

Delegated Report

Planning Ref: 24/00896/HOU
Applicant: Mr. Aaron Holdstock
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 30 Plum Crescent Burbage Leicestershire

Proposal: Single storey rear and side extension and conversion of existing garage

1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report

1.2. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

1.3. **Refuse planning permission** subject to the reasons at the end of this report.

2. Planning application description

2.1. The application proposes a single storey single storey rear extension (under a flat roof) with a lantern type window inserted within its centre. The extension will span approximately half the width of the host dwellings rear elevation and protrude 4 metres in depth. The extension will contain a 'corner window' feature that wraps around the south and east elevations.

2.2. The application also proposes a side/rear single storey extension. This will adjoin both the host dwelling's side (north) elevation and also adjoin the side (north) of the proposed rear extension. The side extension will also adjoin the front (east) elevation belonging to the proposal site's existing single storey (under a tiled duo-pitch roof) ditched garage unit – which is sited behind the dwelling's rear elevation and is sited within the corner (south west) of its rear amenity space. The proposed side extension will be under a (concrete tiled) duo-pitch roof and adjoin (perpendicular) to the existing garage units roof.

2.3. The proposed side extension will be used as a new garage space, whilst the existing garage space is proposed to be converted for use as a home study and with adjoining cloakroom. To enable the conversion to a living space (ancillary to the main dwelling) bi- fold (containing glass panels) type doors a proposed to be inserted within the garage unit's side (south) elevation.

3. Description of the site and surrounding area

3.1. The host dwelling is a modern (2010's) brick-built two storey, detached dwelling. The property is a corner plot, sited at the entrance to Plum Close, and is also located within a row (staggered front building line) of dwellings (Plum Crescent). A row of (3 No.) similar dwellings are sited on the opposite side (south) of Plum Close, whereby their front elevations face the boundary treatment (brick wall) surrounding the host dwelling's rear amenity space. Furthermore, a single two storey (detached) dwelling adjoins the host dwellings rear boundary (west).

4. Relevant planning history

- None

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. No comments received

6. Consultation

6.1. Burbage Parish Council

6.2. Burbage Parish Council objects to this application for the following reason:

The new garage shown, with dimensions, on the proposed plan is not big enough to park a car in and therefore cannot be considered a parking space. There was no parking plan or other document submitted to show how the required two parking spaces to serve the property would be provided and it is therefore deemed that there would be insufficient parking provision for the property if the development was to be approved as proposed.

7. Policy

7.1. Burbage Neighbourhood Plan 2015-2026

- Policy 2 (Design)

7.2. Site Allocations and Development Management Policies 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) (2024)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicester Highway Design Guide (2024)
- Burbage Neighbourhood Plan (2021) – Policy 2 (Design & Layout)

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

Design and impact upon the character of the area

- 8.2 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials.
- 8.3 Policy 2 of the Burbage Neighbourhood Plan states that residential development must respect its surroundings and follow the existing pattern of development.
- 8.4 The Good Design Guide SPD outlines that extensions should be subordinate to the main dwelling and be an appropriate height, width, depth and complement the detailing and materials of the existing building.
- 8.5 Given the slopping site it is located upon, the proposed single storey rear extension will be able to be glimpsed in view (above the existing brick built rear boundary treatment) from the adjacent highway (Plum Close) , which is located adjacent to the side (south) of the host dwelling's rear amenity space. Furthermore, the proposed side extension's front elevation (containing twin leaf garage doors, under a duo-pitch roof) will be able to be glimpsed in view from the nearby highway (Plum Crescent). However, given their siting, design (including the alterations to facilitate conversion of the existing garage) and scale the proposed development will be sympathetic to the design and scale of the host dwelling and neighbouring properties, and furthermore, will not introduce incongruous or harmful features within the surrounding streetscene.
- 8.6 By virtue of its siting and scale , the proposed development otherwise sits comfortably within its surrounding plot , and moreover , in accordance with the Good Design Guide at least 80 sqm of amenity space is provided for the enjoyment of host dwellings occupants, whereby, approx.90 sqm of rear amenity space is to be retained as part of this proposal.
- 8.7 Therefore, the proposal accords with SADMP Policy DM10, the associated policies provided in the Good Design Guide and the Burbage Neighbourhood Plan (2021) Policy 2 (Design and Layout).

Impact upon neighbouring residential amenity

- 8.8 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.9 The design/layout initially submitted as part of this application proposed a single storey rear extension protruded in depth from the host dwelling's rear elevation by 4.8 metres. Given its depth and siting, the window (corner type) to be inserted in the (as initially proposed) extension's rear elevation would have been sited 14.5 metres from the rear elevation (east) belonging to the adjoining neighbour (No.33 Plum Close) sited to the rear of the proposal site. Furthermore, given this distance, the proposed window would allow, views -albeit limited to their upper sections- to the neighbouring dwelling's ground floor windows that serve habitable rooms. Upon the case officer's advice, the application was amended, whereby, the proposed depth of the rear extension has been reduced to 4 metres.

- 8.10 As consequence of the amendment (to its depth), given the siting of the 2 metre boundary treatment (close boarded fence), which is sited upon the rear boundaries shared between the adjoining properties (No.30 and No.33), direct views between ground floor windows and areas of rear amenity most enjoyed by their occupants i.e. patio/terrace will be sufficiently screened, and therefore the proposal will not harm the privacy afforded to either properties lower sections.
- 8.11 Despite the amendment to its depth, the proposed rear extension's rear window will be sited 15.25 metres from the adjoining neighbour's (no.33) first floor windows that serve habitable rooms. Moreover, this distance is contrary to the policy contained in the Good Design Guide, whereby, it advises a minimum distance 21 metres is retained between facing (living space) windows. However, given that the views between neighbouring dwelling and the proposed window will be indirect (i.e ground floor to first floor) the impact on the privacy afforded to the neighbouring dwelling's upper floor living space windows will be limited.
- 8.12 Furthermore, notwithstanding its layout and dimensions, the host dwelling would ordinarily be allowed as Permitted Development to erect a single storey rear extension to the similar dimensions to what has been proposed (4 metre depth, 2.8 metres height) as part of this application. Therefore, given its siting, the proposal does not introduce any further harm to the privacy afforded to the neighbouring dwelling than is expected or allowed.
- 8.13 Otherwise, given their scale and siting, the proposed rear extension and the other elements of this proposal (conversion of garage space and single storey side extension) will not introduce an overshadowing or oppressive feature upon living space windows belonging to neighbouring dwellings or their rear amenity spaces, most enjoyed by their occupants.
- 8.14 Furthermore, the proposed glass panelled bi-fold doors to be inserted within the garage unit (to be converted) and the side (corner type) window to be inserted within the side (south) elevation of the proposed rear extension will directly face the principle elevations of the dwellings located upon the eastern side of the adjacent highway (Plum Close). However, given the proposed windows will face the neighbouring dwellings principle elevations (including the intervening highway) , and moreover, given the existing rear/side boundary (2 m height brick wall) treatment sited upon the host dwellings rear/side boundary, the proposed windows will not introduce any direct overlooking to neighbouring dwellings. Otherwise the proposal does not introduce window openings within its proposed elevations.
- 8.15 To protect the privacy (or the perception of privacy) afforded to neighbouring dwellings, a condition should be attached to the approval of this application that restricts the insertion of new window openings within the proposed side extension's side (north elevation).
- 8.16 Overall, by virtue of its design and siting , the proposal will not harm the amenity and privacy afforded to neighbouring dwellings and therefore accords with SADMP policy DM10 , the associated policies regarding residential amenity and privacy within the Good Design Guide and Burbage Neighbourhood Plan Policy 2 (Design and Layout)

Impact upon highway safety

- 8.17 Policy DM18 of the SADMP requires new development to provide an appropriate level of parking provision to serve the development proposed. In this case three bedroom spaces would be retained and no further bedrooms are proposed.

- 8.18 In accordance with Leicestershire Highways Design Guide at least two off-street parking spaces should be retained. This is also mirrored by Policy 2 (Design and Layout) within the Burbage Neighbourhood Plan.
- 8.19 In view of the above policies, upon advice provided by the case officer, the dimensions of the proposed side extension (garage space) was amended during course of the application; whereby, the depth of the side extension was reduced to in order to retain a greater area of the host dwelling's existing hardstanding, which would allow one off –street parking space. Furthermore, the layout and dimensions of the proposed side extension has been amended to ensure the proposed garage space will allow a further off –street parking space. Moreover, both proposed parking spaces accord with the required (off-street residential) parking space dimensions set out in the Leicestershire Highway Design Guide.
- 8.20 Therefore, the (amended) proposal allows sufficient off-street parking accommodation for two vehicles. Furthermore, given the dimensions of the off-street parking spaces to be retained, the proposal will not harm the users of the adjoining highway or compromise the safety of the users of the wider highway network. Therefore, the application complies with Policies DM17 and DM18 of the SADMP, the Leicestershire Highway Design Guide and The Burbage Neighbourhood Plan, Policy 2 (Design and Layout).

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 proposed development would respect the scale and character of the existing dwelling and street scene, retain adequate private amenity within the curtilage and would not adversely affect the amenities of the occupiers of neighbouring properties. In addition sufficient off-street parking provision would be available on the site. On this basis, the proposal is therefore considered to be in accordance with Policies DM10, DM17 and DM18 of the SADMP, The Leicestershire Highway Design Guide and The Burbage Neighbourhood Plan, Policy 2 (Design and Layout) and 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 development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

-Location Plan (1:1250)

Received by the Local Planning Authority (LPA) 6th January 2025.

- Drg.No: 9739-05E Rev A B - Proposed Site Plan

- Drg.No: 9739-03F Rev A - Proposed Elevations

- Drg.No: 9739-02F Rev A - Proposed Ground Floor Plan

All received by the LPA 5th February 2025.

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.

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).

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no window other than those approved under this permission shall be

inserted into the side (north) elevation of the proposed side extension unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 **Notes to applicant**

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.