

Delegated Report

Planning Ref: 24/00811/HOU
Applicant: Mr And Mrs Smythe
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 2 Forest Way Desford Leicester

Proposal: Installation of detached wooden garage (Existing carport has been demolished)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning permission to for the installation of a detached wooden garage at 2 Forest Way, Desford.
- 2.2. The proposed timber garage would measure 6.10 metres in width and 6.00 metres in depth. It would feature a pitched roof which would measure 2.45 metres to the eaves and 4.00 metres to the ridge.
- 2.3. The existing car port at the site was demolished prior to the application.
- 2.4. A additional plan has been submitted to demonstrate the root protection zone of the nearest adjacent tree.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached dwelling, situated within the settlement boundary and conservation area of Desford. The dwelling comprises the use of cream render to the walls, grey slate tiles to the pitched roof and painted white/cream timber to the windows and doors. To the front (east) elevation the dwelling features a pitched roof canopy featuring the use of green timber cladding to match the green guttering. The site is a single property that historically was likely to have been a small number of cottages in a linear plan perpendicular to Desford High Street. Despite some clear adaptations and modernisation over time the property is in general terms and positive presence within the Desford Conservation Area, although visibility of it from the wider High Street and conservation area street scene is limited due to its siting and the presence of surrounding built form.
- 3.2. The application site benefits from vehicular access from High Street along a narrow lane, known as Forest Way. Set back from the High Street frontage is an existing but modern car port building. The car port is constructed of part brick and part rendered walls, has a hipped slate roof and is open to the lane. Whilst being a modern development the car port follows traditional characteristics and as such is a neutral presence within the conservation area.
- 3.3. Beyond the car port is access to a courtyard which serves the property. A garden then extends further south and is bound on the eastern side along its length by Forest Way, which beyond the courtyard is wide enough for pedestrians only. A number of mature and semi-mature trees are located along the side boundary of the garden and Forest Way and within the garden itself. These trees make a minor but positive contribution to the amenities and character of the conservation area.

- 3.4. The site is located within the vicinity of two listed buildings (Old Manor House, attached barn and service block, 32 High Street – grade II* listed, and the pigeoncote at 32 High Street – grade II), all located immediately west of the application site. To the north-west of the site sits public footpath (R98).

4. Relevant planning history

17/00339/TPOCA

- Works to Ash tree - fell all four stems to height of existing hedge
- TPOCAP
- 25.05.2017

23/01093/HOU

- Replace ground floor window with double door, new steps to the ground floor, reduce size of first floor window, additional window to rear elevation.
- PER
- 22.01.2024

24/00721/TCA

- T1 - Ash tree - Fell
- DTM
- 22.08.2024

24/00775/TCA

- Cherry tree (T1) needs the lower limb to be removed to allow 2.80m off the public footpath; Ash trees (T2-T4) need a crown reduction no more than 20% to reduce the chance of limbs failing. Including the removal of dead wood (which is exempt); Apple tree (T5) needs a crown reduction up to 30/40% Early Dec- March; Holly tree (T6) needs a crown reduction up to 30% due to being so close to the proximity of an outbuilding.
- DTM
- 09.10.2024

24/00791/HOU

- Detached garage
- WDN
- 28.08.2024

81/00134/4

- ERECTION OF ENTRANCE GATE BUILDING
- REF
- 24.03.1981

76/00438/4

- ERECTION OF GARAGE DEMOLITION OF EXISTING BUILDINGS
- REF

- 26.05.1976

81/01023/4

- ERECTION OF ENTRANCE GATE BUILDING
- PER
- 22.12.1981

76/01246/4M

- ALTERATIONS AND IMPROVEMENTS TO DWELLING
- PER
- 30.09.1976

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 and a notice was displayed in the local press.
- 5.2. No objections have been received.

6. Consultation

6.1. LCC Highways:

"There would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make."

6.2. HBBC Drainage:

"Note to Applicant: Rainwater from the detached garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties."

6.3. HBBC Conservation Officer:

"The proposal seeks to demolish the existing car port and erect a new car port structure. The replacement car port would be located further south at the bottom of the courtyard area, and accessed from Forest Way before the lane width decreases. As the existing car port is of no historic or any particular architectural interest they are no in principle objections to its demolition."

The location of the replacement car port would be adjacent to an existing close boarded timber fence to the lane, and outside of the nearest tree root protection area, which as well as having a limited depth of excavation required for its construction would thus avoid any adverse impacts upon trees upon the site. The car port would be of a rectangular plan and single storey with a dual pitched roof. Construction materials would be timber cladding for the walls, slates for the roof and timber ledge and braced doors. Whilst the replacement car port would have a larger footprint than the existing, with it being large enough to accommodate two cars, it is not considered to be uncharacteristic in scale or dominate the application site in

visual terms. The construction materials would be natural and reflect the semi-rural context of the garden area of the application site.

By virtue of its appropriate scale, siting, form and construction materials it is considered that the proposal would sit comfortably within the conservation area, having no adverse impacts upon its character and appearance and thus preserving its significance. Consequently, the proposal complies with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.”

6.4. Desford Parish Council:

- No comments have been received.

6.5. Ramblers Association:

- No comments have been received.

7. Policy

7.1. Desford Neighbourhood Plan 2018-2036

- Policy H1: Settlement Boundary
- Policy H7: Housing Design

7.2. Core Strategy (2009)

- Policy 8: Key Rural Centres Relating to Leicester

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- The Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

- Design and impact upon the character and appearance of the site and Desford Conservation Area

- Impact on trees
- Impact upon neighbouring residential amenity
- Impact upon parking provision
- Drainage

Design and impact upon the character and appearance of the site and Desford Conservation Area

- 8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.3 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205 - 208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.4 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.6 Policy H1 of the Desford Neighbourhood Plan seeks to ensure that development proposals within the settlement boundary are supported where they respect the character of Desford.
- 8.7 Policy H7 of the Desford Neighbourhood Plan seeks to ensure that all development proposals should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area. Care should also be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views.
- 8.8 The proposal seeks to demolish the existing car port and erect a new car port structure. The replacement car port would be located further south at the bottom of the courtyard area, and accessed from Forest Way before the lane width decreases. As the existing car port is of no historic or any particular architectural interest they are no in principle objections to its demolition. The location of the replacement garage would be adjacent to an existing close boarded timber fence to the lane, and outside of the nearest tree root protection area, which as well as having a limited depth of excavation required for its construction would thus avoid any adverse impacts upon trees upon the site.
- 8.9 The garage would be of a rectangular plan and single storey with a dual pitched roof. Construction materials would be timber cladding for the walls, slates for the roof and timber ledge and braced doors. Whilst the replacement garage would have a larger footprint than the existing, with it being large enough to accommodate two cars, it is not considered to be uncharacteristic in scale or dominate the application site in visual terms. The construction materials would be natural and reflect the semi-rural context of the garden area of the application site.

- 8.10 By virtue of its appropriate scale, siting, form and construction materials it is considered that the proposal would sit comfortably within the conservation area, having no adverse impacts upon its character and appearance and thus preserving its significance. Consequently, the proposal complies with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact on trees

- 8.11 Policy DM6 of the adopted SADMP seeks to preserve and enhance features of nature conservation. It requires that such features should be retained, buffered and managed favourably to maintain their ecological value.
- 8.12 As the site is situated within Desford Conservation Area the trees at the site are automatically protected, subject to the trees having a trunk diameter of above 75mm. The trees at the site fall under this rule and therefore are protected.
- 8.13 It is proposed that the double garage would be constructed within close proximity of a protected tree at the site, therefore a Root Protection Plan has been submitted to support the application. The supporting plan, has shown that the proposed development would fall outside of the root protection zone of the nearest adjacent tree, resulting in a limited impact upon the tree.
- 8.14 By virtue of the above, subject to the development being implemented in strict accordance with the implemented conditions, it is considered that this would ensure that the proposal would not result in any significant adverse impacts, either during or post construction, on the long term viability or biodiversity or visual amenity value of the important trees. The proposal would therefore accord with Policies DM6, DM11 and DM12 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.15 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.16 The proposed garage would be situated to the rear of the application dwelling and would have a limited impact upon the neighbouring residential amenity as it would be screened from the north-west of the site due to the application dwellings "L" shaped design and would be limitedly viewable from the north-east due to its set back distance, the boundary treatments in place and the situation of the existing public footpath. The proposal would not feature any openings.
- 8.17 Accordingly, the proposal would not result in any significant adverse impact on the privacy or amenities of any neighbouring properties and would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon parking provision

- 8.18 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.19 The proposed scheme would not impact the existing parking provision at the site, however consideration is required to be given to whether the proposed garage provides adequate dimensions to accommodate

- 8.20 Section 3.200 of the Leicestershire Highways Design Guide states that “Garages should preferably have the following minimum internal dimensions.
- “Standard single = 6m x 3m, with minimum door width of 2.3m
 - Double = 6m x 6m, with minimum door width of 4.2m.”
- 8.21 The proposed garage would feature the following internal measurements 5.75 x 5.70 metres, not according with the Leicestershire Highways Design Guide, however the above internal dimensions are only for guidance which offers a range of flexibility and therefore the proposed measurements are considered to be sufficient in this case.
- 8.22 Section 3.199 of the Leicestershire Highways Design Guide seeks to ensure that Hinged, outward opening doors should be set back from the highway by a minimum of 6.50 metres.
- 8.23 The proposed garage would host two singular hinged, outward opening doors each with a width of 2.53 metres and would be set back from the adjacent public highway, High Street by approximately 31.13 metres, according with the Leicestershire Highways Design Guide.
- 8.24 By virtue of the above the proposal would not have any adverse impact upon the provision of adequate on-street parking nor any severe impacts upon the existing road network as the proposal would utilise an existing access. In this regard, the proposal would comply with Policy DM17 and DM18 of the SADMP and the Leicestershire Highways Design guide.

Drainage

- 8.25 Policy DM7 of the adopted SADMP requires that adverse impacts from flooding will be prevented by ensuring that developments do not create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against in line with National Policy.
- 8.26 The application site is situated within flood zone 1 and therefore has a low probability of flooding, nevertheless as the proposed scheme incorporates a detached structure the Local Planning Authority are required to ensure that the proposal would not result create or exacerbate flooding.
- 8.27 By virtue of the above, the below note has been added as suggested by the HBBC Drainage team.
- 8.28 *“Rainwater from the detached garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties.”*
- 8.29 The proposal would therefore be in accordance with Policy DM7 of the adopted SADMP.

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.

10. Conclusion

- 10.1. The proposal is located within the settlement boundary of Desford and seeks consent for the installation of a detached wooden garage at 2 Forest Way, Desford, therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.
- 10.1 For the reasons given in the report above, it is considered that the proposed scheme of extensions and alterations would respect the overall scale, character and appearance of the existing dwelling, street scene and Conservation Area. The proposals would not result in any significant adverse overbearing or overshadowing effects or result in any loss of privacy to the occupiers of any neighbouring properties and would neither result in the harm to the existing parking provision, to protected trees at the site nor result in drainage implications.
- 10.2 The proposals are considered to be in accordance with Policies DM6, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 16 of the National Planning Policy Framework, the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policies H1 and H7 of the Desford Neighbourhood Plan, and the Leicestershire Highways Design Guide, and 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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 22nd August 2024.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 16 of the National Planning Policy Framework, the statutory duty of section 72 of the

Planning (Listed Building and Conservation Areas) Act 1990 and Policies H1 and H7 of the Desford Neighbourhood Plan.

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

- Existing Floor Plan, Elevations, Site Location, Block Plan Drg No. 7998/01
- Proposed Floor Plan, Elevations, Drg No. 7998/02
as received by the Local Planning Authority on the 22nd August 2024.
- Root Protection Zone Plan, Drg No. 7998/03
as received by the Local Planning Authority on the 10th October 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM6, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 16 of the National Planning Policy Framework, the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policies H1 and H7 of the Desford Neighbourhood Plan, and the Leicestershire Highways Design Guide.

4. No development shall commence until the tree identified within the Root Protection Zone Plan, Drg No. 7998/03 has been protected by the erection of temporary protective fences in accordance with BS 3998:2010. The protective fences shall be retained throughout the duration of building and engineering works.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the tree in accordance with Policy DM6, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD and paragraph 136 of the NPPF.

5. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place under the tree identified within the Root Protection Zone Plan, Drg No. 7998/03.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the tree in accordance with Policy DM6, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD and paragraph 136 of the NPPF.

6. No fires should be lit within 6.00 metres of the furthest extent of the canopy of any tree to be retained as part of the approved scheme.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the tree in accordance with Policy DM6, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD and paragraph 136 of the NPPF.

11.3 Notes to applicant

- a) 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.

- b) Rainwater from the detached garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties.