Item: **04**

Reference: **09/00115/FUL**

Applicant: **Mr G NORTH**

Location: **Land At Rear Of 116 To 126 Stamford Street Ratby Leicestershire**

Proposal: **ERECTION OF NEW DWELLING (AMENDED SCHEME)**

Introduction:-

This application seeks full planning permission for the erection of a detached bungalow to replace a previously approved bungalow of smaller scale.

The application site is situated to the rear of a row of terraced properties on the north eastern side of Stamford Street. Access is gained via a new access adjacent to 126 Stamford Street. The site is surrounded by residential development. There are bungalows to the rear and western side of the site, and the rear gardens of properties on Stamford Street to the remaining sides. The bungalow is situated to the rear of a substantial plot, and spans the majority of its width. A rear garden space with an area of 176m2 is proposed. An attached garage providing parking for 1 vehicle is adjacent to the north western boundary, with a further four parking spaces proposed adjacent to the rear boundary fences of properties on Stamford Street. These spaces are for use by the residents of numbers 118 - 126 Stamford Street. There is no change in ground levels on site. The site is bounded by a 1.8m high close boarded timber fence.

The bungalow approved by application 06/00049/FUL is substantially completed; however it has not been built in accordance with the approved plans. The ridge height of the development has been increased by 0.70m. This application also proposes 2 new roof lights, a double one to the front and a single to the rear, and a first floor window to the north western elevation. The proposed changes will result in a 4 bedroomed dormer bungalow. The scheme previously approved was for a 3 bedroomed bungalow.

The Design and Access Statement submitted states that the previously approved dwelling is nearing completion, but that during construction it was decided to incorporate first floor accommodation. It is stated that the modifications proposed will not affect the overall design of the development and that sufficient parking and amenity space is provided.

History :-

06/00049/FUL 17.03.06	Erection of a Bungalow and Garage	Approved
05/00341/FUL 25.05.05	Erection of Two Dwellings	Refused

03/00146/OUT 06.05.03	Erection of Bungalow and Garage with New Access	Approved
02/00151/OUT 27.03.02	Erection of Bungalow	Refused
01/00364/OUT 24.05.01	Erection of Two Detached Bungalows and Garages Access and Parking Spaces	Refused



© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA00018489 Published 2006

Consultations:-

No objection has been received from:-

Director of Community Services (Ecology)
Ratby Parish Council
Head of Community Services (Pollution).

Head of Community Services (Land Drainage) does not object to the application, but requests that sustainable drainage measures and permeable surfaces be used.

No objection subject to conditions have been received from Director of Highways, Transportation and Waste Management (Highways).

Two letters of objection have been received from the residents of 114 and 124 Stamford Street. These raise concerns over the impacts on their privacy resulting from the proposed window in the eastern elevation, and of the continued disturbance caused by prolonged site works.

Policy:-

Central Government Guidance

Planning Policy Statement 3 – Housing sets out the national planning policy framework for delivering the government's housing objectives. This document states within paragraph 12 that good design is fundamental to the development of high quality new housing.

Local Plan

The site is within the settlement boundary for Ratby as identified in the adopted Hinckley and Bosworth Local Plan.

Policy RES5 of the adopted Local Plan favours the development of unallocated sites for housing development so long as the plot is within the settlement boundary and the siting, design, and layout of the development does not conflict with other policies of the Local Plan.

Policy BE1 of the adopted Local Plan seeks to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where the development: complements or enhance the character of the surrounding area with regard to scale, layout , mass, design, materials and architectural features; incorporates adequate provision for off street parking and does not adversely affect the occupiers of neighbouring properties.

Policy T5 of the Local Plan refers to the application of appropriate standards for highway design and parking targets for new development, unless a different level of provision can be justified.

Policy REC3 requires that all new development provide either on site play and open space provision or where not possible make a financial contribution towards the continued provision and maintenance of existing facilities within 400 metres of the application site.

The Councils adopted Supplementary Planning Guidance on New Residential Development seeks to ensure that new properties are of a high quality of design and provide adequate amenity and parking space.

Appraisal:-

The main considerations with regard to this application are the principle of development, the design and scale of the development, and impact on the residential amenity of neighbouring properties.

Principle of Development

The principle of a new dwelling in this location has already been established by the previously approved application 06/00049/FUL.

Design and Scale

The design of the development is similar to that of the previously approved application. The current proposal is for a pitched roof dormer bungalow, with an attached single garage to the side and a pitched roof porch to the front. There are a range of windows and doors to the front and rear elevations, a single roof light positioned centrally in the rear roof plane, a double roof light situated above the kitchen window in the front roof plane, and a first floor window in the side elevation. The garage is stepped slightly lower than the dwelling. The dwelling has a ridge height of 5.8m and the garage of 5.4m. The dwelling is constructed of red brick with a slate roof. The design of the dwelling and the materials used are considered in keeping with the bungalows to the north and north west of the site. Although the height of the development has increased, resulting in it being higher than the bungalows to the rear, due to the distance of the proposal from surrounding dwellings and the size of the plot, the scale is considered acceptable. In addition, despite the increased ridge height, as the property is not visible from the street, there are considered no adverse impacts on the character of the area. The increased height of the proposal has resulted in the creation of two first floor bedrooms, however there is sufficient parking and amenity space provided within the site for a dwelling of this size.

Impact on Neighbours

The occupants of 114 and 124 Stamford Street are concerned that the proposed window in the eastern elevation will have a detrimental impact on their privacy. Despite the eastern gable being only 2m from the boundary of number 114 Stamford street, as the window will only overlook the bottom section of the adjacent gardens, which are a considerable length (45m), there is considered to be no material impact on the privacy of these properties to warrant refusal of the application.

Due to the positioning and size of the proposed roof lights, there will be no impact on the privacy of surrounding properties.

Other Issues

The SPG on New Residential Development seeks to ensure minimal space standards between dwellings. Where windows of a habitable room face a blank wall, it is suggested that there should be a distance of 12m between the two in the case of ground floor developments. The garage adjacent to the western elevation is 11.5m from the rear elevation of 130 Stamford Street, however there are no windows serving habitable rooms directly facing the proposal. Accordingly the distance between the buildings is considered acceptable.

Conclusion

Despite the increased height of the dwelling, given the size of the plot and the distance between the proposal and surrounding properties, the scale of the development is considered acceptable. Due to the position of the additional windows, there will be no adverse impact on the privacy or amenity of surrounding residential properties. Adequate private amenity space and car parking is provided within the curtilage of the site. The application is therefore considered acceptable in terms of

policies RES5, BE1, T5 and the Council's Supplementary Planning Guidance on New Residential 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. Resultant of the design, scale and location of the proposal there are considered no adverse impacts on either visual or residential amenity or on the character of the street scene. Accordingly the development is considered acceptable.

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

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

2 Before the dwelling hereby permitted is first occupied, drainage shall be provided within the site such that surface water does not drain into the public highway and therefore shall be so maintained.

3 The Gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.

4 Before first occupation of the dwelling hereby permitted, the turning facilities as shown on the submitted plan, shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

5 Before first occupation of the dwelling hereby approved, 2 car parking spaces shall be provided within the curtilage of the dwelling. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking, unless otherwise agreed in writing by the Local Planning Authority.

6 The car parking and turning facility's within the curtilage of the site, shown on plan reference 3665:1R for the adjacent properties no.'s 118 - 126 Stamford Street, shall be provided before first occupation of the dwelling hereby approved and shall thereafter permanently remain available for such use.

7 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

8 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 - E (inclusive) shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

9 Before fist occupation of the development hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the treatment proposed for all ground surfaces together with the species and materials and their disposition.

10 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping 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 at which time shall be specified in writing by the Local Planning Authority.

11 Within one month of the date of this permission details of all boundary treatment to the site including retaining walls shall be submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with the approved details before first occupation of the development hereby permitted

Reasons:-

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

2 To ensure the development is provided with 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 to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

3&4 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

5&6 To ensure that adequate off street parking facilities are available to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

7 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

8 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

9 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

10 To ensure that the work is carried out in a reasonable period and thereafter maintained to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

11 To safeguard amenities 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 List of plans used in the determination of this application:- Drg Nos. 3665:1R; 3665:5; 3665:6.

6 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- Eleanor Shaw Ext 5691