DELEGATED REPORT

Recommendation Made: 25 April 2008

Reference:- 08/00237/FUL **Parish:-** Desford Parish Council

Applicant:- Mr D Marshall
23 Cambridge Drive
Desford
Leicester
Leicestershire

Location:- 23 Cambridge Drive Desford Leicester Leicestershire LE9 9JB

Proposal:- ERECTION OF GARAGE

Introduction:-

Planning permission is sought for the erection of a garage on land to the front of 23 Cambridge Drive, Desford. 23 Cambridge Drive is a detached property in a row of three set at right angle to Cambridge Drive and access to all three properties is via a private drive which runs to the front of the properties. Each dwelling has a piece of land opposite separated from the curtilage of the dwelling by the private access drive.

The garage would be positioned to face the house and have a footprint of 5.4m by 5.5m. with a height to the pitch of 3.8m.

Relevant planning history
No relevant planning history

Consultations:-

No objections received from Director of Transportation, Highways and Waste Management (Highways).

To date three letters have been received, one of which was in support of the application and two objecting to the proposal on the following grounds:

a) There are inaccuracies within the information submitted.
b) It is believed that the deeds prevent building on this plot.
c) Loss of view
d) Trees and shrubs which were on the site have recently been cleared.
e) The site has never been used as a domestic dwelling
f) The proposal would result in a dramatic change in the character of the area
g) Negative effect on property value.

Development Plan Policies:-

Hinckley and Bosworth Local Plan

The site falls within the settlement boundary of Desford as defined within the Hinckley and Bosworth Local Plan.

BE1 considers the design and siting of siting of development in terms of the character of the area, the amenities of neighbouring properties and highway safety.

Appraisal:-

The main issues for consideration are the effect of the proposed garage on the amenities of neighbouring properties, and the character and appearance of the street scene.

Cambridge Drive is a modern estate consisting of a mixture of detached and semi- detached properties varying between single and two storeys' in height. The orientation of 21, 23 and 25 Cambridge Drive is different to the rest of the dwellings in the vicinity all of which face the main public highway. Therefore there siting is inconsistent within the street scene. The property to the south east of the site, 19 Cambridge Drive is a detached bungalow which benefits from extensions. A blank gable wall now faces the application site against which the proposed garage would be constructed.

With respect to the character the three dwellings already form an inconsistency within the street scene, and therefore the proposed garage is not considered to detrimentally effect the character.

The proposed garage would be located backing on to the side gable of an extension to number 19 Cambridge Drive. There are no windows on this elevation which would be impaired by the proposed development. The proposal is located are located sufficient distance away from other neighbouring properties not to effect their amenities.

Objections have been received on a number of grounds. The layout of the site and its state were observed during the site officers site visit along with the relationship between neighbouring properties. The deeds are covered under separate legalisation and planning permission does not override any other legalisation which would prevent the development proceeding. Property value is not a material planning consideration that can determine the outcome of any application. The application site is not within the curtilage of the dwelling and that is why planning permission was required. The application is then assessed on its own merits.

In conclusion the proposed garage is considered not to harm the character of the area or the amenities of neighbouring residents and therefore is considered to comply with Policy BE1.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy BE1 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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

2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed garage shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

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.

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 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.

4 As from 6th 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.

Contact Officer:- Sarah Humphries Ext 5680