

Planning Committee 8 May 2018
Report of the Planning Manager, Development Management

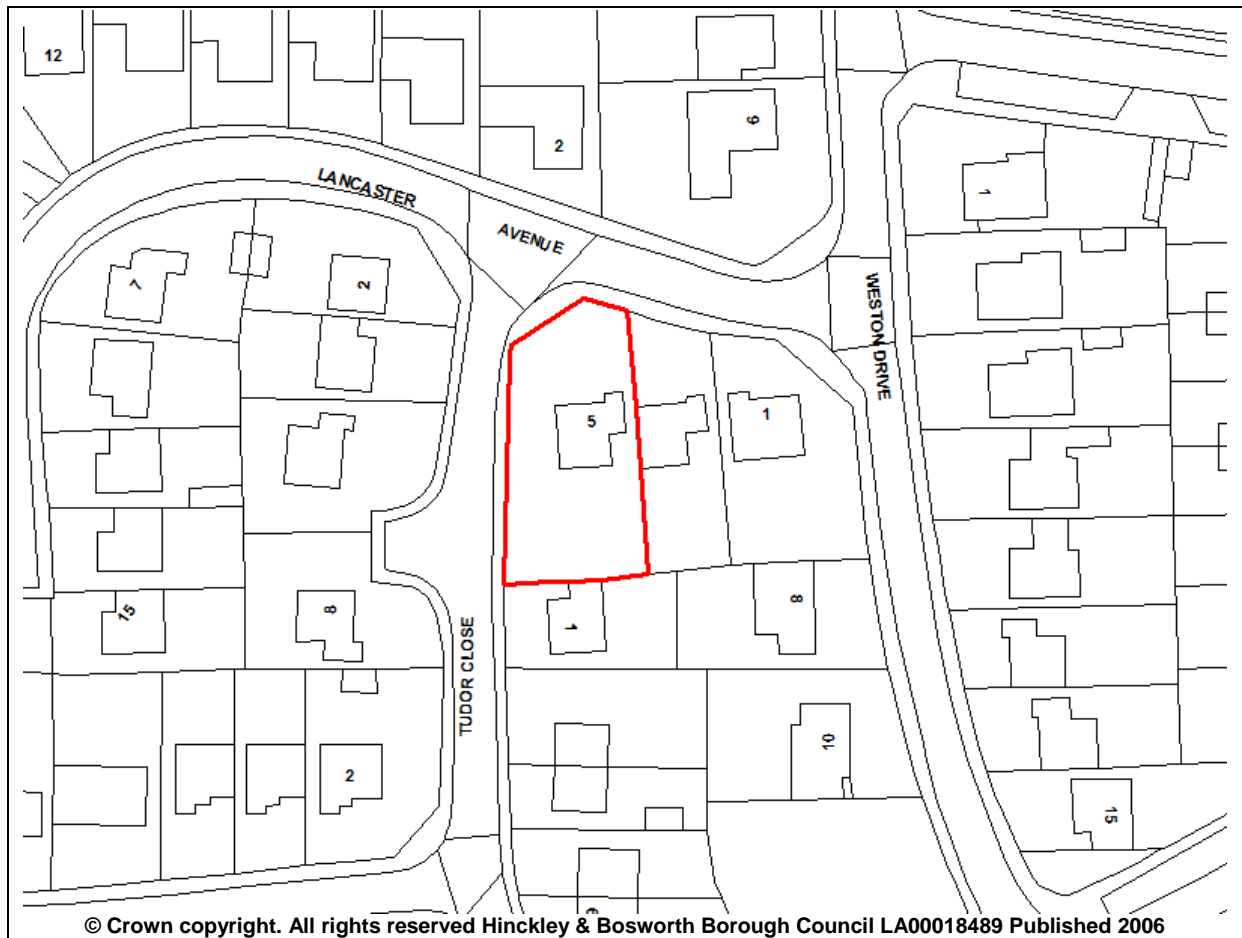
Planning Ref: 18/00187/HOU
Applicant: Mr & Mrs P Witham
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: 5 Lancaster Avenue Market Bosworth

Proposal: Single storey extension to front and rear, detached garage and games room to rear



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 is for planning permission to erect a single storey extension to the front of the property, a single storey extension to the rear of the property and a detached garage to the rear.
- 2.2.** The front extension would project 1 metre from a section of the front elevation and bring this section of the dwelling in line with the remainder of the front elevation, squaring off the front of the property. The rear extension would project a maximum

of 2.925m from the rear elevation. It would be set approximately 1 metre off the common boundary with 3 Lancaster Avenue.

- 2.3. The detached outbuilding would have a maximum height of 3.485m. It would run along the southern boundary of the site. It would have a footprint of 12.6m x 4.6m. It would be used as a garage and a games room.
- 2.4. All elements of the proposal would be finished in materials that match the host dwelling.

3. Description of the Site and Surrounding Area

- 3.1. The subject property is a two storey detached dwelling that occupies a corner plot in a residential area of Market Bosworth. It is constructed of red brick and tile and the windows and doors are white uPVC. The surrounding properties on the south side of Lancaster Avenue and along Tudor Close are also two storey detached dwellings and they are constructed of similar materials to the subject property, with the exception of no. 3 Lancaster Avenue being part rendered. The properties on the north side of Lancaster Avenue are detached bungalows constructed of red brick.
- 3.2. The subject property is set back within its plot with an open strip of grass along the western side, which gives an open character and appearance to the application site. There is also a strong open character and appearance to the surrounding area as the other properties are set back within their plots and the application property makes a particular contribution as it is a corner plot.

4. Relevant Planning History

92/00945/4	Extension to dwelling and boundary wall	Permitted	26.11.1992
99/00112/FUL	Extension to dwelling	Permitted	09.04.1999
17/00561/HOU	Single storey side, rear and front extensions, detached single garage and replacement boundary wall	Refused	16.10.2017
		Dismissed at appeal	24.01.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Responses have been received from four addresses raising the following concerns:-
- 1) Change in ground levels so would have significant impact on rear elevation
 - 2) Loss of light
 - 3) Overbearing impact
 - 4) Concerns over noise from games room
 - 5) Concerns over structural damage to existing structures
 - 6) Existing vegetation would need to be cut back
 - 7) Overdevelopment of the plot
 - 8) Dropped kerb will result in loss of car parking on the street
 - 9) Difficulty in selling property if this is built
 - 10) Patio doors will result in privacy loss

6. Consultation

6.1. Market Bosworth Parish Council object to the application and raise the following concerns:–

- 1) Impact upon the character of the area
- 2) Concedes that the rear extension would not impact on visual character of the area
- 3) The size of the outbuilding and impact on character of the area
- 4) The proposal erodes the open plan gardens of the area
- 5) Impact on visibility at the junction of Tudor Close and Lancaster Avenue.
- 6) Impacts on neighbours

7. Policy

7.1. Core Strategy

- No relevant policies

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)

7.4. Market Bosworth Neighbourhood Plan (MBNP) 2014 – 2026

- Policy CE1: Character and Environment

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 on Highway Safety

Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 13 confirms that the NPPF constitutes guidance and is a material consideration in determining planning 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 (SADMP) Development Plan Document (2016).

- 8.4. The site lies within the built up area boundary of Market Bosworth so the principle of development in this sustainable location is acceptable. The impact on privacy, amenity, character of the area and highway safety is assessed below

Design and impact upon the character of the area

- 8.5. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. In addition to this, Policy CE1 of the MBNP requires new development within Market Bosworth to be in keeping with its Character Area with regards to scale, layout and materials, with Policy CE1b stating that development within Character Area D should pay particular regard to existing rooflines.
- 8.6. The proposed front and rear extension would be finished in the same materials as are currently in use on the existing dwelling. Both extensions would appear subservient to the host dwelling as they are single storey and both have a lean to design. In this instance, due to the proposed siting, design and materials, the small extensions to the front and rear are considered to assimilate well with the host dwelling. It is therefore considered that these extensions would be in keeping with the character and appearance of the existing dwelling. The proposed new roof sections would not exceed the height of the existing roof and so would be in accordance with Policy CE1b of the MBNP.
- 8.7. With regards to the garage, objections were raised by the Council to its design and impact on the character of the area. However at appeal (ref. no. APP/K2420/D/17/3188266) the Inspector stated the following -
- 8.8. *"In addition, the Council raises no objection to the design of the proposed garage, but does object to its siting. I do not share this concern. The garage would sit at the bottom of the garden of the host dwelling, only a short distance from its rear elevation. It would also sit adjacent to the garage of No. 1 Tudor Close, neatly in line with the front elevation of this dwelling. My lack of concern in this respect is reinforced by the similar examples I saw within the local area, which sat comfortably within the street scene."*
- 8.9. The Inspector's main concern with regards to the impact on the character of the area was the side extension and the moving of the boundary wall towards the highway. These elements have both been removed from this revised scheme.
- 8.10. Concerns were raised by neighbours that the garage would be prominent when viewed from the west. Due to its single storey design and the fact that it would not breach the building line of the existing wall, it is considered that the proposed development would assimilate well with the host dwelling and the surrounding area. The scheme would not create an incongruous feature in the street scene.
- 8.11. Due to the comments made by the Planning Inspector and in light of the amendments made, the proposal is considered to be in accordance with Policy DM10 of the SADMP and Policy CE1 of the MBNP with regard to impact on the character of the area.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupants of neighbouring properties. As stated above, the front extension would square off the front of the dwelling. The rear extension would have a projection of 2.925m and would be set off the side boundary by approximately 1 metre.

- 8.13. Concerns have been raised from the adjoining neighbour relating to loss of light and overbearing impact due to the size of the rear extension and the change in ground levels. Given the minor nature of the rear extension, with the projection being less than 3 metres, it is considered that the development would not have a significant adverse impact on the amenity of the adjacent neighbouring property.
- 8.14. The proposed detached garage would be immediately adjacent to no. 1 Tudor Close, which is a two storey detached dwelling with an attached single garage on the north (side) elevation. The proposed garage has been amended since the original approval to extend it further into the garden. Given the limited height of the garage and the fact it would be adjacent to another garage it is considered that it would not have a significant overbearing impact on the property to the south. It would be located to the north of the adjoining garden so would not lead to any direct overshadowing or direct loss of light. The agent has made the Council aware that a 2.5m high flat roof garage would be built under permitted development rights in the same location. This is the fall back position that the Council has to take into consideration when determining the application.
- 8.15. Concerns have also been raised over the increase in noise from a games room. This use is considered ancillary and incidental to the use of the host dwelling. A games room could be brought into use in an existing dwelling without planning permission. Therefore it is considered the actual use of the outbuilding as a games room is acceptable.
- 8.16. Concerns were raised through the letters of objection about the impact of the construction works on neighbouring properties, the impact upon the property value of neighbouring properties and the impact upon the view from the windows of neighbouring properties. These matters are not planning considerations when considering the impact upon the amenity of the occupiers of neighbouring properties.
- 8.17. Overall, on balance it is considered that the proposal would not have an adverse effect on the amenity of the occupants of neighbouring properties and it would therefore be in accordance with this aspect of Policy DM10 of the SADMP.

Impact upon Highway Safety

- 8.18. Policy DM17 of the SADMP states that proposals should not have a significant adverse impact upon highway safety and Policy DM18 of the SADMP requires an appropriate level of parking provision.
- 8.19. It is considered that the proposed front extension would leave adequate space on the driveway to accommodate three vehicles. Furthermore, the dimensions of the proposed single garage exceed the minimum required dimensions to contribute to the parking provision at the property. Tudor Road is not a classified road so permission is not required from HBBC to create a new vehicle access onto it.
- 8.20. Concerns have been raised from neighbouring residents that as the proposed detached garage would be accessed from Tudor Close there would be an unacceptable increase in vehicle movements on Tudor Close. The application property currently only has a driveway with access to Lancaster Avenue but if the proposed new garage is permitted then the occupiers would use Tudor Close to access it. However, there would still be parking available on the driveway to the front of the application property and it is considered that the additional vehicle movements associated with accessing the proposed single garage from Tudor Close would not be significant. There are approximately 9 other dwellings on Tudor Close and it carries vehicular traffic from other streets, such as York Close, which

has in excess of 40 dwellings on it. As stated above, Tudor Close is not a classified road so permission is not required from HBBC to create a new access on to it.

- 8.21. The proposal is considered to be in accordance 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.

10. Conclusion

- 10.1. The proposed extensions and outbuilding would be for a property that is within the settlement boundary of Market Bosworth and so there is a presumption in favour of sustainable development under Policy DM1 of the SADMP as long as the proposal is in accordance with the relevant policies of the SADMP.

- 10.2. The proposal would be in keeping with the character and appearance of the existing dwelling and it would not be overly dominant in the street scene. It also would not have a significant adverse impact upon the occupiers of neighbouring properties. The proposal is considered to be in accordance with Policy DM10, DM17 and DM18 of the SADMP and it is 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. Conditions and Reasons / 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 51 of 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 (scale 1:1250) dwg. Block Plan, Planning 01, Planning 02; received by the Local Planning Authority on 19th February 2018.

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

3. The materials to be used on the external elevations of the proposed extension and outbuilding shall match the corresponding materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document

4. Prior to the commencement of the development hereby permitted, details of the finished floor levels of the garage shall be submitted to, and approved in writing by, the local planning authority. The development shall only be undertaken in accordance the approved finished floor levels.

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

5. The detached garage and games room shall not be occupied at any time other than for purposes incidental to the enjoyment of 5 Lancaster Avenue, Market Bosworth and shall not be used for any commercial purpose or as primary living accommodation. The building shall not be occupied or let independently.

Reason: To protect the character of the surrounding area and the residential amenity of potential future occupiers, to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

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 or call 01455 238141.