

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

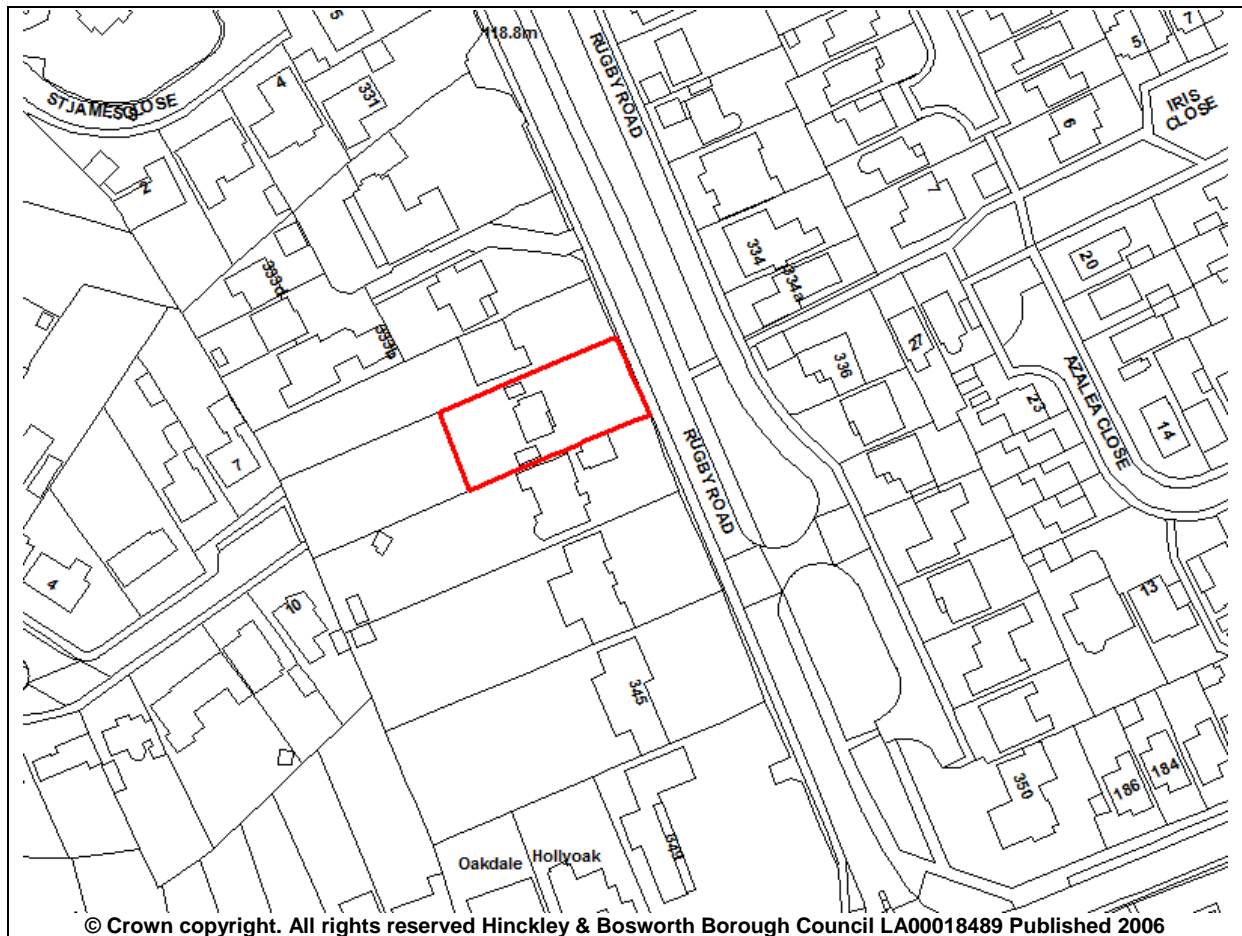


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00122/FUL
Applicant: Ricky Child
Ward: Burbage Sketchley & Stretton

Site: 339 Rugby Road Burbage

Proposal: Demolition of existing dwelling and the erection of a detached two storey dwelling and a detached double garage (re-submission)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. The applicant seeks planning permission for the demolition of the existing two storey detached dwelling and its replacement with a detached two storey dwelling, and a detached double garage set forward of the proposed dwelling.

2.2. The scheme has been subject to various amendments during the course of the application and the latest proposed amendments are still out for consultation at the

time of writing. These plans show a reduction in the ridge height of the proposed dwelling of 0.2 metres and the previously integral garage section which projecting forward of the main elevation of the proposed dwelling has been removed and replaced with a detached garage forward of the principal elevation. The proposed garage is reduced in height and size from that previously proposed by 1.4 metres. The amended plans have gone out further neighbour consultation and any additional comments received will be reported as a late item.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Burbage on the western side of Rugby Road. The existing dwelling is a detached two storey property which fronts onto and is accessed from Rugby Road with substantial planting to the boundary with Rugby Road.
- 3.2. The wider area is characterised by large detached dwellings with a variety of designs to the west side of Rugby Road. A number of properties along this stretch of Rugby Road have detached garages forward of the principal elevation of the dwelling. All the dwellings along Rugby Road are set back a considerable distance from the highway; on average by around 20 metres.
- 3.3. To the east side of Rugby Road, the area is characterised by detached two storey dwellings smaller in scale to those on the opposite side of the road.

4. Relevant Planning History

14/01160/OUT	Demolition of Existing Dwelling and Erection of two new dwellings (outline - access only)	Outline Planning Permission	16.01.2015
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Five letters of objection from five addresses were submitted in response to the scheme as originally proposed, with the points summarised below:
 - 1) The proposed dwelling would project beyond the building line of other properties on the street which are all aligned
 - 2) The proposed front elevation would not be in keeping with other adjacent properties, in regard to the contemporary vaulted windows to the bedrooms which are disturbing to the street scene
 - 3) Concerns that a nursery will be developed as an application for this type of development was previously withdrawn from the applicant therefore should be a restriction so no commercial business operates from the site
 - 4) The erection of a double garage and parking spaces for five cars is excessive and gives the impression that the dwelling could be used for more than family living accommodation
 - 5) The proposed dwelling lacks proportionality with both the size of the site and the surroundings, is imposing and over develops and overcrowds the site
 - 6) The proposed dwelling's roof and eaves are shown as being substantially higher than any of the other adjacent properties and therefore draws a sharp focus to the discordant obtrusiveness
 - 7) The width of the site covers the whole plot which overcrowds the site and brings a terracing effect to the street scene
 - 8) The size of the southern elevation within one metre of the neighbouring boundary shades and cuts off natural daylight, to the first and ground floor

windows, but also shades daylight to the second aspect window of a living room at ground floor and a bedroom at the front of 341 Rugby Road due to the forward projection of the house

- 9) The large windows proposed on the rear elevation would increase the amount of over looking onto neighbouring residential properties
- 10) The development will have a negative and adverse visual impact on the character of the locality and the landscape of the area by being over-dominant, over bearing, out of scale and out of character in terms of appearance
- 11) The proposed garage would cause disturbance to the root protection zones of the existing vegetation, and methods should be undertaken to protect the existing trees

5.3. Following the submission of revised plans which revised the position of the proposed dwelling to follow the existing building line along Rugby Road; and involving an integral garage built forward of the principal elevation which was to be one and half storeys in height , a further re consultation was undertaken with three neighbour comments being received raising objections to the proposal, these comments are summarised below:

- 1) Floor to ceiling glazing is inappropriate leading to a lack of privacy and therefore loss of amenity to the neighbouring garden
- 2) The overpowering nature of the design is brought about by the substantial and unnecessary increase in ridge height; the increased depth of the property effectively moving the ridge closer to the rear of the plot; the two rear gable treatments emphasising and exaggerating the overall height and the increased width of the property leads to an unacceptable design
- 3) The proposed development would result in a loss of visual amenity, with the development overcrowding the site
- 4) The development is overbearing and the proposed property will be visually jarring and out of keeping with the area. The scale and form of the proposal is insensitive to the relationship with the neighbouring properties
- 5) The proposed double garage is almost as high as the existing property and projects forward of the existing building line. This elevation will be immediately adjacent to and unavoidably visible from the ground and second floor windows of 337 Rugby Road which will subsequently block direct light
- 6) The design would almost entirely eliminate production of low carbon solar energy from the southernmost roof installation of 337 Rugby Road and will increase their dependence on mains electricity

5.4. As detailed above, a further set of revisions to the proposed scheme has been received and consultation on these is currently in progress. Any comments received will be detailed as a Late Item.

6. Consultation

6.1. Burbage Parish Council has objected to the application on the grounds that the proposed scale of the development will be an overdevelopment of the site and the development will be sited too far forward of the building line. The amount of glazing, the height, mass and design of the building is out of keeping with the street scene and the established area and will create an unsatisfactory relationship with neighbouring properties. Burbage Parish Council maintained an objection to the application on receipt of the first set of revised plans. The Parish Council have yet to comment on the latest set of revisions, any comments received will be reported as a late item.

6.2. HBBC Environmental Health (Drainage) has recommended notes to applicant be added to ensure disposal of surface water to the main sewers.

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 19: Green Space and Play Provision

7.2. 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

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Draft Burbage Neighbourhood Plan (BNP) 2015 – 2026

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 matters

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 other material planning considerations indicate otherwise.

8.3. Policy 1 of the draft Burbage Neighbourhood Plan supports development proposals within the settlement boundary of Burbage provided it complies with other policies in the Neighbourhood Plan. The emerging Burbage Neighbourhood Plan is still in development, not yet having been submitted to the Local Planning Authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore; only very limited weight can be afforded to this document at this time.

8.4. The proposal is located within the settlement boundary of Burbage and therefore there is a presumption in favour of sustainable development. The applicant seeks planning permission for the demolition of an existing two storey dwelling and the erection of a detached two storey dwelling and a detached double garage. The proposal is considered acceptable in principle, subject to other material planning considerations.

Design and impact upon the character of the area

- 8.5. Policy DM10 of the SADMP requires 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 proposed dwelling would be a two storey five bedroom property, with a detached double garage located forward of the principal elevation of the property. The proposed dwelling would be constructed with two glazed front gables with an eaves height of 5 metres and a ridge height of 8.4 metres. By way of comparison; measurements were taken at the two neighbouring residential properties with the ridge height at 341 Rugby Road being 6.82 metres and at 337 Rugby Road the ridge height being 7.5 metres. Whilst the directly neighbouring properties are lower in height than the proposed dwelling; there are varying ridge heights along this stretch of Rugby Road and there are other properties along this stretch of road are similar height to the proposed dwelling. The proposed double garage to the front would have an eaves height of 2.5 metres and a ridge height of 5 metres.
- 8.7. The dwelling itself would be set back from the highway by approximately 19 metres; following the existing building line with other properties along Rugby Road. The detached garage would be set back from the highway by approximately 10 metres; in line with the detached garage to the neighbouring property at 341 Rugby Road. The existing property is a three bedroom detached dwelling and is currently one of the smallest properties on the western side of Rugby Road. Rugby Road is characterised by large detached dwellings, and the proposed development would therefore be in keeping with the character of the area. The character of properties along Rugby Road is varied in terms of scale, height and design. The existing property does not positively contribute to the street scene in design terms. The proposed glazing to the front gable would add a contemporary design which is not considered to be detrimental to the character of the area and is therefore acceptable.
- 8.8. The proposed dwelling would be set in by 0.5 metre from the boundaries with both the adjoining neighbours allowing access to the rear. As noted above, a number of dwellings along Rugby Road are of similar size and bulk, therefore the proposed dwelling would not be out of keeping with the character of the area in this respect.
- 8.9. The proposed detached double garage would be constructed with a dual pitch roof with an eaves height of 2.5 metres and a ridge height of 5 metres. There are a number of dwellings which have detached garages along Rugby Road which have been constructed forward of the principal elevation of the dwelling including at the neighbouring property of 341 Rugby Road. The proposed garage would be set back from the highway by approximately 10 metres and there is extensive vegetation which provides considerable screening along Rugby Road which would screen the garage from view. Additional planting is also proposed along Rugby Road which would further screen the property and the garage.
- 8.10. The proposed detached double garage would be constructed in close proximity to 337 Rugby Road's conifer trees. The construction could affect the root protection areas of these trees and therefore a condition will be imposed requiring details of the proposed foundations to ensure that there is no adverse impact on the trees as a result of the construction of the garage.
- 8.11. By virtue of its siting, scale, design and appearance the proposal would not harm the character and appearance of the surrounding area and would therefore be in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP seeks to ensure that developments will have no significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13. The proposed dwelling would be set off the boundary with the neighbouring property to the south; 337 Rugby Road by 0.5 of a metre. This property has one side window facing towards the proposed dwelling which serves a hallway. No windows are proposed to the northern elevation of the proposed dwelling and therefore there would be no overlooking of this neighbouring property. Therefore there would not be a significantly adverse impact on the amenity of the neighbouring property.
- 8.14. The proposed dwelling would be set off the boundary with 341 Rugby Road, to the north by 0.5 of a metre; bringing it closer to the boundary and the proposed dwelling would be higher than that which is replaces. 341 Rugby Road has three side windows at first floor level. However, these windows serve a bathroom which is obscurely glazed and two hallway windows and there would therefore be no significant impact on the amenity of this property. There are no side windows proposed to the northern side elevation of the proposed dwelling and there are no habitable room windows to this side elevation to 341 Rugby Road and therefore the proposed development would not adversely affect the amenity of 341 Rugby Road.
- 8.15. The detached garage would be constructed forward of the principal elevation of the proposed dwelling; on the boundary with 337 Rugby Road. However, given its location 2.5 metres forward of the neighbouring dwelling and given that the roof slopes away from the boundary; being 2.5 metres at the closest point to the boundary there would be no significantly adverse impact on 337 Rugby Road in terms of overshadowing or overbearing impact.
- 8.16. A bungalow is currently under construction to the rear of the site which is accessed by Johns Close. The separation distance between the proposed dwelling and the approved dwelling at Johns Close would be 29 metres from rear elevation to rear elevation. The proposed dwelling would have three windows at first floor level with majority of the ground floor being glazed. However the separation distance between the two properties is considered sufficient to ensure that there would be no adverse impact on the neighbouring amenity of the property to the rear of the site. There is also an existing 1.8 metre high close boarded fence which forms the boundary treatment between the two properties and acts as screening between the two properties.
- 8.17. The proposed property sits within an extensive plot and therefore it is considered that adequate private amenity space could be provided for the prospective occupiers of the new dwelling with 14 metres in length of garden space from the rear of the property to the rear boundary.
- 8.18. For the reasons given above, the proposed scheme would not result in any significant adverse impacts on the amenities of the occupiers of neighbouring properties and therefore the proposal is considered to comply with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon highway safety

- 8.19. Policy DM17 of the SADMP states that development proposals will be supported where there is no significant adverse impact upon highway safety.
- 8.20. Policy DM18 of the SADMP states that all new developments should provide an appropriate level of parking provision.

- 8.21. Leicestershire Highway Design Guidance provides that three spaces should be provided per dwelling within an urban location. The proposed dwelling is set back a considerable distance from the highway and meets the required standard set out within the 6C's. The parking layout and the turning space has not been outlined within the application, however it is considered that the site includes enough space to facilitate this, therefore it would be appropriate to have a suitably worded condition to ensure these details are submitted prior to any commencement of development. In terms of the access they are using an existing access which would not increase in use given that this application is for a replacement dwelling and it is therefore acceptable.
- 8.22. It is therefore considered that the development is in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

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. However, the Planning Policy Guidance provides that, tariff-style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 square metres. Therefore notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

Other Issues

- 8.24. Comments have been received stating that the dwelling is of a large nature and raising concerns that it could operate as a nursery. A planning application was submitted in 2015 by the applicant for the "Conversion and two storey extension of dwelling to a children's day nursery with residential on first floor" (Planning Reference: 15/01068/FUL). This application was withdrawn and no formal decision was made on this application. The current application is for a single dwelling and that is what must be considered. Any future application for use of the property as a day nursery would need to be assessed against the relevant planning policies.

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.
10. There are no known equality implications arising directly from this development.

11. Conclusion

- 11.1. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that accords with the policies in the Development Plan unless material considerations indicate otherwise. The site is located within a sustainable urban settlement with reasonable access to a range of services and facilities by sustainable transport modes.
- 11.2. Subject to the conditions set out below, the proposed development by virtue of the siting, layout, scale and design would respect the character of the street scene and would not adversely affect the amenities of the occupiers of neighbouring residential properties.
- 11.3. The application is considered to be in accordance with Policy 4 of the adopted Core Strategy and Policies DM1, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

12. Recommendation

- 12.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

- 12.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

12.3. 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: Block Plan, Garage Plan & Elevations, Proposed Floor Plans, Proposed Elevations received by the Local Planning Authority on the 18 May 2018 and, Landscaping Plans, received by the Local Planning Authority on the 13 April 2018 and Site Location Plan received by the Local Planning Authority on the 8 February 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 DPD.

3. Prior to the commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved.

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

4. Prior to the commencement of development, a plan shall be submitted showing the existing and proposed ground levels of the site and finished floor levels of the dwelling hereby permitted. This shall be approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those details approved.

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

5. No development shall commence until a detailed scheme of landscaping and measures for the protection of trees on site and adjacent to the boundaries of the site to be retained during the course of development shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following items;
 - 1) A site specific tree protection plan with details of site storage areas and welfare facilities;
 - 2) A full and detailed prescription for tree surgery works;
 - 3) A method statement for site works and foundation design within the Root Protection Area on or adjacent to the site; and
 - 4) A landscape plan.

Reason: To ensure that the development has a satisfactory external appearance and protects existing trees to be retained on site 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 Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amendment or replacement thereof) no gates, barriers, bollards, chains, or other such obstructions shall be erected to the vehicular access within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

7. Before first occupation of the dwelling hereby permitted, the access drive and parking spaces shall be surfaced with a tarmacadam or similar hard bound material (no loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be permanently so maintained at all times thereafter.

Reason: To reduce the possibility of deleterious material (loose stones etc) being deposited in the highway in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

12.4. 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.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata; i.e soakaways, previous paving, filter drains, swales, etc and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata area insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

3. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet
4. Rainwater from the garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge onto the surface of the application site and neighbouring properties.