

Delegated Report

Planning Ref: 23/00464/HOU

Applicant: Mr Paul Scott

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: 81 Pipistrelle Drive Market Bosworth Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Erection of an Oak framed gazebo with tiled roof

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This householder application seeks planning permission for a free standing Oak framed timber gazebo with dual pitched matching tiled roof within the rear garden of a dwelling, 81 Pipistrelle Drive, Market Bosworth.
- 2.2. The proposed Oak framed gazebo would be constructed on existing concrete hard-standing and would measure 4 metres in width and 3 metres in depth. The dual pitched matching tiled roof would have an eaves height of 2.25 metres and a ridge height of 3.5 metres and be supported by Oak posts to each of the four corners. It would be located to the rear of an existing garage block which also has a dual pitched tiled roof.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Market Bosworth at the edge of a residential estate and at the end of a small cul-de-sac. It is a three storey detached house with gable sided main roof form and three dual pitched roof dormer windows to the front elevation and dual pitched roof porch. It faces towards the Ashby de la Zouche Canal and marina to the west. There is a detached double garage block and additional private forecourt parking accessed through the estate at the rear. It is constructed of red facing bricks, blue/grey slate roof tiles and white UPVC windows. There is approximately 90 square metres of private amenity space at the front and rear.
- 3.2. There are similar neighbouring dwellings on the estate to the south and east and a woodland area to the north.

4. Relevant planning history

09/00367/FUL

- Extensions and alterations to dwelling.
- Permitted
- 17.07.2009

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No objection has been received from the Canal and River Trust.

6.2. No objection has been received from Market Bosworth Parish Council.

7. Policy

7.1. Market Bosworth Neighbourhood Plan (MBNP) 2014-2026 (2015)

- Policy CE1: Character and Environment

7.2. Core Strategy (2009)

- No relevant policies

7.3. Site Allocations and Development Management Policies (SADMP) 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)
- Local Highway Authority Design Guide

8. Appraisal

8.1. Extensions and alterations to existing domestic properties within settlement boundaries are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon parking provision

Design and impact upon the character of the area

8.2. Policy CE1 of the 'made' MBNP requires that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. The application dwelling is identified as lying within Character Area H: Post 2000 Development in the MBNP and defined as a modern residential estate.

8.3. Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions.

8.4. The proposed Oak framed gazebo would be constructed on existing concrete hard-standing and would measure 4 metres in width and 3 metres in depth. The dual pitched roof would have an eaves height of 2.25 metres and a ridge height of 3.5 metres and be supported by Oak posts to each of the four corners. By virtue of its modest footprint, single storey scale, dual pitched roof design, sympathetic Oak framed construction and proposed use of matching roof tiles, the proposal would

respect and complement the scale, character and appearance of the existing dwelling and wider modern residential estate.

- 8.5 It would be located in a discreet position 23 metres from the Ashby de la Zouche Canal and screened from the west by the existing dwelling, screened from the south by an existing garage block which has a similar dual pitched tiled roof, and screened from the north by woodland. As a result, the proposal would not be visually prominent from any public areas or result in any adverse visual impacts on the surrounding area. Approximately 85 square metres of open private amenity space would be retained within the front and rear garden areas and would remain adequate to serve the existing/resulting dwelling.

- 8.6 By virtue of its siting, scale, design and appearance the proposal is considered to be in accordance with Policies CE1 of the 'made' MBNP, Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.7 Policy DM10 of the adopted SADMP and the adopted Good Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.

- 8.8 The proposal would be located 1 metre inside the east boundary of the site which is defined by a 1.8 metres high close boarded timber fence and adjacent to a timber decking area within the rear garden of the neighbouring dwelling to the east. Notwithstanding its proximity to the boundary, by virtue of its single storey scale and roof design which slopes away from the boundary, it is considered that the proposal would not result in any significant or unacceptable adverse overbearing or overshadowing impacts on the residential amenity of the neighbouring garden or result in any significant loss of privacy to the neighbouring occupiers. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP. No objections have been received from any neighbouring properties.

Impact upon parking provision

- 8.9 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision and of appropriate design.

- 8.10 The proposal relates to an ancillary garden structure rather than an enlargement of the existing dwelling and would not impact upon any existing off-street parking provision of four spaces serving the dwelling (double garage and double width forecourt). The proposal therefore has a neutral impact on parking and would be in accordance with Policy DM18 of the adopted SADMP and current local highway design guide standards for the dwelling.

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.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposal is for an ancillary garden structure for an existing dwelling within the settlement boundary of Market Bosworth where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. By virtue of its siting, scale, design and proposed use of sympathetic and matching external materials to create a satisfactory and unified appearance, the proposal would respect and complement the scale, character and appearance of the existing dwelling and wider estate and would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. Adequate off-street parking of four spaces and private amenity space of 85 square metres would be retained within the site to serve the existing/resulting dwelling. The proposal is considered to be in accordance with Policy CE1 of the 'made' MBNP, Policies DM1, DM10 and DM18 of the adopted SADMP and the principles of the adopted Good Design Guide 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 development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan and Proposed Block Plan Drawing No. DRWG01 version 1, Proposed Site Plan Drawing No. DRWG02 version 1 and Proposed Floor Plan, Roof Plan and Elevations Drawing No. DRWG03 version 1 received by the local planning authority on 12 May 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).

3. The materials to be used on the external elevations of the proposed gazebo shall be an Oak frame and blue/grey roof slates to match those used on the existing dwelling and garage.

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

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.