

Delegated Report

Planning Ref: 23/00221/HOU

Applicant: G and D Cullen

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: 8 Cadeby Court Sutton Lane Cadeby Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Garden room with canopy and children's play equipment (retrospective)

1. Recommendations

1.1. Grant retrospective planning permission subject to:

- Planning condition outlined at the end of this report

2. Planning application description

- 2.1. This householder application seeks retrospective planning permission for the erection of a garden building with flat canopy roof and for children's play equipment within the residential garden of a dwelling, 8 Cadeby Court, Sutton Lane, Cadeby. Planning permission is required as permitted development rights for extensions and alterations and detached buildings were removed by a condition on the original planning permission for the development of the site.
- 2.2. The garden building is located close to the southern garden boundary and comprises a sunroom, store and open seating area all under a flat/canopy roof with a height of 2.7 metres. To the side there is an additional decking area with a hot tub screened on the southern and western sides by 2.5 metres high close boarded timber screen fencing. The overall width is approximately 16 metres and depth approximately 4 metres.
- 2.3. The children's play equipment is located to the west side of the garden building and comprises a play house, raised timber deck, timber ladders and climbing frame/swings. The play house is constructed of painted timber cladding/boarding with a dual pitched timber framed and tiled roof, an open slide and slide tube. There is a raised timber deck around and to the side including a climbing frame/traverse with swings and another dual pitched timber framed and tiled open canopy roof. The equipment has a footprint of approximately 6 metres width and 2 metres depth and is constructed on a semi-porous, soft play surface.
- 2.4. Additional landscaping has been undertaken within the garden including hard-surfacing, the formation of a mini-football pitch with goals enclosed by shallow raised planters and other planting.

3. Description of the site and surrounding area

- 3.1. The application site lies in the countryside to the south east of the rural hamlet of Cadeby. The application dwelling, 8 Cadeby Court, lies within a recent residential development of 8 dwellings. The dwellings are arranged in a square around a large central courtyard with vehicle circulation, parking and central landscaping. The scheme has been designed to resemble a 2½ storey farmhouse with almost continuous two storey and single storey courtyard barns to respect the rural location and character of the site. The dwellings are designed with rectangular or 'L' shaped footprints and plain front and rear building lines with sympathetic features and fenestration, including roof lights, and high quality construction materials.
- 3.2. 8 Cadeby Court occupies the southwest corner of the development with an 'L' shaped footprint and is single storey with accommodation within the roof space. It is constructed of red facing bricks, brindle plain clay roof tiles and light green painted

timber frames and natural timber door. To the rear there is a large garden enclosed by highway and field boundary hedgerows to the west and south respectively and by 2 metres high close boarded timber fencing to the east separating the neighbouring garden. Within the rear garden there are detached structures and landscaping as described above.

4. Relevant planning history

23/00219/HOU

- Internal/External alterations to include new doors opening and rooflights
- Permitted
- 04.05.2023

19/00543/HOU

- Loft Conversion and the insertion of roof lights
- Permitted
- 27.09.2019

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. No responses have been received as a result of public consultation.

6. Consultation

6.1. No response has been received from Cadeby Parish Council.

7. Policy

7.1. Core Strategy (2009)

- No relevant policies

7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

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

8. Appraisal

8.1. Notwithstanding the countryside location outside of any settlement boundary, extensions and alterations to existing domestic properties 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 site and surrounding countryside
- Impact upon neighbouring residential amenity

Design and impact upon the character of the site and surrounding countryside

- 8.2 Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside. These include proposals for the extension and alteration of existing buildings which lead to an enhancement of the immediate setting and where, amongst other matters, the proposal does not have a significant adverse effect on the appearance and open character of the countryside.
- 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.
- 8.4 By virtue of the position of the garden in the southwest corner of the development adjacent to Sutton Lane and the relatively low height of the western highway boundary hedgerow, the structures are currently readily visible from the public highway. The structures are not considered to be particularly characteristic of the rural setting of the development and permitted development rights were likely removed to prevent the uncontrolled erection of unsympathetic structures which would significantly harm the strongly rural character of the site.
- 8.5 Notwithstanding this, the structures are at least sited well away from the dwelling itself and do not interrupt the clear simple footprint and building lines of the original courtyard development. The flat roof height of the garden building is appreciably lower than the height of the existing southern field boundary hedgerow against which it is located and the play equipment is approximately the same height as this hedgerow such that they have no significant adverse visual impacts on the surrounding countryside. The height and stained timber appearance of the timber fencing around the decking area is similar to that of the east garden boundary fencing and therefore not uncharacteristic. Additional tree planting with associated cane trellis has already been undertaken inside and along the western Sutton Lane boundary to seek to provide further screening of the rear garden and the structures from the public highway and reduce any visual impact (and lack of privacy) further.
- 8.6 This retrospective application was submitted on the previous advice of the planning team to seek to regularise the unauthorised garden structures. An email to the agent dated 14 October 2021 states that if submitted, they '*would likely **not** cause significant levels of harm, and a retrospective planning application for these outbuildings would therefore **not** be likely to be viewed unfavourably*'.
- 8.7 It is with this previous advice in mind, that it is considered that by virtue of the siting, separation distance from the dwelling, single storey scale and simple flat roof design of the garden building and the high quality design of the children's play equipment, along with the use of relatively sympathetic external painted timber construction materials, that the structures would not result in any significant adverse impacts on the rural character or visual appearance of the site or the open character or rural appearance of the surrounding countryside to a degree that would warrant this retrospective application being refused. The proposals are therefore considered to be in accordance with the general principles of Policies DM4 and DM10 of the adopted SADMP in this particular case

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/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.9 The single storey flat roof garden building is offset from the rear elevation of the adjoining neighbouring dwelling and located approximately 22 metres from its rear elevation windows. The boundary between the two gardens comprises a solid close boarded timber fence of approximately 3 metres in total height such that the flat roof garden building at only 2.7 metres in height and set in by 1.3 metres from the side boundary is well screened and does not result in any adverse overbearing or overshadowing impacts on the neighbouring property or result in any loss of privacy to the neighbouring occupiers. The children's play equipment has raised decking areas offering potential views but by virtue of the height of the aforementioned solid boundary fencing and the separation/offset distance of over 20 metres to the side boundary and over 30 metres to any neighbouring windows, it is considered that the equipment does not result in any significant adverse impacts on the residential amenity of privacy of the neighbouring occupiers. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted 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. Notwithstanding its location outside of any settlement boundary and therefore within designated countryside, the proposal is for extensions and alterations to an existing dwelling within an established residential curtilage and therefore there is a general presumption in favour of sustainable development as set out in Policies DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. By virtue of the siting, separation distances, screening, single storey scale and simple flat roof design of the garden building and the high quality design of the

children's play equipment, along with the use of relatively sympathetic external painted timber construction materials, that the structures would not result in any significant adverse impacts on the rural character or visual appearance of the site or the open character or rural appearance of the surrounding countryside or the residential amenity or privacy of the occupiers of any neighbouring dwellings. The proposals would therefore be in accordance with the general principles of Policies DM1, DM4 and DM10 of the adopted SADMP and are therefore recommended for retrospective approval subject to a condition.

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 not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan and Proposed Block Plan Drawing No. GDC.23.CCSL.005 Rev A and Proposed Garden Building and Children's Play Equipment Floor Plans and Elevations Drawing No. GDC.23.CCSL.006 received by the local planning authority on 14 March 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).