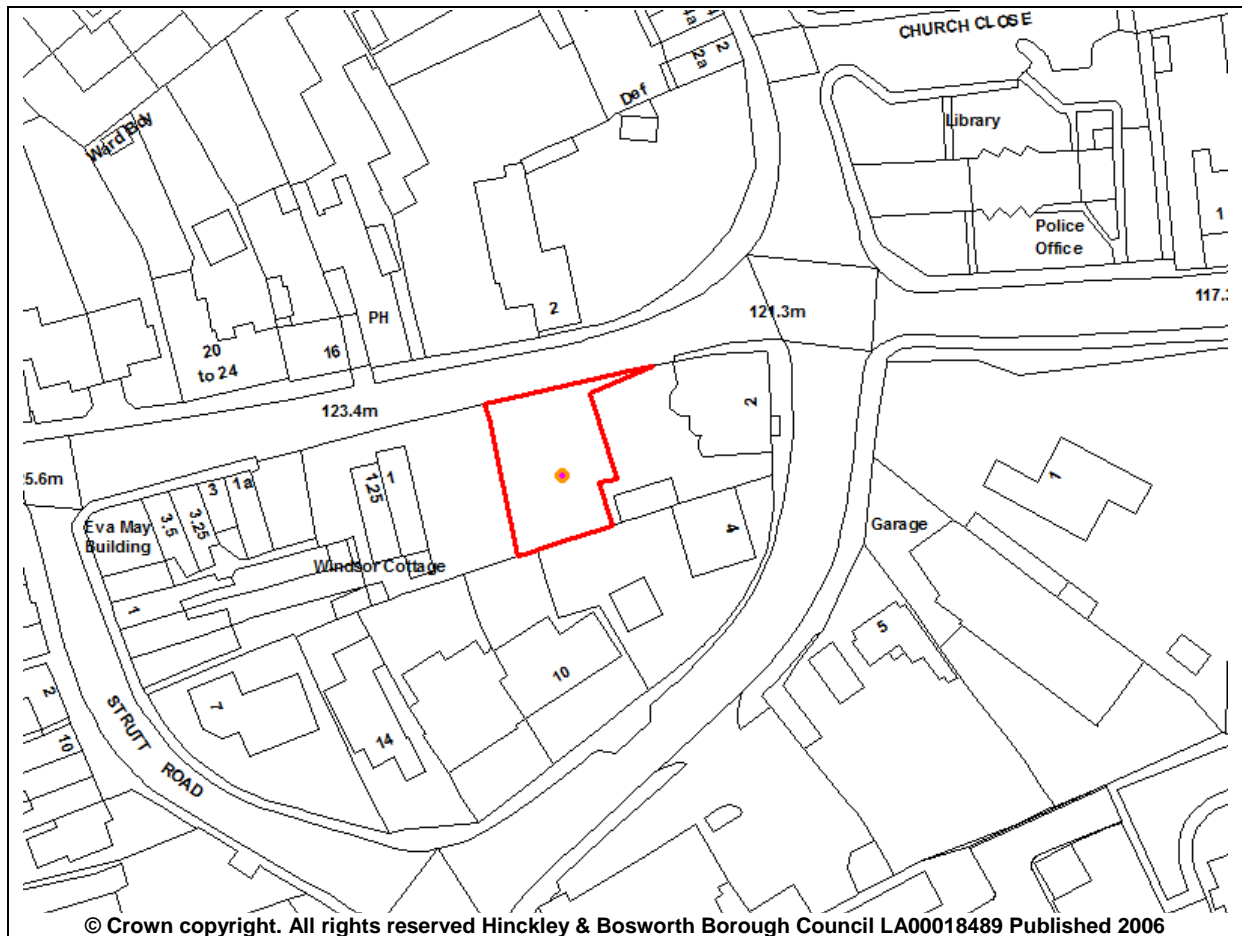
Planning Ref: 17/00943/REM
Applicant: T Hughes
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 2 Lutterworth Road Burbage

Proposal: Approval of reserved matters (appearance, landscaping, layout, scale) of outline planning permission 14/00982/OUT for one dwelling



1. Recommendations

- 1.1. Approve reserved matters subject to:
- Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1. This application seeks approval of the matters reserved (layout, scale, appearance and landscaping) by outline planning permission ref: 14/00982/OUT for the erection of a dwelling.
- 2.2. Amended plans have been submitted during the assessment of this application.

3. Description of the Site and Surrounding Area

- 3.1. The site is within the settlement boundary of Burbage and within an area of mixed use comprising dwellings immediately to the east, south and west and the Red Lion to the north. Buildings in the immediate street scene vary in design although in the wider area there is predominance of buildings with low pitched roofs, low eaves and of a traditional design. Windsor Street slopes down from the west to the east.
- 3.2. The application site is approximately 305 square metres (0.0305 hectares) and formerly comprised a landscaped rear garden serving number 2 Lutterworth Road. Excavation works have commenced on-site to lower the level of the site.

4. Relevant Planning History

14/00982/OUT	Erection of a dwelling (outline - access only)	Approved	11.12.2014
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One letter of objection has been received commenting that:
- 1) There would be overlooking from the top light opener windows
 - 2) The boundary wall has been removed which was supposed to be retained

6. Consultation

- 6.1. No objection, some subject to conditions, has been received from the following:
Leicestershire County Council (Highways)
Waste Services
Environmental Health (Pollution)
Environmental Health (Drainage)
- 6.2. Burbage Parish Council – initially objected to the proposed design due to the visual impact and impact on neighbouring amenity. However, their objection was removed following the submission of revised plans.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 4: Development in Burbage
- 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
- Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Other matters

Design and impact upon the character of the area

- 8.2. 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.
- 8.3. The application site is located within a mixed use area comprising dwellings immediately to the east, south and west and the Red Lion to the north. Buildings in the immediate street scene vary in design with a gable fronted two storey house to the west, a two storey house to the east and bungalows to the south. In the wider street scene of Windsor Street there is predominance of buildings with low pitched roofs, low eaves and of a traditional design.
- 8.4. Initially plans were submitted which proposed a two storey house with a gable on the front, hip on one side of the roof, relatively high eaves, a steep roof pitch and an enclosed porch on the front. Burbage Parish Council objected to the proposal. The initially submitted scheme was considered to be uncharacteristic of the area and due to the scale and appearance would have a dominating impact on the street scene.
- 8.5. Following concerns raised by the case officer, amended plans were submitted. The revised scheme drastically reduced the eaves height, pitch of the roof and width of the dwelling. The enclosed porch has been removed with only a canopy proposed. The windows at first floor would project above the eaves in a dormer style. The dwelling would include traditional features including a chimney, soldier courses surrounding the fenestration and pitched dormer windows and porch canopy. The bulk, mass and scale of the proposed dwelling is consistent with the traditional dwellings in the surrounding area. Despite the slightly elevated position of the dwelling due to Windsor Street being lower than the site, the proposal would not appear dominating in the street scene and complement the character of the area. There is an example of windows projecting above the eaves at first floor level immediately to the north of the application site in a similar pitched roof style. The dwelling would be set back approximately 3.7m from the carriageway. Dwellings in the street scene primarily abut the footpath, where applicable. However, the dwelling immediately to the west of the application site is similarly set back to the proposal and a set back must be achieved to allow for vehicle turning space.
- 8.6. There are varied boundary treatments in the surrounding area including brick and stone walls, hedgerows and timber fences. The applicant is proposing a 1.8m high brick wall along the eastern boundary which will be visible in the street scene with close boarded fencing surrounding the rear garden. Hardstanding along the side and of the dwelling shall comprise either block or brick paving which will provide interest to the plot and low level planting is proposed along the frontage. The proposed landscaping would enhance the character of the area.
- 8.7. The layout, scale, appearance and landscaping of the development for a proposed dwelling would complement the character and appearance of the area in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.8. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties. The application site is bound by the following dwellings: 1 Windsor Street to the west, Nos 2 and 2a Lutterworth Road to the east, Nos 4a, 4b and 10 Lutterworth Road to the south.
- 8.9. No 1 Windsor Street has windows in the side elevation serving habitable rooms which face the application site. The dwelling would be sited approximately 13m from the windows. Due to the elevated position of No 1 and the relatively low height of

the proposed gable end that the windows would face, it is considered there would not be an overbearing impact on No 1. There are two windows in the side facing elevation of the proposed dwelling; one serving a bathroom which would be obscure glazed with a top opener above 1.7m above finished floor level and the other second would be a high level window above 1.7m above finished floor level. The obscure glazing will prohibit any overlooking of the neighbouring property. Top openers are proposed 1.7m above finished floor level which is recognised nationally as sufficiently high to avoid views which could have an adverse overlooking impact.

- 8.10. The proposed eastern gable would be approximately 17.5m from the rear elevation of Nos 2 and 2a Lutterworth Road. This separation distance is sufficient to avoid an adverse overbearing impact on the rear facing windows. Additionally, it is considered that there would not be an overbearing impact on the rear garden serving the residential unit due to separation from the common boundary. There are no windows proposed in the eastern elevation of the proposed dwelling.
- 8.11. The proposed dwelling would have a rear garden depth of approximately 7.5m and the dwelling would be sited on land lower than the dwellings to the south; Nos 4a, 4b and 10 Lutterworth Road. Therefore, it is considered the proposed dwelling would not have an overbearing impact on the rear amenity space or rear facing windows. The rear facing windows of the proposed dwelling will be obscure glazed and fixed shut with top openers. As above, the top openers are proposed 1.7m above floor level and therefore will not have an adverse overlooking impact.
- 8.12. It is considered that the proposed dwelling would not have an adverse impact on the amenity of neighbouring occupiers in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.13. 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.
- 8.14. The proposed access onto Windsor Street was assessed and considered acceptable as part of the outline planning permission. The layout of the site provides manoeuvring space to allow a vehicle to egress the site in a forward gear and maintains appropriate visibility splays due to the set back of the dwelling. The dwelling would be served by two car parking spaces which is sufficient to serve a three bedroom dwelling in this location within Burbage.
- 8.15. It is considered that the layout of the site allows for sufficient manoeuvring space and off-street car parking in accordance with Policies DM17 and DM18 of the SADMP.

Other matters

- 8.16. By virtue of the proportion of the site to be developed, differing land levels and proximity to neighbouring dwellings, it is considered reasonable and necessary to remove permitted development rights of the dwelling for extensions, alteration and ancillary outbuildings.

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 principle of development of a single dwelling on the application site was established through outline planning permission ref: 14/00982/OUT.

10.2. The layout, scale, appearance and landscaping of the dwelling would complement the character and appearance of the surrounding area and would not give rise to harmful impacts on neighbouring amenity. The layout incorporates sufficient spaces for vehicles to park and manoeuvre. The proposed development is in accordance with Policies DM1, DM10, DM17 and DM18 of the SADMP.

11. Recommendation

11.1. Approve reserved matters subject to:

- Planning conditions outlined at the end of this report.

11.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

11.3. Conditions and Reasons

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

1464-P-10B - Site Location Plan (received on 8 November 2017)

1464-P-10B - Block Plan (received on 8 November 2017)

1464-P-02 - Street Scene (received on 17 November 2017)

1464-P-01J - Site, Floor and Elevation Plans (received on 17 November 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.

2. Notwithstanding the provisions of Classes A, 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 dwelling hereby approved shall not be extended or altered without the grant of planning permission for such development by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and does not adversely impact on neighbouring amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

3. Prior to occupation of the dwelling hereby permitted, the windows annotated as being obscure glazed on drawing No. 464-P-01_K, shall be fitted with a minimum of Level 3 obscure glazed glass on the Pilkington Scale and shall be retained as such in perpetuity.

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

4. The soft landscaping as shown on drawing no. 1464-P-01J shall be carried out in the first planting season following 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 at which time shall be specified in writing by the Local Planning Authority

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.

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.