DELEGATED REPORT

Recommendation Made: 19 September 2008

Reference:- 08/00667/FUL **Parish:-** Markfield Parish Council

Applicant:- Mr Tony Rossa
13 St Michaels Close
Markfield
Leicestershire
LE67 8WR

Location:- 13 St Michaels Close Markfield Leicestershire LE67 9WR

Proposal:- ERECTION OF GARAGE AND RETENTION OF BOUNDARY WALL AND FENCE.

Introduction:-

The application relates to a semi-detached bungalow located on the west side of St Michaels Close within the settlement boundary of Markfield. St Michaels Close is a cul-de-sac of bungalows all set back from the road behind small front gardens.

The land slopes up from the front of the site resulting in the dwelling being located at a higher level than the public highway.

Planning permission is sought for the erection of a garage to the front of a property, extending the existing garage by 7.8m along the boundary with number 14 St Michaels Close. Retrospective consent is sought for the retention of fencing to the front boundary of the site. This extends to the front driveway access point, along the boundary with the footpath and along the boundary with the adjoining property, number 12. The fence has a wavy top which at its highest point is 1.7m high.

Relevant Planning History

None relevant.

Consultations:-

No objection has been received from:

Director of Highways, Transportation and Waste Management (Highways)

Head of Community Services (pollution)

Neighbours were consulted and a site notice erected. To date one representation has been receive with the following comments:-

a) The fence block the view down the street.
b) The fence blocks light to a kitchen and lounge and would de-value my property.

Development Plan Policies:-

Hinckley and Bosworth Local Plan

Policy BE1- design and siting of development.

Supplementary Planning Guidance- (SPG) House Extensions

Appraisal:-

The main issues for consideration are the impact of the development on the character and appearance of the area and the amenities of neighbouring residents.

The proposed garage is located adjacent to the neighbouring garage which serves number 14. The proposed garage would not extend closer to the highway than the neighbouring property's garage which would obscure any view of the proposed extension when approaching the site from Upland Close. The proposed garage has a flat roof which is in character with the other garages in the area including Number 14's. Given the surrounding development it is not considered that a pitched roof would be in keeping with the surrounding development. Given the location of the proposed garage it is not considered that it would detrimentally affect the amenities of the neighbouring properties.

The garage would be constructed over what is presently off street parking for the dwelling. The location of the garage will also make it difficult to use the area of parking closest to the dwelling. However there is sufficient parking to the front of the garage for the size of dwelling and therefore the proposal is not considered to detrimentally effect parking safety.

At the back edge of the footpath to the front of the site the fence has been erected on the top of a retaining wall. The fence reduces in height along the highway boundary to the driveway entrance, following the contours of the land. The character of the surrounding area is not open as other properties have walls, fences or trees on the boundary with the highway and therefore the erection of the fence is not considered to be out of character with the area.

The adjoining property is most likely to be affected by the proposal in terms of loss of light. However given the location of the habitable rooms and the height of the proposed fence it is not considered that the proposal would result in a detrimental loss of light to any surrounding properties.

Objections to the proposed fence have been received on the basis that the proposal would block the view from a neighbouring properties window, block light and de-value the property. View and value of land or property is not a material planning consideration which can materially affect the determination of a planning application. Loss of light has been considered above.

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 location and height of the fence, the location and design of the garage with regard to surrounding development in the immediate area would not detrimentally affect the character of the street scene nor the amenities of the neighbouring property. The proposal would therefore be in accordance with the development plan.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1

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 This permission relates to the application as revised by amended plan 1 A, 2 A and 3 A, received by the Local Planning Authority on 21.08.08.

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 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:-
Drawings 1 A, 2 A and 3 A

Contact Officer:- Sarah Humphries Ext 5680