

Delegated Report

Planning Ref: 23/00416/HOU

Applicant: Dale Higgott

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 1 Windsor Place Burbage Hinckley

Proposal: Erection of detached garage resubmission of 23/00033/HOU

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application seeks full planning permission for the erection of a detached double garage at 1 Windsor Place, Burbage.
- 2.2. The proposed double garage would measure 6.20 metres in width and 6.30 metres in depth. It would feature a pitched roof measuring 2.20 metres to the eaves and 3.86 metres to the ridge.
- 2.3. It would replace the parking space currently identified as CP1 and CP2 on the parking provision as approved under 23/00246/CONDIT.
- 2.4. The proposed external materials include the use of render and the use of grey tiles to the roof to match the existing roof to ensure a unified overall appearance between the existing dwelling and garage.
- 2.5. Part of the land within the red line plan is under the ownership of 34 Windsor Street. By virtue certificate B has been submitted and notice has been served upon the owners.

3. Description of the site and surrounding area

- 1.2. The application site is located within the settlement boundary of Burbage. 1 Windsor Place is situated to the north side of Windsor Street within a designated district/local centre containing a mix of uses including residential (C3), retail (A1), professional offices (A2), Indian restaurant (A3), two public houses (A4) and two hot food takeaways (A5).
- 3.1. The application site is 'L'-shaped and measures approximately 1,600sqm to the rear of 34 Windsor Street, which was formerly a public house. Access into the site is to the west of 34 Windsor Street, which leads to the four new dwellings. An additional existing residential dwellinghouse, St. Johns, is located to the north of these new properties and is also accessed via this access. The site is enclosed by a mix of hedgerows and a variety of fencing. A footpath U77 (Wesley Walk) is situated to the west of the application dwelling.
- 3.2. Plots 4, 5, and 6 are constructed with a brick finish, but Plot 3 is fully rendered. 34 Windsor Street is also white rendered on the front elevation, but the rear of the property features a brick finish on the first floor and white render on the ground floor. The rear garden of 34 Windsor Street is enclosed by 2m high white rendered boundary wall.

- 3.3. Application 23/00033/HOU was submitted on the 12th January 2023 for an identical proposal. This application was, however withdrawn as the parking provision had not been varied prior to submission. Following this condition 11 has since been varied under 23/00246/CONDIT to revise the approved parking provision as approved under 19/01105/FUL and 21/00101/CONDIT. Planning permission was granted on the 17th May 2023.

4. Relevant planning history

23/00246/CONDIT

- Variation of condition 11 of planning application 19/01105/FUL and 21/00101/CONDIT. Amendment to parking layout.
- PER
- 17.05.2023

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. Two objections have been received summarising the below comments;

- Lack of parking
- Limited turning space at the site
- Overdeveloped site
- Access issues
- Two parking spaces to the side of the application dwelling are under the ownership of 34 Windsor Street
- No visitor parking

6. Consultation

- 6.1. Burbage Parish Council has no objections

7. Policy

- 7.1. Burbage Neighbourhood Plan 2015-2026

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking

- 7.2. Core Strategy (2009)

- Policy 4: Development in Burbage

- 7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

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

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other matters

Design and impact upon the character of the area

8.2 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. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and garages. Policy 2 of the Burbage Neighbourhood Plan seeks to ensure that any future residential development respects its surroundings, follows the existing pattern of development and retains existing important natural features on the site.

8.3 The Good Design Guide SPD outlines that *"garages should generally be set back from the existing dwelling so as not to dominate the street scene"*

8.4 The detached garage has a sizeable footprint but remains subordinate to the scale and mass of the existing dwelling by virtue it would therefore appear in keeping with the existing buildings nearby. The proposed garage would sit to the eastern side of the application dwelling within existing parking spaces CP1 and CP2 as labelled in the submitted block plan and would be set back approximately 7.65 metres from the principle elevation. Its visual impact on the wider area is very low due to the fact that the building is set back from the road and the proposed garage would be screened by 34 Windsor Street.

8.5 The garage proposes the use of render to the external walls. The use of render is visible from the application dwelling and 34 Windsor Street, by virtue the finish would be in keeping with the dwelling and the surrounding area and would not look out of place. It would feature a pitched roof which would match the existing dwelling

8.6 In light of the above, it is considered that the proposal would complement the character of the existing dwelling and surrounding area and therefore complies with Policies DM1 and DM10 of the SADMP, the Good Design Guide SPD, Policies 1, 2 and 4 of the Burbage Neighbourhood Plan.

Impact upon neighbouring residential amenity

8.7 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed

development would not be adversely affected by activities within the vicinity of the site. Section 5 of The Council's adopted Good Design Guide provides further advice in respect of neighbouring amenity impacts including separation distances of relevance to this proposal.

- 8.8 The proposed garage extension would be a minimum of approximately 14.20 metres from the nearest neighbouring property to the east and approximately 20.00 metres from the nearest neighbouring property to the south. The garage would sit on the boundary with St Johns but considering the existing boundary treatment and scale of the garage it would not lead to additional adverse loss of light or overdominance. Due to the separation distance and location of the proposed garage, it is considered that the proposal would not have an adverse impact upon the residential amenity of the neighbouring dwelling in terms of loss of light, overlooking or overbearing nature. No windows are proposed to the eastern side elevation.
- 8.9 It is therefore considered that the proposal would not have an adverse impact upon the residential amenity of this neighbouring dwelling in terms of loss of light, overlooking or overbearing nature and complies with the aforementioned policies and guidance.

Impact upon highway safety

- 8.10 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design. Policy 4 of the Burbage Neighbourhood Plan seeks to ensure that at least two off-street car parking spaces are provided within the curtilage for each new 2 bed or larger dwelling developed within the Burbage unless unachievable.
- 8.11 The application dwelling hosts four bedrooms. In total including the two parking spaces to the front of the proposed garage (CP3 and CP4) and the two parking spaces that the proposed double garage will host there would be four parking spaces proposed meeting the guidance as set out in section 3.151 of the Leicestershire Highways Design Guide.
- 8.12 The proposed detached double garage would be a minimum of approximately 32.50 metres away from the highway boundary. It would measure 6.00 metres in width and 6.00 metres in depth internally. The garage door would measure 4.20 metres in width meeting the recommended minimum internal dimensions as set out in section 3.199 and 3.200 of the Leicestershire Highways Design Guide.
- 8.13 Concerns have been raised regarding lack of parking, access issues, and limited turning space at the site. An application 23/00246/CONDIT was submitted on the 15th March 2023 for the variation of condition 11 of planning application 19/01105/FUL and 21/00101/CONDIT. The revised parking provision was granted planning permission on the 17th May 2023. LCC Highways provided the below comments to 23/00246/CONDIT;

"The LHA note that all the car parking spaces and turning are demonstrated on 'Proposed Car Parking Plan', drawing number 1602/BP in accordance with Paragraph 3.165 (dimensions) and Figure DG13 (Turning) of Part 3 of the Leicestershire Highway Design Guide (LHDG). Whilst the LHA have concerns relating to the usability to CP1 and CP2 adjacent to plot 1, given the site is accessed via a 22m private drive, the LHA consider this to be an internal car parking management issue."

Please note that the local planning authority are only considering the impact of the proposed garage and not the previously approved parking provision as this has

already been granted approval and deemed in accordance with the Leicestershire Highway Design Guide. The garage appropriately replaces the previously approved parking provision and would not lead to a loss of parking or altered relationship in this regard.

- 8.14 The proposal would therefore be in accordance with Policy DM18 of the adopted SADMP, figure DG13 of the Leicestershire Highways Design Guide and Policy 4 of the Burbage Neighbourhood Plan.

Other matters

- 8.15 Concerns have been raised from a neighbouring property regarding land ownership. Please note that conflict over land ownership will have to be resolved between the occupiers of the dwellings and is a legal matter and not a material planning consideration. Certificate B has been signed and the notice period adhered to. An informative is recommended reminding the applicants that the grant of planning permission does not impact private property rights, consent from the relevant land owners will be required before accessing their land.

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.

10. Conclusion

- 10.1. The proposal is located within the settlement boundary of Burbage and is for a single storey detached double garage at 1 Windsor Place, Burbage, therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.
- 10.2. For the reasons given in the report above, it is considered that the proposed scheme would respect the overall scale, character and appearance of the existing dwelling and street scene. The proposals would not result in any significant adverse overbearing or overshadowing effects or result in any loss of privacy to the occupiers of any neighbouring properties. Considering the previously approved parking layout the proposal is judged afford adequate parking and highway arrangements. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the adopted Good Design Guide, Policies 1, 2 and 4 of the Burbage Neighbourhood Plan and the Leicestershire Highways Design Guide and is therefore recommended for approval subject to conditions.

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:

Proposed Garage dwg no. 1608 as received by the Local Planning Authority on the 19th June 2023.

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. The materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 28th April 2023.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Within one month following completion of the garage hereby approved, the parking provision shall be provided, hard surfaced and demarcated in accordance with the Proposed Block Plan' drawing number. 1608 as received on the 19th June 2023. Thereafter the onsite parking provision (including within the garage) shall be maintained for parking in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and 18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

11.3 Notes to applicant

- The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.

- The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside of their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. It is noted that a section of land included within the application is under the ownership of 34 Windsor Street, Burbage, consent should be granted from 34 Windsor Street prior to the implementation of the parking provision in accordance with condition 4 and application 23/00246/CONDIT.