DELEGATED REPORT

Recommendation Made: 9 June 2011

Reference:- 11/00311/FUL **Parish:- Hinckley**

Applicant:- Mr & Mrs Percival
21 Windrush Drive
Hinckley
Leicestershire
LE10 0NY

Location:- 21 Windrush Drive Hinckley Leicestershire LE10 0NY

Proposal:- ERECTION OF BOUNDARY WALL (RETROSPECTIVE)

Introduction:-

This application seeks full planning permission (retrospective) for a front boundary wall that has already been constructed at 21 Windrush Drive, Hinckley.

The application property is a detached hipped roof dwelling house constructed from buff brick and brown pantile roof tiles.

Planning History:-

11/00044/UNBLD - Enforcement Enquiry
96/00056/FUL - Erection of 10 dwellings - Approved on 06/03/1996
96/00449/FUL - Erection of dwelling (substitution of house type) plot 30 - Approved on 23/07/1996
93/01061/4 - Residential development - Approved on 12/01/1994
94/00205/REM - Erection of 23 dwellings, play area, open space and associated works - Approved on 27/04/1994

Consultations:-

No objection has been received from:-
Head of Community Services (Land Drainage)

Four neighbours objected raising the following issues:

a) Not in keeping with the open design of frontages
b) The scale and siting makes the wall imposing on bend of road
c) Obstructs drivers view creating a safety hazard
d) Height of wall restricts views of pedestrians and oncoming vehicles
e) Situation made worse by bend in road
f) Reduced vision will lead to accidents
g) Vulnerable users of pathway are at risk

Director of Environment and Transport (Highways) objected on the following grounds:

a) Erection of fence and gates fails to meet the standards set out in 6Cs Design Guide
b) Height of boundary wall is such that visibility including pedestrian visibility is restricted
c) Dangerous precedent would be set altering the open character and the ability of pedestrians and vehicles to use Windrush Drive in a safe and convenient maner

Development Plan Policies:-

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
Policy T5 - Highway Design and Vehicle Parking Standards

Highways, transportation and development - 6Cs Design Guide
Manual for Streets (2007)

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the boundary wall on the character and appearance of the existing dwelling, street scene, highways safety and on the amenities of the occupiers of neighbouring properties.

The Principle of Development

The site is located within the settlement boundary of Hinckley, 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 Street scene

The siting of a front boundary wall along the street frontage does alter the open character of the street scene. There are no other brick walls that enclose the curtilage along Windrush Drive. The wall is on the bend of the road which increases its massing and prominence in the street scene particularly when viewed from no. 32 Windrush Drive. However, it is noted a wall can be erected adjacent to the highway at one metre in height under permitted development.

The proposed materials of facing brick in buff matches the materials used on the main dwelling house. A brown brick band, dog tooth course and blue top level brick, provides some decorative detailing and a visual contrast of brickwork. The brick wall along the boundary with dwelling no. 19 is staggered with a reduction in height and this gives a satisfactory staggered appearance up to the original 1.9 metre wall closer to the side of the house. It is noted there are brick walls approximately 2 metres in height with dog tooth course enclosing the rear gardens of end plots within the street scene.

The design and scale of the front boundary wall is considered to respect the character of the existing dwelling / curtilage. The two pillars are 1.5 metres in height and the main brick wall spans the street frontage at 1.4m in height gradually reduced to 1.2m at the corner end with no. 23. Bearing in mind, boundary walls can be constructed under permitted development to a maximum height of one metre, this minimal increase in height above the permitted development maximum would not be unduly detrimental as the open character of the street scene would still be lost should it be reduced to be permitted development

Highways

A major concern expressed in the representations objecting to this development including comments from Highways is over the height of the brick wall, reducing visibility, including pedestrian visibility.

Despite the comments made it has been considered a one metre ‘permitted development’ maximum height for a brick wall is also not ideal for providing adequate visibility for those emerging from the drive. In relation to visibility along the street edge, the Manual for Streets (2007) is more lenient in its advice indicating that the absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously.

It has been noted the proposed access is 2.5m greater in width than the recommended minimum effective width of 2.75m as advised in the 6Cs Design Guide. This larger width at 5.3 metres will provide extra space for unobstructed visibility. The width of the pavement to the carriageway is standard at 1.8 metres and not particularly narrow for pedestrians to be up close to the boundary wall. The height differences of the brick wall and pillars in relation to permitted development are not deemed significant enough to justify the refusal of this scheme, particularly when the increased height of the wall does not itself affect visibility.

In response to highways comments on setting a precedent, each case should be considered on their own individual merits.

Impact upon Residential Amenity

No. 19 Windrush Drive is sited to the east of the site where the double garage is nearest to the side wall. The boundary wall is graded in height from an older wall at 1.9 metres in height to 1.3 metres which is not considered to be visually intrusive or imposing on the amenities of this neighbouring property.

No. 23 Windrush Drive is sited to the south west of the application site where a garage and bedroom window is positioned above. The wall is 1.25 metres in height along the boundary with no material impacts on amenities identified.

Conclusion

The front boundary wall respects the scale and character of the existing dwelling; it would not unduly harm the street scene, highway safety and would not adversely affect the amenities of the occupiers of neighbouring properties. The application is considered to be in accordance with Policy BE1 and T5 of the Local Plan 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 retrospective development by virtue of the scale, mass and design of the front boundary wall would not detrimentally impact on the character of the existing dwelling, street scene, neighbours amenities and would not harm highway safety and would be in accordance with the development plan.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1 & T5

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

Drawing - 111035-PL01 Rev A - Received on 22/04/2011

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.

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).

Contact Officer:- **Kevin Roeton Ext 5919**