Item: **05**

Reference: **09/00431/FUL**

Applicant: **Mrs R Wright**

Location: **7 Leicester Road Hinckley Leicestershire LE10 1LW**

Proposal: **ERECTION OF A GARAGE**

Introduction:-

This is a full application for the erection of a triple garage with a storage area above, at 7 Leicester Road, Hinckley.

The application property was originally constructed as a residential Victorian detached property situated at the beginning of a row of Victorian terraces. The property has since been converted into business premises in which an accountants and a shoe design (A2) business operate. The shoe design business is Antoinette Designs to which this application relates. The applicant currently has a stockpile of shoes which is required for the operation of the businesses however space within the existing premises for storage is limited. The applicant requires additional storage and room to work and intends to use the upper floor of the garage to store these shoes.

The eastern elevation of the ATS building standing to the west of the site forms a long boundary wall along the majority of the property's rear garden length. 11 Wood Street Close stands to the rear and 9-15 Leicester Road are a row of terraced properties to the east of the site.

The proposed garage measures 8.4 metres wide, 7.3 metres deep and 7.5 metres high, and is located within the rear garden. The garage will be situated 21 metres from the property's rear elevation, set off from ATS's western boundary wall by 0.6 metres and 2.5 metres off the boundary with No 9. Vehicular access to the garage will be via the existing access that currently leads to the rear car park of the property.

History:-

02/00348/FUL	Extension to studio	Approved	11.06.02
98/00958/FUL	Erection of two dwellings	Refused	06.01.99
98/00678/FUL	Erection of two dwellings	Refused	11.11.98
87/00483/4	Change of use of office and Storage	Approved	30.06.87
83/00733/4	Use of premises for Residential storage and office purposes	Approved	27.09.83



© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA00018489 Published 2006

Consultations:-

No objection received subject to conditions received from Head of Community Services (Land Drainage).

Five letters of objections have been received raising the following concerns:-

- no need for a triple garage/annex associated with the business use
- inadequate access
- land should be retained as garden
- no room to maintain new building
- overlooking of rear windows of residential properties
- excessive size and height will over shadow gardens
- increased noise and disturbance from use of garages
- traffic dangers
- potential damage to trees in adjacent garden
- devaluation of property
- potential fire hazard
- concern over deliveries to storage element
- suggests flat roof design would be more acceptable
- questions long term aspirations for building
- residential building on the site refused on previous occasions.

Policy:-

Local Plan Policy

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

Policy BE1 relates to the design and siting of development. It seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It requires developments to complement or enhance the character of the surrounding area and not to adversely affect the occupiers of neighbouring properties.

Policy T5 requires the application of highway design standards set out in the current addition of Leicestershire's County Council's "Highway requirements for development" for new development proposals. It also requires the Authority to apply parking targets set out in Appendix D of the Local Plan.

Appraisal:-

The main considerations are the design of the scheme, its impact on the character of the area, neighbours amenity, parking and highway safety.

The Principle

The proposed garage is located within the settlement boundary within the curtilage of an existing business on the edge of Hinckley Town Centre. The garage will provide parking and storage for the existing premises and is considered acceptable in principle.

Design and impact on character of the area

The proposed garage will utilise materials on the external elevations to match the existing Victorian properties including a welsh slate roof. The garage includes vertically emphasised windows with cill and header details to complement the existing features of 7 Leicester Road. The height of the garage at 7.5 metres is large for a garage however the ridge line of the garage will not exceed that of the adjacent ATS building or 7 Leicester Road. Due to the lower ridge line the garage would only be partially visible from Leicester Road through the 3 metre gap created by the existing access. This garage although large would not be visually prominent from the street scene and with the illustrated detailing would not be detrimental to the character of the area.

One objector suggested amending the scheme to provide the garage with a flat roof to reduce the buildings massing and impact on neighbouring properties. A flat roof to the garage would represent poor design and would reduce the longevity of the building and would be an unacceptable design feature. It would also not provide the accommodation required.

Neighbours Amenity

The proposed garage includes one first floor and two ground floor windows on the southern elevation facing toward 11 Wood Street Close. The rear elevation of this property is angled away from the applicants' garden therefore the windows will not

directly face each other. Furthermore, the rear elevation of the garage will be separated from this property by a distance of approximately 25 metres which is adequate to comply with policy and avoid any overlooking and overshadowing effect.

The garage would be set off the boundary with 9 Leicester Road by 2.5 metres and would be situated 28.5 metres south of the rear elevations of 9-15 Leicester Road. Due to the garages position, orientation and massing a middle section of the garden of 9 Leicester Road may be partially overshadowed during mid to late afternoon. This impact is lessened by the existing ATS building which stands higher than the garage and already has an overshadowing effect on 7 and 9 Leicester Road. In addition because the rear garden of this adjacent property is long, at least the first 15 metres of amenity space closest to the dwelling would be unaffected by the development. Furthermore this area is bounded by built form of No 7 and a leylandi hedge. The garage includes a ground floor window and door on the eastern elevation, but due to the existing boundary hedge there will not be any overlooking from these to the neighbouring garden. A first floor window is also included on the northern elevation facing directly toward the applicants rear elevation. Again, the leylandi hedge will obscure any views to neighbouring properties and even if removed the distance of 28.5 metres is in excess of the required threshold of 25 metres between principal windows. As such it is considered that the proposal will not have an adverse impact on the amenity of neighbours.

Parking and Highway Safety

The section of rear garden closest to the property is currently used as a parking area with a gravel surface, used by employees of the businesses on site. The site has 8 allocated car parking spaces and this scheme proposes to rearrange five of those spaces along the eastern site boundary with the remaining three spaces situated within the triple garage. This scheme is not proposing to create any additional parking and the expected level of traffic into the site is not expected to increase therefore no intensification in the use of the access and no additional highway safety concerns.

Objections received have raised concern over increased noise and disturbance from the use of the garage. The garage will be positioned further into the garden and stand further from the rear of adjacent properties and with no extra traffic expected the development will not cause increased noise and disturbance. In addition these businesses on site operate during normal working hours and any disturbance would be limited to daytime hours. The shoe storage relates to the existing business premises only and deliveries to and from the garage are not expected or necessary.

Ecology

The erection of the garage in the garden of 7 Leicester Road will involve the removal of at least one apple tree however it is of little ecological value. Two mature trees stand on the rear boundary of 9-15 Leicester Road however the garage will be positioned at least 25 metres from these trees which is an adequate separation distance to prevent harm to the trees root system.

Other Issues

Planning permission has previously been refused for separate dwellings within the rear garden of the property (98/00958/FUL & 98/00678/FUL) and objectors have raised concerns relating to the use of the proposed building and any possible change of use to a separate dwelling. These applications were refused on the basis of

increased noise and disturbance, neighbours amenity, inadequate access and out of character. The previous refusals have highlighted that the rear garden of this site is not suitable for an additional dwelling and any conversion of this garage into a separate dwelling would require a separate application. However to ensure the new garage is used in connection with the property a condition will be placed on the application ensuring the building is only used for storage and the parking of motor vehicles in relation to 7 Leicester Road.

Objectors have raised concerns regarding the potential fire hazard created through the storage of shoes in the building and the devaluation of their properties due to this development. These concerns are not material planning considerations and as such will not form part of the assessment for this application.

This site although residential in appearance operates as a business premises and a large amount of amenity space is not required. In addition garden land is classified as 'brownfield' and as such would be regarded as potential land for development, be that for residential or commercial development.

An objector has commented that with only a 1 metre gap between the side elevation of the garage and boundary with 9 Leicester Road there would not be adequate space for construction and maintenance of the garage without encroaching on the adjacent garden. The submitted plans illustrate a 2.5 metre gap and a note to applicant will be placed on the decision advising of the Party Wall Act.

Overall the proposed garage with storage above would not be prominent in the street scene and would not harm the character of the area. No additional traffic is expected as such there will be no intensification of the existing access and the proposal would be acceptable in terms of parking and highway safety. The garage includes characteristic features of 7 Leicester Road and would be of an acceptable design with a condition requiring materials to match.

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, the living conditions of neighbouring occupiers or parking and highway safety.

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1 and T5 of 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 garage shall match the corresponding materials of 7 Leicester Road unless previously agreed in writing with the Local Planning Authority.

3 The garage hereby approved shall be used for the purposes of parking motor vehicles
and storage in connection with 7 Leicester Road only and shall remain so at all times thereafter.

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 the amenity of neighbouring properties and highway safety and parking to accord with Local Plan Policies T5 and BE1.

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. 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 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.

6 Any new access drives, parking turning areas, paths etc. should be constructed in permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.

7 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

8 List of plans used in the determination of this application:-
Drawing number- W042009.1, roof height details, Block plan and site location plan

Contact Officer:- David Kiernan Ext 5898