DELEGATED REPORT

Recommendation Made: 1 June 2011

Reference:- 11/00262/COU **Parish:- Groby Parish Council**

Applicant:- Mr Jamie Westbury
7 Sycamore Drive
Groby
Leicester
Leicestershire

Location:- 7 Sycamore Drive Groby Leicester Leicestershire LE6 0EW

Proposal:- CHANGE OF USE OF LAND FROM LANDSCAPING/OPEN SPACE TO RESIDENTIAL CURTILAGE

Introduction:-

This application seeks planning permission for the change use of land from landscaped/open space to residential curtilage for the adjacent residential dwelling No. 7 Sycamore Drive, Groby.

The strip of open space is to the east of the site positioned between the public pathway to the existing curtilage boundary of no. 7. This small piece of land was historically part of the landscaping scheme approved for the residential estate, but is conveyed to no.7.

The strip is currently split into two parts, a grass verge to the side and front of the dwelling and close boarded fencing inset behind a row of conifers along the side section of the rear garden.

The proposal involves reducing the existing landscape strip losing approximately 2 metres in width to vary between 1m to 1.5 m to the public pathway, but retains its full length.

During the course of the application, the applicant has provided details in respect of boundary treatments proposed. A landscape plan has been submitted that shows the existing conifers retained and continued with the planting of new additional conifers across the side of the main property. The existing fence 1.8 metres in height is positioned along the rear boundary with no. 12 Hawthorn Rise and will be continued to meet the existing hedge. This additional information regarding boundary treatment was re-consulted to the neighbour who objected.

Planning History:

81/00195/4 – Erection of 9 detached dwelling houses – Approved on 24/03/1981
11/00208/FUL - Extensions and alterations to dwelling

Consultations:-

No objections have been received from:-

The Director of Environment and Transport (Highways)
The Head of Community Services (Land Drainage)

One neighbour objection has been received objecting should the proposal allow building up to the site boundary:

a) Properties have not been built close to their boundaries therefore not in keeping with existing properties and would detract from the existing appearance of the area
b) Double storey brick wall is not wanted
c) Goes against the design principles of the estate:
    i) Minimise property height at side boundaries

ii) Maintain open views for neighbouring properties
iii) Minimise potential overview of neighbouring properties

d) If side elevation windows are proposed this will allow for overlooking
e) Not currently overlooked due to design
f) Existing design considerations for Sycamore Drive and Hawthorne are sympathetic to residential amenity whilst maintaining aesthetic appearance
g) A two storey extension will compromise residential amenity and design of estate

Development Plan Policies:-

National Policy Guidance

Planning Policy Guidance 17: Planning for Open space, Sport and Recreation

Adopted Hinckley and Bosworth Local Plan

The site lies within the settlement boundary of Groby 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
Policy NE12 - Landscape Schemes

Appraisal:-

The main considerations with regards to this application are the principle of development, impact upon visual amenity, impact upon residential amenity and highway considerations.

Principle of Development (Loss of Open Space)

The site does not afford any recreation designation and as such there is no policy support for its retention. The proposal involves retaining a full stretch of open space but reduced to 1m to 1.5m in width to the public pathway. Although the open space contributed towards enhancing the appearance of the original development, it is not considered to be an integral / effective open space to the design and layout of the wider housing estate.

Impact on Visual Amenity and Character of Area

The small strip of open space to be lost has limited importance with no significant value in visual amenity terms. The retention of some open space should the property be extended means development would not extend along the boundary line with the public footpath.

The front and middle section of the strip of open space is not currently maintained with landscaping. During discussions with the agent over boundary treatment, the existing conifers will be retained and new conifer trees planted along the 1m to 1.5m wide strip across the side section of the main house. As the proposal involves retaining a small landscaped strip, the covered area of open space to be lost would not significantly detract from the function and appearance of the open space as a landscaped feature.

The property on the opposite side of Sycamore Drive (dwelling no. 9) has conifer trees along the boundary up to the footpath. The addition of landscaping will provide a suitable soft green edge between the public footpath and the existing built development. The agent has pointed out that wooden fencing 1.8m height borders the boundary to the public footpath at No. 10 Sycamore Drive. Nevertheless, it is considered the change in use will not harm the character of the area and is complementary to surrounding boundary treatment.

Residential Amenity

No. 9 Sycamore Drive is a detached bungalow located to the east of the application site and would view the proposed boundary treatment, rather than open space as before. However, the boundary treatment is not a high brick wall as implied in the representation, but a row of conifers creating a softer visual appearance not

visually prominent. In addition no. 9 is separated from the proposed boundary treatment by highway and the neighbours own conifer hedge.

The loss of view is not a material planning consideration. It is noted the other comments refer more specifically to the extensions and alterations application 11/00208/FUL and the issues related to the proposed extensions will be considered as part of that application.

No. 12 Hawthorn Rise is a detached dwelling house located to the north of the application site. There is a triangular landscape bed containing one tall conifer tree and the rest mature hedging in front of the proposed wooden fencing. This section of open space is not indicated to be in the ownership of the applicant therefore the proposal will not adversely impact on the residential amenities of that property.

Highways

As noted above, due to the separate landscape bed being higher than the proposed 1.8 metre high fence it is considered the proposal would not exacerbate the vehicular visibility issues on to the highway.

TPO trees

The site falls within the Glebe Farm area TPO nevertheless the constraint is not considered relevant in this case with only conifers noted along the existing landscape strip.

Conclusion

This marginal loss of open space has been considered on its merits and it is concluded that the loss is minor and a soft green edge to the plot will be maintained. The change in use is not considered to adversely affect the character of the area or result in the significant loss of visual amenity.

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 as the proposals within this residential setting are considered acceptable and do not give rise to any significant material impacts on either visual or residential amenity, the character of the area or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1 & T5

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

2 Notwithstanding the submitted details, no development shall commence until full details of 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) Existing features
(ii) Planting plans
(iii) Written specifications
(iv) Schedules of trees and hedge, noting species, sizes and proposed numbers where appropriate
(v) Implementation programme

3 The approved soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping shall be maintained for a period of ten years from the date of planting. During this period any trees or hedges which die or are damage, removed, or seriously diseased shall be replaced by trees and hedge of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

4 The change of use of the open space shall only be for the strip of land as diagonally hatched in green on the Block Plan (1:500) received by the Local Planning Authority on 14 April 2011.

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

Drawing - P/275/1 - Received on 14/04/2011
Drawing - P/275/2 - Received on 24/05/2011

Reasons :-

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

2 To ensure that the development has a satisfactory external appearance and assimilates within the street scene, to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

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4 For the avoidance of doubt and to ensure that a level of open space is retained to enhance the appearance of the property, in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan

5 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