

**Planning Committee 5 June 2018
Report of the Interim Head of Planning**



Hinckley & Bosworth
Borough Council

Planning Ref: 18/00316/HOU
Applicant: Miss Helena Jaron
Ward: Barwell

Site: 10 Fairacre Road Barwell

Proposal: Single storey side and rear extension



1. This application was taken to Planning Committee on the 8 May 2018. Notwithstanding the officer's recommendation that permission be granted, members deferred a decision to seek amendments to set the extension further back.
2. Amendments to the scheme have been considered by the applicants but the requests are not achievable as detailed below. No amendments to the scheme have therefore been submitted since the application was considered at the 8 May 2018 Planning Committee.
3. Additional justification has been provided by the applicant to emphasise some of the key points from both the previous application's Delegated Officer Report and the Planning Manager's Report to the Committee. These are:
 - a) Deeds plans have been provided that indicate that the application is wholly within the applicant's boundary. The narrative to the deed plan notes that there is a requirement for joint maintenance of the driveway. The deeds

make it clear that there are no easements giving rights over any other land including rights of light and air. It is likely that the neighbour also has the same note on their register and therefore no right of access over the applicant's half of the driveway. However, the applicant is seeking legal advice to this effect and any update will be reported to Committee as a late item.

- b) It is stated by the applicant that the neighbours garage is set forward of the garage to no. 10 by almost 2 metres. The proposal is to set the garage forward by 3 metres and therefore the same principles apply. It is also noted that the neighbours would still be able to use the remaining shared space to alight any vehicles and move forward up to the garage if needed.
 - c) A letter from the Leicestershire County Council Occupational Therapist has been received in support of the application detailing the disabilities and particular requirements that need to be considered. It states that the scheme is the only feasible option to create a suitable adaption as the ground floor adaption needs to be close to the stairs to allow night time supervision, and costs of relocation are prohibitive. A recommendation for a Disabled Facilities Grant has been made to HBBC for this adaption.
 - d) The agent advises that the final design was arrived at following lengthy meetings with client, Social Services Occupational Therapist and HBBC Grant Officer. The proposed bedroom and en suite facilities are for the use of the client's disabled daughter and are being part funded by HBBC under a disabled facilities grant with the remainder funded by the client.
4. The assessment and recommendations to planning committee for this scheme have not altered from the previous report to committee. The original report to committee attached as Appendix A.
5. Section 9 of the report refers to Equality Implications as follows:

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.

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.

The equality implications arising from this application relate to the protected characteristics of a disabled person which is addressed in the assessment of the application by reference to planning policies and national guidance.

APPENDIX A

Planning Committee 8 May 2018 Report of the Planning Manager, Development Management

Planning Ref: 18/00316/HOU
Applicant: Miss Helena Jaron
Ward: Barwell



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Borough Council

Site: 10 Fairacre Road Barwell

Proposal: Single storey side and rear extension



1. Recommendations

1.1. Grant planning permission 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 planning permission for removal of a conservatory and flat roofed garage and proposes a ground floor extension to add a bedroom and bathroom for disabled use, and to extend the kitchen and dining room to the rear.

- 2.2. At the side the bedroom would extend further forward than the existing but remain set back from the front of the dwelling by 4 metres. This in turn would project 3.6 metres in front of the neighbours' garage.
- 2.3. The design has a low pitched roof, 2.3 metres to eaves and 3.4 metres to the ridge in matching facing bricks and concrete tiles and UPVC doors and windows.

3. Description of the Site and Surrounding Area

- 3.1. The site is located in a residential area within Barwell. The houses in Fairacre Road are semi detached in a uniform layout with a driveway between and generally with garages set back and open lawned frontages. Few have paved frontages although no 8 and 6 are both fully paved over. The application property has a garage set back by 8.5 metres and shares a drive with no 8 which has a garage set back by 7 metres from the front of the houses. The garage to the application property has in part been converted to a shower room and utility with a store to the rear, with a link to the conservatory.

4. Relevant Planning History

81/00694/4	Retention of shed	Permitted	21.07.1981
80/00572/4M	Erection of a garage	Permitted	04.07.1980

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Two letters of objection have been received raising the following concerns:-
- 1) Loss of parking
 - 2) Restricted access to garage and drive
 - 3) Loss of access to rear garden
 - 4) Damage to driveway

6. Consultation

- 6.1. Barwell Parish Council object for the following reason:-
- 1) Object under Policy DM10 – design needs to be more in keeping with the street. Encroachment onto shared driveway for bin storage and emergency access for both properties.
- 6.2. Councillor Roberts has requested that the application is called before committee for consideration and raises the following concerns:-
- 1) Loss of parking
 - 2) Impact on neighbour`s access to garage
 - 3) No access to rear garden

7. Policy

- 7.1. Core Strategy (2009)
- 7.2. Earl Shilton and Barwell Area Action Plan
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards

7.4. 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
- Other Issues

Assessment against strategic planning policies

8.2. Paragraphs 11-13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies DPD 2016 (SADMP) and the Core Strategy (2009).

8.3. Policy DM1 of the SADMP provides a presumption in favour of sustainable development. The policy sets out that those development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.

8.4. The proposal is located within the settlement boundary for Barwell, which is identified as a key rural centre where the principle of a householder extension 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 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. This is supported by paragraph 17 of the NPPF which seeks to ensure a high quality of design. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.

8.6. The proposed single storey additions and pitched roof, due to the minor nature and single storey height would complement the character of the host dwelling, and with ramped access at the front and rear would enable access for a disabled user.

8.7. The proposed extension would be constructed of matching brick and tiles that would not significantly impact upon the character of the area being set back from the frontage. Although the extension is forward of the existing garage, there are other instances in the street where garages are in line with the front of the dwellings. This would remain set back and therefore would not significantly alter the character of the street scene.

8.8. By virtue of its scale, design and appearance of the proposal, it is considered that the scheme would complement the scale, character and appearance of the wider area and be in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.9. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of neighbouring properties.
- 8.10. The proposed single storey element would not project past the front elevation of no. 10 Fairacre Road to the north east, or beyond its garage to the rear.
- 8.11. Although the driveway is effectively shared with no demarcation of the boundary line, the proposed extension would not project over the existing ownership boundary between the properties and still allow access to the neighbours' garage.
- 8.12. At the rear there would be a projection of 0.93 metres beyond the existing conservatory and neighbour's extension at no.12 and as such, at single storey the impact would be only marginally greater than existing, with no windows overlooking. Therefore it is not considered that this would harm neighbouring amenity and be in accordance with policy DM10.
- 8.13.

Impact upon highway safety

- 8.14. Policy DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.15. The proposal adds an additional one bedroom, resulting in a four bedroomed property. Given the provision of off-street parking to the front of the site and the retention of the existing drive space, parking provision would be sufficient in line with LCC Highways guidance at three spaces for four bedrooms.
- 8.16. It is noted that no. 8 has a paved frontage for caravan parking as well as the side driveway and garage.
- 8.17. The proposals would not have an adverse impact upon highway safety and would therefore be in accordance with Policy DM17 and DM18 of the SADMP.

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 proposal is located within the settlement boundary for Barwell and there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and the wider policies of the NPPF.

- 10.2. The proposal, due to its design, scale, massing and siting would not have a detrimental impact upon the character of the existing dwelling, area and street scene; neighbouring amenity or highway safety. Therefore the proposed development is considered to be in accordance with Policies DM1, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document and the aims of the National Planning Policy Framework 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. 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 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: Dwg. 17/HJ/2a Existing ground floor @ scale 1:50; 17/HJ/3 Existing elevations @ scale 1:50; 17/HJ/4b Proposed Plan @ scale 1:50; 17/HJ/5a Proposed Elevations @ scale 1:50; 17/HJ/7 Block Plan @ scale 1:500 and Location Plan @ scale 1:1250 received by the Local Planning Authority on 27 March 2018.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified within the application form unless alternative materials are first agreed in writing with the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

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.