

Delegated Report

Planning Ref: 24/00181/HOU
Applicant: Mr Harjinder Dosanjh
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 2 Sycamore Drive Groby Leicester

Proposal: Single storey side extension and a new rear garden 2000mm, close-boarded side fence

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 consent for a single storey side extension and a new timber garden close-boarded side fence to the north-west boundary line at 2 Sycamore Drive, Groby.
- 2.2. The proposed rear extension would extend outwards from the existing rear elevation by 3.46 metres and would feature a width of 3.33 metres. It would feature a mono-pitched roof which would measure 2.47 metres to the eaves and 3.86 metres to the ridge.
- 2.3. The proposed 2.00 metre fence is to be situated to the north-east, north-west and south-west boundary lines and is proposed to be set back from the public footpath by 1.80 metres. The proposed fence would host a width of approximately 1.90 metres to the north-east, approximately 15.13 metres to the north-west and approximately 3.40 to the south-west.
- 2.4. A privet hedge (*Ligustrum ovalifolium*) is proposed to sit forward of the proposed fencing to the north-west and south-west.
- 2.5. Amendments were sought and received regarding the distance of the proposed fencing from the adjacent highway and the finish of the proposed boundary treatment.
- 2.6. The proposed materials would be to match the materials of the existing dwelling.

3. Description of the site and surrounding area

- 3.1. The application site comprises a two-storey detached dwelling situated within the settlement boundary of Groby. The dwelling is comprised by the use of red brick and cream render to the walls, brown tiles to the roof and white uPVC windows and doors. To the front elevation of the dwelling sits an integrated double garage, a large tarmac hardstanding and gravelled area with a mixture of small vegetation. The application site hosts a generous area of off-street parking.
- 3.2. The street scene is relatively uniform in terms of design and finish, however varied in terms of scale to the west.
- 3.3. An application (Reference; 04/01355/FUL) was refused planning permission in January 2005 for the erection of a 2.00 metre high boundary wall, due to its proposed height, construction material and proximity to the adjacent highway.

4. Relevant planning history

04/01355/FUL

- ERECTION OF 2.0 METRE HIGH BOUNDARY WALL
- REF
- 20.01.2005

24/00168/HHGDO

- Single storey rear extension measuring 5.00m in depth, 3.95m in height to the ridge and 2.50m to the eaves
- NRPA
- 28.03.2024

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. One objection has been received which has been summarised below;

08.03.2024 / 11.03.2024 - Comments prior to revisions

- The application form is incorrect in that it states a hedge exists rather than a fence. The two "so called" hedges shown on the drawing 3990/07 are in fact 6ft (180mm) fencing. The fence facing Pymm Ley Lane is rather dilapidated I must admit, but a fence none the less and it is half the garden and partly covered with ivy at one end;
- Planning application no 04/01355/FUL (2 Sycamore Drive) to build a 6ft wall enclosing a similar area along understand to visibility issues from the drive of 41 Pymm Ley Lane, unfortunately the HBBC website only holds documents;
- The photograph in the corner of drawing 3990/08, showing the area of garden adjacent to the Pymm Ley Lane this fence has not been in existence since before Dec 1985;
- Pymm Ley lane is a busy 30mph limit road with much of the traffic regularly travelling up to, and often over, requested that the central part of Pymm Ley Lane be included in Groby Parish Council's speed awareness scheme and the data from the camera, placed periodically on Pymm Ley Lane, indicates that vehicles are limit. The data I have received from the Groby parish office shows that even with the speed awareness cameras 12th February 2024 over 1000 vehicle movements exceeded the speed limit with some travelling up to 65mph.
- New Fence position will cause an increased hazard due to it reducing the visibility of oncoming traffic and is the position of the new fence-line.
- I contend that the reduced visibility caused by this proposed fence will cause an increased hazard on exiting
- I have tried to discover more of the history of the previous fence shown on drawing 3990/08 and why it was Number 2 Sycamore Drive and the houses adjacent to it were completed sometime prior to 41 Pymm Ley Lane part of the original field/allotment fencing and that it was removed either by the builders or the previous householder Ley Lane, as it was certainly not in existence in 1986 when we bought No 41 Pymm Ley Lane.

- Of some relevance is that traffic travelling along Pymm Ley Lane in the 1980's was much lighter than currently in the areas of the southern end of the Pymm Ley Lane, Pine Tree Avenue and Chestnut walk etc, (currently a Co-op) has increased the traffic from other areas, further information on the speed awareness 2024 show over 16 thousand traffic movements.

29.04.2024 – (Comments following revisions)

- Drawing "Site Plan and Existing Elevations 3990/07A" is still incorrect, in that the boundary of the garden on the western and southern sides of the garden are not existing hedges but fences or fences backed by shrubs/trees. The fence on the western side of the garden (Pymm Ley Lane roadside) is heavily coated with Ivy and partly supported by a pear tree but a fence none the less and the fence on the southern side of the garden is backed by a row of conifers.
- We accept that a significant change has been made to the line of the fence along the western side of the garden as shown on drawing 3990/08A, which WOULD have significantly improved the site lines on exiting our driveway, however the provision of the specified, very fast-growing, hedging of Privet hedge (*Ligustrum ovalifolium* hedging) effectively nullifies any improvement, as this form of hedging will quickly reach 2 or 3 meters in height (can regularly be up to 4meters). A low, slow growing alternative such as box hedging (*Buxus sempervirens*) would be more acceptable and would probably require considerably less maintenance by the applicant.
- It has come to my notice that there is no mention of any fence on the southern end of the garden of 2 Sycamore Drive along the driveway and side garden of 41 Pymm Ley lane (our property) and I wondered if the applicant /architect are aware that the fence on the southern boundary (the bottom of the garden) of 2 Sycamore Drive is the responsibility of 2 Sycamore Drive, as are the equivalent fences of the neighbouring houses on Sycamore Drive (4,6,8 etc).

6. Consultation

6.1. Grobby Parish Council;

13.03.2024

"The Planning & Development Committee reviewed the application and had no objections to the single storey extension but raised the following concerns regarding the erection of close-boarded side fence:

- *The location and position of the proposed new fence so close to the pavement will impair the visibility splay of the neighbouring property exiting onto Pymm Ley Lane.*
- *Loss of vegetation with the removal of the hedge and existing fence.*
- *It was noted that a previous application to erect a boundary wall at this property was refused."*

14.05.2024

"The Planning and Development Committee reviewed the revised plans and noted the fence line had been altered to address and improve the issue of the visibility

splay from a neighbouring property exiting onto Pymm Ley Lane. The committee asked that consideration is given not to plant on the corner in front of the angled fencing to further improve visibility".

6.2. LCC Highways:

05.03.2024 / 26.04.2024

"The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011."

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

7.2. 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

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

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

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other matters

Design and impact upon the character of the area

8.2. 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.

8.3. The proposed fence is to host a height of 2.00 metres and is to be set back from the adjacent public footpath on Pymm Lane by 1.80 metres. The proposed fence would host a width of approximately 1.90 metres to the north-east, approximately 15.13 metres to the north-west and approximately 3.40 to the south-west due to the proposed fences 135 degrees projection.

8.4. A privet hedge (*Ligustrum ovalifolium*) is proposed to sit forward of the proposed fencing to the north-west and south-west which will screen the proposed fencing

resulting in a significantly reduced harsh view from the street scene on Pymm Ley Lane.

- 8.5 At present the site features a strong line of existing fencing and vegetation to the south-east of the site which is set back from the adjacent highway by 3.79 metres. A line of trellis fencing approximately 1.80-2.00 metres in height also sits to the north-east of the site which is predominantly screened by existing vegetation. The aesthetic appearance proposed is by virtue not considered to be significantly different to the existing, albeit that there is an increase in the distance that the fence and hedgerows will be set forward to the highway boundary between the original and proposed. It is noted that prior to 1985 a 2.00 metre high timber fence was positioned to the south-east boundary line directly next to the public footpath.
- 8.6 Various examples of similar boundary treatments adjacent to the highway can be observed to the south-east and north-west of Pymm Ley Lane. Particular attention should be drawn to the boundary treatments to 1 Sycamore Drive and 42 Glebe Road. By virtue of this the proposed development is not proposed to create an incongruous appearance within the street scene.
- 8.7 It is noted that an application (Reference; 04/01355/FUL) was refused planning permission in January 2005 for the erection of a 2.00 metre high boundary wall, due to its proposed height, construction material and proximity to the adjacent highway. The boundary wall proposed in 2004 would, however have been constructed immediately next to the boundary line of the adjacent public footpath, constructed in brick and would not have hosted a screening treatment.
- 8.8 The Councils Good Design Guide states that *“Rear extensions should be designed to be clearly subordinate to the main dwelling. They should be an appropriate height, width, depth and reflect or complement the detailing and materials of the original building.”*
- 8.9 The proposed rear extension would extend outwards from the existing rear elevation by 3.46 metres and would feature a width of 3.33 metres which would follow the existing rear and side building lines of the dwelling creating a symmetrical design. It would feature a mono-pitched roof to match the pitched design of the existing dwelling. The eaves and ridge height would sit below those of the existing single storey integrated double garage not appearing over dominant to the existing dwelling.
- 8.10 Notwithstanding that the extension would be largely viewable from a public realm due to the sites open nature to the north-west, the proposed boundary treatment would screen a generous proportion of the extension.
- 8.11 The proposed materials would be to match the materials of the existing dwelling.
- 8.12 In light of the above, it is considered that the proposal would complement the character of the existing dwelling and surrounding area and therefore complies with Policies DM1 and DM10 of the SADMP and the Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 8.13 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.14 The proposal would not extend forward of the maximum projection of the rear elevation of the dwelling and by virtue of this there is not considered to be any adverse impact upon the occupiers of the neighbouring dwelling to the south-east, 4 Sycamore Drive.

- 8.15 The proposed extension would be situated approximately 28.00 metres from the adjacent 40 Pymm Ley Lane to the north-west. A Velux window is proposed to the roofline, however the mono-pitched roof is to pitch to the north-west. The proposed boundary treatments would also help screen the proposal from view. By virtue, due to the separation distance, scale of the proposal and proposed boundary treatments there is not considered to be any adverse impacts upon 40 Pymm Ley Lane.
- 8.16 The proposed extension would be situated approximately 14.00 metres from the boundary line of 41 Pymm Ley Lane. A two pane window is proposed to the rear elevation. Notwithstanding this, existing fencing and vegetation sits to the south-west boundary which will predominantly screen the development from view due to the land levels sloping up towards the south-west. 41 Pymm Lane is also orientated to the north-west and by virtue the proposed extension would be in line with the existing hardstanding and will therefore not impact any habitable windows. By virtue, of the above reasoning there is not considered to be any adverse impacts upon 41 Pymm Ley Lane.
- 8.17 The proposed development would therefore satisfy Policy DM10 of the SADMP in this regard.

Impact upon highway safety

- 8.18 Policy DM17 of the adopted SADMP supports development where there would be no significant adverse impact on highway safety.
- 8.19 Section 115 of the National Planning Policy Framework (NPPF) (2023) states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*
- 8.20 The proposed replacement timber fencing would be set back behind the highway boundary by approximately 1.80 metres and with the addition of the privet hedge (*Ligustrum ovalifolium*) would abut to the boundary line.
- 8.21 Groby Parish Council asked that consideration is given not to plant on the corner in front of the angled fencing to further improve visibility. Consideration has been given to this request, however by virtue that LCC Highways have no raised objections and taking into account the existing boundary treatments within this position the Local Planning Authority do not wish to request the removal of the proposal planting, nevertheless it has been considered appropriate to impose a condition to ensure that the section of the hedgerow situated within the visibility splay provided does not exceed 0.60 metres in height.
- 8.22 By virtue of the condition imposed to protect the visibility splay at 41 Pymm Ley Lane it is considered that the proposed fence would not conflict with the visibility splays required at this location. The proposal would therefore have no adverse impacts upon highway safety and would therefore be in accordance with Policy DM17 of the adopted SADMP Section 115 of the National Planning Policy Framework (NPPF) (2023) and local highway authority guidance standards.

Other matters;

- 8.23 Concerns have been raised that there is no mention of any fence to the south-west end of the garden of 2 Sycamore Drive along the driveway and side garden of 41 Pymm Ley Lane which is the responsibility of 2 Sycamore Drive to maintain.
- 8.24 Please note that replacement fencing up to 2.00 metres in height to the south-west boundary of the site could be constructed under Part 2 Class A of The Town and

Country Planning General Permitted Development England Order 2015. By virtue of this, the above matter is a civil matter between the occupiers of 2 Sycamore Drive and 41 Pymm Ley Lane.

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 Groby and is for a single storey rear extension and a new rear garden 2.00 metre close-boarded side fence at 2 Sycamore Drive, Groby, therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.

10.2. 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 and street scene. 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. The proposal is considered to be in accordance with Policies DM1, DM10 and DM17 of the adopted SADMP, the adopted Good Design Guide, Leicestershire Highways Design Guide and Section 115 of the National Planning Policy Framework (NPPF) (2023) and is 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 27th February 2024.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

- Existing and Proposed Roof Plans, Drg No. 02
- Existing and Proposed Front and Side Elevations, Drg No. 04
- Existing and Proposed Rear and Side Elevations, Drg No. 05
- Proposed Fencing, Drg No. 06 as received by the Local Planning Authority on the 27th February 2024.

- Site Location Plan and Block Plan, Drg No. 3990/01B
- Site Plan and Existing Elevations, Drg No. 3990/07A
- Site Plan and Proposed Elevations, Drg No. 3990/08A as received by the Local Planning Authority on the 26th April 2024.

Reason: To ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Within 3 months of the erection of the fencing hereby approved hedging using privet hedge (*Ligustrum ovalifolium*) shall be planted between the highway and the fencing as in accordance with the Site Plan and Proposed Elevations, Drg No. 3990/08A as received by the Local Planning Authority on the 26th April 2024.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The privet hedge (*Ligustrum ovalifolium*) within the position of the visibility splay as shown on the Site Plan and Proposed Elevations, Drg No. 3990/08A shall thereafter be permanently maintained with nothing within the provided visibility splays hosting 41 Pymm Ley Lane higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To safeguard the visibility splay for 41 Pymm Ley Lane in the interests of general highway safety, and in accordance with and as in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 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.