

**Planning Committee 3 March 2020
Report of the Planning Manager**

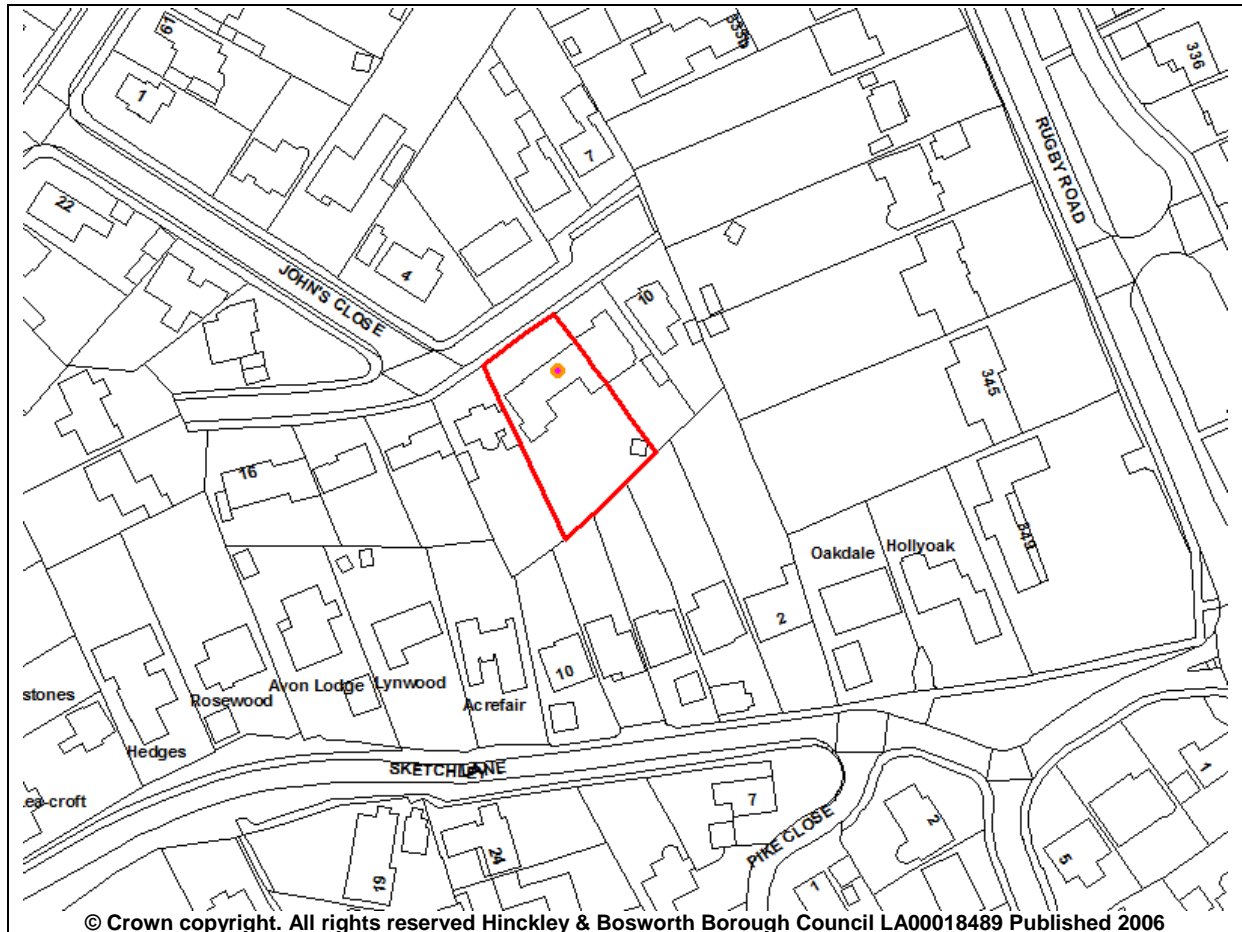
Planning Ref: 19/01359/FUL
Applicant: Mr & Mrs Hayes
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 12 Johns Close Burbage Hinckley

Proposal: Demolition of bungalow and erection of one two-storey dwelling



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This application seeks planning permission for the demolition of a single storey detached property, and for the erection of one two-storey dwellinghouse at no.12 Johns Close in Burbage.

2.2. The proposed two-storey dwelling would have an eaves height of approximately 4.6m, and a maximum height to the ridge of approximately 7.2m. The proposed dwelling would have a width of approximately 17.0m at the front of the property, and

at its widest point the proposed dwelling would be approximately 18.2m wide. The proposed dwellinghouse would have a staggered principal elevation, and the property would have a depth of approximately 14.5m at its deepest on the ground floor level, reducing to 7.8m depth at first floor level.

- 2.3. The proposed dwelling would primarily have a pitched roof, and an area at the rear of the property would be flat roofed with the inclusion of a roof lantern and skylights. This flat roofed element of the proposed dwellinghouse would have an eaves height of approximately 2.5m, and a maximum height to the ridge of the roof lantern of approximately 3.8m.
- 2.4. The proposed materials include grey slate roof tiles, white painted render, and brickwork to match the existing dwelling. Small amounts of slate cladding would be used on the front and rear elevations around the windows. Fenestrations would be installed with a grey aluminium finish. Solar panels would be installed on the rear and side, south and west facing elevations of the proposed two storey dwelling.

3. Description of the Site and Surrounding Area

- 3.1. The existing property at 12 Johns Close is a 1970s single storey detached dwelling. The majority of dwellings on Johns Close are single storey detached properties, several examples of two-storey dwellings are also found in the area, as well as dormer bungalows. The proposed development site is located between a single-storey and a two-storey property, numbers 11 and 13 Johns Close respectively.
- 3.2. This property is set back approximately 8.0m from the highway behind a hardstanding and gravel frontage, and benefits from a large south-facing garden to the rear. The majority of properties in the area remain unchanged from their original and varied design; however some properties in the wider area do reflect a more contemporary aesthetic.

4. Relevant Planning History

00/00864/FUL	Erection Of Rear Conservatory	Permission	04.10.2000
95/00482/FUL	Extension To Bungalow	Permission	24.07.1995

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. Representations from five separate addresses raised the following points in support of the application:-
 - 1) Lifetime home
 - 2) Increase in number of family homes
 - 3) Scale
 - 4) Design
- 5.3. Representations from seven separate addresses raised the following concerns with the scheme:-
 - 1) Design and materials
 - 2) Scale and massing
 - 3) Character of the area
 - 4) Loss of bungalow housing stock
 - 5) Overlooking
 - 6) Proposed use
 - 7) Air pollution

8) Drainage

6. Consultation

6.1. Burbage Parish Council was consulted and objects on design grounds.

6.2. No objections from the following:-

HBBC Drainage. A note to applicant was provided.

LCC Highways

HBBC Waste

HBBC Pollution

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. Supplementary Planning Guidance

- The emerging HBBC Good Design Guide 2020

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- 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
- Drainage
- Other matters

Design and impact upon the character of the area

8.2. 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.

8.3. The twin gable, equally proportioned design of the proposed two storey dwelling is considered to be well balanced, and is considered to be complementary to the appearance of the wider area. There are examples of feature gable ends projecting towards Johns Close on the original properties. The newly built bungalow at no.8 Johns Close has a twin gable design, with a central recessed entranceway somewhat similar to the design proposed here at no.12 Johns Close.

8.4. The proposed materials of brick and render making up the majority of the design for the two storey dwelling are considered to be complementary to the surrounding area. The existing bungalow is mainly finished in white render, with the garage and garage link in the original brick used on other properties within Johns Close. Both neighbouring dwellings are of brick construction and finish. Number 14 Johns Close is half render and half brick, and is of a similar proportion to the proposed scheme. The proposed use of grey roof tiles is considered to complement the appearance of the wider area, where traditional grey roof tiles are fitted on other properties in

Johns Close. The recently constructed no.8 Johns Close has Slate Grey tiles fitted to the roof, which would be similar in appearance to those proposed.

- 8.5. In terms of scale of the proposed development, at approximately 17.0m in width at the front of the property, and although considerably larger than neighbouring no.11 Johns Close. This width is similar to that of no.16 Johns Close, which is approximately 18.0m in width at one and a half storeys, roughly 6m in height. The proposed height of the two-storey dwelling would be roughly 7.2m in height, which is equivalent to the height of neighbouring no.13 and no.14 Johns Close. The hipped roof lessens the overall massing of the dwelling, as the eaves are placed at roughly 4.8m above ground level. This is considered to aid in the integration of the scheme with the hipped roof bungalows to the eastern end of Johns Close.
- 8.6. Furthermore, the separation distance between no.11 and no.12 Johns Close of 3.5m is considered to be sufficient in order to allay concerns regarding an over-dominant or visually jarring appearance that has been raised as a concern regarding the proposed scheme. The sloped roof to this eastern side of the site is considered to result in a more balanced relationship with the hipped roof of the adjacent bungalow, considering the matching and complementary roof angles found on the two properties which would radiate equally from the eaves of no.11 Johns Close.
- 8.7. The proposed two storey dwellinghouse is therefore considered to be a harmonious addition to the area by virtue of its scale, design, and materials to be used. All of which are considered to complement the character of the wider area of Johns Close. As a result, the proposed scheme is considered to be in accordance with Policy DM10 of the SADMP in regard to design and impact upon the character of the area.

Impact upon neighbouring residential amenity

- 8.8. 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.
- 8.9. The impact on the neighbour at no.13 Johns Close is an important consideration due to the size of the proposed replacement dwellinghouse, which would add a storey and extend beyond the existing built form on site. Due to the siting of these properties, which both benefit from large south facing rear gardens, it is considered that both immediate neighbouring dwellings would remain in full sun for most of the day. It has been clearly shown that the proposed scheme would not be in conflict with the 45 degree rule taken from the quarter point of the nearest ground floor principal window serving a habitable room, and would ensure that the rooms at the rear of no.13 Johns Close would still benefit from this open aspect. Therefore it is considered that the proposed scheme would not have a significant adverse impact on the amenity of these neighbouring occupiers.
- 8.10. Any potential impact on the neighbour at no.11 Johns Close has been minimised due to the proposed design which steps down from two storeys to a single storey flat roof on this side of the proposed dwellinghouse at the rear. Furthermore, this neighbouring property has a single storey rear extension roughly 4m in depth up to the boundary with the application site, which reduces the possible impact upon the neighbouring residential amenity of the proposed scheme. The proposed side elevation that would face the neighbouring premises includes two obscure glazed windows, which serve bathrooms. A side facing window on the master bedroom at the rear of the property would look over the single storey element of the proposed dwellinghouse, and is separated by a distance of roughly 13m to no.11 Johns Close. This would mainly look across the flat roof element of the proposed dwelling

towards the roof lantern. Therefore it is considered that this would not have a significant overlooking impact on these neighbouring occupants.

- 8.11. Neighbouring properties to the south of the application site, nos. 4, 6, and 8 Sketchley Lane are separated by large gardens and over 40.0m to the proposed site of the two storey-dwelling. The emerging Good Design Guide requires a separation distance of a minimum of 21m. The distance between the proposed two storey dwelling and those along Sketchley Lane is double the minimum requirement to ensure there would not be a significant overlooking or overshadowing impact. The proposed two-storey dwelling is not considered to cause an adverse impact on overlooking especially compared to the existing relationship between the two storey dwellings at nos. 4,6,8 Sketchley Lane and the application site. Furthermore, the windows on the rear elevation would have a sill height of approximately 1.2m above ground level, which is an acceptable height for a sill height regardless of the proposed glass gable, which would cause no further overlooking impact than a smaller window.

Impact upon highway safety

- 8.12. Policy DM17 & DM18 seek to ensure that development would provide an appropriate level of parking provision, and that there would not be a significant adverse impact upon highway safety.
- 8.13. The proposed dwellinghouse would have five bedrooms, which would require a minimum of three parking spaces to be in accordance with the Leicestershire Highways Design Guidance. It has been demonstrated that this minimum level can be provided as off street parking within the application site. An integrated garage, approximately 6m wide by 7m deep would provide secure off street parking for two vehicles at a distance of over 6.5m from the highway boundary. This can also include space for the parking of cycles and wall mounted car charging unit.
- 8.14. The application site at present benefits from an in-out driveway, which would facilitate easy access to the off street parking provided at the application site. The submitted parking plan shows the provision for seven car parking spaces, including five on the proposed hardstanding driveway. This could be used for the storage of vehicles and machinery required for the construction of the proposed two-storey dwellinghouse.
- 8.15. Consequently, the proposed demolition of the single storey dwelling, and the erection of one two-storey dwelling is considered to be in accordance with Policies DM17 & DM18 of the SADMP.

Drainage

- 8.16. Drainage was raised as a potential issue resulting from the public consultation process. The scheme has been assessed by the Hinckley and Bosworth Borough Councils drainage consultee who has not objected to the application, and has advised that a note to applicant be provided to ensure the proper drainage of the site which can be found at the end of this report.
- 8.17. Therefore adequate levels of drainage to the site would be provided in association with the proposed development, and drainage would not be significantly worsened as a result of the erection of the proposed two-storey dwelling.

Other Matters

- 8.18. The proposed two storey dwelling would include the installation of a considerable amount of solar panels on the south and west elevations. This is in line with Policy DM2 of the SADMP which supports the installation at domestic level of appropriately sited installations for the provision of renewable energy. The proposed

solar panels would not be clearly seen from the street scene, and would retain the appearance of traditional building materials within Johns Close. There have been concerns raised over the reflectance of the solar panels to properties at the rear of the application site. However, due to the black absorbent nature of solar panels, it is not considered that the proposed solar panels would cause any significant adverse impacts that would outweigh the benefits brought about by the integration of renewable energy sources into the fabric of the proposed dwellinghouse.

- 8.19. The proposed wood burner and associated flue are not considered to have any further significant adverse impact on the levels of pollution to the neighbouring property due to the chimney of no.11 also being situated close to the same boundary. Furthermore the chimney on the proposed scheme would be higher than the neighbouring chimney, taking any fumes further away from any neighbouring dwelling. Chimney stacks are a common feature in the area, and are commonly situated on the side elevations of properties in the area. At present the property has a chimney close to the centre of the property, and it is considered that the proposed dwelling would be more energy efficient than the existing dwelling, therefore would require less heating than at present.
- 8.20. Concerns regarding the end use of the proposed two storey dwellinghouse as an HMO have been addressed by altering the layout of the development to reduce the number of bedrooms with en-suite bathrooms, and the inclusion of a family bathroom. This would still retain the number of bedrooms to accommodate a large family and any guests connected with the family. A change of use from any dwellinghouse to an HMO is considered to be permitted development in accordance with Class L of Part 3 of the GDPO 2015 (as amended), and could be carried out at any home on Johns Close or elsewhere. An HMO licence would only be required if 5 or more people form more than 1 household, some or all tenants share toilet, bathroom or kitchen facilities, and at least 1 tenant would pay rent.

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. There is a presumption in favour of sustainable development under Policy DM1 of the SADMP and the wider policies of the NPPF, so long as proposals are in accordance with the relevant policies of the Site Allocations and Development Management Policies DPD.
- 10.2. By virtue of the appropriate scale, materials, massing and design of the proposed two storey dwelling, as well as the incorporation of renewable energy, and lack of a significant adverse effect on privacy and amenity of nearby occupants. The proposed scheme is considered to be in compliance with Policies DM2 and DM10 of the SADMP. Furthermore, it has been demonstrated that the proposed demolition of a bungalow and the erection of a two-storey dwelling, would be in accordance with Policies DM17 & DM18 of the SADMP.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

- 11.2. That the Planning Manager 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 91 of the Town and Country Planning Act 1990, as amended by 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:

Site Location Plan Drg. No. 00-1918 Rev # at 1:1250 scale
Proposed Landscaping Drg. No. 01-1918-0 Rev.E at 1:200 scale
Received by the Local Planning Authority on 12 February 2020
Proposed Plan Drg No. 10-1918 Rev D at 1:100 scale
Proposed Plan and Street Scene Drg. No. 11-1918 Rev E at 1:100 scale
Received by the Local Planning Authority on 4 February 2020

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The window(s) on the ground floor east elevation, first floor south, east and west elevations, all serving bathroom facilities shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and openable at a

height a minimum of 1.7m above floor level. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be occupied until such time as off street car parking provision (with turning facilities) has been provided, hard surfaced in accordance with the approved proposed Site Plans (showing parking spaces) drawing number 01-1918-0 Rev C. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

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, pervious 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 are 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.

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 (See Environment Agency guidance on the permeable surfacing of front gardens).