DELEGATED REPORT

Recommendation Made: 23 September 2011

Reference:- 11/00685/EXT **Parish:- Burbage Parish Council**

Applicant:- Mrs J Tracey
16 Robinson Way
Burbage
Hinckley
Leicestershire

Location:- 16 Robinson Way Burbage Hinckley Leicestershire LE10 2EU

Proposal:- EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION 08/00723/FUL FOR PROPOSED EXTENSIONS AND ALTERATIONS TO FORM FIRST FLOOR ACCOMMODATION OVER GARAGE WITH COVERED PATIO AT REAR.

Introduction:-

This application seeks extension of time for an extant planning permission 08/00723/FUL for the erection of a first floor extension to the side of this detached property to provide annex accommodation and a covered patio area at ground floor level.

The application property is constructed from brown brick and brown roman roof tiles.

Relevant Planning History:-

08/00723/FUL – Proposed extensions and alterations to form first floor accommodation over garage with covered patio at rear – Approved on 25/09/2008

Consultations:-

Neighbours notified however no representations received.

Burbage Parish Council raised no objection.

Development Plan Policies:-

Adopted Local Plan

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

Policy BE1 - Design and Siting of the Development

Supplementary Planning Guidance: House Extensions Design Guidance (SPG)

Appraisal:-

The main considerations with regards to this application is whether there have been any material changes in planning policy and on site changes since the previous application that would affect the determination of the application and if the originally imposed conditions or additional conditions are required.

The original scheme was granted on 25/09/2008, therefore it was considered in light of the current adopted Local Plan (2001) and the Burbage Village Design Statement (2006) policies.

The other consideration is whether or not any material planning matters are now applicable that would not have been considered in 2008.

No further development of the site or new plans has been submitted since the original consent that would lead to a different conclusion.

Since the previous decision (08/00723/FUL) there have been no changes to the immediate neighbouring dwellings No. 14 Robinson Way or No. 2 Alesworth Drive. No new plans for those properties have been made since the previous application.

The adjacent properties on the opposite side of the road No. 9 & No. 11 Robinson Way have had side extensions since the previous decision, nevertheless the distance between the nearest property on this side of the road and the applicants dwelling is 26 metres.

There have been no changes to the forecourt of the residential curtilage in terms of reducing on-site parking provision.

Relevance of conditions

Given that the development plan and other material considerations have not changed that would now lead to the application being refused, the other consideration is the review of the previous conditions and if additional conditions should be applied.

It is considered that the imposition of those conditions on planning permission 08/00723/FUL are still relevant and reasonable with the exception of the removal of the condition relating to the extension remaining ancillary to the residential use of the dwelling. This condition is not considered to be necessary as the application has been submitted on a householder application form and is for ancillary use to the main dwelling house. A separate application would be required to convert the building to a different use or a dwelling house.

The imposition of a condition relating to the proposed development being carried out in accordance with the approved drawings is considered reasonable as this condition will allow the applicant to make non-material or material amendments to the scheme should they decide to alter aspects of the approved scheme. This condition also defines the permission and avoids doubt.

Conclusion

The development plan and other material considerations have not changed in a manner that would now lead to a different conclusion on the acceptability of the application. It is considered that all previously imposed conditions are considered necessary.

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 grant of the previous application with no changes in policy or significant material consideration changes would not result in a different decision being reached and therefore 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 unless previously agreed in writing with the Local Planning Authority.

3 The proposed windows shown on the north elevation shall be obscurely glazed and fixed shut unless other wise agreed in writing by with the Local Planning Authority.

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

Drawing - 08/75 01 - Received on 15/07/2008
Drawing - 08/75 02A - Received on 15/07/2008
Drawing - 08/75 04 - Received on 15/07/2008
Drawing - 08/75 05 - Received on 15/07/2008

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 protect the amenities of the neighbouring property in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4 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