DELEGATED REPORT

Recommendation Made: 7 July 2008

Reference:- 08/00492/FUL **Parish:- Earl Shilton Town Council**

Applicant:- Mr Andrew Cheshire
50 Candle Lane
Earl Shilton
Leicester
Leicestershire

Location:- 50 Candle Lane Earl Shilton Leicester Leicestershire LE9 7BL

Proposal:- PROPOSED ERECTION OF ONE NEW DWELLING

Introduction:-

The application relates to a new dwelling to be located within the existing residential curtilage of 50 Candle Lane, Earl Shilton. Planning permission is sought for a two storey detached dwelling to be located to the west of the existing property at 50 Candle Lane, Barwell. Two off street parking spaces would be provided within the curtilage of the proposed dwelling.

To the south of the site the level increases the open space to the rear of the site, and this in the rear garden has resulted in a rear portion of the garden at a higher level than the dwelling.

The site is located within the settlement boundary of Earl Shilton, adjacent to an area of open space that contains trees which are subject to Tree Preservation Orders.

Planning History
There is no relevant planning history.

Consultations:-

Environmental Health Officer- The application site is within 250 m of a former landfill site. Recommend condition C77.

The Council's Arboriculture consultant- the proposed development will not impact the protected trees to the rear of the site.

Earl Shilton Town Council have objected on the grounds that the proposal would result in loss of open space.

Director of Transportation, Highways and Waste Management (Highways) - No objection

To date representation has been received raising concerns regarding possible damage to property and access to garages during building work and who would be responsible.

Development Plan Policies:-

National
PPS1- 'Delivering sustainable development'- one of the aims of which is to ensure that everyone has a decent home to live in.

PPS3- 'Housing'- talks about decent places to live and adequate amenity areas especially for family sized homes.

Hinckley and Bosworth Local Plan
RES5 (residential proposals on unallocated sites)
BE1 (design and siting of development)

REC3- (provision of play and open space)

Supplementary planning guidance (SPG)- New residential development.

Appraisal:-

The main issues for consideration are the effect of the development on the amenities of neighbouring residents, the amenities of the existing and proposed dwelling, the provision of adequate parking for the dwelling and the impact on nearby protected trees.

The proposal would be located within the settlement boundary of Earl Shilton and the principle of development is therefore considered acceptable in accordance with Policy RES5.

The proposal would be located adjacent to the flank elevation of the existing dwelling 50 Candle Lane. There are no windows to this elevation. The proposed dwelling is sited to continue the gradual stagger of the other properties on this section of Candle Lane. The siting of the proposed dwelling is therefore considered acceptable and would not detrimental effect the amenities of neighbouring properties. The pitch of the proposed roof is steeper than that of the existing dwellings and this results in a higher ridge height than the surrounding dwellings. It is considered that this would result in a dwelling out of character with other dwellings in the area and contrary to the requirements of Policy BE1.

Due to the change in land level it is proposed to excavate the land to create a flat platform for the proposed dwelling and a retaining structure which would create a 1m raised border adjacent to the 2m high boundary fence around the site. This would create a 3.4m high boundary 5m from the rear wall of the dwelling. It is considered that this would result in a detrimental impact on the outlook of the future residents on the site and create a dwelling with an overbearing rear aspect.

Objections have been received from the Parish Council on the grounds that the proposal would result in the loss of open space. The site is completely contained within the rear garden of 50 Candle Lane and does not encroach on to any of the public open space.

The provision of two off street parking spaces is considered appropriate for the size of dwelling and therefore acceptable.

RECOMMENDATION :- REFUSE, for the following reasons :-

1 In the opinion of the Local Planning Authority, the proposed dwelling, by nature of the proposed ridge height would result in development out of keeping with the character of other development in the area to the detriment of views along the streetscene and from the public open space, contrary to Policy BE1 ~~within~~ of adopted the Hinckley and Bosworth Local Plan and the objectives of PPS1 (Delivering Sustainable Development) and PPS3 (Housing).

2 In the opinion of the Local Planning Authority the proposed treatment of the change in levels to the rear of the site would result in an overbearing rear boundary located close to the rear elevation and windows serving habitable rooms which would detrimentally affect the light ~~and~~ outlook ~~to the proposed dwelling~~ and amenity of future occupiers contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan and the objectives of PPS1 (Delivering Sustainable Development) and PPS3 (Housing).

3 Lack of financial contribution reason.

Notes to Applicant:-

1. List of plans used in the determination of this application:-
LA1, LA2/A, LA3, LA4, LA5, LA6, LA7, LA8, LA9, LA10 and LA11. (Local Authority Numbering)

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