

Delegated Report

Planning Ref: 24/00530/HOU
Applicant: Mr David Wormleighton
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: Whitecroft Higham Lane Wykin

Proposal: Replacement of existing garage and first floor extension to create an annexe

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 application seeks full planning consent for a 1 ½ storey replacement garage at Whitecroft, Higham Lane, Wykin.
- 2.2. The proposed garage would measure 9.53 metres in width and 6.60 metres in depth. It would feature a pitched roof with a gable to the front. The pitched roof would measure 3.66 metres to the eaves and 6.73 metres to the ridge. The gable to the front would replicate the eaves of the pitched roof, however would feature a ridge height of 6.40 metres.
- 2.3. The proposed external materials include the use of white render to the walls, slate tiles to the roof, white uPVC to the windows and door and a black metal garage door.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached dwelling situated to the north-east of Higham Lane, situated outside of the settlement boundary of Wykin. The application dwelling is compromised by the use of white render to the walls, timber cladding to the gables, brown tiles to the hipped to gable roof and white uPVC to the windows. To the north-east of the dwelling sits an existing single storey flat roofed garage hosted by white render to the walls. The boundary of the site hosts a strong line of hedgerows ranging from 2.00-4.00 metres in height. The site can be accessed via a gated entrance.
- 3.2. To the west of the site sits a site access hosting The Hollows and Spring Hill Farm and directly adjacent to the access sits Corner House, a residential dwelling. To the north-east of the site sits an approximate 0.75 hectares of paddock land, owned by the applicants and behind sits residential dwelling, Wykin Lodge. To the south-east of the site sits 4 and 6 Higham Lane. To the south of the site sits a large area of countryside. To the north-west of the site sits public footpath (U4).

4. Relevant planning history

- None relevant

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 objections have been received.

6. Consultation

6.1. LCC Highways:

"The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011."

6.2. LCC Ecology:

"I have reviewed the following documents on the Hinckley & Bosworth Borough Council's online planning portal.

- ***Location Plan BHL(02)001 Rev B, Existing & proposed garage plans/elevations/section & existing site plan - Drg No. BHL 02 001 C, Existing & proposed parking / proposed site plan / generic electrics - Drg No. BHL 02 002 B, Landscaping Plan BHL(02)001 Rev B, and Design and Access Statement.***

I have also consulted Leicestershire and Rutland Environmental Records Centre (LRERC) for existing protected species data and designated sites within the locality, which may incur potential impacts depending on the proposals. None of which have been identified.

When reviewing the submitted Design & Access statement this shows a clear image of the garage to be impacted as result of the proposals. This structure is not considered to be suitable for roosting bats due to lack of suitable build type/materials and therefore no further assessment in respect of this species is required on this occasion. However, there may be low potential to impact upon nesting birds and therefore a standard technical note relating to this should be attached to any approved scheme.

I have no objections or further comments to make."

6.3. HBBC ES Pollution:

"No comment"

6.4. HBBC Drainage:

"Note to Applicant:

Rainwater from the detached garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties."

6.5. HBBC Waste:

- No objections have been received.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM7: Preventing Pollution and Flooding
- 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)
- Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

8.2 Notwithstanding that the application site is located in the countryside; the NPPF and Policy DM1 of the Site Allocations and Development Management Policies (SADMP) provide a presumption in favour of sustainable development. Policy DM4 of the SADMP sets out the circumstances in which development would be considered sustainable within the countryside, such as a householder application which leads to the enhancement of the immediate setting and does not impact upon the intrinsic value of the open character of the countryside.

8.3 This application proposes the installation of 1 ½ storey replacement garage to an existing dwelling and therefore is a sustainable development within the countryside and acceptable in principle. Compliance with the relevant sections of Policy DM4 of the SADMP will be assessed further in the following section.

Design and impact upon the character of the area

8.4 Policy DM4 of the SADMP allows for sustainable development in the countryside where it meets specific criteria. Criterion b) allows for development where it is for the extension of the existing buildings which lead to the enhancement of the immediate setting and therefore the proposal is acceptable subject to 5 sub-criteria

that must be also met. Criterion i) is most relevant and requires that the development represents no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location.

- 8.5 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.6 The Council's Good Design Guide seeks to ensure that Garages and car ports should generally be set back from the existing building so as not to dominate the street scene.
- 8.7 This is a householder application which cannot seek planning permission for a new dwelling or the sub-division of the existing planning unit. Instead, the application seeks approval for the erection of a detached single storey outbuilding to be used as a garage and self-contained ancillary residential annexe to the main dwelling. In any case, should the application be otherwise considered to be acceptable, a standard condition restricting the use of the annexe as only for ancillary accommodation to the residential occupation of the host dwelling could be included to ensure its use would remain compatible with the site.
- 8.8 The proposed replacement garage would be situated on the existing garage's footprint and would introduce an additional ½ storey, an increase in 0.61 metres in depth and 1.66 metres in width. It would introduce a pitched to gabled roof design to replace the existing flat roof design which would host a window, a Juliette balcony to the side elevation, various Velux roof lights to the rear and the addition of two garage doors. Windows are proposed throughout.
- 8.9 The proposed extension and alterations to the garage would respect the design, scale and character of the existing building and dwelling within the curtilage of the site. The footprint of the garage is currently set well back from the highway/front boundary of the site and is not a prominent structure due to it being situated to the rear of the main dwelling and it being screened by the existing boundary treatments. By virtue of the above the replacement garage would still be subservient to the main dwelling and appear as an ancillary building.
- 8.10 The proposal would host a garage suitable for two cars and a storage/utility space to the ground floor and an annex to the first floor level. The annex would be accessed via a set of stairs situated within the storage/utility space.
- 8.11 The proposed materials will be consistent with the original dwelling retaining the traditional character that the dwelling holds.
- 8.12 Criterion ii – v of Policy DM4 of the SADMP would not be relevant to this application as the proposal would not undermine the separation between settlements, not create or exacerbate ribbon development and is not located in the Green Wedge or the National Forest.
- 8.13 By virtue of the siting, clearly subordinate scale, design and subject to the proposed use of sympathetic materials in the construction to ensure a satisfactory appearance, the proposal would respect and complement the scale, residential character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the character or appearance of the surrounding area. It is therefore considered that the proposed scheme would meet the general requirements of Policy DM4 and DM10 of the adopted SADMP and the general principles of the Council's Good Design Guide.

Impact upon neighbouring residential amenity

- 8.14 Policy DM10 of the SADMP seeks to ensure that development proposals shall not harm the amenity of neighbouring residential properties.
- 8.15 The proposed development would not adversely impact on the neighbouring amenity due to the separation distance to the closest property.
- 8.16 A public footpath (U4) runs to the north-west of the site, nevertheless due to the boundary treatments in place, the proposed development will be predominantly screened.
- 8.17 By virtue of the above the proposal would be in accordance with Policy DM10 of the SADMP in this aspect.

Impact upon highway safety

- 8.18 Policy DM18 seeks to ensure that development would provide an appropriate level of parking provision, and that there would not be a significant adverse impact upon highway safety.
- 8.19 The proposal involves the addition of a single bedroom to the first floor of the garage within the annex, nevertheless an additional off street parking space is proposed to the ground floor of the proposal and therefore there is not considered to be an adverse impact upon the parking provision. The site also hosts a more than sufficient hardstanding to accommodate off street parking to host the dwelling.
- 8.20 Section 3.200 of the Leicestershire Highways Design Guide seeks to ensure that double garages have a minimum internal measurement of 6.00 metres by 6.00 metres with minimum door width of 2.30 metres (for two individual doors).
- 8.21 The proposed replacement garage would host a width of 6.03 metres by 6.00 and a minimum door width of 2.43 metres, according with the Leicestershire Highways Design Guide.
- 8.22 The proposed development would therefore satisfy Policy DM18 of the SADMP and the Leicestershire Highways Design Guide in this regard.

Drainage

- 8.23 Policy DM7 seeks to ensure that appropriate measures are put in places to prevent adverse impacts from pollution and flooding.
- 8.24 The site lies in flood zone 1 and is not in an area identified as at risk from surface water flooding.
- 8.25 The application is for minor householder development for the replacement and enlargement of an existing structure. Considering the scale of the development it is unlikely to give rise to adverse additional flooding/drainage concerns and in any event may be considered through any relevant building regulations process
- 8.26 Notwithstanding the above, a note has been added to the application by the HBBC Drainage Officer.

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

- 2.4. The proposal is for a 1 ½ storey replacement garage within an existing dwelling and located outside of the settlement boundary of Wykin, 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.
- 10.1. Subject to a restriction by condition on its use as ancillary family accommodation, its siting within the extensive garden and to the rear of a substantial dwelling, its scale, design and, subject to the use of appropriate and satisfactory external materials in its construction, together with screening from public areas, it is considered that the annexe would respect and complement the scale and residential character of the site and would have no significant adverse impacts on the character or visual amenities of the surrounding area, the neighbouring amenity, drainage or parking provision.
- 10.2. The proposal is considered to be in accordance with Policies DM4, DM7, DM10 and DM18 of the SADMP, the Leicestershire Highways Design Guide and the Council's Good Design Guide. The proposal 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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 25th May 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).

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

- Location Plan BHL, Drg No. (02)001 Rev B
- Proposed Site Plan BHL, Drg No. (02)002 Rev A
- Parking Plan BHL, Drg No. (02)001 Rev B
- Existing and Proposed Floor Plans and Elevations, Drg No. BHL(02)001 Rev B
- Landscaping Plan BH, Drg No. (02)001 Rev B
all as received by the Local Planning Authority on the 24th May 2024.
- Existing & proposed parking / proposed site plan / generic electrics, Drg No. BHL 02 002 B
- Existing & proposed garage plans/elevations/section & existing site plan, Drg No. BHL 02 001 C
all as received by the Local Planning Authority on the 11th June 2024.

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

4. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential occupation and use of the main dwelling currently known as Whitecroft, Higham Lane, Wykin.

Reason: To ensure compatible use and to protect residential amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

- a.) 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.
- b.) Rainwater from the detached garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties.
- c.) It is a criminal offence to damage or destroy a bat roost. Therefore, we recommend that the existing garage be surveyed for bats before any work is carried out. All birds, their nests and eggs are protected by the Wildlife and Countryside Act. We recommend that works are done outside the bird-nesting season - i.e between the end of August and beginning March. If work is to be undertaken during the bird breeding season, we recommend that a suitably qualified ecologist surveys for nesting birds. If nesting birds are present, work must be postponed until the young have left the nest.