

Planning Committee 11 October 2016  
Report of the Chief Planning and Development Officer



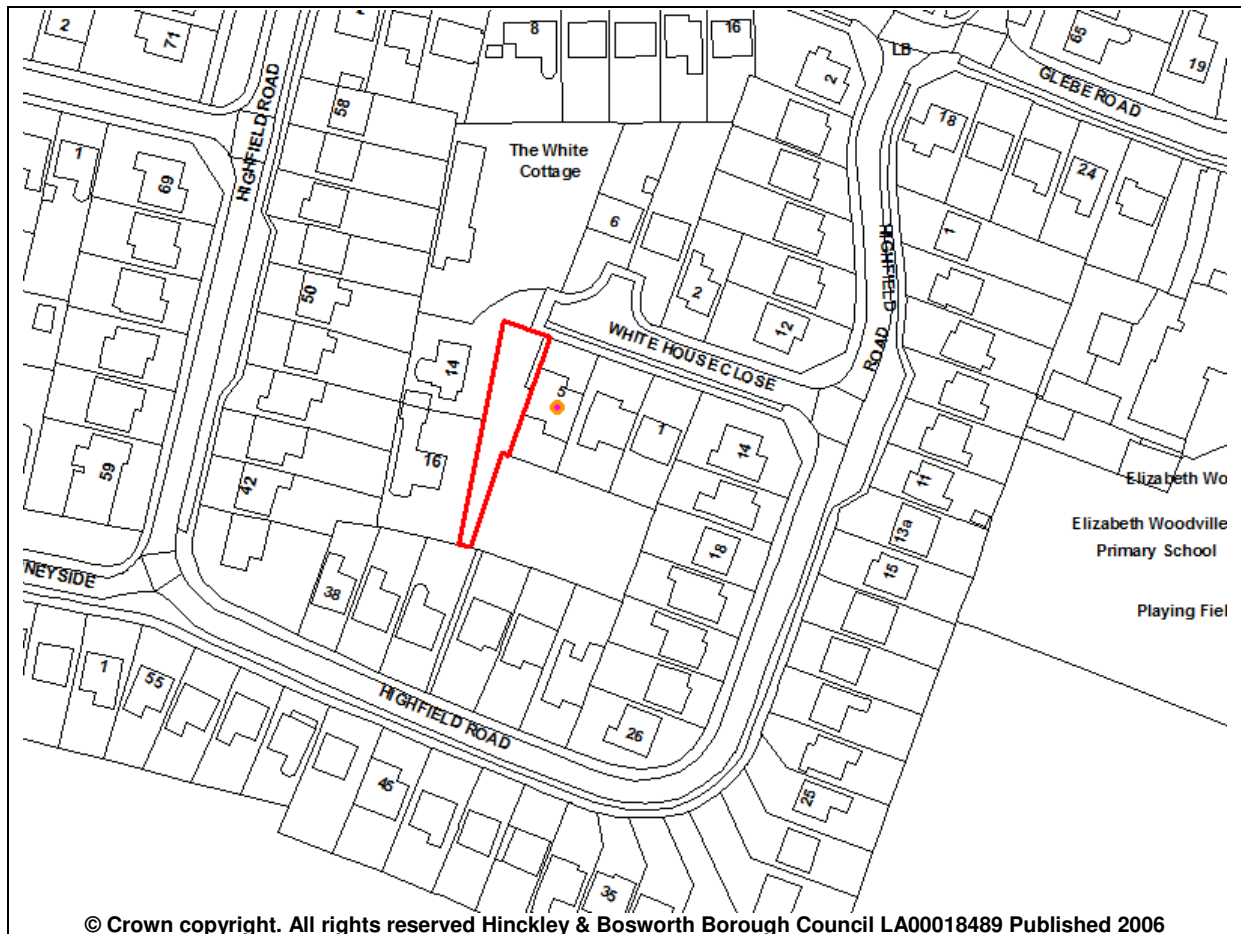
Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Planning Ref: 16/00757/FUL  
Applicant: Mrs Rita Morley  
Ward: Groby

Site: 5 White House Close Groby

Proposal: Erection of 1 dwelling (resubmission)



## 1. Recommendations

1.1. **Refuse planning permission:** subject to the reasons at the end of this report.

## 2. Planning Application Description

2.1. The application proposal relates to the erection of a 1 ½ storey two bedroom house within the side garden of the existing dwelling at No.5 White House Close. Dedicated parking space and a private rear garden are also proposed. The ridge height of the proposal would be approximately 6m with an eaves height of approximately 2.8m. The proposal provides an internal floor area of approximately 115sqm and a garden of approximately 116sqm.

2.2. The application is a resubmission of the previously refused scheme 15/01245/FUL refused under delegated powers on 22 January 2016 for the following reason:

*As a result of the scale, siting and layout of the proposal, when considering the size of the site and defined characteristics of the surrounding residential area, the development proposed would result in an incongruous, uncomplimentary, contrived form of development that would be detrimental to the character of the street scene and neighbouring residential amenity by way of overbearing impact and poor layout. The proposal is therefore considered to be contrary to the SPG Design Guidance on New Residential Development; the requirements of Saved Policy BE1 (a and i) of the adopted Hinckley and Bosworth Local Plan, Policy DM10 of the emerging Site Allocations and Development Management Policies DPD and the overarching intentions of the National Planning Policy Framework, with particular reference to Paragraphs 17 and 53.*

- 2.3. The scheme has been redesigned seeking to address the previous reason for refusal which. The revised scheme has resulted in a proposal with a more ‘modern’ appearance. The front gable feature has been removed and the proposed building relocated to be adjacent to the boundary of the existing host dwelling, at No.5 White House Close. This results in a different relationship between the proposed side wall of the dwelling and the front elevation of the adjacent bungalow at no 14 White House Close. The height and width of the proposed dwelling has been reduced and the line of the front elevation now in line at ground floor level with the front elevation of the host dwelling.

### **3. Description of the Site and Surrounding Area**

- 3.1. The application site comprises a detached dwelling located, at the end of a cul-de-sac, with gardens to the north, south and west. Whilst obscure in shape and form the garden area is larger than some of the adjoining properties and backs onto a local play area to the south. No. 5 White House Close is the last two-storey dwelling in the road and follows the general house design of White House Close. Its garden area creates separation between the end of the close and the three properties that sit beyond it. These three properties comprise 2 modern brick bungalows and The White Cottage, a large standalone two storey rendered property with a large garden curtilage.

### **4. Relevant Planning History**

03/00448/FUL	Single storey front extension	Permitted	10.06.2003
07/01414/FUL	Demolition of existing and erection of new garden room	Permitted	28.01.2008
15/01245/FUL	Erection of 1 dwelling	Refused	22.01.2016

### **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. There has been six letters of objections (from three separate households) and five letters of support (two of which are from the applicant and her son).
- 5.2. The reasons for objecting are:

- 1) Design out of keeping with surrounding properties
- 2) Too large within the available footprint
- 3) does not allow for minimum separation distances between neighbouring properties
- 4) no suitable access from the highway/danger to other road users
- 5) invasion of privacy
- 6) spoilt views
- 7) built beyond the existing building line
- 8) possible loss of light
- 9) proposed solar panels are ugly.

5.3. The reasons for supporting the application are:

- 1) Groby has lots of different styles of dwellings as does the immediate setting
- 2) Allows applicant to continue living in an area where she has lived since 1985
- 3) Frees up a larger family house for a family
- 4) Current property is too big.

## **6. Consultation**

6.1. The following consultees were notified of the application:

Leicestershire County Council (Highways) has no objections and refers to Standing Advice.

Environmental Health (Pollution) has provided no comments to the application.

Groby Parish Council has not submitted any comments.

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8 - Key Rural Centres relating to Leicester

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM7: Preventing Pollution and Flooding
- 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) (2012)
- Planning Practice Guidance (PPG)

## **8. Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity

- Impact upon the highway
- Drainage

#### Assessment against strategic planning policies

- 8.2. Core Strategy Policy 7 is the policy that covers Key Rural Centres. The policy states that housing will be supported within settlement boundaries. As the site is within the settlement boundary the proposal complies with this policy.
- 8.3. Groby is allocated as a Key Rural Centre in Policy 8 of the Core Strategy. The policy states that at this village, land will be allocated for a minimum of 110 dwellings. The adopted Site Allocations and Development Management Policies DPD (SADMP) states that the residual minimum housing requirement for Groby is 78 dwellings.
- 8.4. Given the above context, the principle of residential development of the site would be acceptable in terms of strategic planning policies subject to all other planning matters being satisfactorily addressed.

#### Impact upon the character of the area

- 8.5. White House Close is typical of the scale and style of housing of the areas in which it is located and comprises 9 dwellings with a strongly defined residential character. The three dwellings on the west side of the cul-de-sac (including the application property) are uniform in size and scale that share a similar front building line in similar plot sizes. On the east side, although different in design, the three dwellings are also uniform in scale and appearance. At the western end of White House Close and to the north-west of the application site is a larger dwelling from which the Close takes its name. That property dates from around the earlier part of the 20th century. Adjacent to the north-west boundary of the application site are 2 modern bungalows built in the early 1990's within the original rear garden of the White House. These are accessed via short private driveway and are not clearly visible from views along the cul-de-sac from Highfield Road.
- 8.6. Policy DM10 of the SADMP states that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. DM10 also requires the use and application of building materials which respects the materials of existing, adjoining/neighbouring buildings and the local area generally and incorporates a high standard of landscaping. This is supported by Paragraph 17 of the NPPF which seeks to ensure a high quality of design and Paragraph 53 of the NPPF which seeks to avoid the inappropriate development of residential gardens.
- 8.7. The proposed site forms the side garden of the host dwelling which is wider at the front than at the rear forming a wedge shape. It is constrained by the host dwelling and the northern boundary and is far narrower than the established plots within the cul-de-sac. The proposed independent development on this plot would, for this very reason, appear cramped and contrived and it is not considered that the proposed detached dwelling could be provided on the site whilst respecting the layout, design and scale of the existing dwellings in the street scene.
- 8.8. When viewed from the entrance of the cul-de-sac, the front elevation would stand proud of the front elevation of the host dwelling at first floor level, although it would be in line with the front single storey extension. The proposal would there be fairly prominent in long views. It would then become apparent when moving closer to the

site that the proposal would be out of character with the uniformity of the dwellings on the south side of the road. Whilst there is some variation in the cul-de-sac due to the properties to the north and west of the site, it is considered that the dwelling would appear incongruous and uncharacteristic when viewed in its immediate context.

- 8.9. Notwithstanding the above assessment, although the proposal is of a modern design, and would be built and finished with traditional materials which would be in keeping with the surroundings. Landscaping has been incorporated into the scheme with domestic scale planting which would help to assimilate the building within its setting and in this regard the proposal complies with some elements of Policy DM10.
- 8.10. On balance, it is considered that the proposed dwelling would have an overall detrimental impact on the character and visual appearance of the street scene. Although the materials and finishes would be in keeping, the development itself would have a cramped and contrived appearance and would neither complement or enhance the prevailing character of the locality. The proposal is therefore contrary to Policy DM10 (c) of the SADMP.

#### Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the SADMP states that new development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters such as lighting, air quality, noise, vibration and visual intrusion.
- 8.12. The previous reason for refusal was partly concerned with the impact that the proposed dwelling would have on the adjacent dwellings with regard to being overbearing and poorly laid out. The assessment particularly referred to the impact on no 14, the front rooms of which face across the private driveway (shared by no 14 and no 16) onto the eastern boundary of the application site which is defined by a 3m high evergreen privet hedge.
- 8.13. To address this concern, the proposed dwelling has been moved away from the boundary resulting in the side wall of the proposed dwelling approximately 2.5m from the boundary and approximately 6.5m from the front elevation of no. 14. The ridge height and hipped roof-form remain the same, with the eaves height at 2.8m of a similar height to the boundary hedge. The submitted plans show that the 25 degree light line is not breached.
- 8.14. There is a high level window proposed on the east side wall of the new dwelling. This faces onto the side access of the plot and the existing 3m high evergreen hedge and would not result in loss of privacy by way of overlooking into the front facing rooms of no 14.
- 8.15. On balance, due to the improved separation distance, the orientation of the properties and the site context, it is not considered that the proposed dwelling would result in any significant loss of daylight or sunlight or have any significant overbearing impact on the amenity of neighbouring residential occupiers. The proposal therefore complies with DM10 of the SADMP.

### Impact upon Highway Safety

- 8.16. Policies DM17 and DM18 of the SADMP concern highway design and vehicle parking standards. These require new developments to be in accordance with the highway design standards set out in the most up to date guidance produced by the Highways Authority and that an appropriate level of parking provision should be provided.
- 8.17. No objections have been raised from a highway safety view point. However concerns have been raised by some neighbours with regard to potential access difficulties. In relation to off street parking provision, the submitted plan illustrates that both the existing and proposed dwellings provide off road parking spaces. Whilst the provision of one new space would be acceptable, given the constrained nature of the site, it would not be possible to provide a turning area within the front garden area. Therefore vehicles would need to either access the parking space through reversing or if accessing the site in a forward gear would need to reverse onto the highway. This situation is primarily the case in White House Close and therefore a dedicated turning area within the site cannot be insisted upon. The proposal therefore does not raise and highway safety concerns.

### Drainage

- 8.18. There have been no drainage issues raised with regard to this application. Should approval be forthcoming a standard informative would be placed on the permission.

## **9. Equality Implications**

- 9.1. Section 149 of the Equalities 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.

## **Conclusion**

10. Although the previous reason for refusal has been partly addressed by the reduction of built form on the site and the relocation the proposed dwelling further away from the eastern boundary, there remain legitimate planning concerns regarding the proposal given the size and location of the site and the defined characteristics of the surrounding residential area. It is considered that the development proposed therefore results in an incongruous, uncomplimentary and

contrived form of development that would be detrimental to the character of the street scene and the surrounding area contrary to Policy DM10 of the SADMP.

**11. Recommendation**

11.1 **Refuse planning permission:** for the following reason:

11.2. **Reason**

1. The development as proposed would result in an incongruous, uncomplimentary, contrived form of development that would be detrimental to the character of the street scene by virtue of its design, siting and layout in relation to the size of the site and defined characteristics of the surrounding residential area, The proposal is therefore considered to be contrary to Policy DM10 Site Allocations and Development Management Policies DPD and the provisions of the National Planning Policy Framework Paragraphs 17 and 53.

11.3. **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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.