DELEGATED REPORT

Recommendation Made: 1 November 2011

Reference:- 11/00727/COU **Parish:- Burbage Parish Council**

Applicant:- Steven Adnam
83 Lutterworth Road
Burbage
Hinckley
Leicestershire

Location:- 83 Lutterworth Road Burbage Hinckley Leicestershire LE10 2DJ

Proposal:- CHANGE OF USE OF LAND TO RESIDENTIAL CURTILAGE INCLUDING EXTENSIONS AND ALTERATIONS TO DWELLING

Introduction:-

This application is for the change of use of land to residential curtilage and the erection of a single storey side extension.

The application property comprises a modern, 2.5 storey end terrace. This is situated on a large plot. To the rear of the property is a single garage. To the rear the plot is enclosed by solid double gates. The plot is subdivided into residential curtilage, which is defined by a grassed area, and an extensive area of hardsurfacing, which was originally intended as parking area.

A pitched roofed extension is to be erected to the side of the dwelling. This will accommodate an internal garage, a utility and a sitting room.

On the original application for the dwellings (01/00285/FUL), there was a condition requiring that all garages on the development be retained for the parking of vehicles. The reason for this was to ensure there was adequate off road parking.

Following officer concerns in respect of the design of the extension, amended plans have been submitted. Due to the minor nature of the works, no reconsultation has taken place.

A supporting statement has been submitted for the scheme. This states that the applicants have lived in the property for 9 years and have always parked their cars on the driveway, as illustrated on the plan and have never used the garage to the rear of the property for parking. It continues, that the scheme provides two off road parking spaces for this three bedrommed house.

During the officers site inspect the applicant was questioned on how the curtilage of the property was used as there were numerous outdoor toys located all over the garden and hard surfaced area, including more permanent toys, including a wooden play house. The applicant stated that he used the entire curtilage as residential garden area, and the size of the plot was the reason that the property was bought.

Relevant Planning History: -

11/00618/CONDIT	Variation of condition 10 of pp 01/00285/FUL To omit plot 22 (retain garage for the parking Of vehicles)	Application returned
11/00324/FUL	Extensions and Alterations to dwelling	Application returned
01/00285/FUL	Erection of dwellings with parking, garages And access	Approved

Consultations:-

Burbage Parish Council have no objections to the application.

No comments have been received from neighbours

Development Plan Policies:-

Adopted Core Strategy

Policy 2 – Development in Burbage

Policy 24 – Sustainable Development

Adopted Local Plan

The site lies within the settlement boundary of Burbage as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 - Design and Siting of the Development

Supplementary Planning Document: House Extensions Design Guidance (SPD)

Burbage Village Design Statement:- this subdivides Burbage into different character areas and states that development should be in keeping with the scale and design of surrounding properties

Appraisal:-

The main considerations in respect of this application are the principle of development, the change of use of the curtilage to residential, the impact of the proposed extension on the character and appearance of the existing dwelling and street scene, impacts on residential amenity and highway safety.

The Principle of Development

The site is located within the settlement boundary of Burbage, as defined in the Adopted Hinckley and Bosworth Local Plan Proposals Map; therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Change of use of the curtilage

In addition to the built development proposed, this application also seeks to formally change the use of the hardsurfaced area to residential curtilage. This area was originally designated as a driveway to the garage situated to the rear of the property and for parking, and was not designated as garden land. The first consideration is whether the change of use will have any impacts on the character of the area. As this area is situated to the rear of the property, which is enclosed and is not visible from any public vantage point, and does not incorporate any areas of landscaping which add to the character of the area, its change of use will have no impacts on the visual amenity of character of the street scene. The second issue to consider is the loss of parking area.

The applicant has stated that he has never used the area under consideration for parking, and has always parked in the area to the front of the gates. Notwithstanding this, it must be considered whether there is adequate off road parking space for the property. The site plan submitted with the application illustrates two off road parking spaces, one to the front of the garage and one within the proposed garage. The dimensions of these spaces are in accordance with the County councils design guidance. Further two spaces for a three bed property are considered sufficient.

Based on the above, the change of use to residential curtilage is not considered to have any material impacts on the character of the area, or in terms of highway safety and is therefore considered acceptable.

Design and Character

The application proposes a pitched roofed single storey side extension. Originally officers were concerned as the proposal appeared top heavy, in that the proportions between the roof and the elevations were not balanced. According the applicant was advised to submit revised plans to address this. Amended plans have been submitted and they go some way to overcome this design issue; the proportions now appear more balanced, as the ridge lined has been dropped, however the eaves height has remained the same. Notwithstanding these changes, the roof plane is still large. The applicants justification for this is that a first floor storage area is required, and they want to keep the pitch of the main property and the extension the same.

As the proposal will be set back approximately 2m from the principle elevation of the dwelling, it will not be prominent in the street scene and thus the design in this case is considered acceptable. Further, the proposal appears subservient to the main property by virtue of its scale and set back from the front elevation and the line of the header to the fenestration has been continued to the eaves height of the proposal, forging a relationship between the two elements. The roof design is replicable to that of the main property and the proposed material will be the same as those on the main property. Accordingly, the design of the proposal is considered acceptable and in accordance with the intentions of the Burbage Village Design Statement, and there are considered to be no material impacts on the character of the street scene.

Residential Amenity

The proposal will project 2.5m to the rear of the property, at a distance of roughly 1.2 m from the common boundary. The property most likely to be affected by the proposal is 87 Lutterworth Road. This is an end terrace property who's rear elevation finishes further forward than that of the application property. The proposal will project 7m past the rear building line of this property at a distance of 1.2 from the common boundary. This property is situated to the south east of the application property.

Although the projection is substantial, by virtue of the proposal being single storey, being sited off the common boundary and being to the north west of the adjacent property, there will only be a small degree of overshadowing accruing within the afternoon, and thus there are considered to be no material impacts in terms of loss of light.

There is a door situated in the side elevation of the proposal, however overlooking from this will be screened by the boundary fence, and as the proposal is set off the boundary and is single storey, the proposal will not be overbearing or over dominant. Accordingly, based on the above there will be no material impacts on the residential amenity of surrounding properties.

Highways

The position is respect of highway safety has been briefly discussed above and the dimensions of the parking spaces and the number of spaces provided by the development are considered acceptable. In terms of visibility, both the pedestrian and vehicular visibility splays can be achieved in both directions. Accordingly the proposal will not result in any material impacts in terms of highway safety.

Conclusion

The change of use and extensions proposed, by virtue of their design, siting and layout are not considered to result in any material impacts in terms of residential amenity, highway safety or on the character of the application property or street scene. Therefore the proposal is considered acceptable and in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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 by virtue of its scale, design and siting would have no detrimental impacts on the amenities of neighbouring residents, on the character of the area or

application property or on Highway safety and would be in accordance with the development plan.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Drg No:- 1157 received by the Local Planning Authority on the 14.10.11

4 The use of the garage hereby approved shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.

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 of the adopted Hinckley & Bosworth Local Plan.

3 For the avoidance of doubt and in the interests of proper planning.

4 To ensure there is adequate off road parking on site, to accord with Policy T5 of the adopted 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 6 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).

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