

## Delegated Report

**Planning Ref: 23/00408/HOU**

**Applicant: Mr Taylor**

**Ward: Burbage Sketchley & Stretton**



Hinckley & Bosworth  
Borough Council

**Site: Corner House 1A Boyslade Road East Burbage Leicestershire**

**Proposal: Installation of electric sliding gate and brick piers**

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### **1. Recommendations**

#### **1.1. Grant planning permission subject to:**

- Planning conditions outlined at the end of this report

### **2. Planning application description**

2.1. This householder application seeks planning permission for the construction of a pair of stone capped brick access gate piers and the installation of an electronic sliding vehicular access gate to the front boundary of a dwelling, Corner House, 1A Boyslade Road East, Burbage.

2.2. The two brick piers would be 0.54 metres square and 1.2 metres in height with an additional 0.15 metre high stone capping. They would be set 5.4 metres apart with a 1.2 metres high electronic sliding metal gate finished in black between, a total width approximately 6.5 metres. It is proposed that the piers would be constructed in red facing bricks to match those used in the construction of brick features on the otherwise off-white rendered application dwelling. The existing approximately 2 metres high laurel hedgerow either side of the access along the front boundary would be retained.

### **3. Description of the site and surrounding area**

3.1. The application dwelling is located within the settlement boundary of Burbage in a residential area and on a large corner plot on the entrance to a no-through road. It is a 1½ storey detached dwelling with attached 1½ storey and single storey additions including garaging. It is constructed with cream rendered walls, red brick plinth and red brick feature chimney stacks, red/brown concrete roof tiles and mid grey uPVC windows. There is a large area of loose stone chipping surfaced hard-standing either side of the access providing ample off-street parking space for at least four vehicles. The plot is enclosed in the highway boundaries by approximately 2 metres high evergreen laurel hedgerows.

3.2. Other than this plot and the other corner plot opposite which are both enclosed by lengths of established hedgerows, Boyslade Road East is otherwise characterised by predominantly open frontages with occasional low level brick walls.

### **4. Relevant planning history**

#### **16/00840/HOU**

- Rear extension and first floor extension over garage
- Permitted
- 31.10.2016

#### **91/00293/4**

- Extension to bungalow

- Permitted
- 01.05.1991

#### **79/00829/4M**

- Extension to dwelling and erection of garage with access
- Permitted
- 11.06.1979

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No responses have been received as a result of public consultation.

### **6. Consultation**

- 6.1. No objection has been received from Burbage Parish Council.

### **7. Policy**

- 7.1. Burbage Neighbourhood Development Plan 2015-2026 (2021)
  - No relevant policies
- 7.2. Core Strategy (2009)
  - No relevant policies
- 7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)
  - Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM10: Development and Design
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
  - National Planning Policy Framework (NPPF) (2021)
  - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
  - Good Design Guide (2020)
  - National Design Guide (2019)
  - Local Highway Authority Design Guide

### **8. Appraisal**

- 8.1. Alterations to existing domestic properties within urban settlement boundaries are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:
  - Design and impact upon the character of the area
  - Impact upon highway safety/parking provision
  - Impact upon neighbouring residential amenity

Design and impact upon the character of the area

- 8.2 Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass,

design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally. The Council's adopted Good Design Guide provides further advice in respect of residential extensions and alterations. Burbage Neighbourhood Development Plan (BNDP) contains no relevant policies for domestic extensions but refers to the materials, design and scale of extensions and alterations being compatible with the original building (Para. 15.3).

- 8.3 The two brick piers would be only 0.54 metres square and only 1.2 metres in height with an additional 0.15 metre high stone capping. They would be set 5.4 metres apart with a 1.2 metres high electronic sliding metal gate finished in black between, a total width approximately 6.5 metres. It is proposed that the piers would be constructed in red facing bricks to match those used in the construction of brick features on the otherwise off-white rendered application dwelling and to ensure a unified and satisfactory appearance. The existing long and approximately 2 metres high lengths of evergreen laurel hedgerow either side of the access along the front boundary would be retained and would therefore preserve the overriding enclosed character and verdant appearance of the highway boundaries of the plot.

- 8.4 By virtue of the siting, small scale, design and proposed use of satisfactory and matching external construction materials, the proposed access gates and piers would respect and complement the scale, character and appearance of the existing dwelling and the visual appearance of the surrounding area. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP, the general principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan.

Impact upon highway safety/parking provision

- 8.5 Policy DM17 of the adopted SADMP supports development where there would be no significant adverse impact on highway safety. Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.6 Boyslade Road East is a lightly trafficked residential road serving approximately 43 dwellings in total and with no through traffic. The proposal would enclose and provide a degree of security to an existing dropped kerb vehicular access of the same position and width as that proposed and at an adequate distance of 25 metres from the nearest road junction. The proposed gates would be located less than 1 metre inside the highway boundary but these would be electronic pre-set opening sliding/non-gain gates which would ensure that the proposal would not result in any significant adverse impacts on highway safety from vehicles waiting in the highway for the gates to be opened or closed. Visibility from the existing access is limited by the existing 2 metres high laurel hedgerows either side which would be retained. Notwithstanding this, by virtue of the retained 6.5 metres width of the access, pedestrian visibility is considered to be acceptable given the existing access characteristics and the low key nature of the residential road in which it is located.
- 8.7 The existing off-street parking provision for a minimum of four vehicles remains unaffected and adequate to serve the existing/resulting dwelling which is located in a highly sustainable urban location where a full range of services and facilities are available by alternative and more sustainable transport means. The existing/retained parking provision would therefore remain in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards for a dwelling of this size.

Impact upon neighbouring residential amenity

- 8.8 Policy DM10 of the adopted SADMP and the adopted Good Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.9 By virtue of the siting, small scale, design and separation distances to all neighbouring dwellings, the proposal would have no significant adverse impacts on the residential amenities of the occupiers of any neighbouring properties. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

## **9. Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1. The proposal relates to boundary alterations to an existing dwelling located within the urban settlement boundary of Burbage where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. By virtue of the siting, small scale, design and subject to the use of appropriate external materials in the construction to ensure a satisfactory appearance, the proposal would respect and complement the scale, character and appearance of the existing dwelling and would have no significant adverse visual impacts on the street scene or the surrounding area or, as a result of separation distances, the residential amenities of the occupiers of any neighbouring properties. The pre-set opening electronic sliding/non-gain gates would not result in any significant adverse impacts on highway safety or the existing adequate off-street parking provision. The proposal is considered to be in accordance with Policies DM1, DM10, DM17 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan and is therefore recommended for approval subject to conditions.

## **11. Recommendation**

### **11.1 Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

### **11.2 Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Location Plan, Proposed Block Plan, Proposed Site Plan and Proposed Elevations Drawing No. AVD-731-BRB-PL01 received by the local planning authority on 27 April 2023.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The external elevations of the proposed brick piers hereby permitted shall be constructed in red facing bricks to match those used in the construction of the existing dwelling with a stone capping and electronic sliding metal gates finished in black as detailed on the approved Proposed Elevations Drawing No. AVD-731-BRB-PL01 received by the local planning authority on 27 April 2023 and the email from the agent dated 8 June 2023.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

### **11.3 Notes to applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.