

Delegated Report

Planning Ref: 23/00531/FUL

Applicant: Mr & Mrs Chamberlain

Ward: Hinckley DeMontfort

Site: 51 Butt Lane, Hinckley

Proposal: Proposed change of use of annex to 51 Butt Lane to separate dwelling



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The proposal is for the change of use of the existing annexe located to the rear of 51 Butt Lane, to a separate residential unit. The application does not proposed any external alterations to the annexe, other than a new boundary fence, separating the private amenity garden space for both the annexe and 51 Butt Lane.

3. Description of the site and surrounding area

- 3.1. The site is located to the rear of 51 Butt Lane, and is accessed through a narrow track off Trafford Road. The annexe is currently single storey with a pitched roof, and is located between two existing bungalows which are larger in height and mass.

4. Relevant planning history

20/00301/HOU

Extensions to garage to form annexe

Planning Permission

18.05.2020

5. Publicity

- 5.1. The application has been publicised by letters sent out to neighbours.
- 5.2. Two objections have been received, the objections relate to:
- Loss of privacy
 - Overdevelopment
 - Road Safety/Access
 - Overshadowing
 - Noise impacts of development

6. Consultation

- 6.1. LCC Highways: Standing advice.
- 6.2. HBBC Waste Management: No objections, note to applicant.
- 6.3. HBBC Drainage: No objections, note to applicant.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. **Core Strategy (2009)**

- No relevant policies

7.3. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. **Other relevant guidance**

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

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the Conservation area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

Design and impact upon the character of the area

8.4. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy DM10 also seeks to safeguard the amenity of future occupiers of the development.

8.5. The proposal seeks to change to the use from the existing annexe to separate residential unit. No external alterations are proposed to the building and therefore it is considered that the proposed change of use will have limited impacts upon the character of the area.

8.6. Within the proposal a 1.8m close boarded fence is proposed to separate the shared garden amenity space at the rear of 51 Butt Lane. This fence is in keeping with the existing boundary treatments in the area and is not visible from the street scene, therefore having limited impacts upon design and character of the area.

- 8.7. It is considered that the proposal is therefore in general accordance with Policy DM10 of the adopted SADMP.

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 amenity of nearby residents and occupiers of adjacent buildings. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.9. Following the consultation period of this application, a number of objections were received relating to concerns of the impacts upon residential amenity caused by this application. The concerns relate to overshadowing, loss of privacy and noise impacts.
- 8.10. It is considered that the proposed change of use would have no further detrimental impacts upon neighbouring residential amenity, when considering there are no external alterations and the relationship between the building and neighbours remains unchanged. It is however noted that any further alterations to the unit could have the potential to cause negative impacts to neighbouring residents amenity, and as such permitted development rights have been removed by condition, set out at the end of this report.
- 8.11. One concern raised throughout the proposal was that of the private amenity space afforded to the proposed dwelling. The original plans submitted provided insufficient garden space, and as such amendments were sought. Amended plans were received which afford over 40sqm of private amenity space to the one bedroom dwelling, in general accordance with the Good Design Guide. This garden space has been afforded without detrimentally impacting the private amenity space of the host dwelling, 51 Butt Lane.
- 8.12. As such it is considered that the proposal is in general accordance with Policy DM10 of the SADMP and the guidance set out within the Good Design Guide.

Impact upon highway safety

- 8.13. Policies DM17 and DM18 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety and requires new development to provide an appropriate/justified level of parking provision.
- 8.14. One off-street car parking space is required for a one bedroom dwelling. It is noted that this can be provided in line with the Leicestershire Highway Design Guide. The off-street car parking space is used currently and it is considered that the proposed change of use would not lead to an intensification of vehicular movements to and from the site.
- 8.15. It is therefore considered that the proposal is in general accordance with Policies DM17 and DM17 of the 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. It is considered that the proposal has limited impacts on the character of the area, neighbouring amenity and highways safety. The proposal therefore complies with Policies DM10, DM17 and DM18 of the SADMP.
- 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 be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Floor Plans, Elevations and Site Plan Drg No. 10C
Site Location Plan Drg No. 11B

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
- 3. Notwithstanding the provisions of Schedule 2, Part 1, Classes A - E inclusive of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to

the dwelling shall be carried out unless planning permission for such development has been granted by the local planning authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Hinckley Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
3. The collection point for domestic recycling, garden waste and refuse is from the adopted highway boundary. Please ensure adequate space on property to store the waste containers and also space at the kerbside for the placement of the containers on collection day.