COMMITTEE EXTRACT

Committee Date:

Reference:- 09/00386/FUL **Parish:- Desford Parish Council**

Applicant:- Mr & Mrs S Doggett
39 Barons Close
Kirby Muxloe
Leicestershire

Location:- 39 Barons Close Kirby Muxloe Leicester Leicestershire LE9 2BW

Proposal:- EXTENSIONS AND ALTERATIONS TO DWELLING INCLUDING DEMOLITION OF EXISTING GARAGE

Introduction:-

Planning permission is sought for a two storey side and single storey rear extension to 39 Barons Close, Kirkby Muxloe. The two storey side extension would involve the demolition of a double garage, that is adjoined to the neighbouring properties garage. The extension would be set back from the front elevation by 3.5m with two car parking spaces provided to the front. The extension will have accommodation for a garage and playroom at ground floor, with a study, bathroom and bedroom at first floor level. The proposal would project 5.5 m beyond the original rear wall of the property and have a width of 5 m. The ridge height of the proposed extension would be below that of the existing dwelling.

The single storey element to the rear would project 1m from the rear elevation and be located in the centre of the rear elevation, and would abut the existing rear conservatory.

39 Barons Close is a detached two storey dwelling with parking to the side and amenity space to the rear. The amenity space serving No. 37 adjoins the western boundary of the site with the property located 11 m from the site boundary.

Relevant Planning History

06/00620/FUL	Erection of Garden Room	Allowed	25.07.06

Consultations:-

No objections received-
Land Drainage engineer

Director of Community Services (Ecology) –refers to the submitted ecological survey which states that it is likely a pipistrelle roosts in the top of the cavity walls and recommends works to be undertaken during 1st October and 1st March. If this can not happen, another survey be undertaken. The Director of Community Services (Ecology) support the recommendations in the report and ask that conditions be imposed accordingly.

To date two representation have been received objecting on the following grounds:

a) The size is excessive for the size of the plot.
b) Proximity to the boundary would result in loss of privacy
c) Development would result in overshadowing
d) Would result in more on street parking.

Development Plan Policies:-

Hinckley and Bosworth Local Plan

Policy BE1- design and siting of development.

Supplementary Planning Guidance- (SPG) House extensions.

Appraisal:-

The main issues for consideration are the effect on the amenities of neighbouring residents, the impact on the character and appearance of the dwelling and protected species.

The proposed extension due to its location on the western side of the property would have the most impact on the neighbouring property of 37 Barons Close. This is also a two storey detached property with a gable elevation sited 11m from the proposed extension. There are no windows in this elevation. The proposal would not therefore affect the daylight or sunlight currently enjoyed within the existing dwelling. The ground floor windows are on the south elevation of the property and this is where the principle seating area and is therefore most sensitive area of the garden. Due to its relationship and the distance from the proposal it is not considered that the proposed extension would detrimentally affect the amenities of the neighbouring property.

The only window proposed in the west elevation of the proposal would serve a bathroom and would be obscurely glazed. It is not therefore considered that the proposal would result in loss of privacy to the neighbouring property.

The proposed extension would be set back 3.5m from the front elevation with the ridge set below the height of that of the existing dwelling. The width of the extension is half that of the main property and therefore the proposal complies with supplementary planning guidance on house extensions.

The proposed single storey extension, due to its size and position to the rear and away from the boundaries of the site would not affect the design and appearance of the dwelling nor the amenities of the neighbouring residents.

The proposal would part infill a large gap within the original streetscene. However, the side extension is set far enough back for the existing dwelling to remain the dominant feature within the streetscene. It is not considered that the gap adds significantly to the character of the estate to warrant its refusal.

A protected species report has been submitted with the application that has found that it is likely that bats are roosting within the property. The report contains mitigation measures to protect the roost and conditions are therefore imposed to ensure that the works take place as advised.

The proposed development would still provide three off street parking spaces. This number of spaces is considered sufficient for the size of dwelling and therefore is it considered that the application is acceptable in terms of off street parking.

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 by virtue of the siting, mass and appearance of the development in relation to the surrounding properties would not have a detrimental effect on the amenities of the surrounding residents or character or appearance of the dwelling. The two storey extension would be in accordance with the development plan.
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 on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

3 The development hereby approved shall be implemented in accordance with the mitigation measures contained within section 10 of the Ecolocation - Protected Species Surveys for Development Report undertaken on 18th and 23rd June 2009 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 To ensure that the protected species on the site are not harmed by the development in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation.

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 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.

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.

6. List of plans used in the determination of this application:-
Site location plan, block plan, 904/01, 904/02.

Contact Officer:- Sarah Humphries Ext 5680 Date Printed: 1 September 2009