DELEGATED REPORT

Reference:- 11/00723/FUL **Parish:- Hinckley**

Applicant:- John Burdett
17 Blenheim Close
Hinckley
Leicestershire
LE10 1TT

Location:- 17 Blenheim Close Hinckley Leicestershire LE10 1TT

Proposal:- CHANGE OF USE OF LAND TO RESIDENTIAL CURTILAGE AND ERECTION OF BOUNDARY FENCE

Introduction:-

This application seeks retrospective full planning permission for the change of use of land to residential curtilage and the re-siting of a boundary fence towards Barwell Lane.

The application site borders amenity greenspace which formed part of the original housing estate.

Planning History:

11/00159/UNUSE - Enforcement Enquiry

Consultations:-

Site notice displayed on 21/02/2012 and neighbours notified

Two letters of objection have been received objecting on the following grounds:

a) Intrusion into countryside
b) Loss / damage to trees and impact on wildlife
c) Traffic and parking

Development Plan Policies:-

National Policy Guidance

National Planning Policy Framework March 2012

Adopted Local Plan

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

Policy BE1 - Design and Siting of the Development

Appraisal:-

The main area for consideration in the determination of this application is whether the loss of open space resulting from the change of use to residential curtilage will impact on visual amenity. Other considerations include the visual impact of the proposed boundary fencing on the surrounding area, its impact on a TPO tree and residential amenities.

Loss of open space and impact on visual amenity

Although the open space contributes towards enhancing the appearance of the original development, the proposal is to incorporate a small amount of greenspace (12 metres squared) into residential curtilage. The new boundary fencing will extend 1.2 metres out from the existing boundary line. At least 9 metres of open space will remain to the highway. Therefore, the change in use of this small parcel of open space to the rear of the house along Blenheim Close would not result in a detrimental impact on visual amenity. It is important to note that this marginal loss of open space has been considered on its merits where it has been concluded that the loss is minor.

With regards to other examples locally, the rear garden boundary treatment at no. 18 Blenheim Close has also been extended to incorporate open space, nevertheless this has been done retrospectively and is also currently being considered under planning reference 11/00718/FUL.

Visual impact on character of the surrounding area

The boundary treatment comprises of timber fencing panels 1.8 metres in height x 1.8 metres in width with 100 mm concrete posts in-between each panel. It is noted that timber fencing panels border the rear gardens of neighbouring properties along Blenheim Close which can be viewed from Barwell Lane. Therefore in terms of its visual impact, the timber fencing will have very little impact since it will be sympathetic to the rest of the boundary treatment in the surrounding area.

In addition it should be noted that the erection of boundary fencing 1.8 metres in height is acceptable under Permitted Development without the need to apply for planning permission.

Impact on TPO trees

In response to the two representations objecting on the grounds that the re-siting of the boundary fencing has involved the removal of trees and hedgerow, this has been noted and considered. Tree felling and shrub removal has indeed occurred. However, the trees and hedges that have been removed in connection with no. 17 are not protected under a TPO. A TPO plan suggests that there is a protected oak tree in the back garden of no. 18 Blenheim Close. The loss of the TPO tree has been considered as part of an enforcement enquiry. The re-siting of the boundary fencing at no. 17 is not considered to have had any impact on TPO trees. With regards to impact on wildlife, the open space is not considered to be of any ecological importance and the loss of vegetation impacting on wildlife will be minimal.

Impact on neighbours amenities

Given the height of the boundary treatment and the distance to the neighbouring properties, no impact on any residential amenities will arise.

Additional matters

Matters raised over the ownership of land are not considered relevant to a planning decision. Land ownership is not a material planning consideration. The change in use of land from open space to residential curtilage has no impact on traffic and parking. With regards to intrusion into the countryside, it should be noted that the site falls within the settlement boundary of Hinckley.

Conclusion

In summary, it has been considered the retrospective boundary fencing and the change of use of land from greenspace (open space) to residential curtilage is acceptable. It is deemed the re-sited boundary fencing will not have a detrimental visual impact on the surrounding area, TPO trees or the amenities enjoyed by the occupiers of neighbouring properties. With regards to the change of use, the minor loss of a small strip of open space is not considered to adversely affect the character of the area or result in the significant loss of visual amenity.

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 change of use and boundary fencing would be in accordance with the development plan as the proposal within this residential setting is considered acceptable and do not give rise to any significant material impacts on either visual or residential amenity, the character of the area or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1

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

Drawing - LPA01 - Received on 06/02/12
Drawing - LPA02 - Received on 06/02/12
Site location and block plan - Received on 06/02/12

Reasons :-

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

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.

Contact Officer:- Kevin Roeton Ext 5919