DELEGATED REPORT

Recommendation Made: 5 May 2011

Reference:- 11/00199/FUL **Parish:- Hinckley**

Applicant:- Mr & Mrs Freeman
49 Saville Close
Hinckley
Leicestershire
LE10 1SZ

Location:- 49 Saville Close Hinckley Leicestershire LE10 1SZ

Proposal:- DEMOLITION OF GARAGE AND PROVIDE SINGLE STOREY ANCILLARY ACCOMODATION TO HOUSE

Introduction:-

This application seeks to obtain full planning permission for ancillary accommodation at No. 49 Saville Close, Hinckley. The application property is a semi-detached dwelling house with gabled roof.

The dwelling is constructed from buff brick, concrete interlocking roof tiles, upvc windows and doors. The property sits in a 1960s residential cul-de-sac estate.

The property has an existing detached garage set back in the rear garden and adjoining the neighbours garage at No. 51. The proposal is to demolish the existing garage at No. 49 to provide space for ancillary accommodation.

Recent Planning History:

None

Consultations:-

No objection has been received from Head of Community Services (Land Drainage)

One neighbour objection has been received that raises the following concerns:

a) The massing effect of brickwork will be overpowering
b) Land level differences
c) Severely reduce amount of light into kitchen
d) An independent dwelling is inappropriate and not conducive
e) What about the 45 degree of light regulation
f) Reduces the amount of amenity space at No. 49
g) The footprint would exceed the current garage footprint and is inappropriate to the space available
h) Flooding and rainwater retention problems in the past
i) Proposed soakaway will exacerbate the flooding problem
j) No other similar development of this type in the near location
k) Impact on property value

Development Plan Policies:-

Adopted Local Plan

The site lies within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 - Design and Siting of the Development

Supplementary Planning Guidance: House Extensions Design Guidance (SPG)

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the proposed extension on the character and appearance of the existing dwelling and on the amenities of the occupiers of neighbouring properties.

The Principle of Development

The site is located within the settlement boundary of Hinckley, as defined on the Adopted Hinckley and Bosworth Local Plan Proposals Map; therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Impact on Existing Dwelling and Street Scene

The proposed extension has a hipped roof design and seeks to replace an existing set back garage and store. It sits within the rear garden and is related to the existing dwelling by being connected to a side elevation door of the main house. Although it is connected to the main house, it extends out along distance from the rear elevation by 9 metres and runs along the majority of the boundary line with no. 51.

Given the width of the proposed extension only being 3.5 metres and at least 50% of the rear garden space will remain, it is not considered to be overdevelopment of the site.

The single storey nature of the proposal, its hipped roof form and its position to the rear of dwelling results in a form of development that has no impact on the character of the streetscene and generally reflects the character of the existing dwelling.

Impact on Neighbours Amenities

The extension will be sited in place of an existing garage and store and will not extend further to the northwest than the existing store building. The extension will extend forward (to the south) than the existing garage to provide a link to the dwelling house.

No. 51 Saville Close is a semi detached dwelling and is located to the south west of the application dwelling. Although the proposed development will be larger in scale because of its roof mass, elevation and forward extension, it remains a single storey form with a hipped roof and is not considered to result in any material impacts upon the amenities of the occupiers of no. 51,

Even though the land level drops 0.3 metres between No. 49 & No. 51, only approximately 0.6m of brickwork would be exposed to the eaves above the existing garage. Due to the width of the neighbours garage approximately 2.5 metres, it is no considered the exposure of brickwork 0.6 m above this structure will be significant enough to have an overbearing impact to the detriment of neighbours amenities where the existing neighbours garage is positioned.

Although there is fencing in front and behind the neighbours garage and the exposure of additional brickwork resulting from the extra massing to the side of no. 51, it is not considered to have an overbearing impact along the side section of the neighbours property and behind the neighbours garage in the rear garden section.

In relation to the neighbour's property no. 51, the front section of the proposal will be positioned to the north east and the rear section of the extension to the south east of the neighbours rear garden area. Due to the suns orientation, the front section of the extension will result in a small shadow being cast during the morning; however there will be no material loss of light as the neighbour's driveway provides a separation gap to the side elevation of no.51. Due to the presence of the neighbours garage along the boundary and the extra massing at the rear will extend beyond the garage it is not considered to result in the loss of light to the detriment of the amenities currently enjoyed by the occupiers of the neighbouring property at no. 51.

No. 47 Saville Close is located to the north east. There are windows located on the rear elevation of this

property that already look across the garden and the neighbours garden. The proposal by virtue of its single storey nature does not alter this arrangement and there are no face to face window situations arising here that will result in any privacy issue.

No. 32 Island Close is separated from the proposed extension by a fence which is approximately 2 meters in height. The rear elevation of the proposed extension will be four metres from the boundary line fencing which is the same as the existing rear store, and 13 metres away from the rear elevation, it is not considered any adverse impact on residential amenity will arise.

Although the proposed extension exceeds the guidance contained in the SPG by 6 metres by projecting 9 metres from the rear elevation of the dwelling, given the design of the extension, its position along the boundary line with a neighbouring garage and the height of the existing fencing along the boundary with No. 47, and its replacement for existing buildings, it is not expected that this will have an impact on the amenities of the occupiers of the neighbouring properties.

Other Issues

With regards to land drainage, the Council's Land Drainage Engineer has raised no objections to the use of a soakaway but comments that any new paving of the driveway should use a permeable surface. The proposal does not propose to alter the surfacing of the driveway which is currently laid to tarmacadam and therefore it is considered that the proposals are acceptable in respect of drainage proposed and flooding issues.

Concerns have also been raised regarding the use of the extension as an independent dwelling. The application has been submitted as a householder application for an extension to provide ancillary accommodation to the main dwelling house. A separate application would be required to use the building as a separate unit of accommodation and this would be assessed on its own merits at that time. A note to applicant will be attached to the decision notice to stipulate that the extension is to be used only as ancillary accommodation.

At least three car parking spaces will be retained which is considered satisfactory and meets highway standards.

The loss of property values is not a material planning consideration.

The objectors quoted 45 degree light rule has no formal basis in terms of loss of light within the development plan. Policy BE1 requires all new development not to adversely affect the amenities of others and the appraisal provided above demonstrates that no material impact arises.

The absence of similar development in the locality is not material in the determination of this application. Every planning application must be determined on its merits and the absence of a similar scheme is not a reason for refusal.

Conclusion

The proposal would respect the scale and character of the existing dwelling and would not adversely affect the amenities of the occupiers of neighbouring properties. The application is considered to be in accordance with policies BE1 and T5 of the Local Plan and the Council SPG on House Extensions and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit 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 and would not harm neighbours amenity and would be of an acceptable design which does not adversely affect either the street scene or the existing dwelling.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1

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

2 The materials to be used in the construction of the proposed development shall be in accordance with the details contained in the application, unless otherwise agreed in writing with the Local Planning Authority.

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-

Drawing - 01 - Received on 15/03/2011
Site Location and Block Plan - Received on 15/03/2011

Reasons :-

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

2 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

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

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).

5 The proposed development hereby permitted shall be used as ancillary accommodation only and not as a separate unit of accommodation for which a further application would be required.

6 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- Kevin Roeton Ext 5919