

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



Hinckley & Bosworth
Borough Council

Planning Ref: 23/00294/CONDIT
Applicant: Ricky Child
Ward: Burbage Sketchley & Stretton

Site: 339 Rugby Road, Burbage

Proposal: Variation of condition 2 and 8 of Planning Application 19/00413/FUL.
Amendments to plans and landscaping



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

2.1. This application seeks amendments to the approved plans, to include a pergola (measuring 2.95m in height, 5.9m in length and 3.5m in depth) and a veranda to the rear (measuring 3m in depth and 3.15m in height), amended landscaping to include access gates (wrought iron) and the relocation of the approved garage (to within 5m of the front boundary to the highway) which is sited forward of the principal elevation. An addition of a chimney stack and associated landscaping is also proposed.

2.2. The following documents were submitted in support of this application;

- Amended Site Access Gates Plan
- Application Form
- Block Plan
- Pergola Plan
- Floor Plans
- Proposed Floor Plans
- Landscaping Plan
- Proposed Elevations

- Materials Document

3. Description of the site and surrounding area

- 3.1. The application site is located in a residential area within the settlement boundary of Burbage on the western side of Rugby Road. The existing dwelling is a detached two storey property which faces onto and is accessed from Rugby Road. The application site lies within a row of individually designed dwellings of varying but predominantly two storey scale set within large plots, a number of which have detached garaging forward of the front elevation. All of the dwellings along the west side of Rugby Road in the vicinity are set back a considerable distance from the highway, many with substantial landscaping to the front boundary.

4. Relevant planning history

21/00632/CONDIT

- Variation of condition 2 (plans) attached to planning permission 19/00413/FUL
- Planning permission
- 20.10.2021

21/00230/DISCON

- Application to re-discharge conditions 3 (materials) attached to planning permission 19/00413/FUL
- Discharged
- 09.03.2021

19/01079/CONDIT

- Removal of condition 9 (removal of permitted development rights) of planning permission 19/00413/FUL
- Refused (Appeal Allowed)
- 18.11.2019

19/00882/DISCON

- Application to discharge conditions 3 and 5 attached to planning permission 19/00413/FUL
- Discharged
- 18.09.2019

19/00413/FUL

- Demolition of existing dwelling and the erection of a replacement detached dwelling and detached double garage (revised scheme)
- Planning permission
- 26.06.2019

18/00122/FUL

- Demolition of existing dwelling and the erection of a detached two storey dwelling and a detached double garage (re-submission).
- Planning permission
- 04.07.2018

14/01160/OUT

- Demolition of Existing Dwelling and Erection of two new dwellings (outline - access only)
- Outline planning approval

- 16.01.2015

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. 4 letters of objection from 4 addresses have been received:
 - Poor quality of the plans.
 - Gates are not set back enough.
 - Gates are not in keeping with the character of the area.
 - Concerns about building gaining an extra storey through a Variation of Condition application, it is felt this should have been for Full Planning Permission.
 - Rear windows are overlooking and should be obscure glazed.
 - Pergola is visually intrusive.
 - Concerns regarding the veranda and its use.
 - Issues raised regarding the materials used, mass and scale of the veranda.

6. Consultation

- 6.1. HBBC Drainage: No objections
- 6.2. HBBC Pollution: No objections
- 6.3. HBBC Waste Management: No objections
- 6.4. LCC Highways: No comments to make
- 6.5. Burbage Parish Council: Objection received based on the quality of the plans received.

7. Policy

- 7.1. Core Strategy (2009)
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - 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) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Burbage Neighbourhood Plan
 - Policy 1: Settlement Boundary
 - Policy 2: Design and Layout
- 7.5. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues:

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

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 and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.3 Policies 1 and 2 of the Burbage Neighbourhood Plan seek to ensure that development within the settlement boundary is carried out in general accordance with the development plan, alongside this, it seeks to ensure that the design and layout of any proposal is in keeping with the character of the area.
- 8.4 The proposal seeks amendments to the previously approved scheme, including a pergola and veranda to the rear, velux windows, a chimney stack, access gates, re-siting of the approved detached garage and associated landscaping.
- 8.5 It is considered that the pergola, veranda, velux windows and chimney stack would not be highly visible from the street scene to the extent that it would cause any impact upon the character of the area.
- 8.6 The proposed relocation of the detached garage is considered acceptable in terms of any potential impact on the character of the area. Similar detached garage structures can be seen along Rugby Road. The proposed relocation proposes moving the garage closer to the highway, but is considered acceptable and would not cause detrimental impacts upon the character of the area.
- 8.7 The initial proposal from the applicant sought a solid access gates, however, an amended plan has been received indicating that the proposed access gates are to consist of wrought iron, which allows for better visual permeability from the street scene to the house. In addition, similar gates can be seen within the local area and as such are not considered to be of detriment to the character of the area.
- 8.8 Overall, it is considered that the proposed alterations comply with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.9 Policy DM10 of the adopted SADMP and the adopted Good Design Guide require that development would not have a significant adverse effect of the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.10 The amendments to the approved plans, including the chimney stack, relocation of the detached garage, veranda and landscaping are not considered to have any impact upon the amenity of neighbouring residents due to their siting, scale and nature.
- 8.11 The proposed pergola, is sited to the rear of the site close to the rear 2m boundary fence and is located more than 8m away from any neighbouring property. The proposed height is 2.9m. Under permitted development the pergola could be erected up to 2.5m in height without the need for formal planning permission. With this fall-back position as a consideration, and when understanding the type of structure the

pergola is, it is considered that this would not cause significant adverse impacts upon the residential amenity of neighbouring properties, by way of loss of light or overbearing impacts.

- 8.12 The proposed velux windows, are centre pivoted and when installed the cill will be 850mm from finished floor level, and are located more than 20m away from the neighbouring properties to the rear. In addition, the windows could be installed under permitted development, given that they are not proposed on an elevation forming the side elevation. Whilst it is acknowledged that the windows face onto the neighbouring properties to the rear, when considering this against the existing first floor rear windows, is not expected to cause additional significant increases to the level of overlooking or loss of privacy to the neighbouring residents. Furthermore, for the above reason it isn't judge to be necessary to require the rooflights to be obscure glazed.
- 8.13 The alterations would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon highway safety

- 8.14 Policies DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.15 The proposed amendments do not reduce the number of approved off-street parking spaces, nor do they increase the requirement for any additional through the provision of additional bedrooms. The proposed access gate and landscaping is to be set back from the highway sufficiently to ensure safe ingress and egress from the site.
- 8.16 No objections or comments were made by Leicestershire County Highways in relation to the proposed amendments. The gates are to be conditioned to be inward opening, and given they are set back 5m from the highway they satisfy the requirements set out within the Leicestershire Highway Design Guide.
- 8.17 It is therefore considered that the proposed access, parking and turning facilities are acceptable and comply with policies 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.
- 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 amendments to the approved scheme would not cause any unacceptable harm to the character of the area, residential amenity or vehicle parking standards and is therefore in accordance with Policies DM10, DM17 and DM18 of the SADMP (2016) and advice in the Council's Good Design Guide SPD. Therefore, the proposed amendments to condition 2 and 4 are recommended for approval subject to conditions.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

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

12.4. Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Landscaping Plan
- Proposed Floor Plans
- Proposed Elevations
- Proposed Pergola Plan
- Proposed Veranda Plan
- Site Entrance Gate Plan

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).

2. The wrought iron access gates, hereby approved, shall be erected in accordance with the approved 'Site Entrance Gate Plan', and shall be hung to open inwards.

Reason: In the interest of Highway safety and to ensure satisfactory development in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The approved hard and soft landscaping scheme shall be carried out in accordance with the details submitted on Landscaping Plan in the first planting season following the first occupation of the dwelling hereby permitted. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development shall be carried out in accordance with the details of the samples of types and colours of materials used on the external elevations of the dwelling and garage hereby permitted submitted under application 21/00230/DISCON.

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).

5. The development hereby permitted shall be implemented in accordance with the proposed site and floor slab levels submitted on approved Site Levels Drawing Rev C received by the local planning authority on 25 June 2019 attached to application 19/00413/FUL.

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

6. The development shall be carried out in accordance with the detailed scheme of measures for the protection of trees on site and adjacent to the boundaries of the site to be retained during the course of development submitted under application 19/00882/DISCON.

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 (2016).

8. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not 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 being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

13. 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.