DELEGATED REPORT

Recommendation Made: 31 March 2009

Reference:- 09/00094/FUL **Parish:- Stoke Golding Parish Council**

Applicant:- Mrs J Palmer
30 Hinckley Road
Stoke Golding
Warwickshire
CV13 6DU

Location:- 30 Hinckley Road Stoke Golding Nuneaton Leicestershire CV13 6DU

Proposal:- EXTENSION AND ALTERATIONS TO DWELLING AND ERECTION OF DETACHED WORKSHOP IN REAR GARDEN

Introduction:-

This is a full application for a rear extension and outbuilding at 30 Hinckley Road Stoke Golding and lies within the settlement boundary.
This application relates to amended plans submitted on 17th March 2009 which reduced the projection of the proposed rear extension from 4.5 metres to 3.5 metres. The application property is two storey, semi detached, hipped roof dwelling situated in a large plot on a residential street.

The application site has a large rear garden measuring 46 metres in length from the property's rear elevation and 13 metres wide at its widest point. The rear garden includes a tree approximately 9.5 metres south of the dwelling and an existing outhouse situated 4.5 metres south of the property's rear elevation, standing on the eastern site boundary. This outhouse is mirrored back to back with an identical outhouse at adjacent property 32 Hinckley Road. It is important to note that a tree stands in the rear garden of 3 Thornfield Avenue adjacent the sites western boundary and its canopy overhangs the boundary. The application site is bounded on the southern boundary by a 1.8 metre high fence and an existing outbuilding abutting the boundary in the rear garden of 40C Hinckley Road. A wooden panel fence of varying height, vegetation and wooden outbuildings in the neighbouring gardens of 1 and 3 Thornfield Road divide these properties from the application site. A wall, brick outhouse and wooden panel fence approximately 1.8 metres in height stands on the eastern site boundary dividing the site from the rear garden of 32 Hinckley Road.

Planning permission is sought for a rear extension to form a sun lounge. The extension will span from the side eastern elevation, projecting a maximum of 3.5 metres and spanning 6 metres along the rear. The extension will have a mono pitched roof which includes two velux roof lights and will reach a height of 4 metres. The sun room will include large concertina glazed doors on the southern rear elevation and western side elevation.
This application also includes a detached outbuilding at the bottom of the rear garden to form a workshop which will be ancillary to the enjoyment of the dwelling. The outbuilding will stand 0.5 metres from the sites western boundary and will abut the gardens rear boundary. The outbuilding will measure 6 metres by 6 metres and will comprise a dual pitched roof with a ridge height of 3.6 metres. Large double doors are included on the northern front elevation facing toward the application property and a single door and window are included on the eastern side elevation. The roof of the outbuilding will project an additional 2.1 metres past the rear elevation supported by two wooden supports and will form a covered area to house a composter.

History

02/00106/FUL- Two storey extension- approved- 02.05.02

Consultations:-

Stoke Golding Parish Council have no comment on this application

The neighbour to the rear of the site has objected to the outbuilding element of the development on the grounds of;

- The proposed size is too large for a back garden that adjoins another back garden
- Will impact on views from 40c Hinckley Road
- Could create noise pollution, creating a detrimental impact on the residents enjoyment of their garden
- Composting facilities would create a smell
- Reduction of natural lawn area would increase surface water run-off increasing an existing flooding problem
- Damage to the roots of adjacent tree

The Borough Council Land Drainage Engineer has no objection to the development

Development Plan Policies:-

Hinckley and Bosworth Local Plan

- BE1 (Design and Siting of Development)

SPG House Extensions

Appraisal:-

The central concerns to address within this application relate to design with specific regard to scale, design, materials and architectural features, the impact on the amenity of neighbouring properties and impact on adjacent tree.

The western side elevation of the proposed extension will include concertina doors facing toward adjacent property 28 Hinckley Road. This elevation will be screened from this property by a large outbuilding in the adjacent garden standing 3 metres west of the site boundary. The distances between the extension and the dwelling standing at 13 metres combined with the screening provided by the outbuilding would create an extension which would not impact on privacy or light to this property.
The proposed extension will have a projection of 3.5 metres along the sites boundary with 32 Hinckley Road forming a solid brick façade visible to the adjacent property. This projection is contrary to the House Extensions SPG by 0.5 metres and will have an impact on levels of light received to the kitchen window of this property. Although the development will have an impact on this property it would only extend the projection by 0.5 metres over that permitted through general permitted development rights. This additional 0.5 metres on top of the permitted 3 metre projection would add only marginally to the reduction of light to this window. This balanced with no objection from this property would result in a development which is less than ideal but does not constitute a sufficient reason for refusal on this basis alone.

Although the rear elevation of the extension comprises large glazed doors this elevation overlooks a long garden which backs onto the end of another rear garden. As such the extension would not impact on light or privacy to the rear property, 40c Hinckley Road.

The proposed outbuilding is located at the end of the application property's rear garden, closet to 40c Hinckley Road and 1 and 3 Thornfield Avenue. Due to the outbuildings position the amenity of these properties should be considered.
Privacy to these properties is predominately ensured by the distance of the development from the rear elevations of these properties. A distance of 14.5 metres lies between the rear elevations of 1 and 3 Thornfield Avenue and approximately 20 metres between the outbuildings eastern elevation and rear elevation of 40c Hinckley Road. In addition the elevations closest the boundaries of these properties include no openings. Although the rear covered area will be utilised for minimal storage ancillary to the dwelling this area will be will partially screened from the rear garden of 40c by an existing brick outbuilding at the property and the existing boundary treatment. These elements combined would result

in a development which would not impact on the privacy of adjacent properties. The single storey nature of the development, its location rear of the application site and adjacent properties combined with the long separation distances, outbuildings and boundary treatments would result in an acceptable development in relation to overshadowing and impact on light levels to adjacent properties and their gardens.

The rear neighbour raised objections against the proposed outbuilding relating to restricted views resulting from the development. Views are not protected under planning and do not form a material consideration for this application. Objections were also raised regarding the use of the outbuilding and its noise and smell impacts. The outbuilding will be used a workshop and storage area, solely used ancillary to the enjoyment of the dwelling. To ensure this is maintained a condition will be placed on the decision. The use of the structure ancillary to the dwelling would lead this officer to reasonably infer the scope of noisy activities within the outbuilding will be limited. The impact of any potential noise on nearby residential properties would also be minimal due to its distance from adjacent properties and it location at the end of all nearby rear gardens. The issue of smell from the proposed composter on the covered area to the rear of the development is covered by overarching legislation and is an unnecessary consideration for this minor application.
The concern over increased flooding due to a reduction in the permeable surface of the existing lawn has not been identified as a problem by the Borough Councils Land Drainage Engineer. As such this issue is not considered to have an impact on this development.

The proposed workshop will be situated1.5 metres from the trunk of the adjacent tree. This spacing would stand within the trees root protection area and any foundations have the potential to damage the roots of this tree. This tree is not protected under a Tree Preservation Order or stands within a Conservation Area and as such has no legal protection. The tree is mature and appears in good condition and measures should be taken to ensure its future health, where possible. As such a condition requiring any foundations to be dug should be done so by hand and any roots discovered 5 cm in thickness or over should remain unsevered.

The proposed outbuilding will have a floor area of 36m2 and a height of 3.6 metres. This outbuilding whilst larger than a conventional shed would not appear out of proportion with the dwelling or the large rear garden and is considered an acceptable scale. The outbuilding will have a dual pitched roof which does not mirror the hipped roof of the dwelling however it is a conventional roof design for a domestic outbuilding and would mirror the pitched roofs of adjacent terraces 1 and 3 Thornfield Avenue.
The workshop will be constructed in brick to match the lower brick course evident on the dwelling and will have a slate roof to match existing. The workshop is of an acceptable design, comprising acceptable materials.

The proposed rear extension is single storey with a ridge height not exceeding the existing ridge line or rising past the properties first floor windows and will have a floor area of 21m2. These elements within a large rear garden would result in a development of an acceptable scale in relation to the property and its surroundings. The extension will have a mono-pitched roof similar to the properties porch extension and will complement the roof slope projecting from the rear over a previous projecting two storey extension.
The external materials of the extension will be brick along the base with white render on the walls above with a slate roof to match the external appearance of the existing dwelling. The concertina doors of the extension will be UPVC to match existing doors and windows. The proposed extension is therefore acceptable in relation to design, architectural features and materials.

Overall the proposal is considered to be acceptable in terms of design, neighbours amenity and impact on adjacent tree. It is recommended that planning permission be granted, subject to conditions requiring materials to match, the workshop to remain ancillary to the enjoyment of the dwelling and foundations of the workshop be dug by hand and roots protected where found.

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 and would not harm the character or appearance of the area or the living conditions of neighbouring occupiers.

SUMMARY OF DECISION - The proposal is in conformity with Policy BE1of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

1 The development 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 extension, alteration and outbuilding shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

3 The detached workshop hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 30 Hinckley Road, Stoke Golding.

4 If any trenches for foundations are required for the detached workshop, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

5 This permission relates to the application as revised by amended plans 01A, 05C and 02C received by the Local Planning Authority on 17th March 2009.

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 ensure that the use remains compatible with the surrounding area to accord with Local Plan Policy BE1

4 To prevent damage to the adjacent tree at 3 Thornfield Avenue to accord with Local Plan Policy BE1

5 For the avoidance of doubt.

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 6th 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. 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.

5 List of plans used in the determination of this application:-
Amended drawing numbers- 01A and 02C and 05C

Contact Officer:- David Kiernan Ext 5898