

Delegated Report

Planning Ref: 24/00045/HOU

Applicant: Toby Naish

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 9 Flamville Road Burbage Hinckley Leicestershire LE10 2DQ

Proposal: Installation of log cabin to the rear garden of a dwelling house

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 householder application seeks planning permission for the installation of log cabin to the rear of the dwelling, 9 Flamville Road, Burbage.
- 2.2. The proposed outbuilding is located to the south of the site. It measures 3.3 metres in width and 9.1 metres in depth. It has a mono pitched roof with ridge height of 2.4 metres, made of timber log wall.
- 2.3. It is proposed to be used for residential purposes ancillary to the main dwelling as semi-independent accommodation for an elderly relative.

3. Description of the site and surrounding area

- 3.1. The application site is a semi-detached property set within a street of similarly styled Victorian semi-detached dwellings, within the settlement boundary of Burbage. The dwelling is brick built at the ground floor and render to the upper floor, an attached garage and a front driveway. It has a white uPVC windows and hipped roof form. The rear garden is enclosed by a 2 metres high timber fence panel separating the gardens of both neighbouring properties and the lower fence separating the residential garden and open green space to the rear.
- 3.2. Properties within the cul-de-sac have been extended and altered at the rear, including the application site and neighbouring dwellings. The site is not within a conservation area and the property is not listed.

4. Relevant planning history

19/01274/HOU

- Single storey rear extension and side extension
- Planning Permission
- 06.01.2020.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One objection was submitted on behalf of a neighbour. This comment raised issue in relation to the outbuilding close to a 15 metres high ash tree.

6. Consultation

- 6.1. Burbage Parish Council raised no objections to the application, provided application is conditioned to avoid building being sold for use as a separate dwelling in the future.

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 DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF 2023)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Local Highway Authority Design Guide

8. Appraisal

8.1. Extensions and alterations to existing domestic properties within settlement boundaries, including ancillary outbuildings 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 area.
- Impact upon neighbouring residential amenity
- Impact upon parking provision

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.

8.3 The outbuilding measures 3.3 metres in width and 9.1 metres in depth. It has a shallow mono-pitched roof with a maximum height of 2.4 metres and is faced in timber cladding. Its height, design, form and appearance are not harmful to the street scene. It is 6.4 metres away from the rear of the single storey projection to the main dwelling. There is no public view of the outbuilding. The outbuilding is considered to respect the size of the plot in which it is located and to complement the residential use, character and appearance of the site and surrounding area and therefore in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon residential amenity

8.4 Policy DM10 of the adopted SADMP and the adopted Good Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.

- 8.5 The outbuilding is 6.4 metres away from the main dwelling and has a maximum height of 2.4 metres, a metre away from the east boundary fence and 0.5 metres from the south boundary line. The outbuilding faces to the west of the site and is approximately 3.6 metres from the west boundary line. It is slightly higher than the existing fence and the side window faces the open green area to the rear. As a result of the above, it is considered that the outbuilding does not result in any significant adverse overbearing or overshadowing impacts on any neighbouring gardens. The tree within the gardens of 8 Flamville Road is not covered by Tree Protection Order or conservation area. The use of the outbuilding is for ancillary residential purposes and any noise generated is likely to be commensurate with such uses and, in any case, subject to separate environmental legislation in respect of any potential future noise related nuisance. The proposed structure would provide suitable living space as ancillary accommodation to the main dwelling.
- 8.6 By virtue of its siting, single storey scale, design, separation distance and ancillary residential use, it is considered that the outbuilding does not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Notwithstanding the objection, the proposal is in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.7 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.8 The outbuilding provides additional bedroom resulting in a total of 5 bedrooms. The front hardstanding driveway has the capacity to hold two off street cars. The Local Highway Design Guide requires a minimum of 3 car parking spaces for 4 or more bedroom dwelling. However, the site is within an urban area with full access to sustainable public transport and therefore, the proposal is in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guidance standards.

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. The proposal is a detached outbuilding to be used for purposes ancillary to the residential occupation of an existing dwelling within the settlement boundary of Burbage where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. Notwithstanding the objection raised, by virtue of its siting, scale, design and appearance and ancillary residential use, the outbuilding is considered to respect and complement the residential use, character and appearance of the site and surrounding area and does not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. Adequate private amenity space is retained within the site to serve the existing/resulting dwelling. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the principles of the adopted Good 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: Site Location and Block Plan Drawing Number 1633 (submitted on 17/01/2024), Proposed Floor Plan and Elevations Drawing Number 1633 received by the local planning authority on 01/03/2023.

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 on the external elevations of the proposed extension and alteration hereby permitted shall match the corresponding materials of the existing dwelling.

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

4. The detached outbuilding hereby permitted shall only be used for purposes ancillary to the residential occupation of 9 Flamville Road, Burbage with no trade, commercial or business use operating therefrom at any time. The accommodation shall not be used, rented, let or sold as accommodation independent from the main dwelling 9 Flamville Road, Burbage at any time.

Reason: To safeguard the privacy and residential amenity of neighbouring dwellings and to ensure compatible use in accordance with Policy DM10 of the adopted 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.