

Delegated Report

Planning Ref: 23/00946/HOU
Applicant: Mr Michael Smith
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 9 The Drive Barwell Leicestershire

Proposal: Demolition of existing garage, erection of new garage and linked side extension

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 replacement garage following demolition of the existing garage and a linked side extension to a bungalow, 9 The Drive, Barwell.
- 2.2. The proposed garage would be located forward of the bungalow at the end of a shared private driveway serving this corner plot. It would have a width of 5.5 metres and depth of 7.5 metres and a dual pitched gable fronted roof form with an eaves height of 2.3 metres and ridge height of 4 metres. The proposed side extension to link the bungalow to the garage would have a dog-leg footprint and infill the 2 metres gap between them at the front elevation. It would have a depth of 4.5 metres and a total rear width of 7.5 metres. Matching corresponding external materials to the existing bungalow are proposed in the construction.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Barwell on a residential estate and on a corner plot at the end of a small, shared driveway. It is a detached bungalow with rectangular footprint and dual pitched gable sided roof form. There is a detached single brick garage and timber shed with a flat roof form set forward of, and offset from, the front elevation of the bungalow and extending along the southern boundary. The bungalow is constructed of red/brown facing bricks, grey interlocking concrete roof tiles and white uPVC windows. The garage and tarmac surfaced driveway provide off-street parking for two vehicles. There is a private garden to the side and rear enclosed by 2 metres high solid concrete panel and close boarded timber fencing.
- 3.2. The application bungalow is set back from the public highway at the far end of a small, shared tarmac surfaced driveway serving a row of three detached bungalows. It is also set back from and faces the side gable elevation of a two storey detached house located to the south. There are private residential gardens to the north of the site and a separately accessed public open recreational/amenity space located to the west.

4. Relevant planning history

None.

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.

5.2. No responses have been received as a result of public consultation.

6. Consultation

6.1. No objection to the proposal has been received from Leicestershire County Council (Ecology) and Barwell Parish Council.

7. Policy

7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014)

- No relevant policies

7.2. Core Strategy (2009)

- No relevant policies

7.3. 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

7.4. National Planning Policies and Guidance

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

7.5. 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

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. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and states: '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, notwithstanding that the proposed garage would be located forward of the front elevation of the bungalow, it would replace an existing, albeit smaller, structure and would be offset from the front elevation of the bungalow and set back approximately 8 metres from the public highway at the end of a shared private driveway serving this discreet corner plot. It would also be set well back from the adjacent two storey house such that it would not be overly visually prominent within

the street scene and would be viewed as an end-stop to the driveway. It would have an appropriate width of 5.5 metres, an appropriate depth of 7.5 metres and an appropriate dual pitched gable fronted roof form with an eaves height of 2.3 metres and a clearly subordinate ridge height of 4 metres. The proposed side extension to link the bungalow to the garage would have a dog-leg footprint and infill the small 2 metres gap between them at the front elevation with a more subordinate dual pitched roof form. The link would have an appropriate depth of 4.5 metres and a total rear width of 7.5 metres. The proposals include the use of matching corresponding external materials as those used in the construction of the existing bungalow to ensure a satisfactory and uniform appearance in keeping with the wider street scene. Whilst representing a substantial increase in the footprint of the built form within the plot, the proposals would nevertheless result in a subordinate addition and would retain adequate private amenity space of 110 square metres and adequate off-street parking provision within the plot to serve the resulting dwelling.

- 8.4 By virtue of the siting, scale, design and subject to the proposed use of matching corresponding external materials to ensure a unified appearance, it is considered that the proposals would respect and complement the scale, character and appearance of the existing bungalow and would not result in any significant adverse visual impacts on the character or appearance of the wider street scene or surrounding area. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.5 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.

- 8.6 The 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.'

- 8.7 The neighbouring dwelling to the south (No. 7) is a two storey detached house with gable sided roof form and a single storey extension with a dual pitched roof form extending across its rear elevation. The proposed garage would replace an existing flat roof structure and be constructed just inside the boundary which is defined by a 2 metres high solid close boarded timber panel fence. The proposed garage would be only single storey in height and would extend approximately 6 metres beyond the ground floor rear elevation of No.7. Notwithstanding this, by virtue of the almost full width rear elevation window to the ground floor of No.7 and the approximate 6 metres separation distance between its centre point and the side elevation of the proposed garage, the proposal would not extend to any significant degree beyond a 45 degree line drawn from it or result in any significant adverse overbearing visual impacts on the neighbouring dwelling. In addition, the proposal would be located to the north of the neighbouring window where it would not result in any overshadowing and the proposed dual pitched roof would slope away from the boundary which would further minimise any adverse visual impacts. No windows are proposed that would result in any loss of privacy to the occupiers of No. 7. By

virtue of the siting, orientation and separation distances, the proposals would not result in any adverse impacts on the residential amenity or privacy of any other neighbouring properties.

- 8.8 By virtue of the siting, scale, design and ancillary residential use, together with appropriate separation distances and existing screening, the proposed replacement garage and link side extension would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties and therefore the proposals would be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections to the proposals have been received from any neighbouring properties.

Impact upon parking provision

- 8.9 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.10 The proposals would not result in the creation of any additional bedroom space to the existing two bedroomed dwelling. The proposed replacement garage with internal width of 5 metres and length of 7 metres would provide at least one off-street parking space and two further spaces would remain available on the retained 5 metres wide and minimum 7 metres long tarmac surfaced driveway within the application site. This level of retained provision would remain adequate to serve the existing/resulting two bedroomed dwelling in this highly sustainable urban location with good access to a full range of services and facilities by alternative and more sustainable transport means. The proposals are therefore considered to be in accordance with Policy DM18 of the adopted SADMP and the local highway design guidance 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. The proposals relate to extension and alterations to an existing dwelling within the urban settlement boundary of Barwell 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. By virtue of the siting, scale, design and subject to the proposed use of matching corresponding external materials to ensure a unified appearance, it is considered that the proposals would respect and complement the scale, character and appearance of the existing bungalow and would not result in any significant adverse visual impacts on the character or appearance of the wider street scene or surrounding area or result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Adequate off-street parking for a minimum of three cars and private amenity space of approximately 110 square metres would be retained within the site to serve the existing/resulting two bedroomed bungalow. The proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide and the local highway authority design guide standards 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 Proposed Block Plan Drawing No. 120 and Proposed Ground Floor Plan, Roof Plan and Elevations Drawing No. 110 Rev B received by the local planning authority on 26 September 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 alterations shall be in accordance with the materials details submitted on the approved Proposed Elevations Drawing No. 110 Rev B received by the local planning authority on 26 September 2023 and 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).

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.