

**Planning Committee 6 March 2018
Report of the Planning Manager, Development Management**

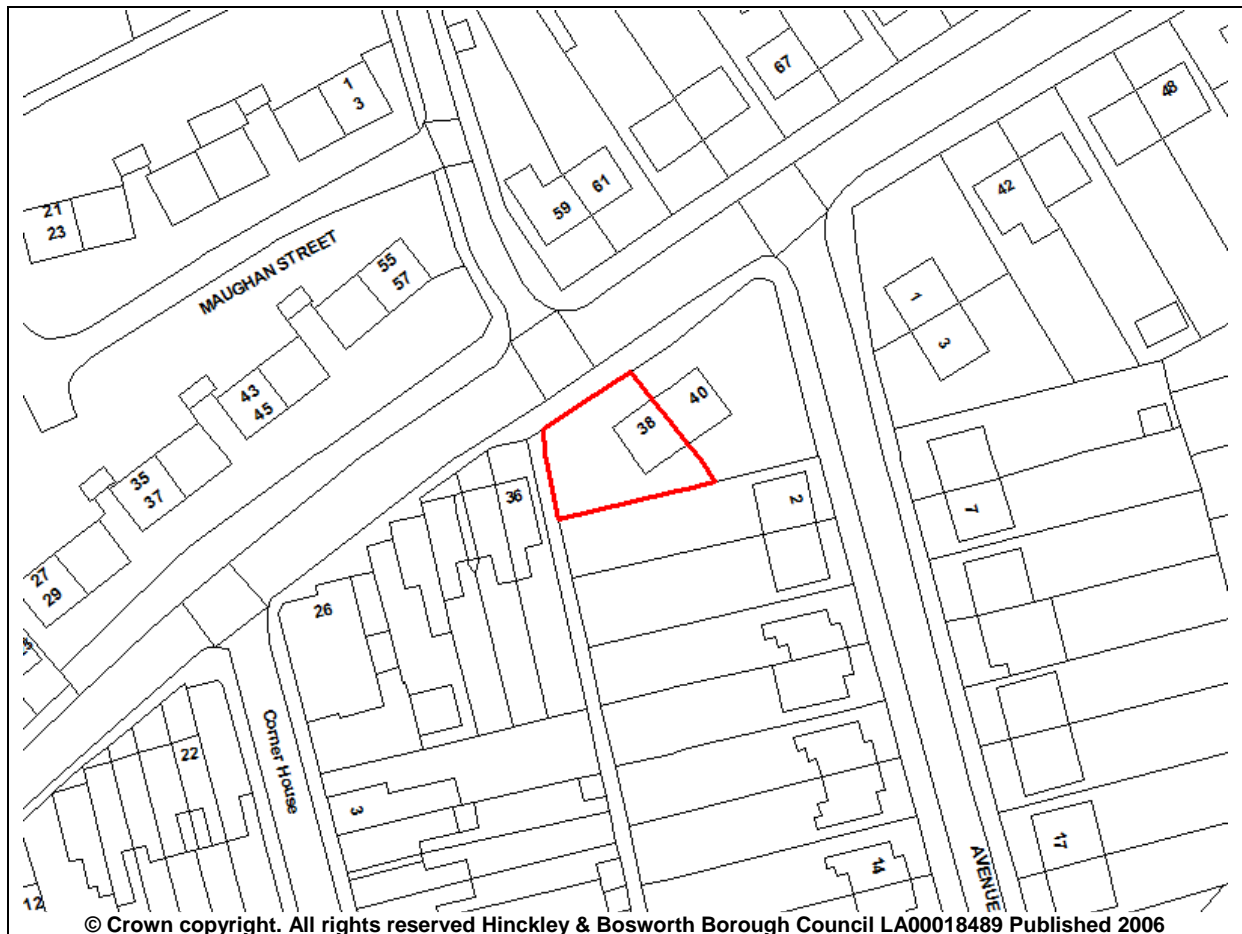


Hinckley & Bosworth
Borough Council

Planning Ref: 17/01292/FUL
Applicant: Daniel Kitching
Ward: Earl Shilton

Site: 38 Almeys Lane Earl Shilton

Proposal: Erection of one detached bungalow (resubmission of 17/00636/FUL)



1. Recommendations

1.1. **Refuse planning permission** subject to the reasons at the end of this report.

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of one detached bungalow on the land to the side of 38 Almeys Lane, Earl Shilton.

2.2. The proposed dwelling would measure approximately 7.02 metres by 5.77 metres and would comprise of a one bedroom detached property. Parking is proposed to the front of the new dwelling with a new vehicle access and associated parking space provided to the existing dwelling.

2.3. This application is a resubmission of a previously withdrawn application for a two storey building comprising two flats. The application was withdrawn following officer

concerns surrounding the impact the proposed development would have on the character of the area and the impact upon residential amenity.

3. Description of the Site and Surrounding Area

- 3.1. The site comprises the existing side garden of no. 38 Almeys Lane, Earl Shilton which is currently fenced off from the road to the front with a 1.8 metre high fence. To the side of the site is a footpath.
- 3.2. No. 38 is an existing two storey semi-detached property with a large side garden located to the south west. The attached property to the north east, no. 40 also benefits from a large side garden which abuts the junction of Almeys Lane and Avenue South. Parking is currently available off street to the front of the site.

4. Relevant Planning History

13/00389/OUT	Erection of two apartments (Outline - access only)	Permission	11.09.2013
17/00636/FUL	Two residential apartments	Withdrawn	13.12.2017

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Eight letters of support have been received from seven separate addresses raising the following points:
- 1) Inline with the existing building line
 - 2) Design in keeping with the surrounding area
 - 3) Adequate parking provision
 - 4) Improved scale and size of development from previously withdrawn application
 - 5) A number of existing bungalows along Almeys Lane
 - 6) Improved visual appearance of the area
 - 7) Improved usage of the adjacent footpath
 - 8) Suitable access to local services
 - 9) Previously given outline planning application

6. Consultation

- 6.1. No objection subject to conditions from LCC Public Rights of Way.
- 6.2. No objection subject to conditions from HBBC Waste.
- 6.3. No objection from HBBC Environmental Health.
- 6.4. Notes to applicant provided from HBBC Drainage.
- 6.5. Standing advice provided from LCC Highways.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (ES&BAAP) DPD (2014)
- No relevant policies.
- 7.2. Core Strategy (2009)
- Policy 2: Development in Earl Shilton
 - Policy 19: Green Space and Play Provision
- 7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

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
- Infrastructure contributions
- Other issues

Assessment against strategic planning policies

8.2. The development plan consists of the adopted Core Strategy (2009), the adopted Earl Shilton and Barwell Area Action Plan DPD (2014) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).

8.3. Policy 2 of the adopted Core Strategy seeks to support development of a minimum of 10 new residential dwellings within the settlement boundary in addition to a sustainable urban extension (SUE) to provide 2,000 new homes. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development.

8.4. Notwithstanding that the minimum housing allocation for Earl Shilton within Policy 2 of the adopted Core Strategy has been exceeded, the application site is located within a sustainable urban location within the settlement boundary of Earl Shilton. The site has reasonable access to services and facilities in the town centre and is located where there is a general presumption in favour of residential development subject to all other matters being satisfactorily addressed. The proposal is therefore considered to be in accordance with adopted strategic planning policies.

Design and impact upon the character of the area

8.5. 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.

8.6. The proposed dwelling would be sited to the side of the existing building between no. 36 and no. 38 Almey's Lane on the existing side garden associated with no. 38. The existing site is currently bordered off by an existing 1.8 metre high fence to the front of the site.

8.7. The existing property and the adjoining semi-detached property are identifiable in their style, scale and siting, with properties benefiting from a large side garden. No. 40, the adjoining semi-detached property is located on the junction of Avenue South and Almeys Lane. Located to the south west of the site are two storey terraced properties. The application site therefore provides the link between the open, two

storey semi-detached properties located to the north east and the narrow two storey terraced properties located to the south west. The removal of this open area would result in an incongruous and cramped development that would not be well integrated within the existing built form of the surrounding area.

- 8.8. There currently are no existing bungalows within the vicinity of the immediate area with the nearest bungalow at no. 52 Almeys Lane. The existing symmetry, layout and appearance between no. 38 and no. 40 would be interrupted by the proposed development. The development, by virtue of the size of the site, poor design and type of development would appear prominent within the street and would result in an overdevelopment of the plot.
- 8.9. The proposal also includes the subdivision of the rear garden of no. 38. It is considered that the amenity space provided to the existing dwelling and the new dwelling would be at odds with the pattern and grain of development in the vicinity of the area.
- 8.10. Comments have been raised regarding the previously granted outline planning permission for two residential apartments (ref. 13/00389/OUT). However this application was for outline – access only and as such, details of scale, appearance, landscaping and layout were not submitted for consideration. Given these details can be considered as part of this current application, it is considered that the site is of inadequate size to accommodate one new dwelling. Furthermore, the previous outline application has now lapsed and the SADMP has been adopted since the granting of the previous outline permission which is a material planning consideration in the determination of this application.
- 8.11. By virtue of the proposed layout, scale and design, the scheme would result in an uncharacteristic, incongruous and cramped development that would not be well integrated, would neither complement nor enhance the character of the surrounding area and would result in a loss of openness to the immediate setting and wider street scene. The proposal would therefore be contrary to Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13. Due to the single storey nature of the property, it is not considered that there would be any adverse overbearing impacts, loss of light or loss of privacy impacts upon the residential properties located either side of the new dwelling. No habitable windows are located on the side elevation of no. 38 that are to be impeded by the proposal or the boundary fencing.
- 8.14. Due to the orientation and siting of no. 38, it is not considered that there would be any adverse impacts upon the residential amenity of the occupiers of the proposed dwelling.
- 8.15. The proposal also includes the subdivision of the rear garden of no. 38. As a result, the proposal would provide approximately 50 square metres for the proposed dwelling and approximately 60 square metres for the existing dwelling. However, the 60 square metres includes land to the front of the site. As such, by virtue of the size of the plot it is considered that the resulting amenity area would be inadequate to serve the occupiers of the existing dwelling and the future occupiers of the proposed dwelling.

- 8.16. The development would therefore fail to provide sufficient private amenity space for existing and future occupiers which would be detrimental to their residential amenity and contrary to Policy DM10 of the SADMP.

Impact upon highway safety

- 8.17. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.18. The existing dwelling has provision for two off street parking spaces. New vehicular access is proposed to the front of no. 38 to allow parking for two spaces for the existing dwelling. No. 38 is a three bed property and therefore it is considered that two spaces is acceptable in accordance with Leicestershire County Council's 6c's guidance.
- 8.19. One suitably sized off street parking space is provided to the front of the new dwelling. Given that the proposal would provide a one bedroomed property and that it is located within an area close to services and public transport links, one parking space is considered acceptable in accordance with Leicestershire County Council's 6c's guidance.
- 8.20. Comments raised by LCC Public Rights of Way Officer state that appropriate mitigation should be made during construction to ensure safe usage of the footpath and should the application be recommended for approval then appropriate mitigation could be achieved by condition.
- 8.21. Standing advice only comments have been received from Leicestershire County Council Highways Department.
- 8.22. The proposed scheme would not result in any significant adverse impacts on highway safety and would therefore be acceptable in accordance with Policies DM17 and DM18 of the SADMP.

Infrastructure contributions

- 8.23. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.24. However, there are specific circumstances where contributions for tariff-style contributions (eg green space and children's play provision) should not be sought from small scale and self build development. This follows the order of the Court of Appeal dated 13th May 2016 which gave legal effect to the policy set out within the Written Ministerial Statement of 28th November 2014 and should be taken into account.
- 8.25. Those circumstances include developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area).
- 8.26. A contribution is not therefore sought in respect of this application towards green space and children's play provision.

Other Issues

- 8.27. Street Scene Services (Waste) do not object but recommend a condition to require the submission of waste and recycling storage facility details for approval together with an adequate collection point adjacent to the highway boundary. The proposed site layout indicates a bin storage area to the rear of the building and in terms of

collection from the highway, there is adequate highway frontage to the development to enable bins to be presented on collection days similar to neighbouring residential properties. Therefore a condition is not considered to be either reasonable or necessary in this case, if the application were to be recommended for approval.

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 not result in any adverse impacts upon highway safety. However, by virtue of the small plot size, proposed layout, scale and design, the scheme would result in an uncharacteristic, incongruous and cramped development that would not be well integrated, would neither complement nor enhance the character of the surrounding area and would result in a loss of openness to the immediate setting and wider street scene. Furthermore the development would fail to provide adequate private amenity space which would be detrimental to the amenities of existing and future occupiers. The proposal is therefore contrary to Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document.

11. Recommendation

11.1. **Refuse planning permission** subject to the reasons at the end of this report.

11.2. Reasons

1. By virtue of the plot size, layout, scale and design, the scheme would result in an uncharacteristic, incongruous and cramped form of development that would not be well integrated within the existing street scene, would neither complement nor enhance the character of the surrounding area and would result in a loss of openness to the immediate setting and wider street scene of the surrounding area. The proposal is therefore contrary to Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document.

2. By virtue of the plot size, the scheme would result in the subdivision of the plot that would result in inadequate private amenity space to serve the occupiers of no. 38 Almeys Lane and the future occupiers of the proposed dwelling which would be detrimental to their residential amenity. The proposal is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

11.3. **Notes to Applicant**

1. This application has been determined in accordance with the following submitted details:- Planning Application Form, Planning Statement, Parking Provision Statement, Design and Access Statement, Amendments Statement, Indication of Current Fence, Proposed Side Elevation, Proposed Rear Elevation, Proposed Landscaping – Front Elevation, Proposed Front Elevation, Proposed Floor Plan, Existing Side Elevation, Existing Rear Elevation, Existing Front Elevation, Existing Block Plan, Proposed Drainage Layout received by the Local Planning Authority on 13 December 2017; Certificates, Proposed Block Plan and Site Location Plan received by the Local Planning Authority on 18 December 2017.