

Delegated Report

Planning Ref: 23/01104/HOU
Applicant: Mr Simon Heptonstall
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Mythe Cottage Farmhouse Atherstone Road Ratcliffe Culey

Proposal: Detached triple garage and store (Retrospective)

1. Recommendations

1.1. Grant retrospective planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This householder application seeks retrospective planning permission for the construction of a detached triple garage/car port with storage above to the side of a dwelling, Mythe Cottage, Atherstone Road, Ratcliffe Culey.

2.2. The proposal would have a width of 9 metres and depth of 6 metres and would have a dual pitched gable sided roof form with an eaves height of 3.3 metres and a ridge height of 7.15 metres. The proposal would provide three car parking spaces at ground floor, one enclosed with double doors with side hinges, the other being two open fronted car ports. The roof space would provide a store room and be accessed by an open external staircase to the side elevation and solid timber door. Two dual pitched roof dormer windows are proposed in the rear roof elevation along with three roof lights in the front roof elevation. The proposal has been part constructed with a low level red brick plinth and oak timber framing up to ridge height. It is proposed that the external walls would have horizontal cedar cladding and that the roof would be covered with reclaimed small plain clay roof tiles.

3. Description of the site and surrounding area

3.1. The application dwelling is located in the countryside to the south west of the rural hamlet of Ratcliffe Culey and to the west of Atherstone Road. It is a part two storey, part 1½ storey with dormer windows and part single storey detached dwelling with gabled main roof form and includes converted outbuildings arranged around a small courtyard. It is constructed of red facing bricks, plain grey concrete roof tiles and light green uPVC windows and doors. The dwelling occupies a large plot and is set back approximately 100 metres from the public highway with grassed paddock areas to the front and rear. It is accessed via a loose stone surfaced private track off Atherstone Road. The residential curtilage and wider landholding are enclosed by mature hedgerows. There are fields to the west, north and east and an established caravan park with formal hard-surfaced pitches to the south.

4. Relevant planning history

18/00502/HOU

- Conversion of outbuildings with single storey rear extension and erection of a porchway
- Permitted
- 13.07.2018

95/00210/COU

- Conversion of outbuildings to self-contained attached dwelling
- Permitted
- 19.04.1995

90/01252/4

- Extension to dwelling
- Permitted
- 22.01.1991

5. Publicity

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

6. Consultation

- 6.1. No response has been received from Witherley Parish Council.

7. Policy

- 7.1. Core Strategy (2009)
- No relevant policies
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 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. Notwithstanding the countryside location outside of any settlement boundary, extensions and alterations to existing domestic properties within established residential curtilages 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 and surrounding countryside
 - Impact upon neighbouring residential amenity
 - Impact upon parking provision

Design and impact upon the character of the area

- 8.2 Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside. These include proposals for the extension and alteration of existing buildings which lead to an enhancement of the immediate setting and where, amongst other matters, the proposal does not have a significant adverse effect on the appearance and open character of the countryside.
- 8.3 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 the siting and design of house extensions.
- 8.4 The proposed detached triple garage/car port would be located adjacent to an existing cluster of domestic buildings. It would be set back from the front of, and located to the side of, the existing dwelling and well related to the existing parking hard-standing serving it. It would be clearly subordinate in terms of its footprint and of an appropriate 1½ storey scale and sympathetic design. It would be constructed of natural materials to ensure a satisfactory rustic appearance that would respect the rural context of the site. By virtue of being set back by approximately 100 metres from the public highway and screened on all sides by mature hedgerows and the existing dwelling, the proposal would not appear overly visually prominent within the surrounding countryside.
- 8.5 By virtue of its appropriate siting and the proposed use of appropriate external construction materials to ensure a rural appearance, the proposal is considered, despite its ridge height, to overall respect and complement the scale, character and appearance of the existing dwelling and its rural setting and would not result in any significant adverse visual impacts on the rural character or open appearance of the surrounding countryside. The proposal is therefore considered to be in accordance with Policies DM4 and DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.6 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.7 By virtue of its siting, scale, design, separation distances and screening by boundary hedgerows, the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide. No objections have been received from public consultation.

Impact upon parking provision

- 8.8 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.9 The site currently provides ample off-street parking and turning space on existing hard standing within the site which would be unaffected and the proposal would provide formal covered parking for three cars to serve the existing/resulting dwelling. This level of provision would remain more than adequate to serve the

existing/resulting dwelling and therefore would remain in accordance with Policy DM18 of the adopted SADMP and the local highway authority 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. Notwithstanding its location outside of any formal settlement boundary and therefore within designated countryside, the proposal is for a detached building to be used for purposes ancillary to the residential occupation of an existing dwelling and would be located within its residential curtilage where there is a general presumption in favour of sustainable development as set out in Policies DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.

10.2. By virtue of its siting, scale, design and the proposed use of appropriate external construction materials to ensure a rural appearance, the proposal is considered to respect and complement the scale, character and appearance of the existing dwelling and its rural setting and would not be overly prominent or result in any significant adverse visual impacts on the open character or rural appearance of the surrounding countryside. By virtue of its siting, scale, design, separation distances and screening the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposal would retain more than adequate off-street parking and turning and private amenity space within the residential curtilage to serve the existing/resulting dwelling. The proposal is considered to be in accordance with Policies DM1, DM4, DM10 and DM18 of the adopted SADMP and the principles of the adopted Good Design Guide and is therefore recommended for approval subject to conditions.

11. Recommendation

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

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Location Plan Drawing No. MCF-001 Rev 001, Proposed Elevations Drawing No. MCF-002 Rev 001 and Proposed Floor Plan and Section Drawing No. SH/003 received by the local planning authority on 25 November 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The materials to be used on the external elevations of the proposed detached garage/store hereby permitted shall be in accordance with the external materials details (Oak Frame, Cedar Cladding, small plain clay roof tiles) submitted within the Planning Application form and detailed on the approved Proposed Elevations Drawing No. MCF-002 Rev 001 received by the local planning authority on 25 November 2023.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and 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 building.control@blaby.gov.uk or call 0116 272 7533.