

Delegated Report

Planning Ref: 23/01029/HOU

Applicant: Karen Waldron

Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 223 Station Road Earl Shilton Leicester

Proposal: Conversion and alteration of garage to annexe (resubmission of 18/00320/HOU)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 1.2. This application seeks full planning permission for the conversion of an existing triple garage to provide a residential annexe at 223 Station Road, Earl Shilton.
- 1.3. The only external changes to the triple garage would be to change one door on the side (eastern) elevation to a window, to change the three garage doors to a door and windows to the front (northern) elevation and to add a set of French doors and two windows to the side (western) elevation.
- 1.4. The annexe would be self-contained with an open plan lounge/kitchen and separate bedroom and bathroom/toilet facilities.
- 1.5. The proposed external materials include the use of render and cedar cladding to match the host dwelling, brown tiles to the roof and white uPVC to the windows and doors.
- 1.6. The application is a resubmission of application 18/00320/HOU as approved in May 2018. No alterations have been made to the scale, design or finish of the proposed.

3. Description of the site and surrounding area

- 1.7. The application site is located on the outskirts of the residential area of Earl Shilton. The application dwelling, 223 Station Road, is a bungalow which is set back from the highway by approximately 30.00 metres. The triple garage is set back approximately 12.00 metres from the highway, with a distance of approximately 5.00 metres between the garage and the dwelling. Vegetation partly screens the dwelling and garage from the highway.
- 3.1. Within the street scene there is a mixture of bungalows, two storey detached and semi-detached dwellings. Due to the variety of types, designs and styles of dwellings in the immediate vicinity of the site there is no clearly defined character

4. Relevant planning history

03/01273/FUL

- THREE BEDROOM BUNGALOW
- PER
- 25.05.2004

04/00325/FUL

- EXTENSIONS AND ALTERATIONS TO DWELLING AND ERECTION OF DETACHED GARAGE
- PER
- 10.05.2004

04/01233/FUL

- ERECTION OF DETACHED TRIPLE GARAGE
- PER
- 30.11.2004

18/00320/HOU

- Conversion of garage to annexe
- PER
- 15.05.2018

19/00644/OUT

- Residential development of two dwellings (Outline - access only)
- REF
- 27.08.2019

19/01050/OUT

- Erection of one dwelling (outline - access only)
- OUT
- 12.11.2019

22/00169/OUT

- Proposed 3no. residential dwellings in land to rear of application site with access from Breach Lane (Outline Application - Reserved Matter, Layout, Access and Scale)
- OUT
- 02.08.2022

23/00298/FUL

- Erection of 4 dwellings with associated parking and landscaping
- PER
- 29.06.2023

88/00753/4

- REPLACING FLAT ROOF WITH PITCHED ROOF AND EXTENDING GARAGE
- PER
- 04.07.1988

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. No objections have been received.

6. Consultation

- 6.1. No objections have been received from the below consultees;
- Earl Shilton Town Council
 - HBBC Drainage

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan DPD 2014
- Policy 22: Design
- 7.2. Core Strategy (2009)
- Policy 2: Development in Earl Shilton
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
- Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Drainage

Principle of development

- 8.2 This is a householder application which cannot seek planning permission for a new dwelling or the sub-division of the existing planning unit. Instead, the application seeks the approval of ancillary living accommodation to the existing dwelling in the form of a detached annexe, albeit with all the facilities for a self-contained living unit. There is no proposed material change of use taking place and none of the proposed alterations to the existing garage require planning permission. However, the Permitted Development for householders Technical Guidance is clear that “A *purpose incidental to a dwelling house would not, however, cover normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom or kitchen.*” As the

proposed building would contain all of the above facilities, it would not on the basis of this be wholly for a purpose incidental to the enjoyment of the dwelling house as such. Therefore, the development is not permitted by the General Permitted Development Order and therefore requires consent.

- 8.3 The building is located to the very rear of the garden and wouldn't have its own garden area or vehicular access (particularly on completion of the consented extensions).
- 8.4 In any case, should the application be otherwise considered to be acceptable, a standard condition restricting the use of the annexe as only for ancillary accommodation to the residential occupation of the host dwelling shall be included to ensure its use would remain compatible with the site.

Design and impact upon the character of the area

- 8.5 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.
- 8.6 Policy 22 of the Earl Shilton and Barwell Area Action Plan DPD 2014 seeks to ensure that any future residential development respects its surroundings, follows the existing pattern of development and retains existing important natural features on the site.
- 8.7 The access, parking and amenity areas would all be shared facilities. The building is sited close to the application dwelling. Should the application be approved, a planning condition could be used to ensure ancillary residential use of the annexe to the application dwelling and ensure no future separate letting or sale or undesirable fragmentation of the curtilage.
- 8.8 The triple garage already exists. The only external changes to the triple garage would be the change of one window on the side elevation to a door and the change of the three garage doors to a door and windows on the drive elevation. The garage is set back considerably from the highway and screened by vegetation.
- 8.9 The render and cedar cladding that is proposed is in accordance with the surrounding area and matches the existing dwelling.
- 8.10 Given the self-contained facilities being provided within the annexe, a condition to define that the permission is for use of the annexe for ancillary accommodation to the occupation of 223 Station Road and would not result in the creation of a separate new dwelling would be reasonable in this case to ensure compliance with adopted strategic planning policy DM10 of the adopted SADMP.
- 8.11 By virtue of its proposed ancillary residential use, position, scale, design, appearance and existing screening, the proposal would complement the character and appearance of the surrounding area and be in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.12 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.
- 8.13 The new windows on the drive elevation would not overlook the application site dwelling and are forward of the principle elevation of 223a Station Road by virtue there would be no adverse impact in terms of overlooking on the occupiers.

- 8.14 The new windows would look directly onto 221 Station Roads side elevation but due to the separation distance of approximately 20.00 metres there would be minimal impact in terms of overlooking on the occupiers.
- 8.15 Accordingly, the proposal would not result in any significant adverse impact on the privacy or amenities of any neighbouring properties and would therefore be in accordance with Policy DM10 of the adopted SADMP. Given the self-contained facilities being provided within the annexe, a condition to define that the permission is for use of the annexe for ancillary accommodation to the occupation of 223 Station Road and would not result in the creation of a separate new dwelling would be reasonable in this case to ensure compliance with adopted strategic planning policy DM10 of the adopted SADMP and that the development would not give rise to adverse effects on the host dwelling owing to its proximity and relationship to it.

Impact upon highway safety

- 8.16 Policy DM18 requires development to provide/retain safe access and an appropriate level of off-street parking provision.
- 8.17 There is an existing driveway that provides safe and adequate access to the site. There is hardstanding available on the driveway and site frontage for a minimum of three off-street car parking spaces to serve the existing dwelling and one bedroom annexe which would meet adopted highway authority parking standards to serve the site.
- 8.18 The proposal would therefore be in accordance with policy DM18 of the adopted SADMP.

Drainage

- 8.19 No objections have been received from HBBC drainage, therefore the application is satisfactory in terms of drainage.

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 ancillary residential use of the proposed annexe, its siting, subordinate single storey scale, design and the proposed use of matching external materials to ensure a satisfactory appearance, the proposal would complement the character of the surrounding area and would not result in any significant adverse impacts on the private amenity of the occupiers of any neighbouring properties. Adequate access and off-street parking would be retained within the site. The proposal would be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and is therefore 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

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 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 26th October 2023.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Site Location Plan, Drg No. 7636 03 03, Block Plan, Drg No. 7636 03 04 as received by the Local Planning Authority on the 26th October 2023.

Proposed Floor Plan and Elevation, Drg No. 7636 03 01 Rev B as received by the Local Planning Authority on the 9th November 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential occupation and use of the main dwelling currently known as 223 Station Road, Earl Shilton.

Reason: To ensure compatible use and to protect residential amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12 Notes to applicant

- The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.