

**Planning Committee 22 August 2023
Report of the Head of Planning (Development Management)**

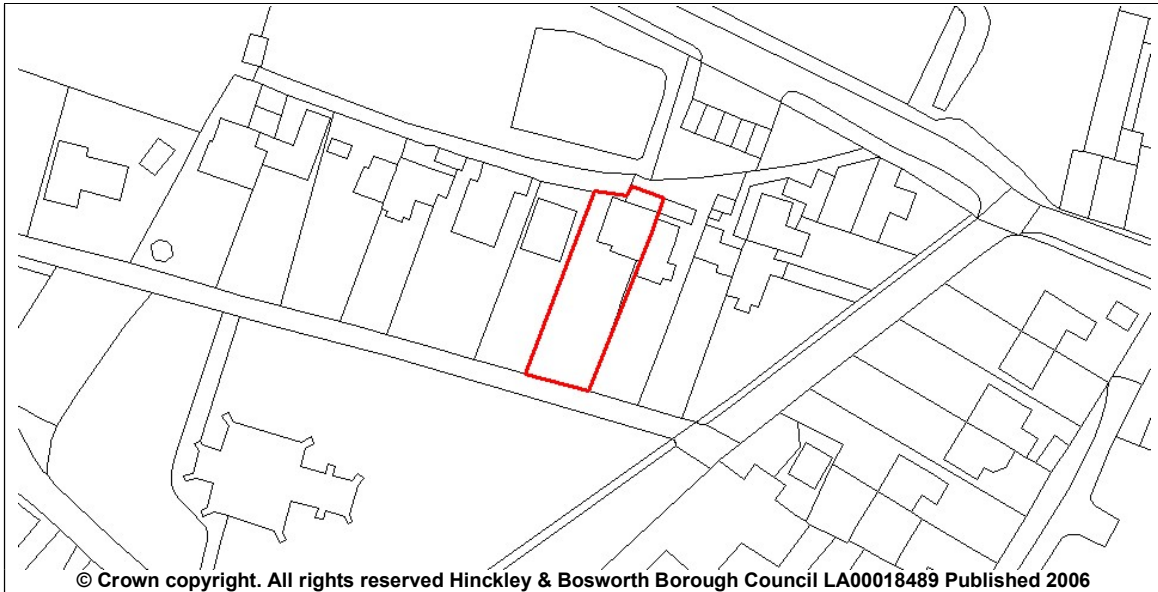


Hinckley & Bosworth
Borough Council

**Planning Ref: 23/00349/HOU
Applicant: Mr. Nick Sharpe
Ward: Cadeby Carlton Market Bosworth & Shackerstone**

Site: 63 Church Walk Shackerstone Leicestershire

Proposal: Tandem double garage



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

2. Planning application description

2.1. This householder application seeks planning permission for a detached tandem double garage to be used for purposes ancillary to the residential occupation of a dwelling, 63 Church Walk, Shackerstone.

2.2. The proposed garage would be located to the side of the dwelling. The amended scheme would have a rectangular footprint measuring 3.6 metres in width and 12 metres in depth extending from just inside the rear boundary to 4 metres forward of the existing dwelling's front elevation and just inside the side boundary of the site. It would have a gable-fronted design with a steep 50 degree dual pitched roof form with an eaves height of 2.55 metres and a ridge height of 5 metres. The amended scheme proposes that the garage would be constructed with facing bricks, plain clay roof tiles and painted barge boards to match those of the existing dwelling. In addition, the east side elevation facing towards the side elevation of the dwelling would also have a large, glazed section with oak structural mullions and either bi-fold or sliding doors. The main garage access doors would be of oak construction in

a ledge and brace style with exposed steel feature hinges and be power operated either as an up and over door or each leaf opening outwards.

- 2.3. The amended plans have been submitted to seek to address issues related to its originally submitted scale, design and appearance raised during the course of the application. Re-consultation has been undertaken.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of the rural hamlet of Shackerstone and within the Shackerstone Conservation Area. The application dwelling is a semi-detached period cottage with a steep pitched gable sided main roof and accommodation over two floors, the upper floor being within the roof space. It features tall brick chimney stacks and dormer windows with dual pitched gable fronted roof form. It is constructed with red rustic facing bricks, grey plain clay roof tiles, dark grey painted headers and canted cills and green windows and doors. It is identified as an important historic building within the Shackerstone Conservation Area Appraisal (SCAA) (2009). It is located at the back of its plot with a large amenity area to the fore with a number of relatively recently constructed detached ancillary amenity buildings. There is a loose stone surfaced driveway of single width and approximately 20 metres in length providing off-street parking for three cars plus an additional space at the front of the site. The site is enclosed by solid timber panel fencing with arched decorative trellis above, other than the rear boundary which has a 2 metres high solid close boarded timber fence and a 3 metres high hedgerow forming the boundary with the public recreation area to the north of the site.
- 3.2. The application dwelling is one of a cluster of former Gopsall Estate cottages located along Church Walk. The cottages were constructed in the Arts and Crafts style with similarly steeply pitched roofs, projecting gables, tall chimney stacks and fine architectural detailing. They are all set towards the rear of their respective plots with amenity areas between their front elevation and Church Walk.

4. Relevant planning history

87/01146/4

- Alterations and extensions to residential cottage
- Permitted
- 29.01.1988

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 and a notice was displayed in the local press.
- 5.2. As a result of public consultations, responses have been received from three neighbouring properties objecting to the amended proposals on the following grounds:
- Structure would be out of keeping with surrounding properties in terms of size, scale, footprint, architectural integrity/design, materials and planned use
 - Structure would be twice the depth of the original cottage, would project forward of it and dominate the frontage of the property and due to size and design would impact negatively on the street scene and conservation area
 - Structure would add to the number of existing structures within the front garden (not shown on submitted plans) which are all visible from the street and will fill the remaining outdoor space/useable garden

- Side window of adjacent dwelling looks towards the plot and would lose views and light
- Potential for alternative use in the future.

5.3. The application has been called in for determination by the Committee by Cllr Cook in support of the concerns of the Parish Council and neighbours and due to conflict with policies DM10, DM11 and DM12.

6. Consultation

6.1. Shackerstone Parish Council note the amended plans which include a reduction in its length by 2 metres to 12 metres, a change to the roof pitch which is more in keeping with the vernacular and a reduction in the number of windows on the eastern elevation. However, objections to the proposal remain on the following grounds:

- The footprint remains excessive compared to that of the dwelling/plot with the front garden already having a number of cabins/summerhouses in the heart of the conservation area
- The garage would extend beyond the dwelling frontage
- Bifold doors have now replaced some of the windows raising questions about the future use of the building.

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Shackerstone Conservation Area (SCA) Appraisal and Map (2009)
- Good Design Guide (2020)
- National Design Guide (2019)
- Local Highway Authority Design Guide

8. Appraisal

8.1. Extensions and alterations to existing domestic properties within settlement boundaries are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Design and impact upon the character of the dwelling, Shackerstone Conservation Area and the setting of nearby listed buildings
- Impact upon neighbouring residential amenity

- Impact upon parking provision

Design and impact upon the character of the dwelling, Shackerstone Conservation Area and the setting of nearby listed buildings

- 8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.3 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.4 Policy 13 of the adopted Core Strategy requires new development to respect the character and appearance of the Shackerstone Conservation Area by incorporating locally distinctive features of the conservation area into the development.
- 8.5 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment including conservation areas and national and locally important heritage assets and should ensure the significance of a conservation area is preserved and enhanced. Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and suggests that: *'Garages and car ports should generally be set back from the existing dwelling so as not to dominate the street scene.'*
- 8.6 Objections have been received on the grounds that the proposal would be out of keeping with surrounding properties in terms of its size, scale, footprint, architectural integrity/design, materials and planned/potential alternative future use and that due to its size, design and forward projection it would dominate the frontage of the property, infill remaining garden space adding to the existing cabins/summerhouses that occupy much of the site frontage and would have a negative impact on the street scene and conservation area.
- 8.7 The application dwelling is one of a cluster of former Gopsall Estate cottages located along Church Walk. The cottages were constructed in the latter half of the 19th century in the Arts and Crafts style and have steeply pitched roofs, projecting gables, tall chimney stacks and fine architectural detailing. Due to the historical and architectural interest of the cottage it contributes positively to the character and appearance and thus significance of the conservation area, and it is identified as an important historic building within the Shackerstone Conservation Area Appraisal (SCAA) (2009). The layout of the cottages is also of interest, with each cottage being set at the back of their respective plot and having a considerably sized amenity area between their front elevations and Church Walk. The SCAA identifies the layout of development along Church Walk as a component of interest and most of the front garden to No. 63 forms part of a key space within the conservation area.
- 8.8 The proposed tandem double garage would be located to the side of the dwelling and would have a rectangular footprint measuring 3.6 metres in width and 12 metres in depth. The amended design seeks to reflect the Arts and Crafts style and character of the host cottage and other Church Walk cottages, with a steep 50

degree dual pitched gable fronted roof form and architectural detailing including painted barge boards, diamond windows in the gable apexes and near side elevation, and garage doors constructed of oak with a ledge and brace style. The amended scheme proposes the use of red facing bricks and grey plain clay roof tiles to match those of the existing cottage which would result in a unified appearance. The proposed oak framed glazing to the near side elevation facing the cottage would be a more contemporary rather than traditional feature. However, notwithstanding this, by virtue of the siting of the garage to the side of the cottage and positioned towards the rear of the plot, this feature would be largely concealed by its close proximity to the side elevation of the cottage and by other structures within the site frontage and therefore it is considered that it would not result in any adverse visual impacts upon the street scene or conservation area.

- 8.9 By virtue of its proposed 12 metres length, the proposal would extend 4 metres forward of the front building line of the host dwelling. Notwithstanding this and the extent of its footprint, due to its amended traditional design and appearance it would relate well to the host cottage and despite being forward of it would not lead to any perceptible reduction in the extent of the key space in front of the cottage. When viewed from Church Walk the garage would be clearly set back from the more dominant cream rendered gable of the adjacent modern infill dormer bungalow (No. 62A), and due to its single storey scale with an eaves height of 2.55 metres and a ridge height of 5 metres, it would be clearly subordinate in height to both dwellings either side, with only the front gable being visible directly from Church Walk due to other existing structures within the site frontage and planting. As a result, notwithstanding the objections received, it is considered that the proposal would not be unduly dominant or visually prominent in the wider area.
- 8.10 Due to the projection of the garage beyond the front building line of the host cottage, its roofscape would be visible looking westwards from Church Road across several front gardens of the cottages along Church Walk. However, by virtue of its steep pitch roof form and the proposed use of matching grey plain clay roof tiles, it would have a traditional character and it is considered that it would sit comfortably within that view, which would include the backdrop of the modern infill dormer bungalow (No. 62A), which is identified as a 'weak area/building' within the SCAA.
- 8.11 A view of the top of the rear gable of the garage would be visible above the mature 3 metres high hedgerow along the rear boundary of the plot from the recreational area on Station Road. However, by virtue of the traditional form and detailing of the rear elevation of the garage and the proposed use of matching external materials in its construction, it is considered that the proposal would not result in any adverse visual impacts upon any views of the Gopsall Estate cottages when viewed from the recreational ground or other key spaces in the conservation area located to the north of the application site.
- 8.12 Objections received refer to there being a number of other structures (including cabins, summer house, hot tub etc. within the site frontage that cover much of the previously open amenity space. The proposal would result in an additional structure, however, the existing structures include the provision of covered amenity areas and satisfactory amenity space to serve the dwelling would therefore be retained within the 20 metres deep by 7 metres wide (140 square metres) front amenity area.
- 8.13 Objections received refer to the potential for alternative use of the structure in the future (other than garaging) due to its design that includes bi-fold or sliding doors. By virtue of the site providing alternative adequate off-street parking, subject to the structure being used only for purposes ancillary to the residential occupation of the

cottage and for no other purpose, such use would not be unacceptable and a planning condition could be used to secure this restriction.

- 8.14 Notwithstanding the objections received, by virtue of the appropriate siting, scale, form, amended design and appearance, and the proposed use of matching and sympathetic natural materials in its construction, it is considered that the proposed tandem double garage would respect and complement the scale, period character and appearance of the application dwelling, would have a neutral impact on the character and appearance of the Shackerstone Conservation area and would therefore preserve its significance. As a result, the proposal is considered to be in accordance with Policy 13 of the adopted Core Strategy, Policies DM10, DM11 and DM12 of the adopted SADMP, section 16 of the NPPF and the statutory duty of Section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.15 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.16 An objection has been received on the grounds that the proposal would result in loss of light to and views from a window in the neighbouring dwelling, although this is not from the immediate neighbouring owner.
- 8.17 No. 62A Church Walk is a gable fronted dormer bungalow that lies to the west of the proposal, approximately 1 metre in from the side boundary. It currently benefits from three windows in its east side elevation facing the application site, two secondary habitable room windows at ground floor and a dormer window above serving a landing area, the principle habitable room windows being to the front and rear elevations. Notwithstanding the siting of the proposal just inside the side boundary and its depth which would extend across these ground floor windows, they are secondary in nature and therefore it is considered that, notwithstanding its proximity, the proposal would not result in any significant or unacceptable adverse overbearing or overshadowing impacts on the residential amenity of the neighbouring dwelling. The proposal would also extend approximately 4.5 metres beyond the rear elevation of No. 62A to the rear boundary and adjacent to its rear courtyard. The nearest ground floor opening in the rear elevation of No. 62A facing the courtyard is a kitchen door and therefore the proposal would not result in any significant adverse impacts on any significant rear elevation windows.
- 8.18 Notwithstanding the objection received, it is considered that the proposal would not result in any significant adverse impacts on the privacy or residential amenity of any neighbouring properties and that it would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon parking provision

- 8.19 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.20 The proposed scheme would result in the provision of six off-street parking spaces within the proposed tandem double garage, the 20 metres long loose stone surfaced driveway and additional space at the site frontage. This level of provision would be more than adequate to serve this modest dwelling and be in accordance with Policy DM18 of the adopted SADMP and local highway authority design guidance standards.

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. The proposal is for the construction of a detached garage for uses ancillary to the residential occupation of an existing dwelling within the settlement boundary of Shackerstone where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted SADMP and the overarching principles of the NPPF.

10.2. Notwithstanding the objections received, by virtue of the siting, scale, amended form, design and appearance, and the proposed use of matching and sympathetic natural materials in its construction, it is considered that the proposed tandem double garage would respect and complement the scale, period character and appearance of the application dwelling, would have a neutral impact on the character and appearance of the Shackerstone Conservation area and would therefore preserve its significance. Notwithstanding the objection received, it is considered that the proposal would not result in any significant adverse impacts on the privacy or residential amenity of any neighbouring properties. Satisfactory off-street parking for up to six cars and adequate amenity space would be retained within the site to serve the application dwelling. The proposal is considered to be in accordance with Policy 13 of the adopted Core Strategy, Policies DM1, DM10, DM11, DM12 and DM18 of the adopted SADMP, section 16 of the NPPF (2021) and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is therefore 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 Head of Planning 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 and Proposed Block Plan Drawing No. 2022/134/01 Rev A, Proposed South and East Elevations Drawing No. 2022/134/02 Rev A, Proposed North and West Elevations Drawing No. 2022/134/03 Rev A and Proposed Ground Floor Plan and Roof Plan Drawing No. 2022/134/04 Rev A received by the local planning authority on 4 July 2023.

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. The materials to be used on the external elevations of the proposed detached tandem garage hereby permitted shall be in accordance with the external materials details submitted on the approved Proposed South and East Elevations Drawing No. 2022/134/02 Rev A, Proposed North and West Elevations Drawing No. 2022/134/03 Rev A and Proposed Ground Floor Plan and Roof Plan Drawing No. 2022/134/04 Rev A received by the local planning authority on 4 July 2023 and shall match the corresponding materials of the existing dwelling.

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

4. The proposed detached tandem double garage hereby permitted shall only be used for purposes that are ancillary to the residential occupation of the host dwelling, 63 Church Walk, Shackerstone and not for any other purposes whatsoever.

Reason: To ensure that the use of the building remains compatible with the residential use of the site and to protect the residential amenity of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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.

