

Delegated Report

Planning Ref: 25/00378/HOU

Applicant: Mr Mike Wyner

Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 28 Heath Lane Earl Shilton Leicester

Proposal: Single storey extension and raised patio

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning consent for the erection of a single storey rear extension and raised patio area at 28 Heath Lane, Earl Shilton.
- 2.2. The proposed single storey extension would project 4.3m from the rear elevation, with a total width of 7.5m, spanning the full width of the dwelling. The eaves height of the flat roof would be 2.6m, with a max height of 3m.
- 2.3. The raised patio would extend a total of 4.5m and a width of 7.5 metres and would include steps down from the extension to the main area which is a maximum height of 0.5m from ground level.
- 2.4. The proposal has been amended in line with officer recommendation to reduce the projection and height of the raised patio area in the interests of neighbouring amenity.

3. Description of the site and surrounding area

- 3.1. The application site relates to a detached two-storey dwelling situated within the settlement boundary of Earl Shilton. The dwelling comprises cream render to the walls with brown interlocking tiles to the hipped roof and white uPVC windows. A block paved/loos gravel hardstanding drive sits forward of the principal elevation.
- 3.2. Within the street scene there is a mixture of bungalows, two-storey detached and semi-detached dwellings. Due to the variety of types, designs and styles of dwellings in the immediate vicinity of the site there is no clearly defined character.

4. Relevant planning history

- None relevant.

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. No representations have been received.

6. Consultation

- 6.1. Earl Shilton Town Council: Height of patio could cause sight line issue.

Officer comment: This has now been addressed via revised plans to reduce the height and projection of the patio.

LCC Ecology: No comment.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (AAP) 2006-2026
 - Policy 22: Development and Design
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- 7.2. Core Strategy (2009)
 - Policy 2: Development in Earl Shilton
- 7.3. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity

Design and impact upon the character of the area

- 8.2 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features.
- 8.3 Policy 22 of the Earl Shilton and Barwell AAP seeks to ensure that developments do not adversely affect the character or appearance of the host building or the surrounding area and respect the scale, proportions, height and materials of the existing building, neighbouring structures and overall street scene.
- 8.4 The proposed extension would be subordinate to the main dwelling and would only be visible in glimpses from the street scene between neighbouring dwellings. The proposed materials match the existing dwelling.
- 8.5 The proposed decking would be situated to the rear of the application dwelling and would span the width of the dwelling, projecting 4.5m from the proposed extension. The main alteration would be a modest 0.5 metre increase to the floor level. In any case, this would not be visible from the public realm.
- 8.6 The proposals are considered to be a complementary addition to the dwelling and would not be viewable from the public realm. By virtue of this, this aspect of the proposal is considered to be in accordance with Policy DM10 of the SADMP and Policy 22 of the Earl Shilton and Barwell AAP.

Impact upon neighbouring residential amenity

- 8.7 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighboring properties.
- 8.8 Policy 22 of the Earl Shilton and Barwell AAP seeks to ensure that developments do not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.9 The proposed raised patio would be sited immediately to the rear of the dwelling and would provide access to the garden from the proposed rear extension. Due to the land levels within the garden sloping downwards to the north, the original design was considered unacceptable as the raised patio would have resulted in loss of privacy/overlooking impacts to No. 26 to the east. The proposal was later revised to significantly reduce the height of the new patio, therefore removing any significant harm to neighbouring amenity.
- 8.10 The proposed single storey rear extension would pass the 45-degree rule for both neighbouring dwellings and would not lead to any loss of privacy or overbearing impacts.
- 8.11 In summary, the proposal is considered to comply with Policy DM10 of the SADMP and Policy 22 of the Earl Shilton and Barwell AAP in this aspect.

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.

10. Conclusion

- 10.1. The proposed development is for a property located within the settlement boundary of Earl Shilton. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, as long as the proposal is in accordance with the relevant policies of the SADMP.
- 10.1 The Local Planning Authority concludes that the proposed development would complement the character and appearance of the host dwelling, and no significant harm to neighbouring amenity would be caused by the proposals. On this basis, the proposal is therefore considered to be in accordance with Policy DM1 and DM10 of the Site Allocations and Development Management Policies DPD and Policy 22 of

the Earl Shilton and Barwell AAP. The proposal is 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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 7th April 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM1 and DM10 of the Site Allocations and Development Management Policies DPD and Policy 22 of the Earl Shilton and Barwell AAP.

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

- Site Location Plan
- Proposed Plans & Elevations – Drawing No. 25012-02B

Reason: To ensure a satisfactory form of development in accordance with Policy DM1 and DM10 of the Site Allocations and Development Management Policies DPD and Policy 22 of the Earl Shilton and Barwell AAP.

11.3 Notes to applicant

- a) 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.