DELEGATED REPORT

Recommendation Made: 17 August 2011

Reference:- 11/00484/FUL **Parish:- Peckleton Parish Council**

Applicant:- Mr John Connell
4 The Close
Kirkby Mallory
Leicester
Leicestershire

Location:- 4 The Close Kirkby Mallory Leicester Leicestershire LE9 7QD

Proposal:- ERECTION OF GARAGE

Introduction:-

This application seeks full planning permission for the erection of a detached garage within the residential curtilage of this dwelling house.

The dwelling is constructed from brown facing brick and grey plain tiles.

Planning History:

None

Consultations:-

Site notice displayed on 09/07/2011

One neighbour letter received raising no particular objection in principle but nevertheless raises the following concerns:

a) Upper level window on the front elevation will allow for overlooking and loss of privacy of their rear garden
b) Should the conifer trees be trimmed this will significantly reduce current private nature of their rear garden
c) No need for window to provide sufficient daylight due to the other windows
d) Alternatively though less preferred this window should be conditioned to be non-opening and obscure glazed

No objections have been received from:

The Head of Community Services (Land Drainage)

Development Plan Policies:-

Adopted Local Plan

The proposed garage will be sited outside the settlement boundary of Kirkby Mallory as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 - Design and Siting of the Development
Policy NE5 - Development in the Countryside

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the proposed extension on the character and appearance of the existing dwelling, surrounding area, countryside

and on the amenities of the occupiers of neighbouring properties.

The Principle of Development

The proposed garage will be located outside the settlement boundary of Kirkby Mallory falling within countryside. Nevertheless, the development will be sited to the southeast corner of the residential curtilage in a section of the rear garden that previously formed part of no. 3 Peckleton Road. This area of land is considered to be curtilage as there is defined boundary treatment with fencing along the south and low lying natural vegetation along the east boundary and the formal rear garden section to the north. Indeed, this parcel of land is also 8 metres to the main house and due to its proximity is considered to be connected with the main house.

Policy NE5 generally restricts development within the countryside but there are exceptions for appropriate extensions and alterations to existing dwelling houses. Any extensions cannot have an adverse effect on the character and appearance of the countryside, be appropriate in terms of scale and character and where necessary be effectively screened.

Impact on Existing Dwelling and Surrounding Area

The proposed garage has a simple dual pitched roof design that corresponds well with that of the main dwelling house. The proposed garage is one and a half storeys in height. Given the ground floor space is 40 metres squared, the garage is comparatively large in scale.

The proposed garage is set back approximately 11 metres from the front elevation of the main house in the southeast corner of the residential curtilage. It will be visible from the courtyard via the open gap between the applicant's property and the neighbouring dwelling within the courtyard no. 3, the Close.

By virtue of its set back position, the proposed garage will not unduly detract attention away from the main house and will not have an adverse impact on the character of the Close that is in keeping with its design and scale therefore considered to be acceptable in design terms.

Impact on Countryside

Whilst the proposed development is not considered to be an extension to the main house, it is for ancillary use to the main dwelling and falls within the same residential use of the main dwelling house within its curtilage. Accordingly the provision of curtilage buildings within residential curtilages are considered to be generally acceptable under the requirements of Policy NE5.

In terms of the sites landscaping and existing development along the boundary, the garage will be sited behind the outbuilding at no. 3 Peckleton Lane which is then followed by a two metre high wooden fencing positioned along the side (southern) boundary of the site. The eaves of the proposed extension will be 0.4 metres above the existing fencing and 0.3 metres above the eaves of the outbuilding. The proposed garage is also off-set 5.5 metres from the rear (eastern) boundary line of the site behind low lying landscaping. Due to its inset position from the eastern boundary the garage will not be prominent and is considered to be connected with the main dwelling house when viewed from the open countryside to the east.

By virtue of its siting behind the existing landscaping as well as the outbuilding along the southern boundary and its connection with the main house off-set from the eastern boundary which is open to views the garage will not adversely effect the character and appearance of the countryside.

Neighbours Amenities

The proposed garage is 15 metres from the nearest dwelling (no. 3 The Close) separated by tall conifer trees. A representation has been received raising concern over the first floor window on the front elevation of the garage where it is agreed should the conifer hedge be trimmed this will allow for overlooking into the rear garden area of no. 3. The window cill height is 1 metre above the first floor and this will allow for overlooking. To prevent overlooking and loss of privacy it is considered necessary for an obscure glazed window to be conditioned.

The roof lights will be inserted on the north elevation facing the applicant's garden area at a height of 1.3 metres from the floor to the cill. This height is below the average eye level when taking into consideration the issue of overlooking. Nevertheless, the distance to the rear garden at dwelling no. 10, the Close is 24 metres. In addition the garage is angled away form the patio area at no. 10. For these reasons, the inclusion of roof lights on this elevation will not allow for direct overlooking into private amenity space.

In relation to dwelling no. 3 Peckleton Lane, the proposed garage will be sited 30 metres away from the main dwelling. No roof lights will be inserted on the south facing elevation that would allow for overlooking into the rear garden. Bearing in mind the eaves level of the garage will be 0.5 metres above the fencing line, the roof pitch slopes away from the boundary fencing, it is not considered to have an overbearing impact. No adverse impact will arise on the amenities currently enjoyed by the occupiers of that property.

Additional Issues

The Head of Community Serves (Land Drainage) commented that the access drive, parking and turning area should be constructed in a permeable paving system. After carrying out a site visit it was noted that the existing surface leading to the site of the proposed garage is gravel.

With regards to highways there is sufficient manoeuvrability space to the proposed garage. Bearing in mind the Close is a private road and the access driveway will lead to a central gravel court shared with no. 3, no highway issues will arise.

Conclusion

The proposal would maintain the character of the existing dwelling, surrounding area and would not adversely affect the appearance or character of the countryside. Subject to conditions it would not result in any arising amenity issues. The application is considered to be in accordance with Policies BE1 and NE5 of the Local Plan and is therefore recommended for approval subject to conditions.

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 by virtue of the scale, mass and design of the proposed garage would not detrimentally impact on either the character of the existing dwelling, surrounding area, the character and appearance of the countryside or the amenities of neighbouring residents and would be in accordance with the development plan.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1 & NE5

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

2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed garden room 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.

3 The first floor window to be inserted in the west elevation of the garage shall be non-opening and obscure glazed and retained as such at all times thereafter.

4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-

Drawing - 1001/1 MWG - Received on 14/07/2011
Site location and block plan - Received on 14/07/2011

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 & NE5 of the adopted Hinckley & Bosworth Local Plan.

3 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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

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).

Contact Officer:- Kevin Roeton Ext 5919