DELEGATED REPORT

Recommendation Made: 14 November 2011

Reference:- 11/00811/FUL **Parish:- Hinckley**

Applicant:- Mrs A Dodds
6 Shakespeare Drive
Hinckley
Leicestershire
LE10 0BG

Location:- 6 Shakespeare Drive Hinckley Leicestershire LE10 0BG

Proposal:- SUBDIVISION OF DWELLING TO FORM TWO DWELLINGS AND EXTENSIONS AND ALTERATIONS

Introduction:-

Full planning permission is sought for extensions and alterations and subdivision of the existing three bedroomed detached bungalow with integral garage to create two dwellings.

The proposal seeks to redevelop the existing integral garage and seeks consent for the erection of a single storey front extension, together with a rear extension to create a two bedroomed property; whilst the remainder of the house will be subject to internal alterations to create a separate three bedroomed property. There will be two separate porches to gain access to each dwelling.

The site is located within the Hollycroft Conservation Area and within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan.

The application is accompanied by a Design and Access Statement and Ecology Survey.

The Design and Access Statement which states that the layout demonstrate the scheme respects the balance and proportion of the existing built form thereby ensuring the character of the area remains unaffected.

The Ecology Survey concludes that the development is unlikely to have a negative effect on the biodiversity of the area and that no evidence of bat roosting was found.

Planning History:-

11/00575/FUL	Subdivision of dwelling to form two dwellings and extensions and alterations	Withdrawn	16.09.2011
93/00335/4	Extension to dwelling	Approved	26.05.1993
79/00214/4M	Extension to bungalow	Approved	01.03.1979

Consultations:-

No comments/objections from:-

Directorate of Chief Executive, LCC (Ecology)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No objection subject to conditions from:-

Director of Environment and Transport (Highways)

Head of Business Development and Street Scene Services (Waste Minimisation)

1 letter of objection has been received raising the following concerns:-

a) The extension will be attached to their property.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development.

Planning Policy Statement 3: (PPS3): Housing.

Planning Policy Statement 5 (PPS5): Planning for the Historic Environment.

The Community Infrastructure Levy Regulations 2010.

Government Circular 05/2005: Planning Obligations.

Local Development Framework: Core Strategy (2009)

Policy 1: Development in Hinckley

Policy 19: Green Space and Play Provision

Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan (2001)

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

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities

Policy RES5: Residential Proposals on Unallocated Sites

Policy BE1: Design and Siting of Development

Policy BE7: Development in Conservation Areas

Policy T5: Highway Design and Vehicle Parking Standards

Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): House Extensions

Supplementary Planning Guidance (SPG): New Residential Development

Supplementary Planning Document (SPD): Play and Open Space

Appraisal:-

The main considerations with regards to this application are the principle of development, impact upon character, impact upon the character and appearance of the Conservation Area, impact upon residential amenity, highway considerations and other matters.

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 and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features'. This consideration ties in with the intentions of PPS3 and RES5 for local authorities to prevent overdevelopment and development that is out of keeping with the character of the surrounding area.

In summary, there is no-in principle objection to an additional dwelling in this residential setting, providing all other matters can be adequately addressed.

Impact Upon Character; Siting and Design

The consideration of the impact on character has always been a material consideration in the determination of planning applications, even before the revised version of PPS3 came into force, through consideration of the requirements of Policy BE1. The amendments to PPS3 further strengthen the issue of impact on character and the pattern of development.

The footprint of the proposed additional dwelling would be similar, if not smaller to surrounding residential dwellings that of both neighbouring dwellings and dwellings within the immediate area.

Given the expanse of the existing dwelling, the subdivision of the dwelling to create to separate accommodation is not considered to give rise to any significant impacts upon the character of the streetscene over and above that of the existing.

The proposed extensions are single storey in scale and are considered to be subservient to the main dwellings. The proposed front extension will re-introduce balance and proportion by mirroring the existing gable feature and is considered to represent a visual improvement over the external appearance of the existing dwelling.

Each dwelling has a greater amount of rear amenity space as set down in the Borough Council's SPG on New Residential Development.

In summary, the proposed development accords with the general siting and scale of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of existing dwellings and the design approach is considered acceptable. As such, the scheme is considered to be in accordance with guidance contained with PPS3, Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan and with the principles outlined in the Council's SPG on New Residential Development.

Impact Upon the Character and Appearance of the Conservation Area

The proposal is located within the Hollycroft Conservation Area. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area.

By reason of the subservient scale of the extensions, the design, reflecting that of an existing gable feature and through the use of matching materials (to be secured by the imposition of a planning condition) the development is not considered to significantly impact upon the character and appearance of the Hollycroft Conservation Area. The scheme is therefore considered to preserve the character of the Conservation Area. It is therefore considered that this is in accordance with guidance within PPS5 and Saved Policy BE7 of the adopted Hinckley and Bosworth Local Plan.

Impact upon Residential Amenity

The residential dwelling most immediately impacted upon as a result of the proposal would be the neighbouring dwelling which physically adjoins the application dwelling site to the north of the site.

The single storey rear extension is intended to project from the rear by approximately 2.3 metres, in line with the neighbour's rear wall. As such, given the siting, single storey scale and no windows proposed in the side elevation, it is not considered that the extension would give rise to any significant loss of light, overshadowing, or overbearing impacts and no significant overlooking, over and above that currently experience is expected. The single storey extension is similarly unlikely to result in any significant impacts upon residential amenity.

Concerns have been raised in respect of the extension be adjoined to the neighbouring dwelling, however the neighbouring dwelling is already currently adjoined to the garage and store and there are no identified impacts upon the neighbour's residential amenity.

In summary, the extensions and alterations are considered to have minimal impacts upon amenity of neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 of the Local Plan.

Highway Considerations

There are 2 no. existing vehicular accesses and the scheme results in the division of these, for 1 no. to serve each dwelling. Whilst the scheme results in a loss of 1 no. parking spaces through the conversion of the integral garage, the scheme results in 2 no. off street car parking spaces per dwelling.

The scheme has been considered by the Director of Environment and Transport (Highways) who has recommended standing advice in respect of independent parking and turning for each dwelling. The plan show that this can be achieved and a condition is suggested to ensure this comes into affect prior to the first occupation.

In summary, it is not considered that there would be any significant impacts upon highways safety. Accordingly the development accords with Saved Policy T5 of the Local Plan.

Other Matters

Play and Open Space Contributions

The site is located within 400 m of open space of Hollycroft Park Hinckley, classified as a formal neighbourhood park, for provision for children and young people and outdoor sports facilities. Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

The request for any developer must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Within the Green Space Strategy 2005-2010, Hinckley was found to have a deficiency of formal outdoor sport of -12.50 when compared with the National Playing Fields Standard. The quality of the space was considered within the Quality and Accessibility Audit of 2005 which awarded Hollycroft Park a score of 60.3% suggesting that additional works are required to improve the quality of the space. Hollycroft Park requires that outdoor sport facilities need to be protected and improved.

The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this instance a contribution of £1,250.80 per dwelling is required.

It is considered that Hinckley has a deficiency of outdoor sports and Hollycroft Park has shown to have a quality deficit. The size of the proposed dwellings would appeal to families and given the proximity of the application site to the park, it is considered that the future occupiers would use the facility, increasing ware and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

A Unilateral Undertaking is currently under negotiation to secure play and open space financial contributions.

Sustainability

Inline with Policy 24 of the Adopted Core Strategy, new residential units need to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. It is considered unreasonable to request that one dwelling should be constructed to this standard, given the works predominantly relate to the interior of the premises, the main footprint of the dwelling is already existing and the policy is not applied to extensions. As such it is considered that the imposition of this condition would be un-reasonable and would not comply with the Circular 11/95 on planning conditions.

The Head of Business Development and Street Scene Services (Waste Minimisation) recommends a condition to secure a scheme for the provision for waste and recycling storage across the site. It is not considered reasonable in this case to impose this condition as the provision will be a standard arrangement.

Ecology

The bat survey report does not identify the presence of any protected species on the site. The Directorate of Chief Executive, (Ecology) accepts the report submitted with the application and concluded that this application will have no impact on any designated sites of ecological importance. Accordingly, it can be concluded that the proposal will not have any adverse impacts upon protected species.

Conclusion

In conclusion, the proposed dwelling is located within the settlement boundary of Hinckley, where there is a presumption in favour of development subject to all other matters being addressed. The development would not give rise to any significant material impacts upon the occupiers of the neighbouring dwelling, highway safety or protected species and is considered to preserve the character of Hollycroft Conservation Area and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning 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 as it is considered characteristic of the surrounding area and would not be detrimental to visual or residential amenity, highway safety or protected species and would preserve the character of the Hollycroft Conservation Area.

Hinckley & Bosworth Local Plan (2001):- Policies IMP1, RES5, BE1, BE7, T5, REC3.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 1, Policy 19, Policy 24.

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended details: OS Sitemap (Scale 1:500) and Proposed Plan and Elevations Drawing No. 02 received by the Local Planning Authority on 5 October 2011.

3 No development shall commence until full details of both hard and soft landscape works, including defined residential curtilage, have first been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

a) Means of enclosure and boundary treatments
b) Hard surfacing materials
c) Implementation programme.

4 The approved hard landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

5 Before first occupation of each dwelling hereby approved, car parking provision shall be made within the curtilage of each dwelling in accordance with the approved plan - OS sitemap (scale 1:500) received by the Local Planning Authority on 5 October 2011. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking, unless otherwise agreed in writing by the Local Planning Authority.

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 In the interests of visual amenity, to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 In the interests of visual amenity, to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure that adequate off-street parking facilities are available to accord with policy T5 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 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 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:- Ebbony Mattley Ext 5691