DELEGATED REPORT

Recommendation Made: 2 May 2008

Reference:- 08/00242/FUL **Parish:-**

Applicant:- Mr J McGaw
8 Ambion Way
Hinckley
Leicestershire
LE10 1JH

Location:- 8 Ambion Way Hinckley Leicestershire LE10 1JH

Proposal:- ERECTION OF DETACHED SINGLE GARAGE AND RETENTION OF CONSERVATORY

Introduction:-

This application seeks to erect a single detached garage in the rear garden and the retention of a conservatory to the rear of 8 Ambion Way, Hinckley. The property is situated at the end of a row of modern terraced properties which have had permitted development rights removed. The proposed garage will be situated on an existing car standing area in the rear garden of the property. The applicant has taken this opportunity to include the conservatory on the application in order to regularise the development, as planning permission was never sort for the conservatory.

Planning history

There is no relevant planning history.

Consultations:-

The Highways Authority have advised that attention should be paid to the size of the garage and land available for vehicles to wait whilst the garage doors are opened.

The occupier of the property which abuts the rear of the site, who will be most affected by the development has written in to express concern over the possible removal of the boundary fence between the properties whilst the development is underway. This is a private matter and not something in which the Council can become involved. The neighbour also expressed concern that the proposal will be detrimental to highway safety, as no visibility splays have been proposed.

Development Plan Policies:-

Policies BE1 and T5 of the Hinckley & Bosworth Borough Council Local Plan.
House Extensions Supplementary Planning Guidance.

Appraisal:-

The dimensions of the conservatory are 3m x 2.2 m by 3 m to the ridge height. The size and scale of the conservatory is appropriate to the existing dwelling, and does not over dominant the property. The design is in keeping with the features of the property and is therefore considered to be acceptable. Due to the location of the property, there is only 1 neighbour that is affected by the conservatory. However the neighbouring property, 6 Ambion Way has a similar conservatory adjacent to the boundary between the properties. Also, the conservatory to be retained is set in from the boundary by 40 cm; it is therefore considered that the conservatory will have no impact on the occupiers of the neighbouring property.

Due to its position, it is not considered that the garage will have an adverse impact on the occupiers of neighbouring properties. The area is already designated for car parking; this proposal will therefore not cause any further noise disturbance than that of the present time. The design and use of matching materials will ensure that the garage is in keeping with the existing property and area.

The internal dimensions of the garage are 2.9m x 5.4m, meaning that the length does not conform to the Highway Authority's Design Guidance, which states the minimum internal dimensions of garages should be 2.4m x 5.5 m. However, after consulting the Highway Authority, it is considered unreasonable to refuse the application on the grounds that the garage is 10cm too short. The use of an electric roller shutter door on the garage will mean that the proposal will have the minimum distance of 5 metres available for a vehicle to leave the highway whilst the door is opened. Due to the road from which access to the garage will be gained being a class D road where it has no footpath, the Highway Authority has no requirement for visibility splays to be provided. It is therefore considered unreasonable to request that visibility splays are provided.

As well as the garage, there are another 2 car parking spaces available to the front and rear of the property, which is adequate for a property of this size.

Overall, it is considered that the proposal complies with policies BE1 ant T5 of the Hinckley & Bosworth Borough Council Local Plan and the House Extensions Supplementary Planning Guidance and it is recommended that planning permission be granted, subject to conditions.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

1 The construction of the detached garage hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The materials to be used on the external elevations of the proposed detached garage shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

3 This permission relates to the application as endorsed by additional plan No.0301/07A/FUL received by the Local Planning Authority on 31st March 2008.

4 Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

3 To define the permission.

4 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- Louise Winson Ext 5898