DELEGATED REPORT

Recommendation Made: 19 June 2009

Reference:- 09/00348/FUL **Parish:-**

Applicant:- Mr Steven Payne
39 Middlefield Lane
Hinckley
Leicestershire
LE10 0QZ

Location:- 39 Middlefield Lane Hinckley Leicestershire LE10 0QZ

Proposal:- CONVERSION OF GARAGE IN TO 1NO. DWELLING

Introduction:-

This is a detached red brick dwelling with detached single storey outbuilding at the very rear of the back garden. Vehicular access is to the side beneath an existing first floor extension.

Application proposes the change the use of the existing out building to a detached dwelling. The existing first floor extension to the dwelling will be demolished to allow for uninterrupted vehicular access to the site.

Planning history

91/00845/4	Conversion of garage to residential use	Refused	22.10.91
89/00349/4	Erection of double garage & store 03.05.89		Permitted
85/00867/4	Extensions & alterations 22.10.85		Permitted

Consultations:-

No objection from:

Environmental Health
Drainage
Ecology
Highway Authority, subject to conditions

Four neighbour objections on:

Noise and disturbance and impact on privacy
Access for emergency vehicles
Pressure for future development of this site and at other properties
Nothing has changed since the previous refusal

Development Plan Policies:-

BE1
T5
SPG on New Residential Development

Appraisal:-

Key issues for consideration include the principle of this back land development, highways and access, and the impact of the proposal on the amenities of others.

The principle of back land development is established with the overarching intentions of PPS3 and the need to sustainably development land, particularly previously used land (brownfield land) to which garden land falls within. Locally there is an acceptance for brownfield development where the site is suitable and the proposal would satisfy all other planning requirements. However, in this case, this proposal is not considered to satisfy all planning requirements. The fact that this application is a change of use to create a dwelling is considered under the same criteria a new build development of the same type would be.

The siting of this building generally complies with the space standards set out is the SPG on New Residential Development, however the proximity of the adjacent dwellings on Middlefield Close and the fact that they have short rear gardens, is material in the determination of this application.

The use of this building for a dwelling is likely to have a detrimental impact upon the amenities of the occupiers of the properties to the rear on Middlefield Close due to its proximity to these dwellings. The properties in Middlefield Close, whilst being bungalows have very short rear gardens and the siting of the building that this application is subject to, is likely to give rise to noise and disturbance to the adjacent occupiers, namely nos. 28 and 29. This close proximity is further exaggerated by the proposal to insert French doors within the rear elevation, even though there is less than 2 metres of space between the rear elevation and the sites rear boundary.

The access drive that will be used to access the dwelling runs adjacent to the existing dwellings side boundary with the adjacent bungalow. This boundary is currently defined by a semi mature deciduous hedge of approximately 1.5 metres in height throughout the majority of its length, however where adjacent to the existing dwellings, the end supporting wall of the extension above exists. To facilitate the proposal this wall would be removed and replaced with a timber fence. The proximity of the driveway to the host dwelling (no.39) and the adjacent dwelling 37 is likely to give rise to an unacceptable degree of noise and disturbance of occupiers of either property. The length of the driveway and the distance that vehicles will need to travel to gain access will further exaggerate this fact and the use of this driveway will dominate the use of the gardens of the properties either side.

The Highway Authority have responded with conditions to ensure visibility and parking provision is provided should the development proceed.

RECOMMENDATION :- REFUSE, for the following reasons :-

Reasons :-

1 It is the opinion of the local planning authority that the use of the building as a separate dwelling will be detrimental to the character of the area and amenities of nearby residents, by virtue of noise and disturbance which is likely to arise from the intensified activity and movement of people and vehicles associated with a dwelling in this location. The proposal is therefore contrary to the intentions of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan and the Adopted Supplementary Planning Guidance on New Residential Development.

Notes to Applicant:-

Contact Officer:- James Hicks Ext 5762