DELEGATED REPORT

Recommendation Made: 13 September 2011

Reference:- 11/00653/FUL **Parish:- Hinckley**

Applicant:- Mr And Mrs Martin Prosser
34 Newquay Close
Hinckley
Leicestershire
LE10 1XN

Location:- 34 Newquay Close Hinckley Leicestershire LE10 1XN

Proposal:- EXTENSIONS AND ALTERATIONS TO DWELLING.

Introduction:-

This application seeks full planning permission for the erection of a two storey side extension and a single storey extension to the rear of this semi-detached dwelling house.

The dwelling is constructed from brown brick and pantile roof tiles.

An amended block plan has now been received that omits the second car parking space which was found to extend over a right of way and for that reason cannot be classified as a valid car parking space.

Planning History:

88/00097/4 – Private residential development for 97 dwellings revised and substituted types – Approved on 22/03/1988

Consultations:-

No objection has been received from:-

The Head of Community Services (Land Drainage)

One letter of objection has been received that raises the following concerns:

a) Car parking spaces are on a right of way
b) Ownership of the access has not been transferred over in the deeds therefore not in ownership of applicant
c) There is a clause in the deeds that state no obstruction or interference should be caused on the highway hatched brown. The proposed car parking spaces on the applicants plan contravenes this clause.

Development Plan Policies:-

Adopted Local Plan

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

Policy BE1 - Design and Siting of the Development
Policy T5 - Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance: House Extensions Design Guidance (SPG)

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the proposed extension on the character and appearance of the existing dwelling and street scene, highway issues and impact on the amenities of the occupiers of neighbouring properties.

The Principle of Development

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

Impact on existing dwelling

The proposal comprises of a two storey side extension and a single storey rear extension.

The proposed rear extension has a mono-pitched roof design. Given its position at the rear of the property and its small scale that reflects the character of the existing dwelling, the rear extension will not have any adverse impact on the street scene or the character of the existing dwelling and is therefore acceptable in design terms.

The proposed two storey side extension has a gabbled roof design. The ridge line is 0.2 m lower than the ridge on the main house. The extension will also be set back 0.8 m from the front elevation wall of the main house and will be 2.3 m in width. It is therefore considered to be subservient to the main house.

As the proposed two storey extension is subservient to the existing dwelling with an appropriate set back distance, it will not have any adverse impact on the street scene or the character of the existing dwelling and is therefore acceptable in design terms.

The proposal is therefore acceptable in terms of the design requirements of Policy BE1 and the House Extension Design Guide SPG.

Neighbours amenities

No. 33 Newquay Close is located to the south of the application site. The proposed two storey extension will fall 2.5 metres behind the front elevation of no. 33. It will extend back to the rear elevation of the main house, falling 2.5 metres in front of the rear elevation of no. 33 and includes a single storey element projecting a further 3 metres.

Although the proposed extension abuts the boundary line with no. 33, it is noted there will be a 2.5 metre offset distance to the main dwelling, and this is considered to counteract the impact this proposed form of development will have on this neighbouring property. It is therefore considered that the proposed single storey and two storey sections of the extension will not result in an overbearing impact.

Given the suns orientation and the position of the extension is due north, it will not result in any loss of light or significant overshadowing to the detriment of the occupiers living at no. 33.

A first floor bedroom window on the rear elevation will allow for some overlooking into the rear garden of no. 33 but this will be away from the main patio area. This first floor bedroom window will also be 10 metres away from the rear boundary line with dwelling no. 14 Frank Booton Close. It is noted there is conifer hedging approximately four metres in height on their side of the boundary. However, the issue of overlooking is not unexpected in a suburban location and the degree of overlooking is not considered to be materially detrimental in planning terms to have an adverse impact on the neighbours amenity in terms of privacy.

No. 35 Newquay Close is located to the north of the application site. Due to its position on the south side elevation of the main property, the two storey extension to the side of this property will not impact on no. 35. The proposed single storey extension projects 3 metres along the common boundary line with no. 35 and therefore no impact on neighbour's amenity will arise and this complies with the House Extension SPG.

Accordingly, the proposal is compliant with the amenity requirements of Policy BE1 and the SPG.

Highway Issues

There is currently one car parking space positioned to the side of this dwelling. The plans show internal re-arrangements that create extra space without adding an additional bedroom. Local Plan Policy T5 requires the provision of two off-street parking spaces for a three bedroom dwelling.

Two car parking spaces were shown on the original block plan submitted. A representation has been received that argues there is a clause in the deeds where no obstruction or interference should be caused on the highway hatched brown. The deeds to any property and any restrictions contained within them are not material planning considerations.

In light of this objection and information, amended plans have been received that omits the second (offending) car parking space from the block plan. The block plan now shows just one car parking space and this continues to be indicated in the position of the existing garden.

The internal dimensions of the garage are not in compliance with the 6 m x 3 m requirement as stipulated in the Highways, Transportation and Development guidance for it to be classified as a car parking space.

Overall only one 'to standard' car parking space will be provided. Although this does not meet the Local Plan requirement for two off-street parking spaces for a dwelling such as this, it is considered satisfactory when you consider the dwelling only has one existing car parking space. Given the design and layout of the estate, the amount of on-site car parking spaces is restricted. Since the site is located within Hinckley where there are surrounding local amenities and public transport connections a reason for refusal based on the lack of one car parking space would not be sustained.

Conclusion

The proposal would respect the scale and character of the existing dwelling and would not harm the street scene. It has also been considered that the development would not adversely affect the amenities of the occupiers of neighbouring properties and a satisfactory replacement car parking space will be provided. The application is considered to be in accordance with Policy BE1 of the Local Plan and the Council SPG on House Extensions and is therefore recommended for approval subject to 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 by virtue of the scale, mass and design of the proposed extension would not detrimentally impact on the amenities of neighbouring residents or the character and appearance of the dwelling or street scene and would not harm highway safety and would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1 & T5

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 and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

3 The parking space as shown on the block plan (received 08/09/11) shall be laid out and made available for vehicle parking before the first occupation of the extension hereby approved. The parking space shall remain available for vehicle parking thereafter.

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

Drawing - 4270 - 0180 1 - Received on 10/08/2011
Drawing - 4270 - 0180 2 - Received on 10/08/2011
Site Location Plan - Received on 10/08/2011
Block Plan (Revised) - Received on 08/09/2011

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 adequate parking is available to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.

4 For the avoidance of doubt and in the interests of proper planning.

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 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.

Contact Officer:- Kevin Roeton Ext 5919