

Delegated Report

Planning Ref: 23/00694/HOU
Applicant: Mr Andrew Bailey
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: 38 Ryelands Crescent Stoke Golding Leicestershire

Proposal: Detached double garage with car lift

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This householder application seeks planning permission for the construction of a detached double/triple garage to serve a dwelling, 38 Ryelands Crescent, Stoke Golding. The proposal includes a car lift in one half to enable one car to be stored above another. The proposed double/triple garage would be located at the end of the shared service road and would have a rectangular footprint with a width of 6.2 metres and a depth of 7.2 metres. It would have a dual pitched gable fronted roof design with an eaves height of 2.1 metres and ridge height of 4.2 metres and an up and over door to the front elevation. It would also have a pedestrian access door to the internal side elevation and full height glazed panels to its rear/side corner. Matching corresponding external materials to the existing dwelling are proposed in its construction.

2.2. The proposed garage sits in the same position relative to the boundaries of the site as the garage previously approved under application 22/00369/HOU

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Stoke Golding on a relatively recently constructed modern residential estate and at the end of a small private shared access road serving a total of three dwellings. It is a predominantly two storey and 1½ storey detached house with a hipped main roof form, a full height central forward projecting two storey gable to the front elevation along with two dormer windows and a lean-to roof over integral double garages. There is also a single storey section to the north side elevation with a lean-to roof and an infill conservatory to the southern rear corner. It is constructed of red facing bricks with black mottling, flat/plain grey concrete roof tiles and white uPVC windows. The site frontage currently has off-street parking for two additional vehicles on the concrete block paved surfaced garage forecourts and two additional spaces on loose stone hardstanding at the end of the shared access driveway.

3.2. The surrounding estate comprises a mix of two storey detached, semi-detached and terraced dwellings with a variety of sizes and designs. There are detached two storey dwellings to the west, south and east of the application dwelling and a field to the north. An additional strip of land has recently been included in a number of plots along the northern edge of the estate, including the application plot.

4. Relevant planning history

22/00369/HOU

- Dual hip to gable end roof extension, installation of rooflights to front and rear roof slopes and detached garage

- Permitted
- 06.07.2022

22/00749/NMA

- Non material amendment to planning permission ref 22/00369/HOU. Amendment to consist of removal and enlargement of windows.
- Permitted
- 09.09.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No response has been received from Stoke Golding Parish Council.

7. Policy

- 7.1. Stoke Golding Neighbourhood Plan (SGNP) 2020-2039 (2022)
 - Policy SG15: Design
- 7.2. Core Strategy (2009)
 - No relevant policies
- 7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

- 8.1. Extensions to existing domestic properties located within settlement boundaries, including ancillary residential buildings, are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon parking provision

Design and impact upon the character of the area

- 8.2 The design criteria of Policy SG15 of the 'made' SGNP requires development, (amongst other matters) to: (1) be in keeping with the scale, form and character of its surroundings, (8) ensure buildings are designed and positioned to enhance streets and spaces, and (10) ensure parking is integrated so that it does not dominate the street. Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally. The Council's adopted Good Design Guide states that *'garages and car ports should generally be set back from the existing dwelling so as not to dominate the street scene'*.
- 8.3 The proposed garage would measure approximately 6.2 metres in width by 7.2 metres in depth with a dual pitched gable fronted roof with an eaves height of 2.1 metres and a ridge height of 4.2 metres. Matching corresponding external materials to the existing dwelling are proposed in its construction to ensure a uniform appearance. It would be located within the applicant's residential curtilage at the front of the dwelling and would form a single storey visual end stop to the shared driveway. The proposal would clearly obstruct views along the shared driveway through to the open field beyond, however, that view is not protected or identified as being of any particular significance other than forming part of the original layout of the estate. The provision of a garage at the end of a driveway is not uncharacteristic of many modern residential estates and in this case would not be dissimilar in principle to the provision of a four garage block at the head of the space between and serving Nos. 4 and 6 Ryelands Crescent. The area proposed for construction of the garage is already hard-surfaced with loose stones and is used to provide parking for two vehicles. Following re-assessment of the legal boundary between the estate and the field, a new timber post and rail fence has been erected approximately 2 metres further to the north enabling the garage to be re-positioned further back than that previously approved by the Planning Committee (planning permission 22/00369/HOU). Therefore, whilst the garage would not retain the existing openness of the northern end of the shared driveway, it is considered that by virtue of its single storey scale it does not result in significant visual harm, particularly as the driveway offers no public thoroughfare and the proposal would be located at the end of a 47 metres long driveway and so is not a street in the usual context that would require greater adherence to the Good Design Guide.
- 8.4 By virtue of the siting, scale, design and subject to the proposed use of matching external materials in its construction to ensure a uniform appearance, the proposed detached double/triple garage would respect the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the character or appearance of the wider street scene or the surrounding area. It is therefore considered that the proposal would meet the requirements of design criteria 1 of Policy SG15 of the 'made' SGNP, Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide and would not be in any significant conflict with points 8 or 10 of the design criteria of Policy SG15 of the 'made' SGNP.

Impact upon neighbouring residential amenity

- 8.5 Point 5 of the design criteria of Policy SG15 of the 'made' SGNP requires that new development has regard to the amenities of residents in the area which should not be significantly adversely affected, including by loss of daylight/sunlight, privacy, air quality, noise and light pollution. Policy DM10 of the adopted SADMP and the adopted Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.

- 8.6 The Council's adopted Good Design Guide states:
- 8.7 *'The 45 degree rule is applied for planning applications for new extensions to existing properties which could result in the outlook from or daylight to a principal window to a habitable room being impacted upon. On a plan of the proposal, a projecting line is to be drawn from the nearest principal window to a habitable room that may be affected by the planning application towards the proposed building at an angle of 45 degrees. Habitable rooms include living rooms, bedrooms and kitchens but do not include rooms such as bathrooms, utility rooms, halls, landings or garages. The extension should not cross the 45 degree line.'*
- 8.8 The nearest neighbouring dwelling to the proposed garage is 56 Ryelands Crescent which is a two storey house located to the south west of the proposed garage. By virtue of its siting and separation, the proposed garage would extend approximately 2 metres beyond a 45 degree line drawn from the centre-point of the nearest ground floor habitable room window in the north/rear facing elevation of No. 56. Notwithstanding this, the orientation of the rear elevation of No. 56 is such that it splays away from the proposed garage and therefore the breach in this line would be approximately 10 metres from, and sufficiently offset from, the outlook of the window. This relationship together with its single storey scale and roof form that hips away from the boundary, would ensure that the proposal would not result in any significant adverse overbearing or overshadowing impacts on the window. Whilst there are other ground floor windows in the east elevation of No. 56 that face across the shared driveway towards the application dwelling, the nearest is only a secondary, not principal window. The west side elevation of the proposed garage facing the rear garden of No. 56 would be blank and therefore would not result in any loss of privacy to the neighbouring occupiers. Therefore, it is considered that the proposed garage would not result in any significant adverse overbearing or overshadowing impacts on the outlook of, or light to, the principal habitable room windows of any neighbouring dwelling.
- 8.9 By virtue of its siting, scale, design and separation distances, it is considered that the proposed garage would not result in any significant adverse impacts on the privacy or residential amenity of the occupiers of any neighbouring dwellings and that the proposal is therefore in accordance with point 5 of the design criteria of Policy SG15 of the 'made' SGNP, Policy DM10 of the adopted SADMP and the principles of the adopted Good Design Guide.
- Impact upon parking provision
- 8.10 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.11 The proposed garage is set back sufficiently from the existing garage forecourt parking area to enable vehicles to reverse out and exit in a forward direction. Notwithstanding the extant planning permission (22/00369/HOU) for extensions and alterations that include the conversion of the integral garaging to alternative uses, a minimum of four off-street parking spaces would still be retained to serve the potential resulting 7 bedroomed dwelling and the proposed 'store' on the ground floor has the potential to be re-used as a garage in the future should the need arise. A condition to ensure the future use of the proposed garaging for parking only and for no alternative use would be reasonable and necessary in this case to ensure adequate future parking provision for the site to serve the potential 7 bedroomed dwelling. Subject to this, the proposal would be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. The proposal is for the construction of a detached ancillary garage within the residential curtilage of, and to serve, an existing dwelling on a residential estate within the settlement boundary of Stoke Golding where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted SADMP and the overarching principles of the NPPF.

10.2. By virtue of the siting, scale, design and subject to the proposed use of matching external materials in its construction to ensure a uniform appearance, the proposal would respect the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the character or appearance of the wider street scene or the surrounding area. By virtue of its siting, scale, design and separation distances, it is considered that the proposed garage would not result in any significant adverse impacts on the privacy or residential amenity of the occupiers of any neighbouring dwellings. The proposal would provide and retain adequate off-street parking and turning facilities. The proposal is therefore considered to be in general accordance with the design criteria principles of Policy SG15 of the 'made' SGNP, Policies DM1, DM10 and DM18 of the adopted SADMP, the general principles of the Council's adopted Good Design Guide and the general principles of the local highway authority design guidance and is therefore recommended for approval subject to conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Location Plan and Proposed Block Plan Drawing No. 23/48 01a and Proposed Floor Plan, Elevations and Section Drawing No. 23/48 02c received by the local planning authority on 12 July 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the proposed detached garage hereby permitted shall match the corresponding materials of the existing dwelling and be in accordance with the materials details submitted on the approved Proposed Elevations Drawing No. 23/48 02c received by the local planning authority on 12 July 2023.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The use of the detached garage hereby permitted shall remain at all times for the purpose of parking motor vehicles and shall not be converted to additional living accommodation or for any other use without first obtaining further planning permission for alternative use.

Reason: To ensure that adequate off-street parking facilities remain available to serve the dwelling in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.