Item: **05**

Reference: **11/00396/FUL**

Applicant: **Mr Byron Pountney**

Location: **333 Rugby Road Burbage Leicestershire LE10 2NB**

Proposal: **CONVERSION OF EXISTING GARAGE INTO A DWELLING AND ALTERATIONS TO EXISTING PROPERTY TO FORM NEW GARAGE**

Target Date: **1 August 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as more than 5 letters of objection have been received.

Application Proposal

This application seeks full planning permission for the conversion of an integral garage to the north of the dwelling (No. 333 Rugby Road) to a two bed-roomed house and alterations to the existing property to form a new garage.

The garage is pitched roof and has a flat roofed extension to the rear. The garage has a footprint of roughly 6.2m x 12.1m and a maximum height of 4.2m. The garage runs along the common boundary of the plot to the north (No 331) and adjoins the lounge of the main property. There are two garage doors to the front, which face Rugby Road. Externally the application seeks to replace the garage doors with two feature windows, and to the rear will replace a further garage door with patio doors and a window. The existing door will be blocked up. On the Southern elevation a small bathroom window will be added, and the existing door will be used as the main entrance. No openings are proposed in the northern elevation. Internally there will be two bedrooms at the front, a kitchen and bathroom in the middle and a lounge to the rear. The patio doors will lead to an enclosed amenity space with an area of 45 square meters. The proposal will be accessed off the existing access to the property, which is shared with the adjacent dwelling, number 331 Rugby Road. The existing front amenity space will be subdivided between number 333 Rugby Road and the proposed dwelling. Two parking spaces will be provided within the newly created plot.

The dining room, one bedroom and the study to number 333 Rugby Road is to be converted into a double integral garage. This property is a large detached, extended dormer bungalow, which incorporates a self contained annex. A new access is also proposed, which will feed into the access to the dwellings which have recently been permitted to the rear of the site (09/00506/FUL).

This application is a re-submission of refused scheme (10/00856/FUL). This scheme was refused on the grounds that there was inadequate provision of private amenity space and that the layout of the site and parking arrangements resulted in a contrived form of development which would have a detrimental impact on the residential amenity of both the residents of 333 Rugby Road and the future occupiers of the proposed dwelling.

This application seeks to address the previous reasons for refusal.

The Site and Surrounding Area

Rugby Road is characterised by large properties set back behind large mature and semi mature trees. The site is surrounded by residential properties with the rear gardens of St James Close backing on to the site to the north, John's Close to the west and properties fronting Rugby Road to the south. The site is flat apart from an artificial mound with a pond in the rear garden of 333. Mature vegetation surrounds the site.

Technical Document submitted with application

A Design and Access Statement has been submitted with the application. This provides a description of the application and states:- The proposed dwelling will contribute towards creating new dwellings and improve the mix and type of property in Burbage whilst maintaining privacy and security with no impact on the character of the area.

History:-

10/00856/FUL 21.02.11	Conversion of existing garage into a dwelling And alterations to existing property to form New garage	Refused
09/00506/FUL 01.09.09	Erection of three dwellings with associated garages and access	Permitted
04/00046/FUL 09.03.04	Extensions and alterations to dwelling	Permitted



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Consultations:-

No objection has been received from:-

Head of Business Development and Street Scene Services
Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

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

Burbage Parish Council has objected to the application on the grounds that it could result in the creation of two separate dwellings. In response to this, the application

will result in two separated dwellings. Burbage Parish Council have been notified of this. Any further comments will be reported as a late item.

Site notice and Press notice were displayed and neighbours notified.

Five letters of representation have been received raising the following concerns:-

a) That inadequate amenity space has been provided
b) the development is out of character with the local area
c) highways issues
d) over-development of the plot
e) the development will result in overlooking of surrounding properties
f) the development is too close to neighbouring properties
g) the layout is compromised
h) the plans do not illustrate the new development to the rear
i) the development is contrary to the Burbage Village Design Statement.

At the time of writing the report comments have not been received from Ward Members.

Policy:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 12 states that good design is fundamental to the development of high quality new housing. Paragraph 13 reflects policy in PPS1, stating that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to improve the character and quality of an area and the way it functions, should not be accepted. Paragraph 16 lists matters to be considered when assessing design quality; this includes assessing the extent to which the proposed development is well integrated with and compliments the neighbouring buildings and the local area more generally in terms of scale, density layout and access. Paragraph 41 states that at least 60 per cent of new housing should be provided on previously developed land and that a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. Paragraph 48 states that Local Planning Authorities should facilitate good design by identifying the distinctive features that define the character of a particular local area. Paragraph 49 states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. Paragraph 71 states that where the LPA cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 and considerations in paragraph 69. Paragraph 69 requires the LPA to ensure that the proposed development is in line with planning for housing objectives, reflects the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives. In addition, development should provide high quality housing of a good mix and make effective and efficient use of land.

PPS3 was updated in June 2010 to specifically refer to garden land not being Brownfield land and Paragraph 47 has been amended and 30 dwellings per hectare is no longer a national indicative minimum density in order to allow local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

Planning Policy Guidance Note 13 (PPG13): 'Transport' sets out national transport planning policy. Paragraph 6 states that Local Planning Authorities should accommodate housing principally within urban areas and promotes accessibility to services by public transport, walking and cycling and reduces the need to travel. Paragraph 29 states that when thinking about new development the needs and safety of the community should be considered and addressed in accompanying Transport Assessments.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:-

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 3 directs development towards urban areas with priority being given to making the best use of previously developed land.

Local Development Framework Core Strategy 2009

Policy 4 Development in Burbage seeks to allocate land for 295 new dwellings, diversify the range of existing housing stock to cater for a range of house types in line

with Policy 16 and requires development to be of the highest environmental standard in line with policy 24.

Policy 19 sets out standards for the provision of green space and play provision and identifies where improvements are needed to existing green spaces and play areas and where new spaces are required to support existing and new residents and workers in the borough.

Policy 24 requires all development within Hinckley, Burbage, Barwell and Earl Shilton to meet code level 3 of the Code for Sustainable Homes unless it would make the development unviable.

Hinckley and Bosworth Local Plan 2001

Policy IMP1: 'Contributions towards the Provision of Infrastructure and Facilities' requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy REC3: ' New Residential Development - Outdoor Play Space for Children' requires the appropriate level of children's play space to be provided within development sites. Alternatively, a financial contribution can be negotiated towards the provision and maintenance of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities within the area.

Policy RES5: 'Residential Proposals on Unallocated Sites' states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

Policy BE1: 'Design and Siting of Development' seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Development should ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking targets for new developments. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance and parking targets.

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: 'New Residential Development' provides a series of standards that new residential development should achieve in respect of design, layout, impact on neighbours and amenity space. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

Supplementary Planning Document: 'Sustainable Design' seeks to ensure that new developments are designed in such a way to achieve the highest levels in terms of sustainability and suggests various ways in which to do so.

Other material policy guidance

Burbage Village Design Statement

Paragraph GN2. 2.3 suggests that any future development should conserve the variety of housing which is characteristic of this village and should include an appropriate mix of units, in terms of size and tenure, to meet the needs of the community. In respect of conversions, paragraph 2.7 states that conversions and alterations should use materials and be of a design and scale compatible with original buildings.

Appraisal:-

The main considerations with regards to this application are the principle of development; residential amenity, highway safety, character of the area, design and appearance, and landscaping.

Principle of Development

The application site lies within the settlement boundary of Burbage as defined by the Hinckley and Bosworth Local Plan. Policy RES5 allows the principle of development within settlement boundaries, subject to the development complying with other policies within the documents. The principle of residential development on this site is therefore acceptable. Notwithstanding the advice within PPS3 concerning the use of gardens for residential development, this proposal does not conflict with this as the scheme proposes the conversion of an existing building and not the development of a new dwelling.

Residential Amenity

In order to protect the amenities of neighbouring properties, the New Residential Development SPG states that windows serving habitable rooms should be 25 metres apart with 14 metres between main windows and a two storey blank elevation. This can be reduced to 12 metres in the case of a single storey property. In this case as there are no windows serving habitable rooms in the side elevations, there will be no overlooking of adjacent properties.

In order to ensure sufficient amenity space for future residents, the SPG states that two bedroomed houses should have a rear garden area of 60 square meters and a depth of 12m. Further, Policy BE1 supports this, stating there should be sufficient garden area for the property proposed. The inadequate rear amenity space was one of the reasons for refusal of the previous application. The current scheme has sought to address this issue. The rear amenity space now comprises an area of approximately 45 square metres (as opposed to 22.5 square metres) and has a depth of 15m. Although this is still less than that advised within the SPG , when considered alongside the large area of amenity space provided to the front of the dwelling, the under-provision of amenity space to the rear would not substantiate a reason for refusal, and would not have a detrimental impact on the occupiers of the proposed dwelling.

The reason for refusal on the previous scheme also included impacts of the proposed parking layout on the amenity of the host property, number 333 Rugby Road in terms of noise and disturbance. The parking layout has now been revised. The two parking spaces are now situated a considerable distance (14m) from the front elevation of the host property and the subdivision of the plot has been denoted by the provision of a post and rail fence. However, notwithstanding the boundary treatment identified on the plan, a condition will be placed on the application requiring the erection of a 1.2 m close boarded fence along the common boundary. This will ensure that glare from car headlights using the identified parking spaces does not have an adverse impact on the amenities of 333 Rugby road. This is considered necessary as one of the windows in the principle elevation of number 333, which will be affected by the new vehicle movements serves a principal living room window. By virtue of the revised position of the parking spaces, resultant impacts of noise and disturbance on the occupants of both the proposed dwelling, and number 333 are not considered material.

The internal layout of the proposed dwelling and its proximity to 333 Rugby Road remains contrived and is not welcomed, however this issue alone would not substantiate a reason for refusal that could be defended at appeal.

The relationship between the proposed dwelling and the existing property has been improved through the re-subdivision of the curtilage to the front of the properties. The parking spaces have been re-sited in order to reduced impacts of noise, disturbance and glare on number 333 Rugby Road and thus the layout proposed is now considered acceptable.

Highways

Both properties can provide adequate off road parking provision and as the existing access will be used for the proposed dwelling, this is considered sufficient in terms of its design. A new access is proposed to serve the existing dwelling, number 333. This will join the access serving the recently approved properties to the rear and the adjacent property number 335 Rugby Road. The Director of Environment and Transport (Highways) has not objected to the application but has issued standing advice.

Design and Character

As the scheme comprises the conversion of an existing garage, the design is largely dictated by this. This said, the principal elevation has been enhanced through the provision of two decorative bay windows and a varied pallet of materials has been used, comprising both render and brick. The resultant impact is that the building appears more residential in character.

In terms of the proposal's impact on the character of the host property and wider area, as the building is existing and the site is well screened from Rugby Road to the front, there will be no further impacts on the character of the street scene. Further, the surrounding residential properties are varied in design and thus there is little in the way of definable character. From the street scene, the proposal will be viewed as a residential extension to the main property. Accordingly, in terms of its design and impacts on the character of the area, the proposal is considered acceptable.

Play and Open Space Contributions

The site is located within 400 metres of open space at Featherstone Drive recreational ground and as the proposal is for residential development, 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.

The request for any developer must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Within the Green Space Strategy 2005-2010, Burbage was found to have a deficiency of equipped play space (-1.11) and deficiency of outdoor sports (-3.60) for its population when compared with the National Playing Fields Standard.

The Green Space Strategy Audits of Provision 2007 categorised Featherstone Drive Recreational Ground as a neighbourhood park and awarded the park a quality score of 56.7%.

The Green Space Strategy Quality and Accessibility Audit 2005 also makes recommendations as to what works are required to improve the quality of Green Spaces and provides a cost. It states that in order to improve the provision for children and young people, the amount required to improve the quality of equipped children play and open space would cost approximately £350,000 in Burbage.

The Play and Open Space SPD sets out how the contribution is worked out commensurate with the scale of the development. In this instance a contribution of £1,250.80 for the new dwelling would be required.

It is considered that Burbage has a deficiency of both equipped play space and outdoor sports and Featherstone Drive Recreational Ground is considered to be of poor quality. The size of dwelling proposed would appeal to families and given the proximity of the application site to these open spaces it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

A Unilateral Undertaking is under negotiation to secure the play and open space contribution.

Other issues

The issues raised within the objection letters, which have not been addressed within the main body of the report will now be addressed.

It has been suggested that the development constitutes over-development of the plot and its layout is compromised. In response to this, whilst the proposed form of development is not considered ideal, the required space standards and adequate separation distances have been achieved between the dwelling and surrounding properties and the amenity space and parking provision is considered acceptable. Further, the development is of a scale proportional with the size of plot. Accordingly the development is not considered to constitute over-development. The layout of the proposed dwelling is dictated by the existing building. The internal layout has been designed to ensure that the principal rooms have natural light, and the best use has been made of the space available.

It has been stated that the plans do not illustrate the new development to the rear. The development referred to is not yet complete and thus is not illustrated on ordnance survey plans. The position of the dwelling is clearly indicated on the application that granted the permission and the position of these has been taken into consideration when assessing this application.

It has been stated that the development is contrary to the Burbage Village Design Statement. There are various design principles within the Burbage Village Design Statement. Whilst the development under consideration may not adhere to all these requirements, as the development comprises the conversion of an existing garage it will be in keeping with the scale of the main property. Further it will have no material impacts on the character or appearance of the area, and it provides a smaller,

affordable unit which is needed within the local area. In this respect it does comply with the design statement. Accordingly it is necessary to consider all the design implications of the proposal.

Conclusion

The current scheme is considered to have addressed the reasons for refusal for the previous application. Additional private amenity space has been provided to the rear of the proposal and the parking, and site layout have been revised. Accordingly the proposal is considered to have no adverse impacts in terms of residential or visual amenity, highway safety and does not have a detrimental impact on the character of the area. Therefore the proposal will be recommended for approval subject to conditions and a signed Unilateral Undertaking to secure the Play and Open Space Contribution.

RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide financial contributions towards play and open space, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to granted planning permission 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. Resultant of the scale, siting and design of the proposal there are considered to be no material impacts on either visual or residential amenity on highway safety or on the character of the area. Therefore the development is considered acceptable.

Hinckley and Bosworth Local Plan (2001) BE1, T5, IMP1, RES5, REC3

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policy 4, Policy 19

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

2 Notwithstanding the boundary treatment specified on the 'proposed fencing plan', prior to first occupation, a 1.2m high closed boarded fence should be erected along the common boundary to the north east of the site and this should be retained thereafter.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg No. 333_GC_01 received by the Local Planning Authority on the 6.6.11

4 The materials to be used on the external elevations of the proposed dwelling shall match the corresponding materials of the existing dwelling, number 333 Rugby Road, unless previously agreed in writing with the Local Planning Authority.

Reasons:-

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

2 To ensure that the proposal does not have an adverse impact on the residential amenity of number 333 Rugby Road, to accord with Policy BE1 of the adopted Local Plan.

3 For the avoidance of doubt and in the interests of proper planning

4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & 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).

Contact Officer:- Eleanor Shaw Ext 5680