

**Planning Committee 23 April 2019
Report of the Interim Head of Planning**

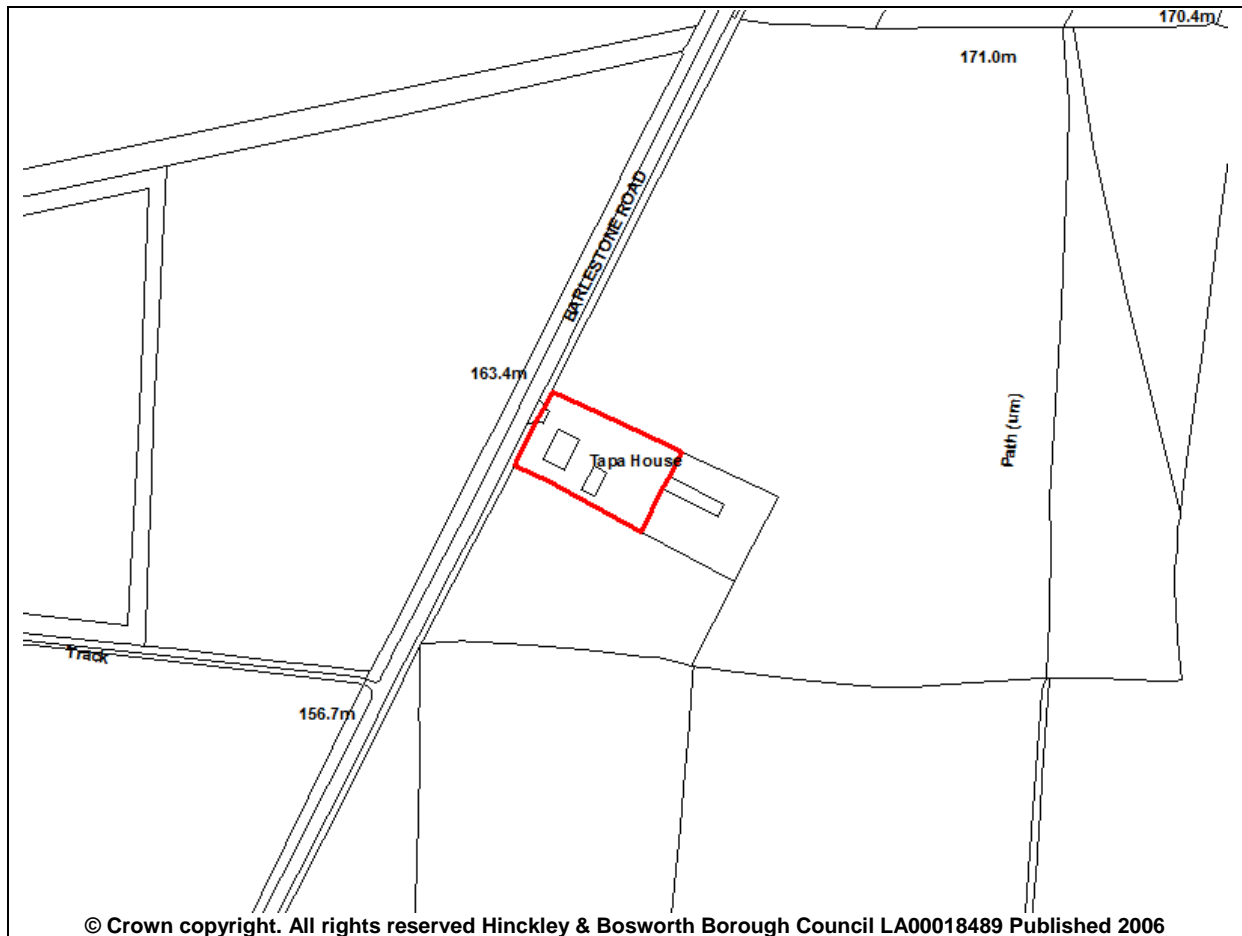
Planning Ref: 19/00177/HOU
Applicant: Mr Smith
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Tara Barlestone Road Bagworth

Proposal: Erection of a detached garage (resubmission of 18/00375/HOU)
(retrospective)



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1. Recommendations

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

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of a detached garage and workshop at Tara, Barlestone Road, Bagworth.

2.2. Planning permission was granted on 18 June 2018 (planning reference 18/00375/HOU) for the erection of a detached garage. The garage as previously approved measures approximately 16 metres in width with a depth of 6.6 metres and an eaves height of approximately 3 metres and a ridge height of approximately 5.95 metres.

- 2.3. This application seeks retrospective permission for a revised proposal, with the garage measuring the same in depth and width however with an increased eaves and ridge height. The proposed garage sought for approval through this application would measure approximately 4.8 metres to the eaves (an increase of 1.45 metres from previously approved) and approximately 7.4 metres to the ridge (an increase of 1.8 metres from previously approved).
- 2.4. The proposal would provide a four bay garage, workshop and WC and would be sited to the north east of the existing dwelling, adjacent to the northern boundary of the site. There would be no change to the existing access or hardstanding on the site. The proposed garage would be constructed of cedar wood cladding and tiles to match the existing house, which are the materials previously outlined on the permitted scheme.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located outside the settlement boundary of Bagworth, and within the National Forest. Within the site there is an existing residential house, with an area to the rear of the property previously granted planning permission to store items relating to circus equipment.
- 3.2. The property is slightly set back from the road but due to the scale of the dwelling and the open landscaping to the front of the site, the application site is visible from Barlestone Road. Off street parking is provided within the site with 2 metre high boundary pillars and gates at the access. Low level boundary walls then surround the front property. A public footpath runs close to the rear boundary of the site.
- 3.3. The building of the garage has already started, however it is not currently built in accordance with the approved plans. The garage has been constructed up to an eaves height of approximately 4.8 metres, which is the height of the eaves sought for approval through this planning application.

4. Relevant Planning History

91/00839/4	Change of use to private gypsy transit site comprising 7 seven pitches	Refused	25.11.1992
94/00736/COU	Siting of two residential mobile units	Refused	16.11.1994
95/00492/FUL	Retention of detached double garage	Permission	26.10.1995
03/00245/FUL	Demolition of existing dwelling and erection of replacement dwelling conversion of existing detached garage to granny annexe and construction of new garaging and creation of storage area to the rear	Permission	12.01.2004
09/00134/FUL	Extensions and alterations to dwelling	Permission	20.04.2009
16/00085/FUL	Temporary planning permission for the parking of vehicles (2 years) (retrospective)	Refused	09.05.2016

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. No comments received.

6. Consultation

- 6.1. Bagworth and Thornton Parish Council object for the following reasons:-
- 1) Works not being undertaken in accordance with the approved details
 - 2) Subsequent effect upon the appearance and impact of the development
 - 3) Garage doors are not to be altered to accommodate the change in height, leaving a void roof space
- 6.2. No objection from HBBC Drainage.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 21: National Forest
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - 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 highway safety

Assessment against strategic planning policies

- 8.2. Notwithstanding that the application site is located in the countryside, the NPPF (2019) and Policy DM1 of the Site Allocations and Development Management Policies (SADMP) provide a presumption in favour of sustainable development. Policy DM4 of the SADMP sets out the circumstances in which development would be considered sustainable within the countryside, such as a householder application which leads to the enhancement of the immediate setting and does not impact upon the intrinsic value of the open character of the countryside. Compliance with the relevant sections of Policy DM4 of the SADMP will be assessed further in the following section.

Design and impact upon the character of the area

- 8.3. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy DM4 of the SADMP seeks to protect and safeguard the countryside and requires development to not have a significant adverse effect on the intrinsic value, beauty, open character and

landscape character of the countryside and states proposals would only be permitted where they lead to an enhancement of the immediate setting.

- 8.4. Policy DM4 of the SADMP allows for sustainable development in the countryside where it meets specific criteria and subject to 5 sub-criteria that must be also met. Criterion i) is most relevant and requires that the development results in no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location. Criterion v is also relevant to this proposal given that the application site sits within the National Forest. Criterion v states that proposal within the National Forest must contribute to the delivery of the National Forest Strategy in line with Core Strategy Policy 21. Criterion ii – iv of Policy DM4 of the SADMP would not be relevant to this application as the proposal would not undermine the separation between settlements, not create or exacerbate ribbon development and is not located in the Green Wedge.
- 8.5. Policy 21 of the Core Strategy seeks to ensure that the siting and scale of the proposed development is appropriately related to its setting within the Forest and that the development respects the character and appearance of the wider countryside.
- 8.6. The proposed garage would be located to the north of the dwelling and sited perpendicular to the road with the side elevation facing Barlestone Road. The proposed building would be a quadruple garage and workshop measuring approximately 16 metres by 6.6 metres with a height of approximately 4.8 metres to the eaves and 7.4 metres to the ridge.
- 8.7. Although the proposed garage would be set back from the front elevation of the existing dwelling, views of the garage would still be unmistakable from Barlestone Road, given the open nature of the front of the site. This coupled with the significant height of the garage would result in a highly prominent form of development within a countryside location.
- 8.8. Notwithstanding planning permission has already being granted for the depth and width of the garage; due to the significant increase in height, steeper roof pitch and siting, combined with size of the garage would result in a significant intrusion into the existing open nature of the countryside.
- 8.9. The proposed garage would be visible when approaching the site from the south of the application site and have little resemblance in terms of scale and design to the main dwelling. As such the proposed garage would be highly dominant and an incongruous form of development within the context of the site and in turn detract from the existing character of the host dwelling, its setting within the National Forest and the character and appearance of the wider countryside.
- 8.10. Although the proposed siting of the garage has previously been approved, this was at a lesser scale of development and as such was not considered to be highly prominent in the context of the site.
- 8.11. In addition to the increase in height of the garage, this application does not propose any landscaping or screening hedges, as previously proposed on the previous application. Notwithstanding this, due to the significant height of the garage, it is considered that any planting proposed or screening would not be able to mitigate the permanent harm caused to the character of the countryside.
- 8.12. The garage is subservient to the main dwelling, but due to the combination of the siting, size, height, scale and massing would be very prominent within the countryside location and would have a significant adverse impact upon the character of the countryside, surrounding area and the delivery of the National

Forest Strategy, contrary to Policies DM4 and DM10 of the SADMP and Policy 21 of the Core Strategy.

Impact upon highway safety

- 8.13. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.14. The proposed garage would provide parking for four vehicles. Overall, it is considered that there would be sufficient off street parking within the site to ensure no adverse on-street parking.
- 8.15. Therefore the proposal would have no adverse impact upon highway safety in accordance with Policy 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.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Whilst a smaller garage has been approved and there are no adverse impacts on highway safety; the proposed garage by virtue of the height, massing, scale and siting, would neither complement nor enhance the character and appearance of the countryside, National Forest or the existing dwelling; contrary to Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD and Policy 21 of the Core Strategy.

11. Recommendation

- 11.1. **Refuse planning permission** for the reasons at the end of this report.

- 11.2. **Reasons**

- 1. By virtue of the proposed siting, height, massing and scale, the proposed garage would result in an incongruous and dominant feature within the countryside location that would have a significant adverse impact upon the intrinsic value, beauty and character of the countryside, surrounding area and

the National Forest, contrary to Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document and Policy 21 of the Core Strategy.

11.3. Notes to Applicant

1. This application has been determined in accordance with the following submitted details:-

Planning Application Form

received by the Local Planning Authority on 12 February 2019

Proposed Plans and Elevations drg. no. 19/08 01A

Previously Approved Plans and Elevations

received by the Local Planning Authority on 19 February 2019

Block Plan drg. no. 19/08 03A

Location Plan drg. no. 19/08 02A

received by the Local Planning Authority 22 February 2019