DELEGATED REPORT

Recommendation Made: 5 January 2010

Reference:- 09/00878/OUT **Parish:- Ratby Parish Council**

Applicant:- Mr & Mrs E.R Dutton
13-15 Stamford Road
Glenfield
Leicester
LE3 8DL

Location:- 175 Station Road Ratby Leicestershire LE6 0JR

Proposal:- ERECTION OF ONE DWELLING WITH GARAGE

Introduction:-

This application seeks outline planning permission for the erection of a detached dwelling and a detached garage with all matters reserved. The application relates to land that was formerly part of the rear garden area of 175 Station Road, Ratby but has now been separated and cleared forming a separate building plot with a 16 metres frontage to Mill Drive. Whilst all matters are reserved, an indicative plan has been provided to demonstrate that a dwelling together with garage, parking and adequate private amenity space could be provided within the plot and to demonstrate potential relationships to adjoining dwellings. The indicative plan also indicates a two-storey house with indicative eaves and ridge levels.

The site measures 264 square metres and is located in a residential area of Ratby to the north of Mill Drive close to the junction with Station Road. The area is characterised by a mix of different house types, styles and sizes including a traditionally styled detached two storey house with gabled roof to the west (175 Station Road), a detached bungalow with a pyramidal roof to the north east (3 Mill Drive) and a distinctive two storey terraced house to the south east known as The Glass House. There are long, narrow gardens to the north west belonging to the houses fronting Station Road. The site is bounded by a 2 metres high brick wall to the north west boundary and timber panel fencing of between 1.5 and 1.8 metres height to the other three sides.

A Design and Access Statement has been submitted in support of the application and states that the site is within the settlement boundary of Ratby occupying a sustainable location close to all amenities and transport links where residential development is considered acceptable in principle. Government guidance supports the efficient use of previously used or under utilised land. Whilst all matters are reserved, the indicative layout demonstrates that by respecting the established building line the proposal would contribute to the existing street scene and provide adequate separation distances to protect the privacy and amenities of adjacent dwellings and respect the character and appearance of the residential setting.

Relevant Planning History – None.

Consultations:-

No objections have been received from:-

Director of Highways, Transportation and Waste Management (Highways)
Director of Community Services (Ecology)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)
Head of Business development and Street Scene Services (Waste Minimisation)

Ratby Parish Council comments that a two storey dwelling will take light from the adjacent dwelling but a bungalow would be acceptable.

Neighbours notified, three letters have been received raising the following issues:-

i) will result in overlooking with a loss of privacy to adjacent dwellings
ii) will result in a loss of light and views to/from adjacent dwellings
iii) will be detrimental to the environment and wildlife
iv) will result in additional garden noise
v) would have no objection to a bungalow.

No response has been received at the time of writing this report from Ratby Action Group.

Development Plan Policies:-

Government Guidance in Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.

Local Development Framework Core Strategy:- Policy 8: Key Rural Centres Relating to Leicester

Adopted Hinckley and Bosworth Local Plan Saved Policies:-

Within the settlement boundary of Ratby
BE1 – Design and Siting of Development
RES5 – Residential Proposals on Unallocated Sites
REC3 – New Residential Development – Outdoor Play Space for Children
T5 – Highway Design and Vehicle Parking Standards

Other Relevant Documents:-

LCC document “Highways, Transportation and Development”
SPG on New Residential Development
SPD on Play and Open Space
Ratby Village Design Statement.

Appraisal:-

The main consideration with regards to this application is the principle of residential development on the site as, notwithstanding the indicative additional information provided, all matters are reserved at this stage.

Principle of Development

The site is within the settlement boundary of Ratby in a sustainable location within a residential area therefore the principle of residential development would normally be acceptable subject to all other matters including access, layout, scale and design also being acceptable. The site area measures approximately 0.0264 hectares and the provision of one dwelling represents a density of 38 dwellings per hectare which is within government guidelines. The proposal also makes more efficient use of land whilst retaining sufficient garden areas for both the existing and proposed dwellings.

Access

Access to the site would be gained from Mill Drive and it is unlikely that the addition of one dwelling would have a detrimental impact on highway safety or the amenities of existing properties from comings and goings and therefore satisfactory access would appear to be available to serve the proposed development.

Layout and Scale

The indicative plan demonstrates that the proposed dwelling would be located on a similar building line to the adjacent bungalow in a roughly central position within the site frontage. The detached garage would be located in the west corner of the application site with additional parking to the fore. The dwelling is indicated as being two-storey with a footprint of 66.5 square metres and ridge and eaves

heights of 7.2 metres and 5 metres respectively. The footprint would not be out of scale with those of the other detached dwellings within the vicinity. The two-storey scale of the proposed dwelling would not be out of character with the general surrounding dwellings that are either two-storey or single storey. The indicative plans comply generally with the general guidelines for the design of buildings contained within the Ratby Village Design Statement.

Impact on Neighbouring Properties

Concerns have been raised regarding the indicative two-storey scale of the proposed dwelling in terms of potential overlooking and loss of privacy and light to neighbouring dwellings. Whilst it may be possible to address the concerns of overlooking and loss of privacy in the detailed design of the dwelling, this is an outline application only and there are no details submitted with the application to demonstrate that this would be possible. Under the circumstances, if the application is to be approved it would appear appropriate to attach a condition to restrict the proposed dwelling to single storey at this stage.

The adjacent bungalow to the north east, 3 Mill Drive, has a large window towards the rear of the bungalow on the side elevation facing the site. This would look towards the new dwelling at a separation distance of approximately 4 metres. Whilst the proposed dwelling may have an impact on this window in terms of reducing direct sunlight to it, there is already a timber fence of approximately 1.8 metres in height that restricts views from the window and it is not considered that a refusal of the application could be sustained as a consequence of any impact on this side elevation window. The proposed dwelling would not have an adverse impact on windows of any other neighbouring dwelling due to its siting, orientation and relationship to the other dwellings.

Public Play and Open Space

If the application were to be approved, a financial contribution towards the provision and maintenance of informal public play and open space at Ferndale Park would be required in lieu of on-site provision to meet the criteria of policy REC3 of the adopted Local Plan, the Council's Supplementary Planning Document on Play and Open Space and the objectives of the Green Space Strategy and the Parish Public Open Space Quantity/Accessibility Audit 2005. No such contribution has been submitted with this application and therefore a condition requiring such provision has been included in the recommendation.

Other Matters

The site has already been cleared and separated as a building plot, any wildlife that was present previously has already been disturbed.

Conclusion

The site is within the settlement boundary of Ratby where residential development is generally acceptable in principle subject to other details to be submitted as reserved matters also being acceptable. It has been demonstrated in the indicative plans that adequate access is available to the site and an acceptable layout can be achieved to provide adequate off-street parking and private amenity space to serve a new dwelling. Whilst the application is therefore recommended for approval, as no details have been submitted at this outline stage to demonstrate that a two-storey dwelling would not have a detrimental impact on neighbouring properties in terms of overlooking and loss of privacy, a condition restricting the dwelling to single storey is included in the recommendation along with a contribution towards public play and open space to mitigate the proposed development.

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 the site is within the settlement boundary of Ratby, adequate access, off-street parking and private amenity space would be available and a contribution towards public play and open space would be provided.

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

Local Development Framework Core Strategy:- Policy 8.

1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as listed below:

Site Location Plan drg.no. 1498/3 and Indicative Plan drg.no. 1498/2

3 Notwithstanding the indicative height of the dwelling on Indicative Plan drg.no. 1498/2, the proposed dwelling shall be restricted to a single storey bungalow only.

4 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

i) The layout of the site.
ii) The scale of each building proposed in relation to its surroundings.
iii) The appearance of the development including the aspects of the buildings that determine the visual impressions they make.
iv) The access arrangements to and within the site for vehicles and pedestrians.
v) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

5 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.

i) The external building materials
ii) The provision to be made for vehicle parking on the site
iii) The method of disposal of surface and foul water drainage, which shall be on separate systems
iv) The provision to be made for screening by walls and fences
v) The floor levels of the proposed dwelling and garage in relation to the existing ground level and the finished levels of the site.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A, B, C and E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

7 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the adopted Play and Open Space SPD has been secured in such a manner as is approved in writing by the Local Planning Authority.

Reasons:-

1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2 To define the permission.

3 To ensure that the development is not detrimental to the privacy and amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4 & 5. This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

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

7 To ensure the adequate provision and maintenance of public play and open space within the vicinity of the site to accord with policy REC3 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. In relation to Condition 7, in this case a financial contribution of £1250.80 will be required towards the provision and maintenance of off site public play and open space in lieu of on site provision.

6. The applicant is advised that Condition 3 has been attached to this outline planning permission as it has not been adequately demonstrated in the current application that a two-storey dwelling would not adversely affect the privacy and amenities of neighbouring properties, particularly in respect of overlooking and loss of privacy. In order to consider a dwelling of greater height any further application would require additional details to adequately demonstrate that this would not be the case.

7. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.

The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described 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 assembled from units of one of the newer, 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 Date Printed: 5 January 2010