# DELEGATED REPORT

**Recommendation Made: 9 March 2009**

**Reference:- 09/00052/FUL** **Parish:- Burbage Parish Council**

**Applicant:- Mr Eric Kilpatrick**
**1A Mill Hill Street**
**Hinckley**
**Leicestershire**
**LE10 0AX**

**Location:- 15 Sunnyhill Burbage Hinckley LE10 2SB**

**Proposal:- SUBSTITUTION OF HOUSE TYPES PLOT 2 AND 4**

**Introduction:-**

Full planning permission is sought for the substitution of two house types on a development of 5 at land to the rear of 15 Sunnyhill, Burbage. Planning permission was approved in January 2008 for the erection of 5 detached dwellings with associated works.

This application relates to plots 2 and 4 of the approved scheme and seeks approval for the following changes:

Plot 2 - Widening of the garage which has reduced the separation distance between the proposed dwelling and the existing property of 15 Sunnyhill.
Plot 4 - Passageway between garage and dwelling in-filled.
Plot 4 - Ridge height of the garage increased from 5.2m to 5.9 to accommodate accommodation within the roof space. The proposal involves the installation of a dormer window into the north elevation.

Relevant Planning History

| | | | |
|---|---|---|---|
| 07/01331/FUL | Erection of 5 dwellings | Approved | 10.03.08 |

**Consultations:-**

To date one representation has been received not objecting to the proposal but since the trees have been removed from the site water runs directly on to the neighbouring gardens.

No objections received from...
Environment Agency,
Burbage Parish Council.

**Development Plan Policies:-**

Hinckley and Bosworth Local Plan

Policy BE1- design and siting of development.
Policy RES5- Residential Proposals on unallocated sites
Policy T5- Highway design and vehicle parking standards
REC3- Provision of play and open space
Supplementary Planning Guidance- (SPG) Residential Development

**Appraisal:-**

The main issues for consideration are the effect of the proposals on the amenities of neighbouring properties and the design and appearance of the scheme with regard given to the previous consent on the site.

There are no proposed changes to the layout of the access to the site, the number of off street parking spaces or the number of dwellings. Therefore there are no additional highway safety comments.

The proposed change to plot 2 involves widening the garage by 1m to create a more useable parking space and this has shifted the plot 1m to the east reducing the separation distance between plot 2 and 15 Sunnyhill to 26m. This is still above that required by the SPG and therefore it is not considered that the alteration would result in a detrimental impact on the occupiers of 15 Sunnyhill.

The alterations to plot 4 are more extensive and result in an increase to the ridge height and a dormer window to the north elevation. The increase in ridge height by 0.7m when considered with the separation distance to the nearest neighbouring properties, is not considered so different from that approved as to warrant a refusal of planning permission. The proposed dormer window faces across the front of plot 5, and would not result in loss of privacy to that plot. The proposal is located at sufficient distance from existing properties to the north not to significantly affect the amenities of these properties.

The proposed alterations are not therefore considered to detrimentally affect the amenities of the area or the appearance of the scheme. The proposal is therefore considered acceptable.

**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 planning history of the site and the scale and siting of the alterations would not detrimentally affect the amenities of neighbouring residents and the appearance of the dwellings and would therefore be in accordance with the development plan.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, RES7, T5, and REC2

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

2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

3 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

4 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 approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) means of enclosure
(ii) hard surfacing materials
(iii) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
(iv) planting plans
(vi) written specifications

(vii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(viii) implementation programme.

6 Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have 2 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all time. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strip will be required.

7 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is first occupied and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.

8 Before first occupation of the dwellings 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 shall be so maintained in perpetuity, where in the control of the applicant.

9 Vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway. The wheel washing facilities provided shall be so maintained for the operational period of the development hereby permitted.

10 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage, which should include sustainable systems, have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

**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 To safeguard amenities of neighbouring properties to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure the provision of adequate play and open space within the vincinity of the site in accordance with Policy REC3 of the adopted Hinckley and Bosworth Local Plan.

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

6 To ensure that vehicles entering and leaving the site my pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policies BE1 and T5 of the Hinckley and Bosworth Local Plan.

7 To ensure that adequate parking and turning facilities are provided within the site to enable cars to leave the site in a forward manner in accordance with policies BE1 and T5 of the 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 policy T5 of the Hinckley and Bosworth Local Plan.

9 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

**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 List of plans used in the determination of this application:-
07 04 10, 07 04 04B, 07 04 08A and 07 04 06A,

6 Condition 4 refers to public open space. in accordance with the Hinckley and Bosworth Local Plan and the approved Play and Open Space, Supplementary Planning Document public open space should be provided either on site, or a contribution made towards off-site provision. In this instance a contribution of £2501.60 is required towards the provision of off-site public open space.

**Contact Officer:-** Sarah Humphries Ext 5680