

Delegated Report

Planning Ref: 24/00959/HOU

Applicant: Mr Butler

Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

**Site: 2 The Manor Wood Lane Norton Juxta Twycross
Leicestershire**

Proposal: Detached double garage

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 construction of a single storey detached garage to serve a dwelling, 2 The Manor, Wood Lane, Norton Juxta Twycross.
- 2.2. The proposed detached double garage would be located to the east side of a small access road leading off Wood Lane. The proposed garage would be 7.4 metres in width and 6.8 metres in depth with a dual pitched gable sided roof form with a front eaves height of 2.2 metres and ridge height of 5 metres. The amended proposal would have a red brick plinth, horizontal Waney Edge timber cladding to the walls, plain grey roof tiles and two black roller shutter doors and frames. The rear elevation would include a timber door with timber framed steps for access from the lower garden level. It would be located in a similar position to an open fronted car port approved as part of a planning permission for the redevelopment of the wider site (reference 20/01250/FUL) but that has not been implemented.
- 2.3. Amended plans have been submitted to address design/appearance issues raised by the planning case officer. Re-consultation has been undertaken on the amended plans.

3. Description of the site and surrounding area

- 3.1. The application site is located partly within and partly outside the settlement boundary of Norton Juxta Twycross but forms part of a wider redevelopment of part of a former agricultural site now comprising the original farmhouse, a number of residential barn conversions and new build dwellings. It is a two storey residential barn conversion with dual pitched gabled roof form. It is constructed of light red/brown rustic facing bricks, plain grey roof tiles and light green timber windows and doors. It fronts onto a shared internal courtyard to the east and has a large rear garden enclosed by 2 metres high close boarded timber fencing between the rear elevation and the small rear access road to the west leading from the south side of Wood Lane. A double width parking area has been formed immediately to the east of the access road enclosed to three sides by 2 metres high close boarded timber fencing.
- 3.2. The small dead-end access road currently serves the application dwelling only but is set to serve one other residential unit within the wider development. To the south of the site there are two unused large scale agricultural buildings and an area of open scrub land.

4. Relevant planning history

20/01250/FUL

- Conversion of agricultural buildings into 2 residential dwellings, refurbishment of farmhouse and erection of 4 new dwellings with associated access and landscaping
- Permitted
- 12.07.2023

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.

5.2. No responses have been received as a result of public consultation.

6. Consultation

6.1. No objection has been received from Leicestershire County Council (Ecology).

6.2. Leicestershire County Council (Highways) raise no objections but refer to standing advice.

6.3. Environmental Services (Drainage) recommend an informative note to applicant regarding collection of rainwater.

6.4. No response has been received from Natural England.

6.5. No response has been received from Twycross Parish Council.

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 DM17: Highways and Transportation
- 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 dwellings, including detached ancillary buildings within an established residential curtilage in the countryside, 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 highway safety and parking provision
- Biodiversity

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 suggests that: *'Garages and car ports should generally be set back from the existing dwelling so as not to dominate the street scene.'*
- 8.3 The proposal would have an appropriate width of 7.4 metres and appropriate depth of 6.8 metres. It would have an appropriate dual pitched gable sided roof form with a front eaves height of 2.2 metres and ridge height of 5 metres which would ensure that it would appear subordinate and ancillary to the dwelling that it serves. The amended proposal would have a red brick plinth, horizontal Waney Edge timber cladding to the walls, plain grey roof tiles and two black roller shutter doors and frames that together would be sympathetic to and respect the rural and former agricultural character and appearance of the site and its immediate surroundings. The rear elevation would include a timber door with appropriate timber framed steps to provide internal access to the garage from the rear garden which occupies a lower ground level.
- 8.4 Notwithstanding that the proposal would be sited immediately to the side of the access road that serves it, this is a small dead end road and the proposal would be located in a similar position to an open fronted car port approved as part of a planning permission for the redevelopment of the wider site (reference 20/01250/FUL) but that has not been implemented. By virtue of its appropriate subordinate scale the proposal would not appear as an overly visually prominent structure when viewed in relation to the two storey dwelling that it serves or from within the access and therefore it would not result in any significant adverse impacts on the character or appearance of the surrounding area.
- 8.5 By virtue of its siting, scale, amended design and the proposed use of more sympathetic external materials in its construction, the proposal would respect and complement the rural and former agricultural character and appearance of the site and its immediate surroundings and would therefore be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.6 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.
- 8.7 By virtue of its siting, single storey scale and separation distances of over 7 metres to the nearest neighbouring dwellings, the proposal would not result in any significant adverse overbearing or overshadowing impacts upon the residential amenity or privacy of any neighbouring properties. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Design Guide. No objections have been received from any neighbouring properties.

Impact upon highway safety and parking provision

- 8.8 Policy DM17 of the adopted SADMP supports development where there would be no significant adverse impact on highway safety. Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision and of appropriate design.
- 8.9 The current standing advice from the Local Highway Authority states that:
'Any garage erected within the curtilage of a dwelling should be sited with its door(s) located an appropriate distance behind the highway boundary to allow a car to stand clear of the highway.' But it also states that:
'The need to ensure access gates are set back is not usually justified on residential estate roads because of the relatively low flow of traffic along the road. Any consequential short-term 'obstruction' of the road is of much less concern than on a busy 'main' road. However, any gates erected to any access, including in an estate road, must be of a type other than outward opening in order to protect the passing public, particularly pedestrians.'
- 8.10 The proposed garage would be sited only marginally back from the boundary with the access road and therefore would not enable a vehicle to pull clear of the access whilst the doors are opened/closed which would conflict with the standing advice of the local highway authority in respect of garages. However, notwithstanding this, the standing advice also recognises that the setting back of access gates is not usually justified on roads with relatively low traffic flows as any consequential 'short term obstruction' is less significant than on a busier road. By virtue of the context of the site being located in a rural hamlet and off a small dead end access road with low traffic flow, it is considered that the lack of a set back from the access boundary for the garage doors would not result in any significant obstruction of the access or any significant adverse impacts on highway or pedestrian safety in this particular case. The amended plans also include the fitting of non-gain roller shutter doors which would not open outwards into the access in accordance with the standing advice on access gates.
- 8.11 The local highway authority design guide would seek three off-street parking spaces to serve the four bedroomed dwelling. The proposed provision of two off-street parking spaces within the garage would result in a shortfall of one space. However, it is considered that this level of provision would not result in any significant adverse impacts on highway or pedestrian safety and would not be unacceptable to serve the dwelling in this lightly trafficked rural context. The proposal is therefore considered to be acceptable in terms of Policies DM17 and DM18 of the adopted SADMP and the general principles of the local highway design guidance.

Biodiversity

- 8.12 The proposal would be exempt from the biodiversity gain condition by virtue of being a householder application development within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

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 for a detached double garage to serve an existing dwelling located within the settlement boundary of Norton Juxta Twycross. Whilst the garage itself would be located outside of the adopted settlement boundary, it would nevertheless be sited within a wider residential development and in a similar position to car ports approved under the planning permission for the development. Extensions and alterations to existing dwellings, including detached ancillary buildings, are generally considered to be sustainable development in principle. It is therefore considered that there is a general presumption in favour of the development as set out in Policy DM1 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. By virtue of its siting, scale, amended design and the proposed use of sympathetic external construction materials to ensure an appropriate appearance, it is considered that the amended proposal would respect and complement the scale, rural character and appearance of the existing residential barn conversion and would not result in any significant adverse impacts on the surrounding area or the residential amenity or privacy of the occupiers of any neighbouring dwellings. Adequate off-street parking for two vehicles would be retained to serve the dwelling along with ample private amenity space of over 300 square metres. Notwithstanding the set back and parking provision conflicts identified, the proposal is considered to be acceptable and in general accordance with Policies DM1, DM10, DM17 and DM18 of the adopted SADMP and the general 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: Location Plan and Proposed Block Plan and Site Plan Drawing No. 2350-005 Rev A and Proposed Floor Plan, Roof Plan and Elevations Drawing No. 2350-003 Rev D received by the local planning authority on 18 November 2024.

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 detached double garage hereby permitted shall be in accordance with the external materials details, including horizontal Waney Edge timber cladding to walls and black roller shutter garage doors, submitted on the approved Proposed Elevations Drawing No. 2350-003 Rev D received by the local planning authority on 18 November 2024.

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 use of the detached double garage hereby permitted shall remain at all times for the purpose of parking motor vehicles and shall not be converted to any alternative uses.

Reason: To ensure that adequate off-street parking facilities remain available to serve the dwelling in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Any garage doors shall be non-gain roller shutter type doors and in accordance with the approved Garage Floor Plan Drawing No. 2350-003 Rev D received by the local planning authority on 18 November 2024 and once so fitted shall thereafter be permanently maintained as such at all times.

Reason: To protect the free and safe passage of traffic, including pedestrians, within the access road in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

11.3 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 building.control@blaby.gov.uk or call 0116 272 7533.
2. Rainwater from the garage roof should be positively drained into a water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties.