DELEGATED REPORT

Recommendation Made: 18 July 2011

Reference:- 11/00388/FUL **Parish:- Hinckley**

Applicant:- Miss Gayner Johnson
14 Dean Road
Hinckley
Leicestershire
LE10 1LG

Location:- 14 Dean Road Hinckley Leicestershire LE10 1LG

Proposal:- CHANGE OF USE OF LAND FROM OPEN SPACE TO RESIDENTIAL CURTILAGE AND ERECTION OF BOUNDARY FENCE

Introduction:-

This application seeks approval for the change of use of land from open space to residential curtilage and the erection of a 1.5m close boarded fence at No. 14 Dean Road, Hinckley.

No. 14 is a large detached dwelling situated on a corner plot with Dean Road to the front (South) of the site and The Rills to the side (East). The strip of open space is situated on the eastern boundary to the rear of the pavement, directly opposite No. 10 Dean Road, a property of a similar layout that has already had the residential curtilage extended out to the back of the pavement and a stepped brick wall has been erected. The existing boundary treatment consists of a low fence and hedging.

The strip of land to be changed is 6m in length and is to be incorporated into the residential garden, 10m of open space is to remain on the eastern boundary.

There was originally a No.12 Dean Road, which was demolished as part of application no. 75/00567/4R for the 'erection of dwellings and construction of road' and the strip of land formed part of the original landscaping for this development to the rear, now known as The Rills.

History:-

75/00351/4M Erection of front porch and utility room Approved 22.04.1975
75/00567/4R Erection of dwellings and construction of road Approved 03.06.1975

Consultations:-

No comments have been received from:-
Head of Community Services (Land Drainage)
Director of Environment and Transport (Highways)

At the time of writing the report no comments have been received from:-
Ward Members

Development Plan Policies:-

National Policy Guidance

Adopted Hinckley and Bosworth Local Plan

The site lies within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1
Policy NE12
Policy T5

Appraisal:-

The main considerations in the determination of this application are the loss of open space, impact on the highway and neighbouring amenity.

Principle of Development

For the avoidance of doubt the area of land in question is only part of the former landscape area and although this strip of open space contributed towards enhancing the appearance of the original development, it is not considered to be an integral part of the design and layout of the wider housing estate. A larger area of open space on the opposite side of the road has since been lost and the change in use would not be harmful to the character of the area, particularly as it is only part of the former landscape are to the side of the road. It is considered that this small strip of open space has limited importance and it is considered that the change of use and erection of a fence would not have an adverse impact on the streetscene.

Impact on Highways

The strip of land sits approximately 28m off the Dean Road junction, therefore it is not considered that the erection of a 1.5m high fence will impact on highway safety and the Director of Environment and Transport (Highways) had no comments to make.

Impact on Neighbouring Amenity

No. 10 Dean Road, opposite the application site is heavily screened by their existing boundary treatment and therefore does not overlook the application site. There is also dense boundary treatment to the rear of the site, screening the proposal from the neighbour to the North, No. 1 The Rills. It is therefore considered that the loss of this 6m strip of open space or the erection of a 1.5m high close boarded fence will not adversely impact on the amenity of neighbouring properties.

Conclusion

It is considered that the change of use of the 6m strip of land into residential curtilage and the erection of a 1.5m high close boarded fence will not impact upon highway safety, neighbouring amenities or result in an adverse effect on the streetscene due to the loss of open space.

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 as the proposals within this residential setting are considered acceptable and do not give rise to any significant material impacts on either visual or residential amenity or highway safety.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE12 and T5

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

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, Block Plan and Elevation of Fence.

3 The change of use of open space shall only be for the 6m strip of land shown red on the Block Plan (1:500) received by the Local Planning Authority on 17th May 2011.

Reasons :-

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

2 For the avoidance of doubt and in the interests of proper planning.

3 For the avoidance of doubt and to ensure that a suitable level of open space area remains in the interests of preserving the open nature of the area, in accordance 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 6 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).

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