DELEGATED REPORT

Recommendation Made: 14 September 2011

Reference:- 11/00643/FUL **Parish:- Hinckley**

Applicant:- Mr Ray Wincote
43 Butt Lane
Hinckley
Leicestershire
LE10 1LB

Location:- 43 Butt Lane Hinckley Leicestershire LE10 1LB

Proposal:- ERECTION OF CARPORT

Introduction:-

This application seeks full planning permission for the erection of a carport to the rear of this detached dwelling. The proposed development will be sited adjacent to an existing workshop at the end of the rear garden.

The workshop is constructed from red brick with grey concrete pantile roof tiles.

Relevant Planning History:

03/00506/FUL – Rear extension to dwelling – Approved on 19/06/2003
07/00148/FUL Extensions and alterations to dwelling – Approved on 11/04/2007
81/01136/4 – New bathroom and bedroom – Approved on 03/12/1981

Relevant Planning History of Surrounding Area:

Rear Of 41 Butt Lane, Hinckley

11/00007/FUL - Erection of bungalow - Approved on 07/03/2011

23 De Montfort Road, Hinckley

10/00914/FUL - Erection of bungalow and garage - Approved on 11/01/2011

Consultations:-

Site notice displayed on 15/08/2011 and neighbours notified

One neighbour objection has been received raising the following concerns:

a) Siting of car port in this small residential lane would be detrimental to the area
b) Planning permission for a detached bungalow is directly opposite for a detached bungalow that has received planning permission
c) Not a pleasant sight to look out onto
d) Size of car port is more of a commercial building
e) Overbearing impact

No objections have been received from:

The Head of Community Services (Land Drainage)

The Director of Environment and Transport (Highways) provided the following comments:

Any garage / car port should be set back 5 metres from the road

Development Plan Policies:-

Adopted Local Plan

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

Policy BE1 - Design and Siting of the Development
Policy T5 – Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the proposed extension on the character and appearance of the existing dwelling, street scene and on the amenities of the occupiers of neighbouring properties.

The Principle of Development

The site is located within the settlement boundary of Hinckley, as defined in the Adopted Hinckley and Bosworth Local Plan Proposals Map; therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Impact on Existing Dwelling

The proposed car port will be sited adjacent to the existing workshop to the rear of the site. It will be positioned approximately 21 metres behind the main dwelling. Given the distance away from the main dwelling and the subordinate size in relation to the existing workshop, it is considered that the proposed development will not have any adverse impact on the character of the existing dwelling.

Impact on Street Scene

There is a row of three bungalows to the rear of 45 - 51 Butt Lane. Furthermore, the neighbouring properties at no. 41 Butt Lane and no. 23 De Montfort Road have planning permission for the erection of a bungalow in their rear gardens, which will form further backland development and hence a street scene is becoming established along the lane.

A representation has been received making the argument that the car port would be detrimental to the area due to the backland development taking place. The proposed car port will be positioned up to the boundary where the lane bends. When approached from De Montfort Road the side (south west) elevation that comprises of a brick wall and cladding will be visible in the streetscape and by virtue of its blandness it is not considered to be a beneficial addition to the street scene. Amendments to help improve the scheme were suggested by setting the front of the car port back 2.5 metres from the rear boundary and add a mock pitched roof. Notwithstanding the suggested amendments the agent has declined to make such improvements.

Should the height of the car part be reduced by 0.45 m then the scheme would fall under Permitted Development. On this basis, it is not considered a refusal on the grounds of its impact on the street scene that is becoming established would be successfully sustained at appeal, alternatively a similar scheme with a slightly lower eaves height could be implemented without the need to apply for planning permission.

Impact on Neighbour's Amenities

It is important to consider the impact of the proposed development on the amenities of future residents where planning permission is given for surrounding plots within the rear gardens of neighbouring properties.

A bungalow is proposed to the south west of the applicant's site in the rear garden of no. 43. The blank side elevation wall of the proposed car port will directly face a side elevation bedroom window on this proposed bungalow. The separation distance between them will be 8 metres. It is recommended in the SPG that the

distance between a blank wall and a habitable room window should not be less than 12 metres for a single storey structure. However, this distance is considered to be insignificant when the outbuilding could be reduced by 0.45m to 2.5m in total height and would fall under Permitted Development without the need to apply for planning permission.

Given the suns orientation, the position of the side elevation of the car port to the north of this proposed bungalow and the nearest window will be inset on the front elevation it is not considered the proposal will result in any material loss of light or overshadowing.

To the north east of the site is the rear garden of no. 23 De Montfort Road, which also has a proposed bungalow in the rear garden. Given the height of the proposed car port and its position in relation to the proposed bungalow at the rear of no. 23, it is not considered to result in any loss of light or overshadowing. Due to the separation distance to the adjacent facing proposed bungalow, no other impacts on residential amenities will arise.

In response to concern that the proposed development will have an overbearing impact, again the height of the proposed car port to the eaves is only 0.1 metres above what would be permissible under permitted development and given the shallow roof pitch it is not considered to have a detrimental impact on neighbours amenities in terms of overbearing or oppressive impact.

Given its position adjacent to the existing workshop to the north east of the proposal and its length that extends no further back or forwards from the existing outbuilding on site, there would be no impact on the amenities currently enjoyed by the occupiers of no. 30 Trafford Road.

Highways

The Director of Environment and Transport (Highways) commented that the garage / car port should be set back 5 metres from the road. In previous applications to the rear of Butt Lane, the highway to the proposed new dwellings along the lane has been classed as an access track rather than adopted road. Given the existing garage / workshop is not set back a car port to the boundary will not result in significant harm to highway safety.

Additional Issues

With regards to the representation that argues the car port will not be a pleasant sight to look out on to, the impact on a private view is not a material planning consideration. There is concern the size of the car port makes it more of a commercial building. The purpose of the car port is for ancillary use to the main dwelling and should the enclosure be used for commercial activity, the associated neighbour amenity issues regarding pollution and noise will be duly considered through a change of use application should it be proposed.

Conclusion

The proposal would respect the scale and character of the existing dwelling and would not adversely affect the street scene or amenities of the occupiers of neighbouring properties. The application is considered to be in accordance with Policy BE1 of the Local Plan and is therefore recommended for approval subject to 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 by virtue of the scale, mass and design of the proposed car port would not detrimentally impact on the amenities of neighbouring residents or the character and appearance of the existing dwelling or street scene and 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 in the construction of the proposed development shall be in accordance with the details contained in the application, unless otherwise agreed in writing with the Local Planning Authority.

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

Drawing - M/246/2 - Received on 09/08/2011
Drawing - M/246/1 - Received on 09/08/2011
Site Location and Block Plan - Received on 09/08/2011

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 For the avoidance of doubt and in the interests of proper planning.

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).

Contact Officer:- Kevin Roeton Ext 5919