DELEGATED REPORT

Recommendation Made: 23 March 2009

Reference:- 09/00070/FUL **Parish:- Barlestone Parish Council**

Applicant:- Mr & Mrs Marriott
46 Cunnery Close
Barlestone
Nuneaton
Warwickshire

Location:- 46 Cunnery Close Barlestone Nuneaton CV13 0HH

Proposal:- ERECTION OF A GARAGE

Introduction:-

The application site is an allocated parking space within a residential parking area located approximately 16 metres west of the rear garden of the applicants dwelling. The parking area has one vehicle access on the eastern boundary from 'The Glebe' and a pedestrian access on the south western boundary leading to the rear gardens of 42- 52 Cunnery Close. The parking area currently has two existing garages, one garage is located on the parking areas north western corner and provides parking for 52 Cunnery Close and was given permission in 2006 under reference 06/00061/FUL. The other garage is of an older design and stands 2.5 metres east of the more modern garage but ownership is unknown. Both existing garages are brick construction, one with a pitched roof and one with a flat roof.

Planning permission is sought for the erection of a detached garage measuring 2.5 metres wide, 5 metres long and 2.6 metres high with a flat roof. The garage includes an up and over garage door and the exterior walls will be of brick construction. The garage will be situated on the parking areas most southern boundary with a gap of 2.5 metres provided between the side boundary of 52 Cunnery Close's rear garden and the western garage elevation. The submitted plans included a porch extension to 46 Cunnery Close however other application details revealed the porch was constructed under permitted development and as such did not require assessment with this application.

History

06/00061/FUL- Two storey extension and alteration dwelling and erection of garage at 52 Cunnery Close- approved- 31.03.2006

Consultations:-

County Council Highways Officer has commented garages should have dimensions of not less than 3 metres by 6 metres but the proposed development should be maintained as a car parking space. The Officer also commented the applicant should demonstrate how appropriate off-street car parking will be provided and remain available.

One objection from a neighbour who commented an obstruction could be caused if the applicant were to leave their car parked in front of the garage. They also comment the applicant does not own the land marked out on plan and the land is actually a right of way. They further add that this right of way should be kept clear at all times.

One supporting representation from a neighbour

Barlestone Parish Council has commented that more details are required in relation to the garage and its impact on other residents.

Development Plan Policies:-

Hinckley and Bosworth Local Plan
- BE1 (Design and Siting of Development)
- T5 (Highway Design and Vehicle Parking Standards)

Appraisal:-

The central concerns to address within this application are its design and adequate parking and manoeuvring facilities.

Residential amenity is not a particular concern for this application because the garage is single storey, small scale with no external openings other than the garage door facing into the parking area. The development is also an adequate distance from the rear elevations of adjacent properties not to impact on privacy or light levels.

The design of the garage is a basic, flat roof, brick construction. The materials on the external elevations will match those of the application property. Two other garages stand within the parking area one of which has a flat roof to match this proposal. Overall the proposed development will appear as a basic garage within an existing parking area which has existing garage structures and would be acceptable in terms of design.

The County Council Highways Officer commented the minimum dimensions for a garage are 3m by 6m. Although the proposed garage has smaller dimensions than those stated above, its dimensions do qualify the garage to be classed as a car parking space as per the requirements in Local Plan Policy T5. As a result the construction of this garage would not remove the existing off-street car parking provision for 46 Cunnery Close. To ensure this car parking provision is maintained as off-street parking for the application property a condition will be placed on the decision requiring the garage be used for the purpose of parking a motor vehicle only and maintained thereafter.
Comments from neighbours have highlighted concerns regarding parking and manoeuvring around the car parking area as a result of the applicant parking in front of the garage. Unfortunately a condition preventing the applicant from parking in front of their garage would be unworkable but a note to applicant advising them to keep the area clear will be applied. General manoeuvring provision within the site has not been identified as a concern by the County Council Highway Officer.

A public right of way to the rear gardens of 42-52 Cunnery Close currently runs along these properties southern rear boundary and opens up into the adjacent parking area. The closest side elevation of the proposed garage will measure 2.5 metres from the access point for the rear gardens and is an adequate distance to maintain a functional access for these properties. The issue of land ownership identified by a neighbour is not a material consideration for planning and has no bearing on this decision.

Overall the proposal is considered to be acceptable in terms of design and parking and manoeuvring facilities and it is recommended that planning permission be granted, subject to a condition requiring materials to match, the garage to remain at all times for the purposes of parking a motor vehicle and to remain at all times incidental to the enjoyment of the dwelling house.

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 and would not harm the character or appearance of the area, the living conditions of neighbouring occupiers or impact on highway safety.

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1 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 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 use of the garage shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.

4 The use of the garage shall at all times remain incidental to the enjoyment of the dwelling house and no trade or business shall be carried out therefrom.

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 and T5 of the adopted Hinckley & Bosworth Local Plan.

3 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

4 To preserve the amenities of the locality and for the avoidance of doubt. Parking. BE1.?

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 The applicant should avoid obstructing any parking space including adjacent garages and the garage hereby approved within the communal residential parking area.

6 List of plans used in the determination of this application:-
Drawing number- 878/01

7. N20

Contact Officer:- David Kiernan Ext 5898







