DELEGATED REPORT

Recommendation Made: 27 April 2011

Reference:- 11/00167/FUL **Parish:- Hinckley**

Applicant:- Mr Brent Seager
15 Townsend Road
Stoney Stanton
Leics
LE9 4TF

Location:- 5 Omaha Drive Hinckley Leicestershire LE10 0WU

Proposal:- ERECTION OF DETACHED GARAGE

Introduction:-

This application seeks to obtain full planning permission for the erection of a garage at No. 5 Omaha Drive, Hinckley. The application property is a modern detached dwelling house with a gabled roof, white rendered walls, plain tiles and upvc windows. This modern detached dwelling house has been built without an existing garage.

The site slopes gradually down the existing driveway with a significant change in gradient sloping downwards along the rear garden of No. 92 at the rear of the site. Wooden fencing 1.8 metres in height extends along the boundary line with No. 92 and No. 82.

The proposed garage will have the following dimensions 6.4 metres in length x 3.4 metres in width x 2.5 metres to the eaves x 5 metres to the ridge.

Planning History:-

05/00335/OUT - Proposed construction of 375 dwellings, estate roads, footpaths, cycle routes and landscaping - Approved on 29/03/2006
08/00717/REM - Erection of 76 No. dwellings including diversion of footpath - Approved on 01/10/2008

Consultations:-

One neighbour objection has been received that raises the following concerns:

a) The height of the building will cast a shadow over garden
b) Difference in land levels raises the concern of potential for subsidence and drainage problems
c) Closeness of garage to the boundary line
d) Feeling of being fenced in and overpowered by a huge building at the bottom of garden

The Head of Community Services (Land Drainage) has raised no objection

Development Plan Policies:-

National Planning Policy

Planning Policy Guidance 14: Development on Unstable Land

Adopted Hinckley and Bosworth Borough Council Local Plan

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

BE1 (Design and siting of development)
T5 (Highway design and vehicle parking standards)

Appraisal:-

The main considerations for the determination of this application are the design of the garage and its impact on the existing property, street scene, neighbours amenities and highways.

Design and scale

The proposed garage will have a pitched roof and a similar pitch that reflects the roof on the main house. This simple garage design is considered to be acceptable to the character of the main house and the surrounding area.

The proposed materials on the external walls is facing brick. Although this does not match the rendering on the main house, a brick in keeping with it surroundings is considered to be compatible. Representative samples of the type and colour of brick to be used will be subject to a condition in order to ensure the facing brick complements the character of the surrounding area. The proposal for concrete roof tiles is considered to be in keeping with the main house.

The dimensions meet the minimum highway requirements to be classified as a car parking space. Since the proposal is set back from the main dwelling house, 9 metres from the highway and in keeping with its character, it is not considered to have a detrimental impact on the streetscene.

Neighbours amenities

The height difference from the top of the 1.8 metre high wooden fencing to the proposed eaves (2.5 metres in height), it is noted the proposed garage will be 0.7 metres higher, therefore, the difference in height is considered to be of minimal significance. Bearing in mind the proposed roof plane slopes away from the wooden fencing, and the minimal height difference between the wooden fencing and the proposed eaves height, it is considered the proposed garage will not have an overbearing or overly dominant impact on the rear garden area of No. 6 Utah Close.

In response to the representation that raises concern over the garage casting a shadow of the garden area, due to the suns orientation and the proposal being to the north of No. 6 Utah Close, it is not considered there will be any significant loss of light or overshadowing to the detriment of the garden amenities currently enjoyed by the occupiers of that property.

The side elevation of the proposed garage will be approximately 3 metres to the side elevation of the neighbouring house at No. 3 Omaha Drive, and will extend 2.5 metres beyond the rear elevation wall to face a wooden side gate that leads on to their rear garden. The proposed outbuilding will be sited along the common boundary line with No. 3 at the back of the existing driveway. There are no existing side windows or doors on the side elevation wall of No. 3 that would face the proposed garage. Due to its siting at the back of the driveway, relationship with No. 3 and its small scale, it is not considered the proposed garage will have an adverse impact on the amenities currently enjoyed by the occupiers of that property. A door will be inserted on the side (west) elevation of the proposed garage leading on to the applicant’s rear garden.

Highways

The internal dimensions of the proposed garage will be 6 metres in length x 3 metres in width, which meets the minimum highway requirements to be classed as a car parking space. A distance of 9 metres to the existing highway provides room for at least an extra car parking space. No parking spaces will be lost as a result of this development and therefore will not result in highway safety issues.

Additional issues

The proposed garage will be adjacent to the rear boundary line with No. 6 and the side boundary line with No. 3. A representation has been received that raises concern over the closeness of the proposed garage to the

boundary line. Due to abutting the proximity to the boundary, a note to applicant will be attached to this decision notice referring them to the Part Wall Act.

It is noted and considered the land slopes beyond the rear boundary fence with No. 6 and a representation has been received that raises concern over the possibility of subsidence. It is the function of Building Regulations to determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely.

With regards to land drainage concerns, the proposed garage will be on land that has already been developed; the driveway is covered in impermeable hard standing. The Councils Land Drainage Engineer has raised no objections. Drainage is also considered by Building Regulations at the construction stage.

Conclusion

In summary it considered the proposed development will not have a detrimental impact on the existing dwelling or the street scene. In addition, it is also considered the proposed development will not adversely affect neighbours amenities or highway safety.

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 would not harm neighbours amenity and would not harm highway safety and would be of an acceptable design which does not adversely affect the existing dwelling or the street scene.

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

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, colour and texture of facing brick to be used on the external elevations of 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 the approved details of brick.

3 The tiles to be used on the proposed garage roof shall match the corresponding tiles on the existing dwelling, unless otherwise agreed in writing by the Local Planning Authority.

4 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 07/03/2011
Site location - Received on 07/03/2011
Block Plan - Received on 07/03/2011

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 of the adopted Hinckley & Bosworth Local Plan.

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

4 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:- Kevin Roeton Ext 5919