Item: **07**

Reference: **11/00281/FUL**

Applicant: **Mrs Alka Mistry**

Location: **3 Lime Avenue Groby**

Proposal: **EXTENSIONS AND ALTERATIONS TO DWELLING (RETROSPECTIVE)**

Target Date: **8 June 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application is the result of an enforcement investigation and has raised local interest.

Application Proposal

This application seeks an amendment to application 11/00001/FUL which was approved under delegated powers on 4 March 2011. There was also an earlier application for the two storey extension to the north eastern side of the dwelling approved in 2008 under reference 08/00245/FUL which was amended by the application submitted earlier this year.

The proposal consists of an amendment to a previously approved two storey rear extension which will project by 0.9 metre from the original rear elevation and a single storey conservatory which will project a further 1.7 metres beyond the two storey proposal; both are sited 250 mm from the common boundary with the adjoining neighbour. The proposals also include an amendment to the previously approved two storey extension located along the north eastern boundary of the site providing an extension with a total depth of 8.51 metres which results in an additional 270mm projection to the rear that extends by 230 mm beyond the rear wall of the neighbours property together with an increased projection south westwards by 70mm.

The Site and Surrounding Area

The dwelling is a two storey semi detached property with a side driveway to the north eastern side with its boundary with No 1 Lime Avenue, and with front and rear gardens to the west and east respectively. The application dwelling is rendered at first floor and has a porch with a lean-to tiled roof to the front. The dwelling located to the north western side of the site (1 Lime Avenue) is detached but is located along the north western boundary of the application site. The adjoining dwelling (No 5) is located to the south eastern side of the site and is of a different design to the application dwelling.

The area is a predominantly residential, modern estate within the settlement boundary for Groby.

Works have commenced on site but because a complaint was received that the extensions were not being constructed in accordance with the approved plans, and following advice from officers works have currently ceased.

Technical Documents submitted with the application

None.

History:-

11/00001/FUL	Extensions and alterations to dwelling	Approved 04.03.11
08/00245/FUL	Extensions and alterations to dwelling	Approved 06.05.08

The current application is the result of a recent enforcement investigation. The applicant has stopped work on site until the current issue is resolved.



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Consultations:-

At the time of writing the report comments have not been received from:-

Ward Members
Parish Council
Neighbours.

Policy:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Local Development Framework Core Strategy 2009

There are no relevant polices within the Core Strategy.

Hinckley and Bosworth Local Plan 2001

Policy BE1 'Design and Siting of Development' states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regard to scale, layout, design and materials; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard.

Policy T5: Parking and Highways refers to the application of appropriate standards for highway design and parking targets for new developments. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance and parking targets.

Supplementary Planning Guidance/Documents

The adopted Supplementary Planning Document on House Extensions offers guidance on the design of extensions, to ensure they have no adverse impacts on the amenity of surrounding residents, on the character of the street scene and on highway safety, among other things. The guidance also contains specific criteria concerning the scale and size of side and rear extensions.

Appraisal:-

The main considerations with regard to this application are the principle of development, highway safety, design, impacts on the existing dwelling and the streetscene and neighbours amenity caused by the amendment to the approved scheme. No weight can be attached to the fact that this application is retrospective.

Principle

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

Two previous applications for similar extensions and alterations have previously been approved. The first (2008) application related to a two storey extension to the north eastern side of the site. The second application determined earlier this year dealt with an amendment to the 2008 proposal and a further two storey rear extension and single storey rear extension. In order to object to this current proposal it would be necessary to demonstrate that there is a significant change in policy or the details of the proposal that would justify such an objection on planning grounds.

Design, Impact on Character and Appearance of the existing dwelling and Streetscene

The proposed rear extension was approved within the previous 2011 application. This application proposes an extension that projects beyond the rear elevation of the neighbouring dwelling by 0.9 metre from the original rear elevation at two storey level and an additional 1.7 metres at ground floor level. It is in accordance the guidance contained within the SPG on Household Extensions which states that rear extensions will not normally be permitted if they extend more than 2 metres along the common boundary with an adjoining dwelling in the case of two storey and 3 metres in the case of a single storey extension. This element has a gable to the rear elevation and the roof height is subordinate to the main dwelling. In terms of design, this element is considered to be acceptable.

The two storey extension located to the north eastern side of the site was approved in 2008, an amendment to that approved scheme was determined earlier this year. The previous 2011 application provided a wider extension to the 2008 approval which projected south westwards by an additional 1.1 metres. In terms of design and the Council SPG on Household Extensions, the proposal was considered acceptable. The current proposal is for a similar scheme but with an increased projection to the rear by 270 mm and projection south westwards by 70mm. The increase in projection is considered to be acceptable and is in accordance with the Council's SPG on Household Extensions.

In terms of impact upon the streetscene, the current proposal will have a similar impact when viewed from the front elevation as the schemes which were approved in 2008 and earlier this year. The property is not located on the corner but there is some view of the rear garden and proposed extensions from within Victoria Drive albeit behind the neighbour's garden and boundary treatment. When viewed from Victoria Drive, the current proposal will project an additional 270 mm to the rear of the site (generally eastwards) and 70mm south westwards than the previously approved scheme. In terms of the impact on the streetscene, the proposals are considered to be acceptable.

Neighbours amenity

The application approved in 2008 provided a two storey extension to the north western side of the application. The 2008 approved plans show that the two storey extension would not project beyond the rear of the neighbours dwelling (No 1). The alteration to the current scheme is an additional projection to the rear of 270 mm which results in a 230 mm projection beyond the rear elevation of the neighbours dwelling at No 1. Due to the orientation of the application site, generally to the south of the neighbours dwelling there will be some overshadowing to the neighbours site, however, because the projection proposed is so limited, the overshadowing is minimal and therefore, the proposal is considered to be acceptable. The increase in the south westerly projection of 70mm results in the proposal being set in from the boundary of the neighbour at No 5 by 3.6 metres, due to the orientation and set in from the boundary, the increase in projection is considered to be acceptable.

The two storey rear extension will project by 0.9 metre from the original rear elevation set off the common boundary with No 5 Lime Avenue by 250 mm; a single storey conservatory will project a further 1.7 metres (set off this common boundary by 250mm) beyond the two storey proposal. The previous application approved this extension along the common boundary. Due to the orientation of the two dwellings

and taking into consideration the Council's adopted guidance, this proposal is still considered to provide an acceptable relationship with this neighbours property.

Highway Issues

For dwellings with four or more bedrooms, three car parking spaces should be provided. On the basis that no car parking spaces will be lost as a result of the proposed development the current parking provision is considered acceptable. The proposal has not altered in this respect from the schemes previously approved.

Conclusion

Two previous schemes have been approved for extensions and alterations to this property. This proposal differs from the previous approved scheme in that the two storey element to the north western side of the site projects an additional 270 mm to the rear and 70 mm to the south west beyond that previously approved and the two storey and single storey rear extensions are set in from the south eastern boundary with the neighbour by 250mm. In terms of design, impacts on the existing dwelling and the streetscene, neighbours amenity and highway safety, the proposals are considered to be acceptable and in accordance with the Council's SPG on Household Extensions. The minor change proposed is not considered to change the previous assessments of the scheme and provide any justification for objection.

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 street scene and would be in accordance with the development plan.

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

1 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.

2 The development hereby permitted shall be carried out in complete accordance with the submitted application details, as follows: Block Plan and Drawings 2734/02A, 2734/06A and 2734/10A received on 11 May 2011. Drawings 2734/03A and 2734/05A received on 13 May 2011.

Reasons:-

1 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

2 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:- Louise Forman Ext 5682