

Delegated Report

Planning Ref: 24/00072/FUL

Applicant: Barry Moore

Ward: Hinckley DeMontfort

Site: 109 Teign Bank Road, Hinckley

Proposal: Installation of a fence to provide a separate rear amenity space annex.



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The proposal is for the installation of a fence to provide a separate rear amenity space for the annex. The proposal includes the erection of a 1.8m close boarded fence.

3. Description of the site and surrounding area

- 3.1. The development site consists of a two storey semi-detached dwelling, with attached single storey garage. Included within the plot adjacent to the single storey garage is the single storey annex which was granted planning permission in 2015 for 'additional accommodation'. It is noted that limited conditions were included within this approval, with no restrictions on subdividing the plot and shared amenity space.

4. Relevant planning history

14/01236/HOU

Conversion and extension of existing garage and store to provide additional residential accommodation.

Planning Permission

05.02.2015

5. Publicity

- 5.1. The application has been publicised by posting letters to neighbours.

- 5.2. Two objections were received which raised concerns with:

- Concerns of access to the land to the rear of the garden, due to land ownership – it is noted however that this would be a civil matter and the application relates to the installation of a fence within the site.

6. Consultation

- 6.1. HBBC Pollution: No objections.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. Core Strategy (2009)

- No relevant policies

7.3. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.4. **Other relevant guidance**

- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. **Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the character of the area and Listed Building
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

Design and impact upon the character of the area

- 8.4. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5. The proposal relates to the installation of a 1.8m close boarded fence to separate the rear amenity space from 109 Teign Bank Road and the annex. The fencing would not be visible from the street scene or public vantage points and as such would have no detrimental impacts on the visual amenity of the area, and by extension, the character of the area.
- 8.6. The proposal creates a rear amenity space for the annex, and it is considered that the introduction of this provides sufficient amenity space for the single bedroom annex without prejudicing the rear amenity space afforded to the main dwelling.
- 8.7. There are no proposed external alterations to the main buildings of 109 Teign Bank Road or the annex and as such it is considered that the proposal is in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.8. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.9. The proposal seeks to introduce a 1.8m close boarded fence to the rear of the site. The introduction of this is not considered to impact neighbouring residential amenity in terms of loss of light, loss of privacy, overbearing impacts or noise impacts by way of the nature of the proposal, its scale and its location. As such the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.10. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new development to provide an appropriate/justified level of parking provision.
- 8.11. The development will have no impact on highway safety or the existing off-street parking provision afforded to both the main dwelling and the annex – which is sufficient in line with the Leicestershire Highway Design Guide. As such it is considered that the proposal is in accordance with Policies DM17 and DM18 of the SADMP.

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. It is considered that the proposal would not have detrimental impacts on the character of the area, neighbouring residential amenity or highway safety. The proposal therefore complies with Policies DM10, DM17 and DM18 of the SADMP.

11. **Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 **Conditions and Reasons**

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Site Location Plan Drg No. BM/23/01
Design and Access Statement
Landscape Details
Block Plan Drg No. BM/23/02
Proposed Plans Drg No. BM/23/04

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).

Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.