DELEGATED REPORT

Recommendation Made:

Reference:- 09/00331/FUL **Parish:- Earl Shilton Town Council**

Applicant:- Mr Brian Underwood
Shiloh
1 Belfry Close
Burbage
Hinckley

Location:- Land Adjacent To Tor Heights High Tor East Earl Shilton Leicestershire

Proposal:- ERECTION OF ONE DWELLING.

Introduction:-

This application represents a revised scheme for a previously approved application 08/00563/FUL. The initial scheme was for a detached dormer bungalow.

The site is situated off High Tor East, Earl Shilton, which is an un-adopted no through road, accessed from Keats Lane. The front boundary of the site faces west, affording both pedestrian and vehicular access to High Tor East. The southern and eastern boundaries of the site border the rear gardens of numbers 96 to 106 Keats Lane. Adjacent to the northern boundary is a vacant plot. The site is currently overgrown and bounded by a close-boarded wooden fence to all but the western elevation. Surrounding properties located on High Tor East comprise a mix of style and design, including traditional two storey houses, bungalows and chalet style houses with dormer windows. The varying age and design of surrounding dwellings suggest they have been infill development.

The proposal has a similar footprint to that of the previously approved scheme, albeit it is slightly wider, and the single garage to the front is not integral. Its design however has been amended, and despite the overall height of the proposed dwelling only increasing by 15cm, to 8 metres; the eaves have been raised from 2.76m to 4.60m.

History

`08/00563/FUL	Erection of a Dwelling	Approved	3/07/08
01/00015/OUT	Erection of Two Dwellings	Refused	1/03/01

Consultations:-

No objections have been received from:-

Earl Shilton Town Council
Neighbours
Head of Community Services (Pollution)

No Objections subject to conditions have been received from:-
Director of Highways, Transportation and Waste Management (Highways)
Head of Community Services (Land Drainage)

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 3 - Housing sets out the national planning policy framework for delivering the government's housing objectives. This document states within paragraph 12 that good design is fundamental to the development of high quality new housing.

Local Plan

The site is within the settlement boundary for Ratby as identified in the adopted Hinckley and Bosworth Local Plan.

Policy RES5 of the adopted Local Plan favours the development of unallocated sites for housing so long as the plot is within the settlement boundary and the siting, design, and layout of the development does not conflict with other policies of the Local Plan.

Policy BE1 of the adopted Hinckley and Bosworth Local Plan seeks to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where the development: compliments or enhances the character of the surrounding area with regard to scale, layout, design, density, materials and architectural features; has regard to the safety and security of individuals and property; incorporated landscaping to a high standard; ensures adequate highway visibility for road users and adequate provision for off street parking for residents and visitors together with turning facilities; does not adversely affect the occupiers of neighbouring properties and ensures an adequate degree of privacy and amenity and sufficient garden areas with boundary treatments that reflect existing features in the area.

Policy T5 of the Local Plan refers to the application of appropriate standards for highway design and parking targets for new development, unless a different level of provision can be justified.

Policy REC3 refers to Play and open space and requires new development to provide outdoor informal space for children's play as well as more formalised play areas

Further design guidance is contained in the Borough Council's adopted Supplementary Planning Guidance (SPG) on New Residential Development, which states that the layout of new dwellings should ensure the careful integration of new buildings with existing site features and landscaping and be designed to compliment the character of the surrounding built form.

Appraisal:-

As the site is located within the settlement boundary of Earl Shilton, in principle the development is considered acceptable. The main planning issues in relation to this proposal are neighbour and spatial relationships, its design, layout and scale and highways and access implications.

Neighbour and Spatial Relationships

Currently a vacant plot lies in-between the application site and Tor Height, resulting in a separation of approximately 11m between the two properties. Consequently the proposed single garage to the front of the dwelling will have no adverse impact in terms of loss of light or over dominance to Tor Height, and despite there being a first floor window to the elevation facing this property, this serves a non habitable room, thus the relationship is considered acceptable. In respect of properties on Keats Lane, despite there being a first floor window overlooking these properties; given the separation distance (approximately 25 metres) and the fact that the window will serve a bathroom, there are considered no detrimental affects on the neighbourhood amenities. To further protect the amenities of neighbours, boundary treatment comprising a 1.8 metre close boarded timer fence and landscaping has been proposed. Accordingly the proposal complies with guidance contained within the SPG on New Residential in terms of residential amenity.

Design, Layout and Scale

The scheme proposes a 4 bedroomed pitched roofed detached property, with dormer windows to the front and rear, a mono-pitched porch, extending across the majority of the width of the property to the front, and a forward projecting pitched roofed single garage situated adjacent to the northern boundary.

The property has a balanced appearance, with each element complementing the overall scheme. Further, the appearance of the side elevations are improved by decorative brickwork and carefully positioned openings. The fenestration details are uniform throughout, incorporating similar cill and header detail. The house design incorporates some architectural features common to the locality, including brick headers and pitched roofed dormers. However due to the extensive mix in style and design of surrounding properties, there are few prevalent architectural features.

Despite forward projecting garages not being common within the street scene; due to there being a detached double garage situated immediately adjacent to the southern boundary, the single garage proposed by this application will not be visible when approaching the site from Keats Lane, and due to it being set back from High Tor East, the garage will not narrow views of the street.

The external materials proposed are in keeping with those of adjacent dwellings.

The scale of the proposal is larger than adjacent properties; with its footprint being double the area of the dwelling to the north. Accordingly the proposal will be prominent in the street scene. However despite its large footprint, the proposal is not considered as overdevelopment due to the substantial plot on which it sits. The length of the rear garden is approximately 13.60m, with the total amenity area being in excess of 180m2. This is well above the requirements suggested within the Supplementary Planning Guidance on New Residential Development.

Highway Issues and Parking

A primary concern of this proposal is its access arrangements. The property is to be served off High Tor East, which is an unadopted highway of substandard design in respect of its width and construction. Further its junction with Keats Lane is poor in terms of its radius and visibility. Keats Lane itself is narrow and has high levels of on street parking, especially along this section, west of Green Lane. Thus visibility is further compromised to the detriment of highway users.

Despite the sub-standard condition of the roads leading to the dwelling; the driveway proposed provides adequate visibility, having a width of 7.40m and clear visibility to the south for 7.80m. To the north a 1m high boundary fence is proposed. Although this compromises visibility, due to the limited amount of traffic using this unadopted road, combined with the limited need for future residents to make right turnings from their driveway, this additional dwelling is not considered as causing material harm in respect of highway safety.

Despite refusal of a similar application for two dwellings on this plot in 2001 and the inadequacies mentioned above; guidance contained within the recently published 'Manuals for Streets' has drastically reduced visibility splay requirements for junctions such as this. While the splays at the junction are still considered substandard, when considered in relation to the Manual's guidance, and the very low level of risk and possibility of conflict occurring at the junction; the level of risk is not considered to warrent refusal of the application.

To the front there is off road parking for between 3 and 4 vehicles, including that provided by the garage. This level of provision exceeds that suggested within the Supplementary Planning Guidance.

In conclusion, due to the mass, design and layout of the proposal, including that of the garden and parking, the dwelling is considered to respect the constraints of the site and is therefore considered acceptable.

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. Resultant of the design, scale and location of the proposal there are considered no material impacts on either visual or residential amenity, highway safety or the character of the street scene.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, T5, REC3, RES5

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 types and colours of materials to be used on the external elevations of the proposed dwelling 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 take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved during the first planting season following first occupation of the dwelling hereby approved

4 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

5 Before first occupation of the dwelling hereby approved, the access and car parking spaces shown on Drg No. HTE-PLO1 Dated 24/4/09 shall be provided within the curtilage of the site and thereafter remain permanently available for car parking.

6 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

7 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

8 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Adopted Play and Open Space Supplementary Planning Document has been secured in such a manner as is approved in writing by the Local Planning Authority

9 Before first occupation of the dwelling hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.

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 enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan

4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

5 To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

6 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

7 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

8 To ensure the adequate provision of adequate play and open space within the vicinity of the site in accordance with policy REC3

9 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.

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 6th 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.

6 List of plans used in the determination of this application:- Drg No. HTE-PLO1

Contact Officer:- Eleanor Shaw Ext 5691