

Delegated Report

Planning Ref: 24/00848/FUL

Applicant: Platform Childcare Ltd

Ward: Hinckley DeMontfort

Site: The Briars, 29 Spa Lane, Hinckley

Proposal: Two storey side extension to accommodate a lift



Hinckley & Bosworth
Borough Council

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 is for the erection of a two storey flat roof side extension which will contain a disability lift to allow improved accessibility for service users of the site.

3. Description of the site and surrounding area

- 3.1. The application site is a detached dwelling located on the corner of Spa Lane and Spa Close. The dwelling itself is two storey with a mixed roofscape and a small single storey side extension. Off-street parking is afforded to the dwelling. The proposed extension is located between the host property and 27 Spa Lane which is a two storey semidetached dwelling.

4. Relevant planning history

None

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters.
- 5.2. One letter of objection has been received, the objection is detailed and lengthy and therefore is not repeated verbatim here. In summary the objection raises the following points:
- The application form is incorrect, specifically when referencing trees within proximity to the proposed development
 - Shared boundary issues/Party wall agreement/Permission to place scaffolding on neighbouring land not permitted/Concerns of trespassing and materials on neighbouring land
 - Lack of detailed dimensions of the lift and extension
 - Previous actions from the business

6. Consultation

- 6.1. LCC Ecology: No objections, note to applicant included.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

7.4. Core Strategy (2009)

- Policy 1: Development in Hinckley

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other issues

Assessment against strategic planning policies

8.2. The NPPF identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

Design and impact upon the character of the area

8.4. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.5. The proposal is for a two storey side extension which will internally include a lift for accessibility for service users to the first floor. The lift will be accessed from the ground floor within the existing reception room and on the first floor to the existing lobby.

8.6. The proposed two storey extension is set to extend off the existing dog legged form of the existing building and is proposed to be of matching brickwork to the existing external wall. The proposal includes a flat roof. Whilst the flat roof element is not considered optimal, given the existing complexity of the roofscape it is not considered to be unacceptable to the degree of warranting a refusal of planning permission. The side extension itself is also not considered to cause significant detrimental impacts to the character of the area, given that it is set back from the highway and would be subservient to the main dwelling. As such it is considered that the proposal would be acceptable in terms of its impact to the character of the area and would be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.7. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.8. The two storey side extension is proposed to be located between the host dwelling and 27 Spa Lane. The extension is proposed to be erected to the boundary between the two properties, with 27 Spa Lane being set away from the boundary. The side extension would sit in the outline of the host dwelling and is not considered to cause detrimental impacts to neighbouring amenity in terms of loss of light, overshadowing or overbearing impacts. The proposal also includes no new window openings thus resulting in no detrimental impacts to neighbouring amenity in terms of overlooking or loss of privacy.
- 8.9. A significant neighbour objection has been received and will be addressed within the 'Other issues' section of this report.
- 8.10. The proposal as such is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.11. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.12. The proposal does not include any expansion of the business operating from the premises and as such there would be no detrimental impact to highway safety or the existing off-street car parking facilities afforded to the site as a result of the development. As such the proposal is considered to be in accordance with Policies DM17 and DM18 of the SADMP.

9. Other issues

- 9.1 As mentioned earlier within this report, an extensive neighbour objection has been received in relation to this application. The key concerns relate to:
- The application form is incorrect, specifically when referencing trees within proximity to the proposed development
 - Shared boundary issues/Party wall agreement/Permission to place scaffolding on neighbouring land not permitted/Concerns of trespassing and materials on neighbouring land
 - Lack of detailed dimensions of the lift and extension
 - Previous actions from the business
- 9.2 With regard to the application form and concern regarding trees within the neighbours boundary, a consultation was issued to LCC Ecology. LCC Ecology confirmed that whilst it is acknowledged that trees are seen within a reasonable distance to the proposed extension, that the proposed changes to the site are likely to have minimal impacts on ecology and as such no further information is required.

- 9.3 Issues were raised within the objection relating to a number of civil matters, such as shared boundary issues, party wall agreements, concerns of trespass from staff and builders, and the refusal of allowing any form of scaffolding to be sited on their land. Whilst these concerns have been noted, they are considered to be civil matters and not material planning considerations. The concerns have been raised with the applicants appointed agent, and would need to be addressed at a later date by the two parties outside of the planning remit.
- 9.4 In addition, concerns have been raised as to the lack of dimensions of the lift and extension. Email confirmation from the planning agent of the applicant confirmed the dimensions and are assured that this will be built solely within the land owned by the applicant.
- 9.5 Finally, concerns were raised relating to previous actions of the business and applicant, and whilst noted, this is not considered a material planning applicant or pertinent to the proposal for the two storey side extension.

10. **Equality implications**

- 10.1 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.
- 10.2 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.
- 10.3 There are no known equality implications arising directly from this development.
- 10.4 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).

11. **Conclusion**

- 10.1. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of adjacent buildings. It is considered that the proposed development would be in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP.

12. **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:

Design and Access / Planning Statement
Proposed Floor Plans, Elevations and Site Plans Drg No. PC-24-002-102

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 proposed elevations of the two storey side extension shall accord with the approved materials detailed within the application form.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies 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.
2. The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached, and therefore may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.