DELEGATED REPORT

Recommendation Made: 10 June 2011

Reference:- 11/00255/FUL **Parish:- Shackerstone Parish Council**

Applicant:- Mrs Jane Harris
The Green Man House
Barton Road
Congerstone
Nuneaton

Location:- Tithe Farm Barton Road Congerstone Nuneaton Leicestershire

Proposal:- ERECTION OF A GARAGE

Introduction:-

This application seeks full planning permission for the erection of a detached garage at Tithe Farm, Congerstone.

The application property is a barn conversion with two storey gable end abutting Barton Road constructed from orange brick, dark brown timber window frames and plain concrete tiles.

The site falls within the Congerstone Conservation Area.

Planning History:

08/00077/FUL - Demolition of existing farm buildings and erection of one dwelling - Approved on 28/03/2008
07/01346/FUL - Erection of one dwelling, demolition of existing sheds and erection of open tractor and implement shed - Withdrawn on 24/01/2008
00/01138/FUL - Conversion of outbuilding to provide additional living accommodation - Approved on 29/01/2001
91/00325/4 - Erection of agricultural building - Refused on 21/05/1991
84/00706/4 - Conversion of farm buildings to single dwelling - Approved on 25/09/1984
82/00912/4 - Conversion of farm buildings to two residential units - Approved on 21/12/1982
79/02438/4 - Erection of 2 dwellings and garages - Refused on 28/05/1980

Consultations:-

Neighbours notified and site notice displayed on 11/05/2011

Shackerstone Parish Council have objected to this application on the following grounds:-

a) Site is being overdeveloped
b) If approved restrict road access through the Carlton stone wall

One neighbour objection received objecting for the the following reasons:

a) Existing LP Gas tank not shown
b) Existing summer house not shown
c) Proposed garage will not be hidden by the existing wall
d) Garage will significantly overshadow neighbours garden area
e) Is the garage required ?
f) Garage could be used as a workshop
g) Proximity of proposal to living room gives concern over increased noise

Development Plan Policies:-

Adopted Local Plan

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

Policy BE1 - Design and Siting of the Development
Policy BE7 - Development in Conservation Areas
Policy T5 - Highway Design and Vehicle Parking Standards

Congerstone Conservation Area Appraisal

Appraisal:-

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

The Principle of Development

The site is located within the settlement boundary of Congerstone, 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 proposed garage is sited in the rear garden. Its design, scale and siting respects the character of the existing dwelling. The design contains no dental courses to replicate the detailed feature used on the eaves of the two storey gabled end on the barn conversion. However, the absence of such detailing was not considered to be detrimental as the garage will be set further back from the street and in relation to the character of the area surrounding properties / garages do not have such architectural detailing. Due to its set back and subservient scale, the proposed garage will not detract attention away from the simple vernacular form of the more prominent two storey barn conversion and is therefore acceptable in design terms.

A representation has been received that raises concern over the site becoming over-developed. It is noted over 50% of the residential curtilage will be retained as part of the proposal and therefore not considered to be overdeveloped.

Siting

During the site visit it was considered whether or not there is a better siting for the proposed garage that is set further back from street view. Due to the layout of the site, moving the garage to the north corner where there is less space would result in development close to the windows on the main property resulting in a detrimental impact on the existing dwelling and the setting of the residential curtilage.

Street Scene

There is a traditional Carlton Stone wall 1.8 metres in height abutting the back of the pavement and this will be retained as part of the proposal. Vehicular access to the garage will be via the open gap through the existing archway on the barn conversion. The garage is set back approximately 4 metres from the Carlton Stone wall where the height to the eaves is 2.3 metres. Despite the extra massing resulting from the 11.5 metre squared gable end facing the street there is existing landscaping behind the traditional stone wall. The tree cover will screen the development softening the impact of the garage in the street scene.

It is noted Glebe Farm has a one and a half storey, detached, double garage with adjoining store along the street frontage forming a prominent feature in the street scene.

Conservation Area

The siting of the proposal was discussed with the Conservation Officer. On the grounds that the Carlton Stone wall will be retained, no concern was raised. On this basis, it is considered the proposed garage preserves the character of the Congerstone Conservation Area.

Impact on Trees

A group of four birch trees and one ash tree are sited behind the stone wall. During a site visit it was noted there is also a silver maple tree in the centre that was not shown on the plans. A tree plan has since been submitted that confirms the trees present, including the silver maple. All trees will be retained as part of the proposal.

In discussions with the Councils Arboricultural Officer the silver maple has a 0.45 m diameter and 4.5 metre radial branch spread and development within 5-6 metres will affect its root system. It has been previously reduced in size due to its close proximity to the converted barn. To minimise the impact of development on the roots of this tree and surrounding trees a garage foundation condition will be attached to the decision.

The Councils Arboricultural Officer does not think the silver birch trees will be affected by the proposed development and therefore will provide appropriate screening.

Neighbours amenities

No. 40 is located to the south west of the site and is a detached dwelling. The furthermost corner of the garage will sit 1 metre off set from the 1.5 metre high Carlton Stone wall and 0.5 metre high wooden fencing that enclose the rear garden of No. 40. The proposed garage will be angled away and separated from a small section of side garden at No 40 by the stone wall.

Bearing in mind the roof slopes away from the boundary, the garage is positioned away from the side elevation of no. 40 with no windows affected, it is not considered the garage will adversely impact on the residential amenities of the neighbouring property. In response to the representation comments which state the proposal will result in a significant loss of light, the proposal is to the east of the site and the shadow cast during the morning and early afternoon over the curtilage space at the side of their property will not result in a material loss of light.

Additional Issues

In response to concerns expressed by Congerstone Parish Council with regards to the loss of stone wall, this proposal does not seek permission to demolish a section of the Carlton Stone wall to provide access. There is also concern the garage will be converted to a workshop at some point in the future. The application has been submitted on a householder application form and is for ancillary use to the main dwelling house. A separate application would be required to convert the garage to a commercial workshop where the generation of noise will be a material consideration and this would be assessed on its own merits at that time. It is noted there is an existing LP Gas tank and summer house not shown on the plans under the responsibility of the applicant.

Conclusion

In summary it is considered that the proposed garage will not have a detrimental impact on the existing dwelling or the street scene. It is also considered that the development preserves the character of the Congerstone Conservation Area and will not adversely affect neighbours amenities.

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 would be in accordance with the development plan and it is on this basis that it is considered that the development preserves the character of

the Congerstone Conservation Area and would not harm the street scene and neighbours amenities.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1 & BE7

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

2 Before any development commences, representative samples of the type and colour of brick and tiles to be used on the proposed garage; shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

3 No development shall commence until such time as details of the garage foundations have been submitted to and agreed in writing by the local planning authority. The garage shall then be constructed in accordance with the approved details only.

4 The trees indicated to be retained in the Tree Plan received on 20/06/2011 shall not be cut down, uprooted or destroyed without the written approval of the Local Planning Authority.

5 The proposed doors to the garage hereby approved shall be constructed from timber and thereafter be retained as such.

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

Drawing - LPA01 - Received on 28/04/2011
Drawing - LPA02 - Received on 28/04/2011
Tree Plan - Received on 20/06/2011
Block Plan and Site Location Plan - Received on 28/04/2011

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 & BE7 of the adopted Hinckley & Bosworth Local Plan.

3 To ensure that the construction of the garage does not have an adverse impact upon the root system of the adjacent trees. To ensure the development complies with the requirements of Policy BE1 & BE7 of the Adopted Hinckley and Bosworth Local Plan.

4 To ensure retention of trees in accordance with Policy BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.

6 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).

Contact Officer:- Kevin Roeton Ext 5919