

Delegated Report

Planning Ref: 24/00802/HOU

Applicant: Mr L Spyrou

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Wharf House Wharf Lane Sutton Cheney Leicestershire

Proposal: Detached double garage and conversion of existing garages into habitable room

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 planning application seeks planning permission for the construction of a detached double garage and the conversion of the existing triple garages to a games room for a dwelling known as Wharf House, Wharf Lane, Sutton Cheney.
- 2.2. The proposed detached double garage would be sited forward of the dwelling within the site frontage and would have a footprint of approximately 7 metres in width and 7 metres in depth with a pyramidal roof form with an eaves height of approximately 2.3 metres and a peak height of approximately 4.8 metres. It would be constructed using matching corresponding external materials to those of the existing dwelling along with horizontal timber boarding to its upper walls and vertical plank timber garage doors. It would be served by existing concrete block paved hard standing within the site frontage. The proposed conversion of the existing triple garages to a games room includes external alterations to replace the existing three garage doors with matching styled windows and window detailing, matching brick infill and amendments to existing fenestration to its rear elevation.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located in the countryside to the southwest of Sutton Cheney and to the northwest side of Wharf Lane. It is a detached two storey house with gable sided main roof form. It has central two storey front and rear projecting gables with half-dormer windows with dual pitched roof form to either side. The existing triple garages have a dual pitched gable sided roof form with bedroom accommodation at first floor served by roof lights and this is attached to the main house by a single storey dual pitched roof link. The dwelling is constructed predominantly with red multi facing bricks other than the white rendered forward projection at first floor, small plain grey roof tiles, light green uPVC windows and mid brown garage doors. Architectural detailing includes exposed rafters to the eaves, brick corbels, brick roof verges, brick soldier headers and sills and brick plinth with canted blue copings. There is an open Oak framed entrance porch below the forward projecting front gable. The dwelling occupies a substantial plot and is set back by approximately 17 metres from the highway boundary which is defined by a well maintained hedgerow of approximately 2.5 metres in height, semi-mature tree and solid timber security gates to the vehicular access. The site frontage is predominantly surfaced in concrete block paving providing extensive parking and turning space.
- 3.2. The only neighbouring dwelling (Ambion Lodge) is a detached bungalow that lies to the southwest of the application site. It has a detached pyramidal roofed double

garage within its site frontage. There are open agricultural fields to the other three sides of the application site. Sutton Wharf and the Ashby De la Zouche Canal (Conservation Area) lie at some distance further to the southwest.

4. Relevant planning history

18/00407/FUL

- Demolition of existing outbuildings and erection of a new dwelling
- Permitted
- 30.07.2018

19/00687/FUL

- Erection of a dwelling and detached garage (part re-submission of 18/00407/FUL)
- Permitted
- 05.11.2019

19/00857/HOU

- Extensions and alterations to dwelling including single storey side extension, new roof and brick cladding and erection of detached double garage/games room
- Permitted
- 05.12.2019

19/01012/FUL

- Vehicular access to serve residential dwelling (approved under 18/00407/FUL and amended by 19/00687/FUL).
- Permitted
- 05.11.2019

20/00025/FUL

- Demolition of existing two storey cottage and erection of replacement 5 bedroom two-storey dwelling with attached garage.
- Permitted
- 06.03.2020

20/00586/DISCON

- Application to discharge conditions C4, (Levels), C7(Drainage) attached to planning permission 20/00025/FUL
- Discharged
- 12.08.2020

20/00613/FUL

- Demolition of existing two storey cottage and erection of replacement new dwelling
- Permitted
- 30.10.2020

20/00986/CONDIT

- Variation of C2 and removal of C3 of planning permission 19/01012/FUL to add electric gates
- Permitted
- 20.01.2021

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 and a notice was displayed in the local press.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No objection has been received from the Canal and Rivers Trust.
- 6.2. No objection has been received from Leicestershire County Council (Highways) who refer only to standing advice.
- 6.3. No objection has been received from Leicestershire County Council (Ecology).
- 6.4. Environmental Health (Drainage) recommend the use of a sustainable drainage system.
- 6.5. No response has been received from Ramblers Association.
- 6.6. No response has been received from Sutton Cheney Parish Council.

7. Policy

- 7.1. Core Strategy (2009)
- No relevant policies
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- Planning (Listed Buildings and Conservation Areas) Act 1990
 - National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Ashby Canal Conservation Area Appraisal and Management Plan
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

8.1. Notwithstanding its countryside location, extensions and alterations to existing domestic properties, including ancillary 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 dwelling and surrounding countryside
- Impact upon the setting of the Ashby Canal Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon parking provision

Design and impact upon the character of the dwelling and surrounding countryside

8.2 Policy DM4 of the adopted SADMP allows the extension of existing buildings in the countryside which lead to an enhancement of the immediate setting and where it does not have a significant adverse effect on the rural appearance and open character of the countryside. 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 provides further advice in respect of the siting and design of house extensions and suggests that: *'Garages and car ports should generally be set back from the existing dwelling so as not to dominate the street scene.'*

8.3 In this case, the proposed detached double garage would be located forward of the front elevation of the dwelling within the site frontage. However, it would have a similar siting, scale and pyramidal roof design to the existing detached double garage that serves the only other neighbouring dwelling, Ambion Lodge, to the southwest of the site and therefore would not be uncharacteristic of neighbouring development. In addition, its visual impact within the street scene and surrounding countryside would be significantly reduced by virtue of its set back from the highway and its siting within an established and well enclosed residential curtilage. Other than its proposed low impact pyramidal roof form, the garage would be effectively screened from the public highway by the existing 2.5 metres high well maintained hedgerow, semi-mature tree and solid timber access gates that define the highway boundary and the 2 metres high solid close boarded timber fencing that defines the southwest side boundary with Ambion Lodge. As a result, it is considered that, notwithstanding its forward siting, the proposal would not appear as an overly prominent structure within the street scene or have any significant adverse visual impacts upon the rural appearance or open character of the surrounding countryside.

8.4 By virtue of its single storey scale and footprint of approximately 7 metres in width and depth and its pyramidal roof form with an eaves height of approximately 2.3 metres and a peak height of approximately 4.8 metres, the proposal would appear as a clearly subordinate ancillary building to the substantial detached dwelling that it would serve. Its design includes a red brick plinth and the use of matching corresponding external materials to ensure a unified appearance with the existing dwelling together with the use of horizontal timber boarding to the upper external walls and vertical plank garage doors to reflect and be sympathetic to its rural setting.

8.5 The proposed conversion of the existing triple garages to a games room includes replacement of the existing three garage doors with matching styled windows,

matching brick header detailing and matching brick infill along with minor amendments to existing fenestration to its rear elevation. By virtue of their design and the proposed use of matching external materials the conversion would be sympathetic to the character and appearance of the existing dwelling.

- 8.6 By virtue of their scale and design and subject to the proposed use of matching corresponding and sympathetic external materials, the proposals would respect the scale, character and appearance of the existing dwelling. Notwithstanding the siting of the proposed detached garage within the site frontage, in this particular case, by virtue of the substantial existing screening and similar neighbouring development, the proposal would have no significant adverse visual impacts on the street scene or the rural appearance or open character of the surrounding countryside. The proposals are therefore considered to be in accordance with Policies DM4 and DM10 of the adopted SADMP.

Impact upon the setting of the Ashby Canal Conservation Area

- 8.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.8 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205 - 208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance.
- 8.9 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment including conservation areas and national and locally important heritage assets and should ensure the significance of a conservation area is preserved and enhanced.
- 8.10 Inter-visibility between the Ashby Canal Conservation Area and the application site is very limited due to the significant level of screening provided by existing hedgerows along the boundary to the adjacent plot in addition to the presence of the adjacent detached dwelling and garage to the southwest of the application site further reducing the extent of any views. As a result, views from the closest section of the conservation area to the site are barely possible. It is considered that the proposed new garage would be a neutral presence within the wider setting of the conservation area and would not have any discernible adverse impact on any limited views of the site from the conservation area. It is therefore considered that this would be an appropriate development proposal located within the setting of the Ashby Canal Conservation Area which would have no adverse impact upon its significance, and as a result the proposal is considered to comply with Policies DM11 and DM12 of the adopted SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.11 Policy DM10 of the adopted SADMP and the adopted Good 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.
- 8.12 The proposed detached double garage would sit forward of the neighbouring dwelling (Ambion Lodge) which lies to the southwest of the site but would be offset from its front elevation by approximately 5 metres and would be approximately 10 metres from its nearest front corner. In addition, the proposal would be only single storey in height with a pyramidal roof form and would be screened other than its

roof by the existing 2 metres high solid timber fencing that defines the side boundary with Ambion Lodge and protects the privacy and amenity of the respective occupiers. By virtue of its siting, scale, design, separation distance and existing screening, it is considered that the proposal would have no significant adverse overbearing or overshadowing impacts on the neighbouring occupiers or result in any loss of privacy. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections have been received from the neighbouring occupiers.

Impact upon parking provision

- 8.13 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.14 The proposals would result in the loss of the existing triple garage. However, the proposals include the provision of a replacement double garage adjacent to the existing extensive concrete block paved hard standing within the site frontage which provides more than adequate off-street parking and turning to serve the resulting dwelling. The proposals would therefore 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. Notwithstanding its countryside location outside of any settlement boundary, the proposals relate to an ancillary building extension and alterations to an existing dwelling where there is a general presumption in favour of sustainable development as set out in Policy DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. By virtue of their scale and design and subject to the proposed use of matching corresponding and sympathetic external materials, the proposals would respect the

scale, character and appearance of the existing dwelling. Notwithstanding the siting of the proposed detached garage within the site frontage, in this particular case, by virtue of the substantial existing screening and similar neighbouring development, the proposal would have no significant adverse visual impacts on the street scene or the rural appearance or open character of the surrounding countryside. By virtue of the separation distances and substantial intervening screening, the proposals would have no adverse impact on the significance of the Ashby Canal Conservation Area or its wider setting. By virtue of its siting, scale, design, separation distance and existing screening, it is considered that the proposal would have no significant adverse overbearing or overshadowing impacts on the neighbouring occupiers or result in any loss of privacy. More than adequate off-street parking and turning and private amenity space would be retained within the site to serve the resulting dwelling. The proposals are considered to be in accordance with Policies DM1, DM4, DM10, DM11, DM12 and DM18 of the adopted SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and are 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 Block Plan Drawing No. PL-01, Proposed Site Plan Drawing No. PL-02, Proposed Ground Floor Plan Drawing No. PL-07, Proposed First Floor Plan Drawing No. PL-08, Proposed Elevations Drawing Nos. PL-05 and PL-06 and Proposed Garage Floor Plan and Elevations Drawing No. PL-11 received by the local planning authority on 20 August 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 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 garages conversion alterations and detached double garage hereby permitted shall be in accordance with the external materials details provided within the submitted Planning Application form and on the approved Proposed Elevations Drawing Nos. PL-05 and PI-06 and approved Proposed Garage Elevations Drawing No. PL-11 received by the local planning authority on 20 August 2024 and shall match the corresponding materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 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 building.control@blaby.gov.uk or call 0116 272 7533.
2. Rainwater from the detached garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring property.