

Delegated Report
Planning Ref: 23/00941/HOU
Applicant: Mr Teemu Nivala
Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 45A Sapcote Road Burbage Hinckley Leicestershire LE10 2AS

Proposal: Replacement of gates

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 full planning permission for the replacement of existing gates at a dwelling, 45A Sapcote Road, Burbage.

2.2. The proposed gates include the main entrance gate and a pedestrian gate separated by a brick pier. The gates have a maximum height of 2.2 metres and comprise railings with a galvanised powder coated matt black finish. The proposed gates replace the existing ones at the same position.

2.3. Following correspondence with the agent, the application has been amended to exclude the grey embossed composite solid infill and only use railings to reflect the street scene and character of the area.

3. Description of the site and surrounding area

3.1. This application site relates to 45A Sapcote Road, with a long paved single-track driveway that leads to the house from the road. It is located within the settlement boundary of Burbage Parish Council and the surrounding area is predominantly residential. The site has a large man-made lake that was part of a planning application from the 1990s, the site is well screened by hedging and mature trees. The street character of the immediate area comprises a mix of open and enclosed front gardens, brick walls, hedges, metal railing gates, a mix of paved and grassed front gardens with dwellings set back from the public highway.

4. Relevant planning history

There are a number of planning applications on the site and the following are the most recent ones.

Reference	Description	Decision	Date Decision Issued
21/00756/HOU	Two single storey extension to the rear and side of the dwelling	Planning Permission	18.01.2022
22/00540/NMA	Non-material Amendment to Planning Application ref: 21/00756/HOU. Amendment to consist of revision to decision notice to include all previously approved plans	Permit Non-Material Amendments	18.08.2022
22/00922/CONDIT	Variation of condition 02	Planning	16.11.2022

	(approved drawings) for Planning Permission 21/00756/HOU, Date of Decision: 18/08/2022 and condition 01 (approved drawings) 22/00540/NMA, Date of Decision 18/08/2022. Variation to include changes to proposed floor plans and elevations.	Permission	
22/01052/HOU	Proposed single storey garage and photovoltaic panels (following demolition of existing woodstore)	Planning Permission	21.12.2022
23/00127/CONDIT	Variation of Condition 2 of Planning application 22/01052/HOU. Amendment to increase the width of the approved garage	Planning Permission	18.04.2023
23/00196/CONDIT	Variation of condition 2 of planning applications 21/00756/HOU and 22/00922/HOU and condition 1 of 22/00540/NMA	Planning Permission	02.05.2023

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was posted within the vicinity.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. Burbage Parish Council has no objection to the proposal.
- 6.2. LHA requires the gate to be set back (minimum of 5 metres) and ensure that the gate open inwardly only. The proposals comply with this requirement.

7. Policy

- 7.1. Core Strategy (2009)
 - No relevant policy
- 7.2. 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
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF 2023)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

- Local Highway Authority Design Guide

8. Appraisal

8.1. Extensions to existing domestic properties within 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 neighbouring residential amenity

Design and impact upon the character of the area

8.2 Policy DM10 of the adopted SADMP require 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 the siting and design of house extensions.

8.3 Following amendments to the design the proposed gates are not considered to be overly large or prominent. They replace the existing gates with similar design, finish and at the same position. The main entrance gates have a maximum height of 2.2 metres and width of 3.7 metres. The pedestrian gate is 2 metres high and 0.85 metres wide. The two gates have open metal bars finished in hot dipped galvanised powder coated matt black and a brick pier separating the two gates.

8.4 The proposed development is considered to have an appropriate height, width, design and to reflect the existing scale, character and appearance of the surrounding area. The proposal is therefore considered to be acceptable in design terms and in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity, highways and transportation

8.5 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.

8.6 Policy DM17 requires that all development have no significant adverse impact upon highway safety.

8.7 The proposed gates replace an existing similar gate at the same position. It approximately 6 metres away from the public footpath and opens inwards only. It does not block movement of pedestrians. Existing hedges remains and are not impacted by the proposed development. The proposed development keeps a reasonable footprint and distance from the public highway. It does not impact on the trees or result in any significant adverse impacts on the residential amenity of any neighbouring properties. The proposal is therefore considered to be in accordance with Policies DM10 and 17 of the adopted SADMP and the adopted Good Design Guide. No objections to the proposal have been received from any neighbouring properties.

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 is to replace existing gates within the 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 scale, distance away from the public highway, appropriate dimension, retaining of existing hedges, design and the use of appropriate materials, the proposal respects the scale, character and appearance of the existing surrounding and does not result in any significant adverse impacts on the residential amenity, public highway, parking and neighbouring properties. The proposal is considered to be in accordance with Policies DM1, DM10 and DM17 of the adopted SADMP, the general principles of the adopted Good Design Guide and local highway authority design guidance and are 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: Site Location Plan OS Licence no. 100019980 (submitted on the 16 October 2023), Block Plan Drawing No. 5973 (submitted on 11 October 2023), Plan

showing dimensions and colour of gate Drawing number 627 (submitted on 31 October), and email showing the revised design of the gates, received by the local planning authority on 18 January 2024.

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 materials to be used on the proposed gate shall accord with the Plan showing colour of gate Drawing number 627 (submitted on 31 October), and email showing design of gate, received by the local planning authority on 05 January 2024.

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 or call 01455 238141.