

Delegated Report

Planning Ref: 23/00800/HOU

Applicant: Mrs Kelly Buxton

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: 14 Warwick Lane Market Bosworth Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Construction of timber outbuilding for storage and home gym (Retrospective)

1. Recommendations

1.1. Grant retrospective planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This householder application seeks retrospective planning permission for a detached single storey outbuilding within the rear garden of a dwelling, 14 Warwick Lane, Market Bosworth.

2.2. The outbuilding has already been completed and measures approximately 12.2 metres in length and 3.6 metres in depth with a dual pitched gable ended roof form with an eaves height of 2.2 metres and ridge height of 2.9 metres. It has been constructed on a concrete base and set in from the west side boundary and rear south boundary by approximately 0.5 metres. It has been constructed in light stained timber and with dark grey corrugated roof sheets. It is divided into three separate areas with access doors to the north elevation facing the application dwelling and east elevation facing the proposed parking area. It is proposed to be used for ancillary storage and a home gym but could be used for any ancillary residential purpose. Whilst not detailed on the submitted plans, it was confirmed during the site visit that two off-street parking spaces are to be formed to the east side of the outbuilding to replace those lost as a result of its construction/siting.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Market Bosworth on a residential estate. It is a detached two storey house with gable sided dual pitched roof form, a single storey section attached to the east side elevation with similar roof form and a porch with extended lean-to canopy roof across the front elevation. It is constructed of red multi facing bricks, red/brown interlocking concrete roof tiles and white UPVC windows. The 'L' shaped rear garden is enclosed by new 2 metres high solid close boarded timber fence panels between concrete posts. There are similar height timber double gates in the rear boundary providing vehicular access to the rear garden via a shared garage site at the rear.

3.2. There are two storey flats to the west of the site with rear gardens parallel to the application garden, bungalows to the east with rear gardens perpendicular to the application garden and a shared/communal garage site to the south.

4. Relevant planning history

04/00363/FUL

- Extensions and alterations to dwelling
- Permitted
- 17.05.2004

88/01239/4

- Front elevation roof and porch
- Permitted
- 29.11.1988

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One objection has been received as a result of public consultation on the grounds that as a result of its size, the structure is dominating and appears like an industrial building rather than a garden shed with no regard to neighbouring properties and the potential for noise disturbance.
- 5.3. Two neutral responses have been received as a result of public consultation raising the following issues/concerns:
- 1) Due to its footprint and height, it will be visible to neighbours and appears overscale for garden development
 - 2) Loss of off-street parking space resulting in additional on-street parking and congestion
 - 3) Use should be conditioned to prevent potential commercial use.

6. Consultation

- 6.1. Market Bosworth Parish Council objects to the application on the following grounds:
- 1) The building is of excessive bulk and scale for a residential garden
 - 2) The building causes a loss of parking space for the main residence
 - 3) Due to the large scale of the building it might evolve for commercial or residential usage. Conditions should be imposed that commercial and residential usage are not to be permitted.

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan (MBNP) 2014-2026 (2015)
- Policy CE1: Character and Environment
- 7.2. Core Strategy (2009)
- No relevant policies
- 7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

8.1. Extensions and alterations to existing domestic properties within settlement boundaries, including ancillary outbuildings are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon parking provision

Design and impact upon the character of the area

8.2 Policy CE1 of the 'made' MBNP requires that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. The application dwelling is identified as lying within Character Area D: Suburban Residential in the MBNP.

8.3 Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions.

8.4 As a result of public consultation an objection and concerns have been raised that the size of the outbuilding is excessive for a residential garden, that it looks industrial in appearance and has the potential for commercial use contrary to the residential character of the surrounding area.

8.5 The outbuilding measures approximately 12.2 metres in length and 3.6 metres in depth with a dual pitched gable ended roof form with an eaves height of 2.2 metres and ridge height of 2.9 metres. It has been constructed in light stained timber which matches the newly erected 2 metres high close boarded timber fencing enclosing the rear garden and has dark grey corrugated sheet roof. Its height, design, form and appearance are not unlike that of other timber outbuildings and garages found in residential gardens. Notwithstanding its larger than usual footprint, the site still retains more than adequate private rear amenity space within the rear garden of over 100 square metres to serve this three bedroomed dwelling. The only public view of the structure from the shared/communal garage site to the south is of the top part of the narrow gable end and therefore it would not be in any way visually obtrusive in any street scene and would appear similar to that of a neighbouring garage located in the rear garden of a nearby dwelling and accessed from the same garage site approximately 10 metres to the southeast.

8.6 Notwithstanding the objection and concerns raised, by virtue of its siting, scale, design and appearance and ancillary residential use, the outbuilding is considered to respect the size of the plot in which it is located and to complement the residential use, character and appearance of the site and surrounding area and therefore be in accordance with Policy CE1 of the 'made' MBNP, Policy DM10 of the adopted SADMP and the adopted Good Design Guide. A condition to restrict the use of the building for purposes ancillary to the residential occupation of the application dwelling is considered to be reasonable to define the permission and ensure compatible current and future use.

Impact upon neighbouring residential amenity

- 8.7 Policy DM10 of the adopted SADMP and the adopted Good Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.8 One objection has been received as a result of public consultation on the grounds that as a result of its size, the structure is dominating with no regard to neighbouring properties and the potential for noise disturbance.
- 8.9 Notwithstanding that the outbuilding extends for a distance of 12.2 metres inside the west boundary with the neighbouring flats garden, it is set off that boundary by approximately 0.5 metres and its 2.2 metres high eaves is only marginally higher than the new 2 metres high close boarded timber fence that the applicants have erected around and to screen their rear garden. In addition, the dual pitched roof of the outbuilding slopes away from the boundary to a not excessive ridge height of only 2.9 metres. As a result, it is considered that the outbuilding does not result in any significant adverse overbearing or overshadowing impacts on any neighbouring gardens. The use of the outbuilding would be for ancillary residential purposes and any noise generated would be likely to be commensurate with such uses and, in any case, subject to separate environmental legislation in respect of any potential future noise related nuisance.
- 8.10 By virtue of its siting, single storey scale, design, screening by existing fencing and ancillary residential use, it is considered that the outbuilding would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Notwithstanding the objection and other concerns raised the proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.11 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.12 As a result of public consultation concerns have been raised that the outbuilding has resulted in a loss of off-street parking space to serve the dwelling resulting in potential additional on-street parking and congestion on surrounding streets.
- 8.13 Whilst not detailed on the submitted plans, it was confirmed during the site visit that it is intended that two tandem off-street parking spaces are to be formed to the east side of the outbuilding for which there is sufficient space, and with access through the existing double gates from the adjacent garage site. The two spaces would replace those lost as a result of its construction/siting and would meet the local highway authority design guide standard for a three bedroomed house. The timely provision of the two parking spaces could be secured by a planning condition. Notwithstanding the concerns raised, subject to their satisfactory provision the proposal would be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guidance standards.

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.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposal is a detached outbuilding to be used for purposes ancillary to the residential occupation of an existing dwelling within the settlement boundary of Market Bosworth where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. Notwithstanding the objection and concerns raised, by virtue of its siting, scale, design and appearance and ancillary residential use, the outbuilding is considered to respect and complement the residential use, character and appearance of the site and surrounding area and would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. Adequate off-street parking and private amenity space would be provided/retained within the site to serve the existing/resulting three bedroomed dwelling. The proposal is considered to be in accordance with Policy CE1 of the 'made' MBNP, Policies DM1, DM10 and DM18 of the adopted SADMP and the principles of the adopted Good Design Guide and is therefore recommended for retrospective approval subject to conditions.

11. Recommendation

- 11.1 **Grant retrospective planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

- 1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan, Block Plan Reference TQRQM23228152855247, Floor Plan and Elevations Drawings received by the local planning authority on 25 August 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 2. Within two months of the date of this decision notice, a minimum of two off-street car parking spaces each of minimum dimensions of 5.5 metres in

length and 2.4 metres in width shall have been provided and hard surfaced within the application site to the east of the outbuilding hereby permitted. Once so provided, the onsite parking provision shall be permanently so maintained at all times thereafter.

Reason: To ensure that adequate off-street parking provision is made to serve the dwelling to reduce the possibility of the development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The detached outbuilding hereby permitted shall only be used for purposes ancillary to the residential occupation of 14 Warwick Lane, Market Bosworth with no trade, commercial or business use operating therefrom at any time.

Reason: To safeguard the privacy and residential amenity of neighbouring dwellings and to ensure compatible use in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).