

Planning Committee 22 March 2016
Report of the Chief Planning and Development Officer



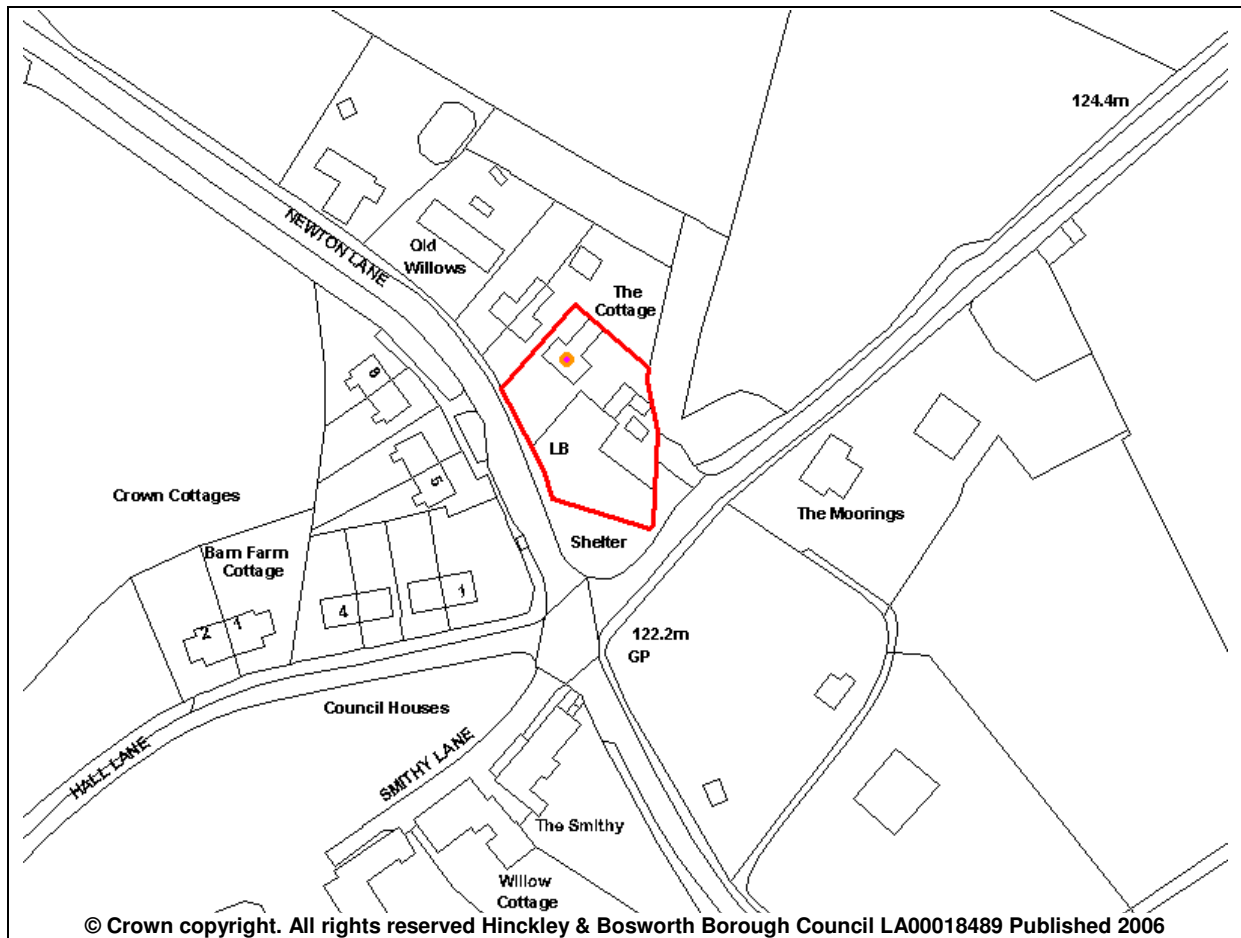
Hinckley & Bosworth
Borough Council

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Planning Ref: 16/00064/HOU
Applicant: Mr And Mrs Ensor
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: The Cottage 2 Newton Lane Odstone

Proposal: Extension to existing garage and erection of two dormer windows
(retrospective)



1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

1.2 That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks retrospective planning permission for the erection of two dormer windows and an extension in height to the existing garage of the property.

- 2.2. The garage itself was granted planning permission in 2014 under ref: 14/00325/HOU.
- 2.3. Prior to the current application, a previous application was submitted to the Local Planning Authority for the erection of the dormer windows only (our ref: 15/01152/HOU). That application was withdrawn when it was brought to the applicant's attention that the garage had been built higher than what had been previously granted (our ref: 14/00325/HOU). Subsequently, the applicant submitted the current retrospective application, to seek to retain the garage as built.
- 2.4. The current application is similar to the design and scale of the garage as approved in 2014. The main revisions are the height of the garage roof, which is now 6.8 metres. The structure also now has two dormer windows facing Newton Lane (application ref: 14/00325/HOU) instead of the previously approved roof lights. The dormer windows each measure approximately 1.65 metres in width, with dual pitched roofs measuring approximately 1.1 metres in height to eaves and 1.9 metres in height to ridge.
- 2.5. A Planning and Supporting Statement has been submitted with this application.

3. Description of the Site and Surrounding Area

- 3.1. The Cottage, 2 Newton Lane is situated on the corner of Newton Lane and Ibstock Road, located within the countryside, outside of the settlement boundary of Odstone. The property consists of a detached two storey dwelling, with a detached triple garage. The site is accessible from both Newton Lane and Ibstock Road.
- 3.2. The garage approved (our ref: 14/00325/HOU) is sited to the south east corner of the application site, with the principal elevation facing towards Newton Lane.
- 3.3. The surrounding area comprises range dwellings. The properties located along Newton Lane are a mix of dwellings, including individually designed houses, as well as modern two storey, semi-detached, red brick dwellings sited on the opposite side of Newton Lane to the application site.

4. Relevant Planning History

97/00160/FUL	Siting of stable and tackroom	Permitted	04.04.1997
14/00325/HOU	Extensions and alterations to dwelling and the erection of a detached garage	Permitted	07.07.2014
15/01152/HOU	Erection of two dormer windows on existing garage (retrospective)	Withdrawn	17.12.2015
92/00507/4	Erection to detached double garage	Permitted	17.07.1992

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. Three letters have been received from one neighbouring property in support of the proposal.
- 5.3. Ten letters have been received from seven neighbouring properties, raising the following objections:-
 1. The development would be contrary to applicable Policies BE1 and NE5 of the Local Plan 2001
 2. The garage is not important to the local farming economy, and there is no agricultural justification for the building
 3. The development is not in keeping with the character of the area
 4. The development is not in keeping with the surrounding buildings
 5. There are no dormer windows on the existing buildings within the residential curtilage of the application site
 6. Planning permission previously granted (our ref: 14/00325/HOU) is not valid as the development approved was not built in accordance with what was approved
 7. Planning permission (our ref: 14/000325/HOU) did not have a condition imposed to prevent a business being run from the property
 8. The extension to the height of the garage creates a two storey building
 9. The garage is not effectively screened
 10. The development is overbearing in the street, and visually prominent
 11. Concerns that the garage would be used as a separate residential dwelling
 12. Dormer windows overlook into neighbouring properties
 13. The quality of life of the neighbours would be detrimentally affected
 14. The garage would be used as additional living space
 15. The development has been carried out underhandedly, with a disregard for planning regulations
 16. There are no other garages in the area with dormer windows, and would be unique
 17. The development has altered the appearance of Odstone
 18. The development is a breach of human rights of neighbours

19. The height of the garage would be higher than existing buildings in the street and within the residential curtilage of the existing property
20. Other residents have had development restricted
21. The information submitted is misleading and not accurate
22. The development would set a precedent for future development
23. Planning permission was granted in 2009 (our ref: 09/00281/FUL) for the erection of a building in connection with a residential property, on Ibstock Road. This permission was granted subject to conditions concerning the height of the building and the use. These conditions should have been included on the draft Committee report for the previously withdrawn application (our ref: 15/01152/HOU).

6. Consultation

- 6.1. No comments have been received from Shackerstone Parish Council.

7. Policy

- 7.1. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
- 7.2. Hinckley and Bosworth Local Plan (2001)
 - Policy BE1: Design and Siting of Development
 - Policy NE5: Development in the Countryside
- 7.3. Emerging Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
- 7.4. Other relevant guidance
 - House Extensions (SPG)

8. Appraisal

- 8.1. Key Issues
 - Assessment against strategic planning policies
 - Impact upon the character of the area
 - Impact upon neighbouring amenity
 - Impact upon the highway

Assessment against strategic planning policies

- 8.2. The application site is located in the countryside, within the settlement of Odstone. Policy DM4 of the SADMP and Policy NE5 of the Local Plan seek to prevent inappropriate development within the countryside.
- 8.3. Development is considered to be appropriate where the proposal involves extensions of existing buildings which lead to the enhancement of the immediate

setting, as specified within Policy DM4 (criterion b) of the SADMP. The proposal comprises extensions to an existing garage, and is within the existing residential curtilage of the property. Therefore, the proposed development would not encroach into the undeveloped open countryside, and would be considered acceptable in principle subject to all other material planning considerations.

Impact upon the Character of the Area

- 8.4. Policy DM10 emphasises the importance of good design, and provides a guide on the key considerations which the Borough Council will take into account when assessing the design of new development. Policy BE1 (criterion a) of the Local Plan states that proposals should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5. The dormer windows would be visible from Newton Lane. Some screening is provided from existing vegetation along the boundary of the property.
- 8.6. However, given the design elements of the dormer windows, such as the modest scale and how the windows sit in relation to the ridge height of the garage, it is not considered that the windows appear prominent within the street scene, particularly in relation to the scale of the existing garage. There is a mix of house types and designs within the immediate vicinity of the property, and there are examples of other properties with dormer windows nearby. Therefore, it is not considered that the development detracts from the character of the area in this respect.
- 8.7. Further, the materials utilised match those of the existing garage, and the windows would be completed through the reuse of existing windows from the main dwelling. Therefore, the dormer windows are in keeping with the design of the existing garage as well as the main dwelling.
- 8.8. The modest increase in height to the garage would have no adverse impact on the character of the area. The garage is sited on a corner plot on the street, and is set back from Newton Lane by a large grass verge. The increase in height would not significantly alter the prominence of the garage compared with that previously approved. The garage is therefore in accordance with policy BE1.

Impact upon Neighbouring Residential Amenity

- 8.9. Policy DM10 of the SADMP emphasises the importance of good design, and provides a guide on the key considerations which the Borough Council will take into account when assessing the design of new development. Policy BE1 (criterion i) of the Local Plan states that proposals should not adversely impact upon the amenity of neighbouring properties. The SPG on House Extensions provides further clarification and emphasis in respect of this.
- 8.10. The proposal would result in two dormer windows facing neighbouring dwellings No.5 and No. 6 Newton Lane, sited on the opposite side of the highway of the application property. However, given the minimum distance of 34 metres between the garage and the nearest dwelling, as well as the fact that the previously approved design of the garage included the insertion of roof lights to face these properties, it is not considered that the proposal would result in any adverse overlooking impacts to these neighbours.

- 8.11. Further, given the siting and minor scale of the dormer windows, as well as the minor increase to the height of the garage, it is not considered that the development would adversely affect residential amenity.

Other issues

- 8.12. Objections have been received in regard to the principle of the garage itself. Given that the principle of the garage was approved previously (our ref: 14/00325/HOU), and the current application represents a modest revision to what has been previously approved, these comments can only be given limited weight.
- 8.13. Further, comments have been received concerning the previous planning permission (our ref: 14/00325/HOU) enquiring why a condition to prevent a business being run from the application property was not imposed. The running of a business from a residential property on an ancillary basis does not require planning permission. If the intensity increased to a level whereby permission was required, at that stage it would be possible to consider the impact on residents.
- 8.14. In regard to the comments received concerning the use of the building for purposes other than as a garage, given that the building would remain ancillary to the existing property and would be utilised in conjunction with the main dwelling, the use of the building as additional living space would not involve a material change of use requiring planning permission
- 8.15. In regard to the comments received, stating that previous applications from other residents within the area have been restricted and that the development would set a precedent for future development, every application received shall be assessed individually, and on its own merits.
- 8.16. In regard to the comments received stating that the plans and information submitted are misleading and/or inaccurate, it is considered that the details are sufficiently clear to allow the development to be assessed. Further, the development and its impact can be clearly seen on site.
- 8.17. In regard to the comments received stating that planning permission 14/00325/HOU is invalid, this is not the case as that permission could be implemented in accordance with the planning conditions.
- 8.18. In regard to the concerns about the use of the garage as a separate residential dwelling, that would not be possible without first obtaining planning permission.
- 8.19. In regard to the unauthorised construction of the dormer windows, this has no bearing upon whether planning permission should be granted.
- 8.20. In regard to the comments received concerning the conditions imposed on planning permission 09/00281/FUL, the application granted planning permission for the erection of a building for hay storage, game rearing and implement storage, erected within a paddock area adjacent to a residential property. The conditions imposed were not considered applicable to the previously withdrawn application (our ref: 15/01152/HOU), and are not considered applicable to the current application. As stated above, each application received is assessed individually and on its own merits.

9. Conclusion

- 9.1. Overall, by virtue of the scale, design and materials proposed, the garage as built, including the two dormer windows and increase in height to the garage would not result in any material harm on the residential amenity of neighbouring properties, and will be in keeping with the character of the existing dwelling, and wider area.
- 9.2. The application is in accordance with Policies DM4 and DM10 of the emerging SADMP, Policies BE1 (criteria a and i) and NE5 of the adopted Local Plan, the SPG on House Extensions, and the NPPF.

10. Recommendation

10.1. Grant planning permission subject to

- Planning conditions set out at the end of this report.

- 10.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

10.3. Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the dimensions and details specified in the following submitted details:- Proposed Plan View and Elevations (scale 1:100) received by the Local Planning Authority on 25 February 2016, and the submitted Planning and Supporting Statement (Retrospective planning application for the erection of two dormer windows and regularisation of the ridge height on a detached garage at The Cottage, Newton Lane, Odstone) received by the Local Planning Authority on 23 February 2016.

Reason: For the avoidance of doubt and in the interests of proper planning.

10.4. 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.