

Proposed part change of use of grass verge to domestic garden land at 15 Aulton Way, Hinckley

The Site

The application relates to a triangular shaped piece of land adjoining 15 Aulton Way, Hinckley. The site is identified as land edged red on the aerial image below.

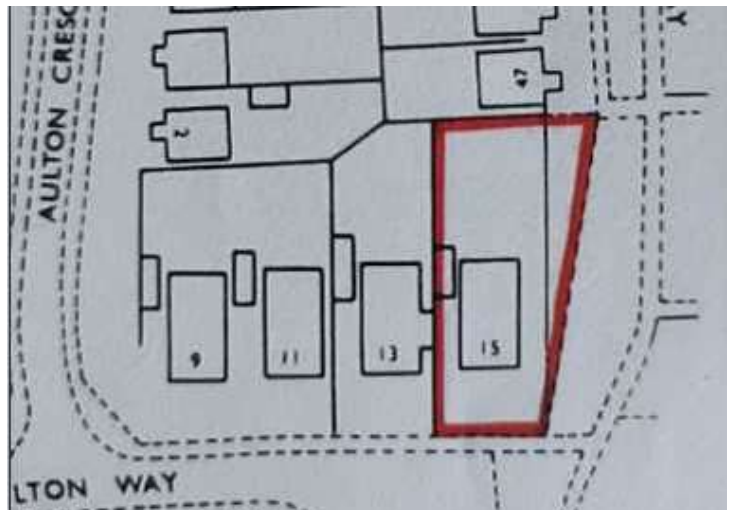


The site is located within the settlement boundary of Hinckley on a residential estate. The site is not allocated for any specific purpose on the proposals map of the adopted SADMP.

Background

The site forms part of the registered land title for 15 Aulton Way (extract copy provided below). Whilst the site is owned as part of the property of 15 Aulton Way, it has been previously maintained by LCC Highways as part of the adjoining green verge.

Following detailed discussions held with LCC, the Council has accepted the land is unlikely to be part of the highway. Please see the detailed correspondence provided with the application pack – HRE 2311101 Boundary of fence.



The applicant has previously submitted a householder planning application (24/00409/HOU) to seek to enclose the land with a 2m high boundary fence as part of his domestic garden. However, he was advised by the LPA that this could not proceed under a householder planning application because planning permission for the change of use of the land was required. The householder application was therefore withdrawn.

The Proposal

The current application relates to the change of use of the land from grass verge to domestic garden land.

Development plan policy

The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

Principle:

The site is located within the settlement boundary of Hinckley on a residential estate. The site is not allocated for any specific purpose on the proposals map of the adopted SADMP. The proposal would not be in conflict with any strategic planning policies of the adopted development plan and would therefore be acceptable in principle subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area:

Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.

The applicant owns the land. Whilst this has previously been maintained as part of the highway verge, it is not owned by the highway authority. The applicant seeks to absorb the land into the domestic garden for the private enjoyment of the property.

Unlike the previous householder application the applicant does not intend to enclose the site with a 2m high boundary fence. It is envisaged that the boundary will be defined with new soft landscaping and a low 1m high boundary fence (permissible as a minor operation under Class A, Part 2 of the GPDO). The introduction of a low level boundary and soft landscaping would not be out of character with the established street scene. The introduction of soft landscaping is likely to offer some betterment to the street scene.



The proposal would not cause conflict with Policy DM10.

Impact upon neighbouring residential amenity:

Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the future occupiers of proposed development would not be adversely affected by activities in the vicinity of the site.

The use of the site as garden land is compatible with the surrounding land uses and would not cause any detrimental impact. There would be no conflict with DM10.

Impact upon highway safety:

Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision

The proposal would not impact highway safety and the local highway authority has previously raised no objection. The proposal does not impact the existing vehicular car parking.

Overall conclusions

The proposal does not cause conflict with the development plan and planning permission can be supported.