DELEGATED REPORT

Recommendation Made: 4 August 2011

Reference:- 11/00511/FUL **Parish:-**

Applicant:- Mr Andrew Moore
8 Eastwoods Road
Hinckley
Leicestershire
LE10 1LH

Location:- 27 Trafford Road Hinckley Leicestershire LE10 1LY

Proposal:- DEMOLITION OF EXISTING GARAGES AND ERECTION OF DWELLING

Introduction:-

Planning permission is sought for the demolition of an existing block of garages and the erection of a detached bungalow.

The application site comprises of a block of three garages located to the north eastern boundary of the private garden serving 27 Trafford Road, which is sited to the west. The site is bordered on all aspects by an existing 1.8m closed boarded fence. An unmade track runs along the southern boundary between Trafford Road and Eastwoods Road. The area is residential in nature with a large detached bungalow being recently constructed on the site immediately to the north east.

The application proposes the removal of the garages and the erection of a two-bedroom detached bungalow with two off-street parking spaces and the provision of a private garden measuring 80 square metres. The proposed dwelling will have a ridge height of 4m. The site area extends to 236 square metres.

History:-

No relevant history

Consultations:-

No objection subject to conditions:-

The Director of Environment and Transport (Highways)

No objections have been received from:-

Head of Community Services (Pollution)

No objection subject to notes to applicant:-

Head of Community Services (Drainage)

2 letters of objection have been received raising the following issues:-

a) overlooking of the garden and house of 61 Butt Lane
b) overdevelopment
c) poor access
d) narrowness of lane
e) blind visibility for vehicles exiting the site
f) cramped development
g) unsuitable access
h) no provision for bin storage

No comments have been received from:-

Waste Minimisation
Ward Members

Development Plan Policies:-

Development Plan Policies:-

National Planning Guidance

PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport

Adopted Core Strategy

Policy 1: Development in Hinckley
Policy 16: Housing Density, Mix and Design
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001:-

IMP1- Contributions towards the provision of Infrastructure and Facilities
RES5- Residential proposals on unallocated sites
BE1- Design and Siting of development
T5- Highway Design and Vehicle Parking Standards
REC3: New Residential Development- Outdoor play space for children

Supplementary Planning Guidance:-

SPG: New Residential Development
SPD: Play and Open Space

Appraisal:-

The main considerations in this case are the principle of development, impact on the character of the area, design and layout, impact on residential amenity and highway safety issues.

Principle of Development

The site is located within the settlement boundary for Hinckley, where there is a presumption in favour of development. PPS3 was revised in June 2010 to exclude private residential gardens from the definition of `previously developed land`. The interpretation of this change is that it does not seek to prevent all infill development within settlement boundaries but is primarily to ensure that new development respects and does not harm the character of the area in which it is located, for example by overdevelopment. In this instance, there are a number of similar infill developments in the vicinity of the site to the north east, on similar building lines and orientation and with access off the private road. It is therefore considered that the proposed development will not harm the character of the area in this case. The proposals are also considered to meet the aims of policy 1 of the adopted Core Strategy which seeks to allocate land for 1120 new dwellings in the Hinckley area.

Impact on the character and appearance of the area

The area is residential in nature. Previously this part of Hinckley was characterised by detached dwellings set back from the highway with large private gardens to the rear. The development pattern has subsequently changed over recent years with the construction and approval of a number of bungalows located either side of the access track that runs between Eastwoods Road and Trafford Road. Therefore the potential introduction of

a further dwelling along this access track is not considered to be out of keeping with the pattern of development that has been established over recent years in this area of Hinckley.

In terms of its built form the proposed bungalow will be significantly smaller in scale and ridge height than the existing dwellings sited along the access track. The ridge height of the proposed dwelling will also be lower than those dwellings which have planning permission and are yet to be built along the access track. Therefore, in terms of its ridge height the proposed bungalow will be significantly lower than the existing and approved dwellings along the access track, thereby not resulting in a prominent building within the street scene.

The dwelling will respect the layout of existing plots with it being set back from the highway with provision for off-street parking and an acceptable amount of private garden area. It will comprise of a bungalow of modern construction which will assimilate into an area that is characterised by modern dwellings located to the rear of existing dwellings.

Design and Layout

The site is garden land and partly occupied by the three garages on land to the rear of 27 Trafford Road. The proposal is for a single-storey detached dwelling with a hipped roof design. The proposal represents a simple design with an eaves height of 2.5m and a ridge height of 4m. There is no chimney proposed as part of the scheme which is characteristic of the more established dwellings on Trafford Road, but not reflective of the more recent dwellings that have either been approved or constructed along the unmade track linking Eastwoods Road and Trafford Road.

The layout provides for 2 off-street parking spaces and private amenity space of 80 square metres. The provision for this amount of private amenity space complies with the SPG on New Residential Development which requires a 2 bedroom dwelling to provide 60 square metres of private garden. It is considered prudent in this case to remove permitted development rights to this property (specifically extensions) in order to control any extensions which may result in a cramped form of development. If permitted development right were not removed then the applicant would be able to extend the property at single storey height to the side a maximum of half the width of the proposed dwelling, which would result in an extension 5.5m in width. This is considered necessary due to the spatial constraints of the site. Two off street car parking spaces are proposed within the curtilage which meets current parking standards. There is sufficient space within the private garden area for bin storage.

The proposed dwelling will be set in from the boundaries and its built footprint will occupy approximately 50% of the total plot. Taking this into account, as well as the provision for off-street parking and private amenity space the proposed dwelling is not considered to present overdevelopment or a cramped form of development on this site.

Residential Amenity

The proposed dwelling will be located 17.6m from the rear elevation of 27 Trafford Road. Whilst this separation distance is less than the 25m metres set out in the SPG for New Residential Development provision will be made for new boundary treatment between the two properties. This will negate the potential for overlooking between the proposed dwelling and the kitchen window on the rear elevation of 27 Trafford Road. The separation distance from the dormer window in the rear roof slope of 27 Trafford Road to the boundary with the proposed dwelling is 15m and the separation distance to the southern elevation of the proposed dwelling is 24m. The provision of a new closed boarded fence along the party boundary will provide some screening to the garden area of the proposed dwelling and the separation distances of 15m and 24m are considered sufficient to negate the potential for overlooking from the existing dormer window.

The rear elevation of 61 Butt Lane is located 50m to the south east of the front elevation to the proposed dwelling with the single track between the units. At this separation distance there is no potential for overlooking into the rear garden and windows of 61 Butt Lane. Furthermore the proposed dwelling is single storey in construction and an existing boundary fence along the rear garden of 61 Butt Lane removes the potential for overlooking.

In terms of potential loss of amenity to the potential occupants of the proposed dwelling it should be noted that

the ground floor has been laid out to ensure that all habitable room windows can be easily served by sources of light with no obstacles such as boundary fences or dwellings to reduce light penetration. Non-habitable room windows are proposed where the walls of the proposed dwelling are close to the boundaries, thereby retaining amenity in terms of light penetration to habitable rooms. Two roof lights are also proposed in the rear and southern roof slope to provide additional light to the kitchen/diner. Therefore it is considered that there will not be demonstrable loss of residential amenity to the occupants of the proposed dwelling through loss of light. Sufficient provision will also be made for private amenity space to serve the proposed dwelling with a garden area of 80 square metres proposed to the south.

Highways

Neighbours have raised concerns in terms of highway safety issues. The Director of Environment and Transport (Highways) raises no objections to the proposal but suggests that conditions should be imposed. A condition is requested in relation to improvements to the private access track, however, this access track is not in the ownership of the applicant and therefore, in the circumstances it is considered that such a condition would be onerous and does not meet the tests set out in Circular 11/95 The Use of conditions in Planning Permissions. No objections have been raised by the Director of Environment and Transport (Highways) in relation to the use or narrowness of the existing access track to serve the development or on visibility grounds. Therefore the proposed development is considered to be acceptable on access and visibility grounds.

Other Issues

The site is in a sustainable location within a short walking distance of the town centre and the services it provides existing roads and footpaths allow for easy pedestrian or cycle access.

There are no trees or vegetation of any significance within or adjacent to the site and no indication of the presence of any protected species.

Sustainability

Policy 24 of the adopted Core Strategy requires new residential units within Hinckley to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. No details of the scheme's compliance with this standard have been submitted with the application, therefore, such details will be subject to a condition requiring them to be submitted prior to commencement on site.

Developer contributions

As the development relates to a single dwelling, there is no requirement for developer contributions towards infrastructure services other than towards public play and open space as required by policy REC3 of the adopted Local Plan and policy 19 of the adopted Core Strategy. However, in this case the application site is in excess of 400m away from any existing informal public open space and therefore does not meet the criteria for the requirement of financial contributions towards the provision or maintenance of public informal children's play space as laid out in the Council's adopted Play and Open Space Supplementary Planning Guidance.

Conclusion

Given the scale and siting of the proposed dwelling and the separation distances and orientation to existing dwellings, it is considered that the proposals will not have an adverse effect on neighbouring properties in terms of an overbearing nature or through the effects of overlooking. The site is within the settlement boundary where there is a presumption in favour of residential development. The proposed development is not considered to detrimental to highway or pedestrian safety. By virtue of its siting, scale, layout and design the proposed development is considered to be in keeping with the character and appearance of the street scene and reflects the pattern of surrounding development. The proposal is therefore considered acceptable and is recommended for approval.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is within the settlement boundary of Hinckley, would have a satisfactory design and layout and would not have an adverse effect on the character of the area, the amenities of neighbouring properties or highway safety.

Hinckley & Bosworth Local Development Framework Core Strategy (2009):- Policies 1 and 24

Hinckley & Bosworth Local Plan (2001):- Policies BE1, RES5 and T5.

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

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, Block Plan, Site Layout Plan and drawing 1164 received on 23 June 2011.

3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials

4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed 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

5 Before the first occupation of the dwelling, car parking provision shall be made within the curtilage of the dwelling for 2 cars as shown on the Site Layout Plan. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

6 No gates shall be erected to the vehicular access

7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1, Classes A, B, C and E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

8 No development shall take place until details and an implementation schedule of boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accoradance with the approved details.

9 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment prepared by an approved Code Assessor demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. In addition, prior to the first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

Reasons :-

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

2 For the avoidance of doubt and in the interests of proper planning.

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

4 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

5 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

6 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

7 To safeguard the residential amenity of neighbouring properties and to ensure the retention of a sufficient amount of private amenity space to the occupants of the proposed dwelling in accordance with policy BE1 of the Hinckley and Bosworth Council Local Plan 2001.

8 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

9 In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy

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 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

Contact Officer:- Scott Jackson Ext 5929