DELEGATED REPORT

Recommendation Made: 4 July 2011

Reference:- 11/00458/FUL **Parish:- Burbage Parish Council**

Applicant:- Mr D Smith
5 The Beeches
Burbage
Hinckley
Leicestershire

Location:- 5 The Beeches Burbage Hinckley Leicestershire LE10 2GJ

Proposal:- EXTENSIONS AND ALTERATIONS TO DWELLING (PART RETROSPECTIVE)

Introduction:-

This application seeks part retrospective full planning permission for the erection of conservatory and single storey lounge extension to the rear of this linked detached property.

The application property is constructed from red brick and dark grey concrete tiles.

The rear conservatory has already been erected and forms the part retrospective element.

06/00648/OUT – Residential development with new access – Approved on 28/07/2006
08/00312/REM – Erection of 13 dwellings with construction of roads sewers and associated works – Approved on 04/07/2008
10/00261/CONDIT – Variation of condition 3 of planning permission 06/00648/OUT – Withdrawn on 14/05/2010
11/00302/FUL - Extensions and alterations to dwelling (part retrospective) - Withdrawn on 01/06/2011

Consultations:-

One neighbour representation received raising the following concerns:

a) The garage shown as belonging to no. 5 in fact belongs to no. 6
b) External works already completed before planning permission approval
c) The plans show a gap between extension and garage belonging to no. 6; however lounge extension now complete with no gap

No objections have been received from Burbage Parish Council

Development Plan Policies:-

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 Guidance: House Extensions Design Guidance (SPG)
Burbage Village Design Statement

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the proposed extension on the character and appearance of the existing dwelling and on the amenities of the

occupiers of neighbouring properties.

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.

Impact on Existing Dwelling and Street Scene

The proposal has two separate elements, a lean to roof lounge extension and a larger flat roof conservatory.

Given the position of the two extensions at the rear of the property and there relatively small scale making them subservient to the existing dwelling, the proposed extensions will not have any adverse impact on the street scene or the character of the existing dwelling and therefore acceptable in design terms.

The proposed materials of facing brick, upvc glazing, concrete tiles and polycarbonate sheets for the conservatory are considered compatible with the main property. The overall design and scale of the proposed extensions match the original dwelling and therefore meet the design principles set out in the Burbage Village Design Statement.

Neighbours Amenities

No. 6 the Beeches is located to the west of the application site and is a linked detached dwelling house with set back garage. The proposed lounge extension will project 1.5 metres from the rear elevation wall of the main house. Given the neighbours garage which borders the common boundary line also extends 1.5 metres beyond the rear elevation wall of the applicant's property no impact on neighbour's amenities will arise. Although the proposed rear conservatory projects 4 metres beyond the original rear elevation wall there is a 2.7 metre off-set to the common boundary line with no. 6 which compensates for the one metre extra projection.

No. 4 the Beeches is located to the east of the application site and is a linked semi-detached dwelling house with garage adjoining applicant's garage. The proposed conservatory only projects 2.3 metres beyond the rear wall of the combined garages. The conservatory is also off-set from the common boundary line by 0.6 m. It is not considered the conservatory will adversely affect neighbour's amenities.

Although the retrospective conservatory exceeds the guidance contained in the SPG by one metre by projecting 4 metres from the rear elevation of the dwelling, given the design of the extension, its position inset off from the boundaries and its relationship with neighbouring properties, it is not expected that neither the lounge extension or the conservatory will have an impact on the amenities of the occupiers of neighbouring properties.

Additional Issues

In response to the representation received regarding ownership of the adjoining garage to the west of the site belonging to no. 5 rather than no. 6, this drawing anomaly has been corrected on the plans. Upon receipt of the representation, the site has been re-visited. It has been noted the lounge extension has indeed been constructed amalgamated to the rear elevation wall of the neighbour's garage. Regards to the lounge extension being built with no gap, the plans show a gap between the neighbour's garage (no. 6) and the proposed lounge extension and development should be in accordance with the approved plans. A note to applicant will be attached to the decision notice because the issues raised with regards to building close to boundary lines are covered in separate legislative form by the Party Wall Act.

The commencement of works in advance of any grant of planning permission represents a breach of planning control, however the Act does legitimately allow for the submission of retrospective applications for planning permission.

Conclusion

The proposal and retrospective conservatory respects the scale and character of the existing dwelling and would not adversely affect the amenities of the occupiers of neighbouring properties. The application is considered to be in accordance with Policy BE1 of the Local Plan, Burbage Village Design Statement and the Council SPG on House Extensions and is therefore recommended for approval subject to conditions.

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 the scale, mass and design of the proposed extensions would not detrimentally impact on the amenities of neighbouring residents, the character and appearance of the existing dwelling 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 in the construction of the proposed development shall be in accordance with the details contained in the application, unless otherwise 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:-

Drawing - LPA-01 - Received on 07/06/2011
Drawing - LPA-02 - Received on 03/06/2011
Site Location and Block Plan - Received on 03/06/2011

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 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.

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).

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.

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