**DELEGATED REPORT**

**Recommendation Made: 28 March 2008**

**Reference:- 08/00082/COU** **Parish:- Groby Parish Council**

**Applicant:- J B Yates**
**16 Parklands Avenue**
**Groby**
**Leicester**
**Leicestershire**

**Location:- 16 Parklands Avenue Groby Leicester Leicestershire LE6 0BL**

**Proposal:- CHANGE OF USE OF LAND TO RESIDENTIAL** CURTILAGE ~~Erection of boundary fencing~~

**Introduction:-**

This application seeks approval for the Change of Use of a portion of wasteland, forming part of a larger strip of wasteland running adjacent to the rear gardens of properties on Lawnwood Road and Forest Close. The land in question is 167 meters in length, with a width of approximately 5m, widening to 9m towards the end of the application site. The land is in parts overgrown and used as a dumping ground. Access to various gardens is gained from the land, with some properties having already incorporated parts of the land into their gardens. Dense hedging of approximately 2m in height bounds the land adjacent to properties on Lawnwood Road, with less dense hedging of just over 1m in height forming the remaining boundary. A 2m high sold timer fence has already been erected to enclose the land subject of the application.

**Consultations:-**

No responses have been received from:-

Neighbours/ Environmental Services

Director of Highways, Transportation and Waste Management (Highways)

Groby Parish Council has commented that they require conformation of the current use of the land and further details of the boundary fence.

**Development Plan Policies:-**

Hinckley & Bosworth Local Plan Policies

BE1 - Design and Siting of Development

**Appraisal:-**

The main planning issue in relation to this proposal is the detrimental impact on the amenity of neighbouring properties.

As the parcel of land subject of this application forms part of a larger strip of disused waste land cited to the rear of residential properties of Lawnwood Road and Forest Close, the effect of incorporating part of the land as residential curtilage is considered as having positive impacts on the amenity of adjacent residents. The applicants have cleared the land, thus aesthetically improving the appearance of the area. Despite the proposed change of use enabling the applicants to conduct development falling within Part 1 of the Town and Country Planning (General Permitted Development) Order 1995; the impact of any resultant development would not be considered as causing adverse impacts on the amenity of surrounding residential properties. This is due to the fact that the parcel of land in question is situated at the end of the track, thus being overlooked by relatively few properties (4). Further, as the

land is sited to the rear of adjacent gardens, the distance of potentially effected properties is further increased. Accordingly any issues of overlooking or loss of light from future developments would be considered minimal. A 2-meter high close board wooden fence encloses the land subject of this application. As this is only visible from the rear of surrounding properties it is not considered to have an adverse impact on visual amenity.

Due to the location of the land, and design and scale of the enclosing fence, the proposal is not considered as having an adverse effect on the occupiers of neighbouring properties, on the contrary the change of use would aesthetically improve the appearance of the area; through ensuring its future maintenance.

**RECOMMENDATION :- Permit subject to the following ~~conditions~~ :-** unconditionally. ?

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 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.

**Reasons :-**

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

**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.

**Contact Officer:-** Eleanor Shaw Ext 5691