

Planning Committee 7 November 2017
Report of the Planning Manager Development Management

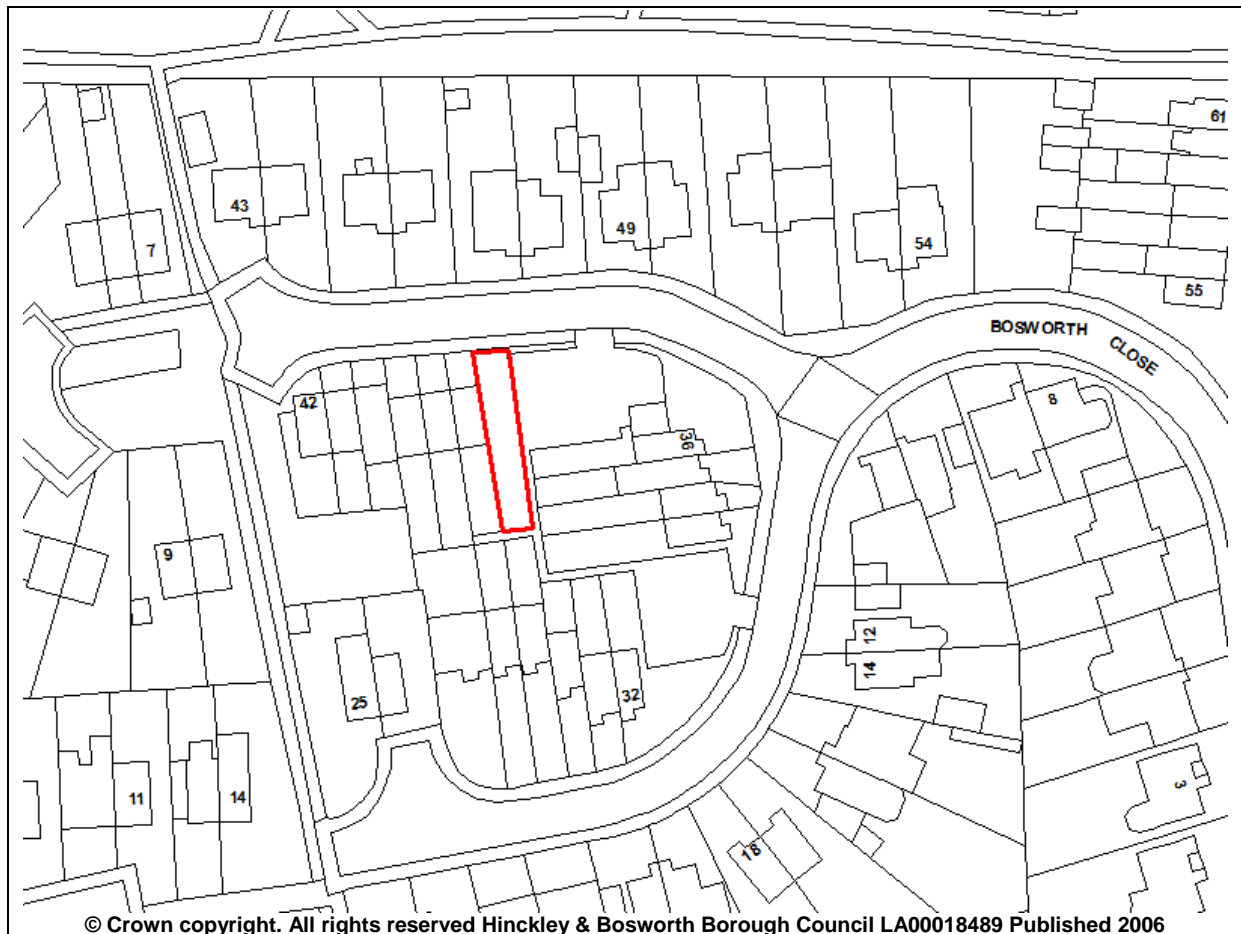


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00883/FUL
Applicant: Ms A Lewis
Ward: Hinckley Clarendon

Site: 37 Bosworth Close Hinckley

Proposal: Erection of one new 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 Development Management be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of a two-bedroom dwelling situated to the east of an end-of-terrace, which currently serves as an area of amenity space to the existing dwelling.

2.2. The proposed dwelling would be set back approximately 0.8 metres from the principal elevation of No.37 and would match the eaves and ridge height of the

existing, adjoining dwelling. Parking to serve the proposed and existing dwelling would be situated to the front of the dwellings.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 302 square metres and currently forms part of the enclosed garden of 37 Bosworth Road, Hinckley. The front of the application site is open and gravelled with the rear enclosed by a 1.8 metre close boarded timber fence. No.37 is the end of a row of terraces situated to the south of Bosworth Close, Hinckley. To the east of the application site, is an area of tarmac which serves as a residents parking area. Bosworth Close is a cul-de-sac which has a mix of single storey and two storey dwellings, which are either semi detached or terraced.

4. Relevant Planning History

None

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 six separate addresses representations have been received raising the following objections:-

- 1) The proposed dwelling would have an effect on the neighbouring parking space
- 2) Building the dwelling would result in scaffolding being positioned on the car parking space
- 3) Existing parking issues in a small close and this development would make it worse
- 4) The development would result in tradesman and deliveries to the close, where children play in the close
- 5) The dwelling would have no benefits to the residents of a small street
- 6) The dwelling would make it hard for residents to get off their drives if there are delivery lorries and work vans parked opposite obstructing the road
- 7) Already an existing issue with parking and congestion within the street
- 8) The new property will be up for rental which means that the owners won't have to deal with parking issues
- 9) The houses were built by Jelsons and it was intended that only one side of the road would be parking outside their homes

- 5.2 One letter neither objecting to nor supporting the application made the following comments:-

- 1) 4 of the 5 spaces on the 'residents car park' adjacent to the proposed property are owned by other properties in the street and are included in their deeds. There is one visitor space which is located on the end nearest the road directly beside the proposed property. It is believed No.37 is the owner of one of the resident spaces.

6. Consultation

- 6.1. No objections, some subject to standing advice, have been received from:-

Leicestershire County Council (Highways)
Environmental Health (Drainage)
Environmental Health (Pollution)
Street Scene Services (Waste)

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

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) (2012)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Infrastructure obligations
- Other matters

Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 12 and 13 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.

8.3. The development plan in this instance consists of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).

8.4. Policy 1 of the adopted Core Strategy supports the allocation of land for the development of a minimum of 1120 dwellings in Hinckley.

8.5. Policy DM1 of the adopted SADMP and paragraph 14 of the NPPF provide a presumption in favour of sustainable development. Paragraph 7 of the NPPF states that sustainable development has three interacting dimensions:- the social, economic and environmental roles.

8.6. The site is located within a highly sustainable location within a reasonable distance of the full range of services and facilities within Hinckley. The proposal would contribute in a small way to the social role by providing additional housing, to the economic role through its construction and future ongoing occupation, and the environmental role through the provision of a high quality dwelling that would preserve the built environment.

- 8.7. The proposal would therefore result in a sustainable development and therefore acceptable subject to all other material considerations being addressed.

Design and impact upon the character of the area

- 8.8. 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. The NPPF in paragraph 17 seeks to secure high quality of design and paragraph 56 states that good design is a key aspect of sustainable development. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.
- 8.9. The area is characterised by residential properties of a mix of styles and size, with both two storey and single storey dwellings present within the street scene. The application site forms part of the curtilage of No.37 Bosworth Close which is the end dwelling within a row of terraced properties, which are set back from the road, and slightly staggered. To the north and facing the application site, are semi detached bungalows which are set back from the highway, and to the east beyond the area of residents parking are terraced dwellings whose rear gardens face towards the application site.
- 8.10. The proposed dwelling would seek a continuation of the existing row of terraced properties, and would be two storeys in scale, and would reflect the width and layout of the existing dwellings. The proposed dwelling would be set back from the front elevation of No.37 and would have a ridge height and eaves height which would match the adjoining dwelling. The proposal seeks to incorporate design features such as a porch, and string course detailing which are reflective of the existing neighbouring dwellings. As such the design respects the existing style present within the street scene and would complement the existing character.
- 8.11. The proposed access is directly from Bosworth Close and a driveway to the frontage provides for off street parking for one car for the proposed dwelling and one parking space for the existing dwelling. The layout includes adequate private amenity space and the depth and size of the rear amenity space is of similar size to surrounding properties.
- 8.12. It is therefore considered that the design, layout and scale of the proposal would complement the existing character of the surrounding area in accordance with Policy DM10 of the SADP and the overarching principles of the NPPF.

Impact upon neighbouring residential amenity

- 8.13. 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. The NPPF in paragraph 17 seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.14. The proposed dwelling would be adjoining No.37 Bosworth Close from the east facing side elevation. To the east of the application site the boundary adjoins an existing residents parking area, No.36 is situated to the east of the application site and the rear garden would abut the proposed rear garden of the application site. To the south/rear, No.29 Bosworth Close also backs onto the site, which are all two storey dwellings. To the north on the opposing side of the road is No.47 which is a single storey bungalow.

- 8.15. The proposed dwelling would be situated on the east facing side elevation of No.37 Bosworth Close. The proposed dwelling would be set back from the principal elevation of this property by approximately 0.8 metres, and extend beyond the existing rear wall by approximately 1 metre. There are existing openings at both ground floor and first floor within the rear elevation. However having regard to the orientation of the rear elevation which faces south and the limited projection the dwelling would extend beyond the rear elevation of the adjoining neighbour, it is not considered that, the proposed dwelling would result in any significant loss of light or overshadowing to No.37.
- 8.16. No.36 is a two storey end of terraced dwelling, its rear elevation is situated approximately 15 metres from the application site, and is at a right angle to the application site. There is one proposed window at first floor to serve the staircase and landing, which is not a principal window to a habitable room and would not directly overlook this dwelling. Given the significant distance there would be no overbearing impact from the development to No.39.
- 8.17. No.29, Bosworth Close, is a two storey mid terrace to the south, the existing rear garden serving No.37 extend towards the rear garden of this property, there is an existing pedestrian access which runs between the rear gardens. There would be a separation distance of 20 metres window to window between the properties, and is a relationship present between dwellings within the cul-de-sac. Given the separation distance and the existing relationship between the existing dwellings, the proposed dwelling would not be considered to have a significant impact on the privacy of surrounding properties. To the north of the application site, the proposed dwelling would face No.47 which is a single storey dwelling on the opposite side of the road, with a separation distance of approximately 17metres. At ground floor the window proposed serves a kitchen, with the main living accommodation directed to the rear of the dwelling, reducing any direct overlooking. Given the separation distance, the internal layout and the fact that the dwelling is positioned on opposing sides of a highway, this proposal would not have a detrimental impact in terms of overlooking or overbearing impact upon No.29 which faces the application site.
- 8.18. Therefore by virtue of the siting, layout and design the proposed dwelling would not result in any significant adverse overbearing or overlooking to the adjacent dwellings and is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.19. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate/justified level of parking provision.
- 8.20. Objections have been received on the grounds that the proposal would add to on-street parking in the area.
- 8.21. Parking to the existing dwelling and the proposed dwelling would be provided within the existing curtilage to the front with each dwelling being allocated one parking space per dwelling. Dwellings with 2 bedrooms or less should seek to provide 2 off street parking spaces per dwelling. Therefore a proposed development of this scale should incorporate the provision of 4 off street parking spaces, 2 to serve the proposed dwelling and 2 to serve the existing dwelling. The proposal therefore provides an under provision of 2 parking spaces.
- 8.22. Bosworth Close, Hinckley is does not have any parking controls and on street parking is evident in places, however the cul-de-sac does benefit from three areas of off street parking courts serving the existing dwellings within Bosworth Close.

The 6Cs Design Guidance does allow for provision of reduced parking spaces in areas where reliance on the private car is reduced t, such as Hinckley, where there is access to wider amenities. The displacement of cars on to the public highway would also not lead to and adverse impact on highway safety and the free flow of traffic due to its cul-de-sac location. The proposal is therefore not considered to have an adverse impact upon highway safety and would accord with Policy DM18 of the SADMP.

Infrastructure Contributions

- 8.24 Following the order of the Court of Appeal on 13 May 2016, which gave legal. effect to the policy set out in the written ministerial statement of 28 November 2014 such that contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floor space of no more than 1,000 square metres, no contribution towards public play and open space provision can be requested in this application.

Other Matters

- 8.23. Access over third party land to carry out development is not a material planning consideration.
- 8.24. Objections received on the grounds that any development within the street would cause obstruction and damages to property, is not a material consideration. The disturbance of construction vehicles is a temporary nuisance and would not have any long term impact upon residential amenity.

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. By virtue of the proposed layout, scale, design and appearance the scheme would complement the character and appearance of the surrounding area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties. The proposed layout provides a single space to serve each dwelling, however given the characteristics of the street and the sustainable location it would not result in an adverse impact upon the highway safety. The proposed scheme is considered to be in accordance with Policies DM1, DM10, DM17 and 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 Development Management 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 19 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 except in complete accordance with the details shown on the submitted plans: Site location plan (Scale 1:1250), site location plan (1:500), Proposed site plan Dwg No.SS/SP/01 and proposed plans and elevations Dwg No SS/01 received by the Local Planning Authority on the 31 August 2017.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. The materials to be used on the external elevation of the proposed dwelling hereby approved shall be in accordance with submitted proposed plans and elevations Dwg No.SS/01 and shall match the external materials on No.37 Bosworth Close, Hinckley, unless alternative materials are first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character of the existing building and surrounding area, to accord with Policy DM10 of the Site Allocations Development Management Plan (2016).

4. Before first occupation of the residential dwelling hereby approved, car parking provision shall be made in accordance with the submitted details as shown on drawing no SS/SP/01. The parking spaces provided shall not be obstructed and shall thereafter permanently remain available for car parking.

Reason: To ensure that adequate off-street parking and turning facilities are available to accord with Policy DM18 of the Site Allocations Development Management Plan (2016).

5. Prior to the commencement of development, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. These details shall include:-

- Hard surfacing materials
- Boundary treatments
- Fencing specifications
- Planting plans
- Written specifications
- Schedule of plants, noting species, plant sizes and proposed numbers/densities

- Implementation programme

Reason: To enhance the appearance of the development and to protect the amenity of neighbouring properties, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

6. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details under Condition 4 shall be carried out during the first available planting and seeding seasons (October - March inclusive) following the approval of the landscaping scheme. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual amenity, and to ensure that the work is carried out within a reasonable period and thereafter maintained, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

7. No development shall commence until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

8. Notwithstanding the provisions of Classes A, B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) the roof of the dwelling hereby permitted shall not be extended or altered without the grant of planning permission for such development by the Local Planning Authority.

Reason: To ensure there are no significant adverse impacts on neighbouring amenity resulting from overlooking to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

9. Construction works shall not take place outside the hours of 0800 hours to 1800 hours Mondays to Sundays.

Reason: To ensure the development does not have an adverse impact upon the amenities of the surrounding properties in terms of noise to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

10. Before first occupation of the dwelling hereby permitted drainage shall be provided within the site such that surface water does not drain into the public Highway and once provided shall thereafter be so maintained at all times.

Reason: To reduce the possibility of surface water from the site being deposited in the highway in the interests of highway safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

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.
2. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
3. Any 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).