

Delegated Report

Planning Ref: 23/00357/HOU
Applicant: Mr Kevin Snook
Ward: Hinckley De Montfort



Hinckley & Bosworth
Borough Council

Site: 44 Portland Drive Hinckley Leicestershire

Proposal: First floor front and side extension over, and two storey side extension to rear of, existing garage

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 a first floor front and side extension over, and two storey side extension to the rear of, an existing garage. The proposed extension would extend 0.8 metres forward of the main front elevation with a maximum width of 3.3 metres and to a depth of 10 metres to be flush with the main rear elevation. It would have a dual pitched gable sided roof form with matching eaves and ridge heights as the existing main roof of the dwelling and a forward projecting dual pitched roof gable with matching eaves height and subordinate ridge height of 6.2 metres. The proposal includes the change of use of the rear section of the garage to a utility room and retention of the remainder and existing garage door for its use as a store. Matching corresponding external materials are proposed in its construction together with the use of complementary vertical dark stained timber cladding to the first floor front extension.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the urban settlement boundary of Hinckley on a large residential estate. It is a detached two storey house with gable sided main roof form, a garage attached to its left side elevation with a similar roof form and a linked porch with lean-to roof form that wraps around the front elevation. The dwelling is constructed with red multi rough faced bricks, grey concrete interlocking roof tiles and white uPVC leaded windows. In addition to the garage, the 8 metres long double width tarmac driveway provides two additional off-street parking spaces. The rear garden is enclosed by 2 metres high close boarded timber fencing.
- 3.2. It lies in the middle of a row of three similarly designed and styled two storey detached dwellings with gable sided roof form and attached side garages with similar roof form.

4. Relevant planning history

None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One response has been received as a result of public consultation raising objections to the proposal on the following grounds:
- 1) design out of character with neighbouring properties and the surrounding area
 - 2) loss of neighbour amenity

- 3) loss of Right to Light
- 4) drainage and foundation disturbance

6. Consultation

- 6.1. No other consultations necessary or undertaken.

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 DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

- 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

- 7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Local Highway Authority Design Guide

8. Appraisal

- 8.1. Extensions and alterations to existing domestic properties within urban settlement boundaries 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
- Other issues

Design and impact upon the character of the area

- 8.2. 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.

- 8.3. The Council's adopted Good Design Guide states:

'Two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for a two storey side extension should be set down from the ridge of the existing house and set back from the front elevation.' and,

'Two-storey extensions to the front of properties should take the form of the existing building, mirroring the roof pitch, replicate or have lower eaves height and the ridge should be below the existing ridge height. In addition, the proposal should not normally extend beyond the front elevation by more than 2 metres and not cover more than 50% of the front elevation.' and,

'Rear extensions should be designed to be clearly subordinate to the main dwelling. They should be an appropriate height, width, depth and reflect or complement the detailing and materials of the original building.'

- 8.4 An objection has been received on the grounds that the design of the proposal, as a result of the infill of space between the dwellings and the proposed front extension, would be out of character with neighbouring properties and the surrounding area, including those that have already extended above their garages. The objection suggests that the proposed use of timber cladding on the frontage would also be uncharacteristic of the surrounding area.
- 8.5 The proposed first floor side extension above the existing garage would not be set back from the front elevation or be subordinate in height but would have the same 4.8 metres eaves height and 7.2 metres ridge height as the existing dwelling and therefore would have a degree of conflict with the adopted design guide in this respect. Instead, the proposed side extension would extend forward of the main front elevation, but only by 0.8 metres, and with a matching 4.8 metres eaves height, a clearly subordinate front gable ridge height of 6.2 metres and a clearly subordinate width of just 3.3 metres to the existing 9.7 metres wide existing dwelling. The surrounding area consists predominantly of plain fronted dwellings and front gables are not a feature of the street scene. Notwithstanding this, the subordinate scale and design of the proposed forward projection would be similar in design terms to that suggested as being acceptable in respect of two storey front extensions within the adopted Good Design Guide (figure 39). It is also considered that the proposal would add balance and visual interest to and not detract from the character or appearance of the existing dwelling or street scene. It is noted that there is a similarly scaled and designed extension to that being proposed that has been constructed in a similar context within a neighbouring road (96 Barwell Lane).
- 8.6 Notwithstanding the objection received in terms of the proposed design and infill of space between the dwellings, it is considered that a set-back/subordinate height for the side extension is not critical in this particular case. By virtue of the slightly staggered relative building lines of the dwellings, the form and subordinate scale of the front extension together with the proposed use of contrasting external timber cladding materials and the retained 1 metre gap to the site boundary, it is considered that the proposal would not result in any significant terracing effect and the detached character of the three dwellings would be maintained. The proposed two storey side extension at the rear of the existing garage would result in a small infill to the rear corner of the dwelling and would have an appropriate width, depth and height and would also be acceptable in design terms.
- 8.7 The proposed use of matching external materials in the construction together with contrasting but complementary vertical timber cladding to the front extension together with appropriately proportioned fenestration would ensure a satisfactory and integrated design and appearance for the scheme. Whilst the dark stained timber cladding would contrast with the existing facing brick walls of the dwelling, such cladding has been used in a feature panel on a neighbouring extension on a corner plot on the junction opposite.
- 8.8 Notwithstanding the objection received and degree of conflict identified with the adopted Good Design Guide in respect of side extensions, by virtue of the siting, scale, design and proposed use of matching corresponding and complementary external materials in the construction to ensure a satisfactory and unified appearance, it is considered that the proposal would nevertheless respect and complement the scale, detached character and appearance of the existing dwelling and would not result in any significant or adverse visual impacts on the character or appearance of the wider street scene in this case. The proposal is therefore

considered to be in accordance with Policy DM10 of the adopted SADMP and the general overall principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.9 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.
- 8.10 The Council's adopted Good Design Guide states:
'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.'
- 8.11 An objection to the proposal has been received on the grounds of loss of neighbour amenity from noise and disturbance as a result of the closer proximity of living accommodation to a neighbouring dwelling and loss of a legal right to light to, and overshadowing of, a first floor side elevation bathroom window in a neighbouring dwelling.
- 8.12 The application proposes a domestic extension to a detached dwelling to be used for purposes ancillary to the residential occupation of that dwelling. Any noise or disturbance from its use would be commensurate with the existing use of the site and any significant noise or disturbance over and above that use would be subject to control by separate environmental legislation. It is considered that the proposal would not result in any adverse impacts on the residential amenity of any neighbouring occupiers due to the closer proximity of enclosed living accommodation to the site boundary.
- 8.13 The adjacent dwelling to the southeast (No. 46) is a similarly designed and styled two storey detached house that is set slightly further forward of the application dwelling and has a single storey flat roof extension attached to its rear elevation extending approximately 3.5 - 4 metres just inside the side boundary and beyond the main rear elevation of the application dwelling. The rear side elevation facing the application dwelling forms the side boundary of the site and is blank other than a first floor bathroom window.
- 8.14 The proposed first floor side extension would extend 3 metres in width to within 1 metre of the side elevation of No. 46 and its bathroom window. It is therefore possible that the proposal would result in a potential reduction in the overall level of light reaching the window. However, the window serves a bathroom rather than any significant habitable room, it is located on the northwest elevation where any direct sunlight would be limited and the window is already compromised in terms of light as it currently faces the gable apex of the existing garage roof at a separation distance of 1 metre. Therefore, notwithstanding the objection received, it is considered that the proposed first floor side extension would not result in any significant or unacceptable impacts from loss of light to the window or the residential amenity of the neighbouring occupiers in planning terms. The neighbouring occupiers would be able to pursue any 'right to light' issue in respect of the bathroom window as a separate legal/civil matter should they wish to do so.
- 8.15 The proposed two storey side extension to the rear of the existing garage would extend only 1.4 metres in depth at a separation distance of 1 metre from the side

elevation of No. 46 and further to its nearest habitable room rear elevation first floor window. The proposal would not extend to the rear as far as the neighbouring single storey rear extension to No. 46. As a result, the proposal would not extend beyond a 45 degree line drawn from any rear elevation windows of No. 46 and would have no significant adverse overbearing or overshadowing impacts on the residential amenity of the neighbouring occupiers. There are no side elevation windows proposed that would result in any loss of privacy to the neighbouring occupiers from potential overlooking.

- 8.16 The proposed rear extension would extend no further to the rear than the existing main rear elevation of the dwelling and would have an en-suite window in the rear elevation at first floor level. This new window would be at a separation of 13 metres to the rear garden boundary and 14 metres to the side elevation of the neighbouring two storey dwelling to the rear (3 Gladstone Close) on which there are no principal habitable room windows. The separation distance would be in accordance with the adopted design guidance on back to side separation distances for two storey development and therefore would not result in any significant adverse impacts on the residential amenity or privacy of the neighbouring occupiers to the southwest.
- 8.17 The proposal would be completely screened from the neighbouring dwelling to the northwest (No. 42) and therefore would not result in any significant adverse impacts on the residential amenity or privacy of the neighbouring occupiers. The first floor bedroom window in the front elevation of the proposed extension would face towards an obscurely glazed first floor window in the side elevation of the neighbouring dwelling to the northeast (2 Kingston Drive) and at a separation distance of over 20 metres and over the Portland Drive public highway and therefore would not result in any significant adverse impacts on the residential amenity or privacy of the neighbouring occupiers
- 8.18 Notwithstanding the objection received, by virtue of the siting, scale, design and separation distances, it is considered that the proposed extension and alteration would not result in any significant or unacceptable adverse overbearing or overshadowing impacts in [planning terms or loss of privacy to the occupiers of any neighbouring properties and would therefore be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.
- Impact upon parking provision
- 8.19 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.20 The site currently provides up to three off-street parking spaces to serve the existing four bedroomed dwelling in the undersized garage and on the 8 metres long double width tarmac driveway.
- 8.21 The proposed extension and alterations would not increase the number of bedrooms of the dwelling which, as a result of the proposed internal layout alterations and en-suite provisions would remain at four. The proposal does include the part change of use of the rear section of the existing garage to a utility room and therefore the loss of its use for parking a car. However, the garage is undersized in terms of both its current internal length (5 metres) and width (2.5 metres) to be able to be counted as a useable parking space within the current local authority design guidance and therefore it could be argued that the proposal would have a neutral impact on parking provision within the site.
- 8.22 Two off-street parking spaces would be retained to serve the existing/resulting four bedroomed dwelling on the 8 metres long double width block paved driveway within the site frontage and there is space within the site frontage to provide a third space (if necessary) in the future. The level of provision would be one space fewer than

required by the local highway authority design guidance for a four bedroom dwelling. Notwithstanding this, it is considered that the proposal and the shortfall would not result in a critical loss of off-street parking provision in this case. The level of retained off-street parking would be adequate to serve the existing/resulting four bedroomed dwelling located as it is in a highly sustainable urban setting where a full range of services and facilities would be accessible by alternative and more sustainable transport means. The proposal is therefore considered to be acceptable in terms of Policy DM18 of the adopted SADMP.

Other issues

- 8.23 An objection has been received on the grounds that the proposal has the potential to disturb foundations and drainage systems serving the neighbouring property. Notwithstanding this, the construction of the extension and associated works would be subject to separate building regulations application/approval and the issue is not material to the acceptability of the proposal in planning terms.

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 relates to an extension and alteration to an existing dwelling located within the urban settlement boundary of Hinckley 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. Notwithstanding the objection received, by virtue of the siting, scale, design and subject to the proposed use of matching corresponding and complementary external materials to ensure a satisfactory and unified appearance, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and wider street scene. Notwithstanding the objection received, by virtue of the siting, scale, design and separation distances it is considered that the proposal would not result in any significant or unacceptable adverse impacts upon

the privacy or residential amenity of any neighbouring properties. The proposal would retain adequate private rear amenity space of 130 square metres and satisfactory off-street parking provision of two spaces to serve the resulting four bedroom dwelling in this sustainable urban setting. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good Design Guide 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 Block Plan Drawing No. 350 and Proposed Floor Plans, Roof Plan and Elevations Drawing No. 310 Rev B received by the local planning authority on 12 April 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 extension and alteration shall match the corresponding materials of the existing dwelling together with dark natural stained timber cladding in accordance with the materials details provided within the submitted Planning Application form and detailed on the approved Proposed Elevations Drawing No. 310 Rev B received by the local planning authority on 12 April 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).

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.