COMMITTEE EXTRACT

Committee Date: 29 July 2008

Reference:- **08/00564/FUL** **Parish:-**

Applicant:- **Mr Kevin Woods**
13 Hays Lane
Hinckley
Leicestershire
LE10 OLA

Location:- **12 Brascote Road Hinckley Leicestershire LE10 0YE**

Proposal:- **PROPOSED ERECTION OF ONE DWELLING**

Introduction:-

This is a full application for the erection of a detached 1 1/2 storey dwelling on land adjacent to 12 Brascote Road which is currently used for parking of vehicles in connection with 12 and 14 Brascote Road. It is a triangular shaped plot and situated on the outside of a bend in the road. A Tree Preservation Order protects a lime tree on southern corner of the site. The site is within an established residential area consisting of two storey dwellings and bungalows.

The scheme proposes four parking spaces for use by Nos 12 and 14 Brascote Road, and two further spaces in connection with the proposed dwelling. The proposed dwelling is sited 1metre from the eastern boundary of the site and has a 10.2m x 6m footprint and is 6.3m high. A public footpath runs along the eastern boundary separating the site from the rear gardens of properties on Lawton Close. Private amenity space for the dwelling is provided to the north of the proposed dwelling.

The Design and Access Statement states that the proposal has been designed with a lower height than the surrounding dwellings to minimise its effect and is positioned at the furthest point possible from all other residential dwellings. The front elevation has a gallows bracket porch and two small dormers which are features of other dwellings in the area.

History:-

07/00826/FUL Erection of one dwelling Refused

05/00603/FUL Erection of One Dwelling

Refused and dismissed on appeal for a detached dwelling on the site. In his decision, the Inspector concluded that the proposal would be harmful to the open character of the area and would have an adverse effect on the occupiers of No12 Brascote Road. In addition the proposal could lead to additional on street parking. He found that he had insufficient grounds to dismiss the appeal on the basis of the absence of any provision towards public open space although this did not outweigh the other cogent planning objections identified. The appeal was dismissed.

05/00328/FUL Erection of a detached dwelling Refused.

Consultations:-

No objection has been received from:-

Director of Highways, Transportation and Waste Management (Highways).
Head of Community Services (Land Drainage)
Head of Community Services (Pollution).

The Borough Council's Arboricultural Assistant has no objection to the proposal subject to the protected tree being fenced during construction which can be dealt with by condition.

At the time of writing the report comments have not been received from:-

Director of Community Services (Ecology)

Councillor Bill has commented that the estate was set out to a certain design and that more and more houses are being squeezed in.

Four objections received from neighbours on the grounds of:-

a) privacy/overlooking issues
b) loss of light
c) loss of open aspect
d) effect on street scene/detracts from surrounding area
e) tree 'screen' is deciduous so in effective in winter months
f) concern about effect on mature trees in Lawton Close and that they would need to be lopped in order
g) for the development to go ahead.
h) affect property value
i) fear of crime
j) the development appears to be for profit
k) highway concerns

Development Plan Policies:-

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

Policy RES5 of the adopted Hinckley and Bosworth Local Plan refers to residential proposals on unallocated sites and states that residential proposals on such sites will be granted planning permission if they lie within the boundaries of a settlement area and the siting, design and layout does not conflict with the relevant plan policies.

Policy BE1 of the adopted Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, design, materials and architectural features; avoids the loss of open spaces and features that contribute to the quality of the local environment; ensures adequate provision for off street parking for residents and visitors; does not adversely affect the occupiers of neighbouring properties.

Policy T5 of the adopted Local Plan states that planning permission for development proposals will be granted providing they comply with the parking standards unless a different level of provision can be justified.

Policy REC3 of the adopted Local Plan sets out the criteria for the provision of outdoor play space for children.

The Council's Supplementary Planning Guidance for new residential development sets out additional criteria for layout and design.

Appraisal:-

The main considerations with regards to this application are design and impact on amenity, as the site is located within the settlement boundary of Hinckley and therefore residential development is considered acceptable in principle.

Design and landscaping

The proposed dwelling is located on a bend, it is off set from the property (No. 11) on the opposite side of Brascote Road. Whilst the nearest corner of the proposal is within 1 metre of the highway boundary, the nearest corner of 12 Brascote Road is a similar distance. The proposal differs from the application which was dismissed at appeal in that it is sited towards the rear of the plot which will lessen its impact on the streetscene. The design of the proposal is considered in keeping with the street scene generally. The main first floor windows to the proposal are sited on the front of the dwelling. There is one rear window at first floor level which serves a bathroom and small side windows to the bedrooms.

The garden provision proposed is in accordance with the Council's Supplementary Guidance on New Residential Development.

Impact on amenity

Previous schemes on this site have been refused on the grounds of impact to the neighbouring dwelling, 12 Brascote Road, this scheme provides for private amenity space along the northern boundary and is therefore more acceptable in this respect. With regard to the impact of the proposal on other neighbouring properties, given the current proposed location of the dwelling, the property most immediately affected by the development is No. 8 Lawton Close. However, due to the length of rear garden, this property is at least 16 metres from the rear wall of the proposed dwelling, and includes the width of the public footpath which runs between the proposed site and the rear boundary of No. 8. In addition both boundaries currently have mature planting which adds to the screening of the site. The proposed dwelling contains a bathroom window at first floor level but this will be obscure glazed and can be conditioned with regard to opening so as not to cause privacy issues. On the basis of this information it is considered that there would not be significant impact on the occupiers of nearby dwellings to warrant refusal and the separation distance more than meets the Supplementary Planning Guidance for new development.

Highway

Adequate car parking provision is indicated for the existing and proposed dwellings. The proposal differs from the scheme that was dismissed at appeal in that the additional parking spaces to be provided for Nos 10 and 12 Brascote Road are provided closer to those properties which makes them more accessible and therefore, more usable. The Highway Authority raise no objections to the proposal subject to standard conditions.

Financial contributions

The site is within 400 metres of an informal public play and open space, therefore a financial contribution of £1241 towards the provision and maintenance of informal public play and open space will be required in line with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Play and Open Space Guide.

Conclusion

Subject to the removal of 'permitted development rights' for additions/alterations to the property, the scheme is considered acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, REC3, RES5 and T5 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 dwelling 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.

3 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

4 No development shall take place until fencing has been erected around the protected lime tree in a manner to be agreed in writing with the Local Planning Authority and no works shall take place within the area inside that fencing without the written approval of the Local Planning Authority.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order I995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A to E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

6 The windows to be inserted in the eastern elevation of the proposed dwelling shall be obscure glazed and fixed so as to be non-opening, the proposed glazing shall first be submitted to and approved in writing by the Local Planning Authority. The glazing shall be installed in accordance with the approved details and retained as such at all times thereafter.

7 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

8 No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

9 The car parking and any turning facilities shown within the curtilage of the application site shall be provided before the dwelling is first occupied and shall thereafter remain available for such use.

10 Before first use of the development hereby permitted the access drives and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

11 Before first occupation of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.

12 Notwithstanding the submitted plan, before the development is first brought into use the existing dropped kerb fronting the proposed dwelling shall be extended to the satisfaction of the Local Planning Authority, in consultation with the Highway Authority to cover the full width of the proposed access/parking area for the dwelling hereby permitted.

13 No development shall take place until full details of both hard and soft landscape works have 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:

(i) means of enclosure
(ii) planting plans
(iii) written specifications
(iv) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(v) implementation programme.

14 The approved hard and soft 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.

15 Prior to commencement on site of the development hereby approved, the parking spaces shown on the approved plan to serve 10 and 12 Brascote Road shall be provided and shall thereafter permanently remain available for use.

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 development is not detrimental to the privacy and amenity of the neighbouring property.

4 The tree on this site is subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees during the course of development.

5 To safeguard the residential character of the area.

6 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

7 To ensure the provision of adequate play and open space within the vicinity of the site in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan.

8 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety and to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

9 To ensure that adequate off-street parking provision is available to reduce the possibilities of the proposed development leading to on-street parking problems in the area, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

10 To reduce the possibility of deleterious material being deposited into the highway, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

11 In the interests of pedestrian safety, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

12 To reduce the possibility of the kerbs and the footway being damaged by vehicles entering and exiting the site, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

13 To enhance the appearance of the development to accord with policy of the adopted Hinckley & Bosworth Local Plan.

14 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy of the adopted Hinckley & Bosworth Local Plan.

15 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 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:- Louise Forman Ext 5682