DELEGATED REPORT

Recommendation Made: 10 August 2011

Reference:- 11/00561/FUL **Parish:- Newbold Verdon Parish Council**

Applicant:- Mr Gist
77 Main Street
Newbold Verdon
Leicester
Leicestershire

Location:- 77 Main Street Newbold Verdon Leicester Leicestershire LE9 9NP

Proposal:- ERECTION OF DETACHED BUNGALOW

Introduction:-

This is a planning application for the erection of a detached dwelling and garage with a new vehicle access. The proposals also involve the demolition of the existing garage to the side of 77 Main Street.

This planning application is a resubmission of 11/00134/FUL which was previously withdrawn. The amendment to this re-submitted scheme is that the proposed dwelling has been re-sited 1.5m in from the eastern boundary.

The application proposes the erection of a detached bungalow to the side of the existing dwelling which will necessitate the removal of the existing single garage to the side of the bungalow. The dwelling comprises of a single storey dwelling with external dimensions of 15 metres x 6.25 metres with a ridge height of 5 metres. Two roof lights are proposed in the eastern roof slope of the proposed dwelling. A rear garden measuring in excess of 100 square metres is proposed. In respect of vehicular access it is proposed to create a shared access with the applicant's existing property (77 Main Street) and provide two-off street parking spaces to the front of the proposed bungalow.

The Site and Surrounding Area

The application site is located within the centre of the settlement of Newbold Verdon and consists of a detached bungalow with a single garage attached to the dwelling by a brick wall. The area to the front and side of the bungalow is used as a driveway and for vehicle parking. To the rear of the dwelling is a large garden which is gravelled. The boundaries are well screened by mature conifer hedges to the northern and western boundaries and by a 1.8m high fence to the eastern boundary. The area to the front of the dwelling, either side of the existing access is used as flower beds and is bordered by a 1m high brick wall to the highway frontage. The ground level for the existing dwelling is approximately 1m higher than the highway footpath to the south. To the west of the site are small council-stock bungalows and the dwellings to the east are typical of 1970's two-storey semi-detached properties with a red-brick and grey concrete tile appearance. There is a public house and a pyramidal roof bungalow to the south on the opposite side of Main Street.

History:-

11/00134/FUL	Erection of a detached bungalow	Withdrawn
10/00421/OUT	Residential development (Outline only)	Withdrawn
08/00845/FUL	Part Demolition of Existing Bungalow and Erection of Two Dwellings	Refused 18.12.08
07/00822/FUL	Demolition of Bungalow and Erection of Nine Apartments	Refused 25.10.07

Consultations:-

No objection subject to conditions has been received from the Director of Environment and Transport (Highways) and Waste Minimisation.

No objections subject to note to applicant has been received from Head of Community Services (Drainage)

A site notice was displayed and neighbours notified.

One letter of objection has been received raising the following issues:-

a) overshadowing of rear garden
b) accommodation could be constructed in the roof space
c) enclosure of rear garden of 79 Main Street
d) devaluation of property prices
e) additional vehicular access onto Main Street is hazardous to pedestrians
f) simple design of dwelling
g) proposed dwelling sited in close proximity to 77 Main Street

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

Ward Members
Newbold Verdon Parish Council

Development Plan Policies:-

Local Development Framework Core Strategy (2009):-

Policy 7- Key Rural Centres
Policy 16- Housing Density, Mix and Design
Policy 19- Green Space and Play Provision
Policy 24- Sustainable Design and Techology

Hinckley and Bosworth Local Plan (2001):-

IMP1- Contributions towards the Provision of Infrastructure and Facilities
REC3- New Residential Development - Outdoor Play Space for Children
RES5- Residential Proposals on Unallocated Sites
BE1- Design and Siting of Development
T5- Highway Design and Vehicle Parking Standards

Other Material Planning Policy Documents

The Borough Council's Supplementary Planning Guidance on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking.

The Play and Open Space Guide Supplementary Planning Document (2008) provides further guidance to developers in respect of the different types of open space and the level of financial contributions required.

Appraisal:-

The main considerations in this case are the principle of development, impact on neighbour amenity, highway implications and impact of development upon the character and visual amenity of the area.

Principle

The site lies within the settlement boundaries of Newbold Verdon where there is a presumption in favour of residential development on an unallocated site. According to policy RES5 an unallocated site includes an infill plot within the confines of a settlement and states that residential development is acceptable subject to siting,

design, layout and providing it is in accordance with other plan policies. However, Planning Policy Statement 3 (PPS3) has recently been revised to remove residential gardens and curtilage from the definition of brownfield land. Ministerial advice provides clarification on this change, stating that this is to primarily prevent overdevelopment within residential areas that is out of character.

The character of the area is defined by modern dwellings set back from the highway with parking to the front and reasonably sized gardens to the rear. The proposed site comprises part of the side and rear garden to 77 Main Street and thus is considered Greenfield development. However the site has frontage onto the highway, it is located within the settlement boundary and the siting, design and layout of the scheme are considered acceptable. For these reasons the proposed development is considered acceptable in principle.

Design

The proposed bungalow is of a simple design with a gabled roof. The front elevation is proposed to include two windows which will be set into stone cills and lintels. The design of the proposed bungalow is poor and bears no relevance to the design of surrounding properties. The proposed dwelling has an uninteresting, blank façade, and lacks any front entrance. The introduction of a front entrance would reflect the front elevations of existing bungalows along Main Street.

The layout provides for 2 off-street parking spaces and private amenity space of in excess of 150 square metres. The provision for this amount of private amenity space complies with the SPG on New Residential Development which requires a 2 bedroom dwelling to provide 60 square metres of private garden.

Neighbour amenity

The proposed bungalow is single-storey with no accommodation proposed within the roof. Based on the proposed plans which show no residential accommodation within the roof space there is no potential for future conversion and therefore overlooking into the rear gardens of adjacent gardens from the first floor of the proposed bungalow. If the potential occupiers of the dwelling were to convert the roof space then planning permission would subsequently be required for the insertion of any side facing upper floor windows within the roof slope, and planning permission would be refused on the grounds of the potential for overlooking into neighbouring properties gardens. Therefore the proposed development is not considered to result in overlooking into adjacent gardens or dwellings.

The proposed bungalow will be sited within 1.5m off the eastern boundary with 79 Main Street and will extend to the full depth of the rear garden belonging to 79 Main Street. The height to the eaves of the proposed bungalow is 3m and the height of the existing fence along the eastern boundary is 1.8m, thereby giving a height differential between the fence and the eaves of the proposed bungalow of 1.2m. Beyond the eaves height will be a 35 degree roof pitch that extends to a maximum ridge height of 5m. Given the proximity (within 1.5m) of the proposed bungalow to the party boundary (east) with 79 Main Street and its overall depth of 15 metres the proposed development will result in the introduction of a significant mass of development along the full length of the boundary shared with no. 79. It is considered to result in significant overbearing impact and therefore demonstrable loss of residential amenity to the rear garden of 79 Main Street through overshadowing and by having an overbearing impact.

Character and visual amenity

Whilst the proposed development will result in frontage development that is compatible with the pattern of development in the area there are issues with the siting and scale of the dwelling within the plot. The siting of the dwelling is such that it will sited close to the eastern boundary (1.5m) and provide a 1m wide pedestrian access along the western boundary. The proposed bungalow has been 2m further back into the site, this is reflective of the staggered appearance of the street scene including the existing bungalows and the applicant's bungalow located to the west.

At present the existing dwelling on the site (applicant’s bungalow) is set in from the boundaries with sufficient space to its eastern side where the detached garage is sited, thereby providing a sense of openness. The present layout of the site allows the dwelling to retain a prominent position within the street scene with the detached garage set further back into the site. The introduction of the proposed bungalow with its principal elevation set 2.4 metres further forward than the front elevation of the existing dwelling dilutes the existing

open character of the site and removes the prominence of the existing dwelling within the street scene. When viewed in the context of its relationship to the application site the proposed development is considered to represent a contrived and cramped form of development that is not sympathetic to the scale and design of the existing dwelling on the site.

Highway issues

The existing vehicular access from Main Street will be utilised to access the site. This is a 6m wide access that is located on a straight section of highway, thereby affording good visibility in both directions when exiting the site. Two off-street parking spaces are to be provided as part of the proposed development, together with three off street parking spaces to serve the existing dwelling. The existing vehicular access will be utilised thereby meaning that the impact upon pedestrian safety in terms of vehicle movements to and from the site will be negligible.

Other matters

Developer Contributions

The general approach to developer contributions must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area supported.

The site is located within 400m of Dragons Lane Recreation Ground and therefore the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

Within the Green Space Strategy 2005-2010, Newbold Verdon was found to have opportunities for improvements to informal children's play and that the quality of provision is reducing its capacity to meet the needs of local people. The quality of the space was considered within the Quality and Accessibility Audit of 2007 which awarded a score of 26.8% to Dragons Lane. The document makes recommendations to what works are required to improve the quality and provides a cost. With regard to equipped children's play areas a cost estimate is put forward for protecting and improving the quality of children's play provision at Dragons Lane. Given the low quality score it is considered a contribution is justified in this instance.

The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this instance a contribution of £1,250.80 is required with £817.80 towards the provision of equipment and facilities, and £433.00 towards maintenance on a 10 year period.

There is no commitment submitted with the application that such a contribution will be offered and as such the proposal is contrary to the requirements of Policies IMP1 and REC3 of the Adopted Local Plan and the SPG on Play and Open Space.

Devaluation of property prices

Devaluation of property prices is not a material planning issue and will not be taken into consideration during the decision making process.

Conclusion

In conclusion the proposed scheme by virtue of its scale and siting is considered to represent a contrived and cramped form of development that is not sympathetic the scale and design of the existing dwelling. Furthermore by virtue of its siting close to the eastern boundary and its overall mass the proposed bungalow is considered to result in overshadowing to and have an overbearing impact on the rear garden of 79 Main Street located to the east, to the detriment of the residential amenity of this dwelling. Accordingly the proposed

development is recommended for refusal.

RECOMMENDATION:- REFUSE, for the following reasons:-

Reasons :-

1 The proposed dwelling by virtue of its mass, scale and siting would create an overbearing feature which would result in significant loss of residential amenity through overshadowing to the rear garden of 79 Main Street. This is further exacerbated by its proximity to the eastern boundary. Accordingly the proposed development is therefore contrary to policy BE1 of the Hinckley and Bosworth Local Plan 2001.

2 In the opinion of the Local Planning Authority, the proposal constitutes an uncharacteristic form of development of this former residential garden site. By virtue of its position, layout and scale, the proposal fails to respect the established character of the surrounding area and would therefore not complement or enhance the surrounding area. Therefore, the development would be contrary to Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the guidance contained within Planning Policy Statement 3: Housing.

3 In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on the play and open space facilities of the local area by the proposed development would not accord with Government Guidance Circular 5/05, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Document on Play and Open Space.

Notes to Applicant:-

Contact Officer:- Scott Jackson Ext 5929