DELEGATED REPORT

Recommendation Made:

Reference:- 09/00326/FUL **Parish:- Earl Shilton Town Council**

Applicant:- Mr Jason Mann
40 Park Road
Earl Shilton
Leicester
LE9 7EB

Location:- Land Adjacent To 22 Breach Lane Earl Shilton Leicestershire

Proposal:- ERECTION OF ONE DETACHED DWELLING

Introduction:-

This application seeks full planning permission for a re-submitted scheme for the erection of a detached dwelling on one of two vacant plots of land adjacent to 22 Breach Lane, Earl Shilton. The application relates to the plot to the rear, adjacent to an existing 1½ storey dwelling known as Masefield. The proposed dwelling would have an 'L' shaped footprint providing lounge, dining room, kitchen, utility, shower room, study and double garage on the ground floor and 5 bedrooms (including two en-suites and two dressing rooms) and a bathroom at first floor and within the roof space. Finished floor levels, drainage, external materials and landscaping have also been submitted for consideration with the application, along with a financial contribution towards the provision and maintenance of public play and open space.

The plot measures approximately 38 metres in length by 18 metres in width (not including the access) i.e. 684 square metres. There are existing dwellings to the west, a residential development under construction to the east and south and the other vacant plot with planning permission for another detached dwelling to the north. Access would be from Breach Lane via a new vehicular access along the western boundary of the plot running parallel with the adjacent access to Masefield. There is a mature 2 metres high field boundary hedge defining the boundaries to the east and south. The west boundary is defined by the double garage to Masefield and a 1.8 metres high brick garden wall.

A Design and Access Statement has been submitted to support the application and states that the proposed development reflects that previously granted planning permission by 07/00668/FUL in terms of location, scale, appearance and access. There are a number of changes to the previously approved scheme including:- the enlargement of the footprint by lengthening the northern wing of the approved ground floor plan to increase the accommodation and utilising the roof space above the garages for further habitable accommodation; re-alignment of the eastern façade; other minor amendments to the approved scheme merely relate to personal taste in internal layout which retains the original concept. The amendments have no adverse impact on neighbours or visual appearance.

Relevant History:-

07/00668/FUL	Erection of Two Dwellings	Approved	03.08.07
07/00254/FUL	Erection of Two Dwellings	Refused	24.04.07.

Consultations:-

No objections have been received from:-

Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Green Spaces Manager

Director of Highways, Transportation and Waste Management (Highways) does not object but refers to standing advice and to adequate access and visibility being provided.

Director of Community Services (Ecology) has no objection subject to a watching brief being maintained before and during construction for protected species.

Neighbours notified, one letter received from owner of plot 1 stating no objection.

No response has been received at the time of writing this report from Earl Shilton Town Council.

Development Plan Policies:-

BE1 – Design and Siting
RES5 – Residential Development on Unallocated Sites
NE12 – Landscaping Schemes
NE14 – Protection of Surface waters and Groundwater Quality
T5 – Highway Design and Vehicle Parking Standards
REC3 – New Residential Development – Outdoor Play Space for Children
SPG on New Residential Development
SPD on Play and Open Space.

Appraisal:-

The principle of tandem development in this location has been established by similar development to the west and by the previous planning permission on this site. In addition, the acceptability of the general access, layout, scale and design principles have already been established by the same planning permission to meet the criteria of BE1 and RES5. As the dwelling would be set back from Breach Lane in a tandem plot it would not have any great impact upon the street scene once the plot to the fore is developed. In any case the front elevation would have a very similar design to the previous approval and retain attractive architectural features. The main considerations of this application therefore relate to the amendments to the previously approved scheme and their impact upon the character and appearance of the proposed dwelling itself and on the amenities of the occupiers of adjacent properties. Also consideration of the additional information provided in respect of finished floor levels, external materials, hard and soft landscaping and drainage to remove the need for conditions to be attached should the application be approved.

Main Amendments

The amended scheme would differ from the previously approved scheme in that the footprint of the dwelling would be relocated 2 metres further to the south and extended by 2.2 metres further to the north to provide additional accommodation within the dwelling and relocation of the integral garage with additional accommodation within the roof space above. The footprint would remain at 2 metres from the centre line of the eastern boundary hedge. There would be marginal increases in ridge heights of the main structure (100 - 200 mm higher) and an increase of 500mm in ridge height on the projecting element to the north to allow additional accommodation within the roof space of this element.

Layout and Design

The initial plans submitted with the application had removed both the chimney and brick plinth features that enhanced the character and appearance of the previously approved dwelling. Through negotiations with the applicant and agent, amended plans have now been submitted that reinstate these attractive features. The eastern elevation would be more simplified and would result in the removal of a small first floor window that would be replaced by roof-lights. The amendments to the design and footprint of the dwelling would not have any detrimental impact upon the character and appearance of the dwelling and adequate car parking and private amenity space and landscaping would be provided within the plot. The access to the dwelling would be similar to the previously approved access and would provide a width of 4.5 metres (which exceeds the 4.25 metres normally required) together with adequate visibility splays to Breach Lane junction. Overall the layout and design of the proposed development would meet the criteria of policies BE1, RES5 and T5 of the adopted Local Plan.

Impact on Neighbouring Properties

Whilst the proposed footprint would be 2 metres further to the south, this would not be detrimental to the amenities of the existing dwelling (Masefield) to the west as the footprint would project only a metre to the rear at a separation distance of 3 metres. The main accommodation to this dwelling is separated from the application plot by a double garage and a 1.8 metres high brick boundary wall and there would be no first floor windows facing in this direction. This amendment to the footprint would increase the separation distance of the main front elevation of the proposed dwelling to the rear of the existing dwelling fronting Breach Lane (No. 22) and therefore have no additional impact on amenities.

The separation distance to the rear (south) boundary would be 16 metres, with a further 7.5 metres separation to a single storey element of an approved (but not yet constructed) dwelling to the south (DWH plot 34) containing a kitchen/dining room. Whilst this is slightly less (1.5 metres) than the Council's SPG requirement of 25 metres between habitable room windows, in this case, the relationship would be acceptable as the two dwellings would be off-set and separated by a mature field boundary hedge and proposed tree planting. The marginal increase in ridge height would not have any significantly detrimental impact on the plot to the south.

The separation distance to the east boundary of the application site would remain at 2 metres as previously approved with a further 10.5 metres separation to a single storey element of an approved (but not yet constructed) dwelling to the east (DWH plot 37) containing a kitchen/dining room. Whilst this is slightly less (1.5 metres) than the Council's SPG requirement of 14 metres separation between habitable room windows and two-storey side elevations, in this case, the relationship would be acceptable as the proposed dwelling is not fully two storey and the roof is designed to slope away at this closest point. The only first floor window facing east is to a bathroom (obscure glazing?), however, there are three roof-lights, one to an en-suite (obscure glazing?) and two to a bedroom whose main windows face west. It is suggested that to avoid any undue overlooking to the private amenity areas of DWH plots 37 and 38 on the adjacent development that a condition requiring the cill levels of these roof-lights to be a minimum of 1.6 metres above the finished first floor level be attached to any planning permission. The additional projection to the north and the 0.5 metres higher roof ridge of this element would not have any significantly detrimental impact on the amenities of the approved (but not yet constructed) dwelling to the east (DWH plot 37). The additional projection would be screened from the approved (but not yet constructed) dwelling on DWH plot 38 by the approved garage to the plot and it has a different orientation.

The separation distance to the approved dwelling on the vacant plot to the north would increase to 30 metres between the main elevations which exceeds the 25 metres required by the Council's SPG and would still be 18 metres to the side gable of the 1 ½ storey garages element which exceeds the 13 metres that would be reasonable under the Council's SPG guidelines. There would be no overlooking windows and therefore the proposed development would not have an adverse effect on the privacy or amenities of the approved dwelling on the plot to the north.

Additional Details

The applicant has submitted Hanson Thornbury Multi Stock facing bricks and Marley Duo Edgemere (Slate Grey) roof tiles for approval of external materials. The area has a mix of styles and materials therefore there are no specific characteristic materials. The external materials proposed are considered to be acceptable as are the finished floor levels which are the same as previously approved and meet the requirements of policy BE1 of the adopted Local Plan.

The hard and soft landscaping scheme submitted on plan No. 4127/B1 provides details of the means of enclosure, hard surfacing materials, planting plans with species, size and numbers. The hard landscaping schedule indicates the use of attractive permeable materials and addresses the usual highway authority requirements in respect of hard bound materials at the junction with the highway. The planting of a number of native trees is included in the soft landscaping schedule to help to provide privacy and enhance the appearance of the development. The hard and soft landscaping scheme has been assessed by the Council's Green Spaces Team and is considered acceptable in respect of policies BE1 and NE12 of the adopted Local Plan. However, there is no implementation schedule,

therefore, a condition to ensure that the scheme is carried out within a reasonable time period and adequately maintained thereafter is included in the recommendation.

The method of drainage proposed is to the existing mains foul water system with surface water to a soakaway (subject to adequate ground conditions) and these proposals would comply with policy NE14 of the adopted Local Plan. A condition requiring the drainage system to be implemented prior to occupation has not been included as this would be required by Building Regulations.

A financial contribution of £1250.80 has been paid towards the provision and maintenance of public play and open space in lieu of on site provision to comply with policy REC3 of the adopted Local Plan and the Council's adopted SPD on Play and Open Space together with the Council's Green Space Audit.

Condition 3 of the previous approval for the wider site required the construction of a metalled footway across the grassed verge within the highway boundary to the frontage of No. 22 Breach Lane in order to link the existing footpath with the proposed development. It is considered that this condition is unreasonable for the size of the development and in addition there is an existing footpath on the opposite side of the road that would provide safe access to the private drive.

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 would be in accordance with the development plan as it is within the settlement boundary and the layout and design would not have an adverse effect on the character or appearance of the area; the privacy or amenities of the occupiers of neighbouring properties or on highway safety. A financial contribution has been paid in respect of the provision and maintenance of off-site public play and open space.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, RES5, NE12, NE14, T5 and REC3

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

2 This permission relates to the application as revised by amended plan No. 4127/A5 received by the Local Planning Authority on 19th June 2009.

3 Notwithstanding the submitted details, the materials to be used on the external elevations of the proposed dwelling shall be Hanson Thornberry Multi Stock facing bricks and Marley Duo Edgemere (Slate Grey) roof tiles unless previously agreed in writing with the Local Planning Authority.

4 The development shall be implemented in accordance with the ground levels and approved finished floor levels as indicated on plan No. 4127/B1 unless otherwise agreed in writing by the Local Planning Authority.

5 Prior to first occupation of the dwelling hereby permitted, boundary walls and fencing shall be erected as indicated on plan No. 4127/B1 and once provided shall be maintained as such at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

6 The approved soft landscaping scheme shall be carried out in accordance with the approved details indicated on plan No. 4127/B1 during the first appropriate planting season following the date when the dwelling hereby approved is first ready for occupation. The scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

7 Before first occupation of the dwelling hereby approved, the access drive, turning and car parking spaces shall be provided and surfaced in accordance with the hard landscaping details submitted on approved plan No 4127/B1 and once provided shall be so maintained for such purposes at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

8 Notwithstanding the submitted details, before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and once provided shall be so maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

9 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected on the access drive they shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only.

10 Notwithstanding the submitted details, the cill height of the three velux style windows within the roof slope on the eastern elevation of the dwelling hereby permitted shall be a minimum of 1.6 metres above the finished first floor level of the room to which they relate.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To define the permission.

3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure that the development has a satisfactory visual appearance and to protect the amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

5 To safeguard the privacy and amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

6 To enhance the appearance of the development and ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 and NE12 of the adopted Hinckley and Bosworth Local Plan.

7 To ensure that the access allows vehicles to pass each other clear of the highway; to allow vehicles to enter and leave the site in a forward direction; to ensure that adequate off-street car parking is available to serve the development and to reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

8 To ensure that an adequate line of vision is available in the interests of road safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

9 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

10 To ensure that the development is not detrimental to the privacy and amenity of neighbouring properties to accord with policy BE1 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 6th 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 A financial contribution of £1250.80 has been received towards the provision and maintenance of public play and open space.

6 In relation to conditions 8 and 9, the applicant is advised that the highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road surface.

7 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete lined perforated chamber with access for maintenance or, alternatively, by use of one of the modular systems comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

Contact Officer:- Richard Wright Ext 5894