DELEGATED REPORT

Recommendation Made: 13 April 2011

Reference:- 11/00139/FUL **Parish:- Witherley Parish Council**

Applicant:- Mr Steve Graham
21 Bridge Lane
Witherley
Atherstone
Leicestershire

Location:- 21 Bridge Lane Witherley Atherstone Leicestershire CV9 3LG

Proposal:- EXTENSIONS AND ALTERATIONS TO DWELLING

Introduction:-

Full planning permission is sought for the demolition of the existing single storey side extension and erection of a side extension incorporating first floor rooms in the roof space.

The extension would measure 6.4 metres in width and project from the side of the building by approximately 3.6 metres, with an overall ridge height of 6.6 metres. The scheme also incorporates two dormer windows in the east and west elevation and the proposed materials are set to match those used in the existing dwelling.

The site is located within the settlement boundary of Witherley as defined by the adopted Hinckley and Bosworth Local Plan and is adjoined to the north, east and west by residential dwellings, with the A5 bordering the south of the site.

The application is not accompanied by any supporting documentation.

Planning History

92/00804/4	Extension to dwelling	Permitted	20/10/92

Consultations:-

No comments from Head of Community Services (Land Drainage)

No objection subject to conditions from Director of Chief Executive (Archaeology)

The Council's Conservation Officer is concerned at the extent that the building will project forwards in the street frontage and the detrimental impact that this will have on the Listed Building on the opposite the side of the road.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development.

Local Development Framework: Core Strategy (2009)

Policy 12: Rural Villages

Hinckley & Bosworth Local Plan (2001)

The site is within the settlement boundary of Witherley as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development

Policy BE5: The Setting of a Listed Building

Policy BE16: Archaeological Investigation and Recording

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): House Extensions

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and design, impact upon residential amenity, impact upon the setting of a Listed Building and other matters.

Principle of Development

The site is located within the settlement boundary of Witherley, as defined on the Adopted Hinckley and Bosworth Local Plan proposals map and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Siting and Design

The proposed extension is to be constructed to a height of 6.6 metres to replicate the height of the existing ridge of the existing dwelling. Through the use of the same materials and incorporation of design features such as matching dormer windows the extension compliments the character of the existing dwelling.

Given the presence of a brick wall which occupies the southern curtilage of the dwelling, which measures some 2 metres in height, it is considered that a large proportion of the extension would be screened, ensuring that the extension in its prominent position does not appear dominant within the streetscene.

By reason of siting, scale and design it is considered that there would not be any detrimental impacts upon the existing dwelling or character and appearance of the streetscene. As such, the proposal accords with Saved Policy BE1 of the Local Plan and SPG on House Extensions.

Impact Upon Residential Amenity

The dwelling most immediately affected would be No. 4 Watling Street, located due east of the application site.

The Council's SPG on House Extensions states that two storey extensions should not be constructed closer than 1 metre from the site boundary and be set back 1 metre from the main elevation. Whilst the proposed extension is sited less than 1 metre from the site boundary it is not intended to be sited any further east towards the neighbouring dwelling than that of the existing dwelling.

The extension proposes a projection to the south by 3.6 metres and given the physical relationship within the front of the neighbouring dwelling will be sited a sufficient distance away not to cause any significant material impacts. By virtue of the existing dwellings alignment to the west of the neighbouring dwelling, it is not considered that there would be any significant overshadowing or loss of light as a result of the proposal.

In terms of overlooking, whilst the proposed dormer window set to be inserted in the eastern roof slope would give rise to an element of overlooking of the front amenity space of the neighbouring dwelling, this is not considered over and above that currently exerted by the presence of a dormer window in eastern roof slope of the existing dwelling. Furthermore the front garden of a dwelling is not considered to form part of its private amenity space and therefore is afforded less protection. Due to the relationship between the two dwellings it is not considered there will be direct overlooking into the neighbouring dwelling from the dormer windows.

It is considered that there are no other neighbouring dwellings affected as a result of the proposal.

In summary, the proposal is considered to have minimal impacts upon the amenity of neighbouring residents. Accordingly the scheme is considered to be in accordance with Saved Policy BE1 of the Local Plan.

Impact Upon the Setting of a Listed Building

The Council's Conservation Officer raises concerns over the projection of the building and the impacts that this will have on the Listed Building opposite the side of the road. Given the physical across the road relationship of the dwellings and a distance of some 20 metres between the proposed extension and neighbouring Listed Building to the west of the site, together with the presence of a 2 metre high brick wall it is not considered that the scheme would significantly detract from the character and appearance of the Listed Building. As such, the proposal accords with Saved Policy BE5 of the Local Plan.

Other Matters

Parking and Highway Issues

The proposed extension would not affect the current parking and access arrangements. It is considered that there are at least 2 no. off street parking spaces and there are no other highway considerations. As such, the proposal accords with Saved Policy T5 of the Local Plan.

Archaeological Considerations

The Director of Chief Executive (Archaeology) states that the Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest and that there is a likelihood that buried archaeological remains will be affected by the development.

Therefore it is considered necessary to impose conditions to ensure that archaeological remains present are dealt with appropriately by providing an appropriate level of archaeological investigation and recording and contingency provision for emergency recording and detailed excavation. As such, with the imposition of conditions the proposal accords with Saved Policy BE16 of the Local Plan.

Conclusion

In conclusion, the principle of residential development in this location is considered acceptable and no material impacts have been identified, that would indicate that the proposal is not in compliance with Saved Local Plan Policies BE1, BE5, T5 and BE16. Accordingly, it is recommended that planning permission be granted, subject to the imposition of planning 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 would be in accordance with the development plan as the principle of residential development in this location is considered acceptable and there are considered to be no material impacts on either residential or visual amenity, setting of a listed building, highway safety or archaeological remains.

Hinckley & Bosworth Local Plan (2001):- Policies BE1, BE5, T5, BE16.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 12.

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 details: Existing and Proposed Plans and Elevations (Drawing No 01) received by the Local Planning Authority on 23 February 2011.

3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed extension have been 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 take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the planning authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written consent of the Local Planning Authority.

5 The applicant shall notify the local planning authority of the intention to commence works (including site works of any kind) at least one week before such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved written scheme of investigation, including any necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than six months after the commencement of fieldwork. No variation shall take place without the prior written consent of 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 and BE5 of the adopted Hinckley and Bosworth Local Plan.

4 To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure satisfactory archaeological investigation and recording to accord with Policy BE16 of the adopted Hinckley and 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 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 In respect of Condition 4:- The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological

contractor.

Contact Officer:- **Ebbony Mattley** **Ext 5691**