DELEGATED REPORT

Recommendation Made: 11 October 2011

Reference:- 11/00702/FUL **Parish:-**

Applicant:- Mr & Mrs C. Simmons
8 Kinross Way
Hinckley
Leicestershire
LE10 0WF

Location:- 8 Kinross Way Hinckley Leicestershire LE10 0WF

Proposal:- EXTENSIONS AND ALTERATIONS TO DWELLING

Introduction:-

This application seeks to obtain full planning permission for the erection of a two storey side extension at the side of this semi-detached dwelling house.

The dwelling is constructed from red/orange facing brick with brown interlocking roof tiles.

Amended plans have been received showing a first floor side elevation window that will break up the monotony of facing brick. The amended plans were then re-consulted for a 14 day period.

Planning History:

83/00324/4 - Erection of 57 houses - Approved on 21/06/1983

Consultations:-

No objection has been received from:

Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)

One letter of objection has been received from a neighbour who objects on the following grounds:

a) Loss of light / overshadowing
b) Overlooking into their habitable room windows resulting in a loss of privacy, especially after the removal of conifer hedge
c) Greater intrusion and visibility into their rear garden
d) No. 8 is sited on a higher footing increasing visibility and view of their property and rear garden
e) Adverse affect on visual amenity
f) Layout and density of building
g) Overbearing and intrusive impact
h) The extensions size and siting would have an unacceptable adverse impact on neighbour's amenities
i) No objection to building a garage or single storey side extension in the existing space
j) Entire objection based on the proposed building of a second storey
k) Should future occupants of no. 6 Kinross Way wish to build a two storey side extension this will result in the terracing effect, an impression of a continuous building would be created
l) Development results in the loss of a gap that would be detrimental to local character
m) The residential area has high spatial standards, visual amenity and spaciousness

During re-consultation of the amended plans further comments objecting to the proposal have been provided that raise the following additional points:

a) The size of the proposal results in a second property against advice in the SPG

b) Retention of gap to boundary is accepted
c) Separation distances should be consistently applied throughout the Borough
d) Misrepresentation of their rear garden with 8 Kinros Way

Development Plan Policies:-

Adopted Local Plan

The site lies within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 - Design and Siting of the Development
Policy T5 - Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance: House Extensions Design Guidance (SPG)

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the proposed extension on the character and appearance of the existing dwelling, street scene and on the amenities of the occupiers of neighbouring properties.

The Principle of Development

The site is located within the settlement boundary of Hinckley, as defined in the Adopted Hinckley and Bosworth Local Plan Proposals Map; therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Impact on Existing Dwelling and Street Scene

The proposed two storey side extension has a gabled roof design with the same roof pitch as the main house. The ridge line is 0.2 m lower than the ridge on the main house. The first floor section of the extension will be set back 0.5 m whilst the ground floor level will be flush with the front elevation of the main house. The design of the side extension is considered to be subservient to the main house.

The side extension will be 4 metres in width which is over half the width of the existing house contrary to advice given in the SPG. Given the main dwelling house is relatively small and the extension has been designed to be subservient without consistent fenestration arrangements, the scale of the proposed side extension is considered satisfactory for such a dwelling house.

Given the orientation of the property angled inwards towards No. 6 and the separation gap to the boundary that will be retained; the proposed development would not result in the terracing effect should the neighbouring property wish to extend in the future.

Due to the separation gap between no. 6 and no. 8 Kinross Way, the side elevation will result in a greater mass visible in the street. Despite the additional mass this does not significantly alter the dwellings prominence within the street scene. Amended plans have now been received showing a first floor side elevation window which will break up the monotony of facing brick. The first floor section of the extension is sufficiently set back on the main house as not to be a harmful addition to the character of the street scene.

In response to concerns over the loss of a visual gap between development, the space between both properties is not identified as an important gap in development. The proposed two storey side extension within the existing gap between two modern properties in this residential estate with no special character will not be detrimental to the character of the surrounding area.

Although the scale of the proposed extension is wider than the main house, retaining an element of subservience through its design ensures the proposal does not adversely impact on the street scene or the character of the existing dwelling and is therefore acceptable in design terms. The proposal is satisfactory in terms of the design requirements of Policy BE1.

Neighbours Amenities

In response to the representation received over the demarcation of their garden area in relation to the applicant's site, this has been noted and considered. However, the applicant's site has been correctly shown on both the Site Location and Block Plan.

No. 6 Kinross Way is located to the west of the application site and is a semi-detached dwelling house. The proposed extension is set back from no. 6, 3 metres from the front elevation and 3.5 metres from the rear elevation. Bearing in mind the proposal is off-set 1 metre from the boundary and 9 metres to the neighbour's property; the development will not have an oppressive or overbearing impact on the amenities currently enjoyed by the occupiers of that property.

Since the proposed side extension will be to the east of no. 6 there will be a small shadow cast towards a section of the residential curtilage to the side of the property during the morning. No side elevation windows will be affected and only a small side section of the residential curtilage will be affected and for that reason there will be no material loss of light or overshadowing.

The first floor side elevation window included on the amended plans will allow for unacceptable overlooking into the rear garden and patio area of no. 6. An obscure glazed window will mitigate any overlooking and this will be conditioned. Given its spatial relationship to no. 6, the proposed development will not result in any material impacts upon residential amenity to that neighbouring property.

No. 184 Roston Drive is a detached dwelling house to the south of the applicantion site. With regards to separation distances in order to ensure the privacy of surrounding properties, the House Extension Supplementary Planning Guidance (SPG) advises that where a window of a habitable room in the extension is opposite a similar window in a neighbouring house, the distance between them should be at least 25 metres.

The separation distance between the first floor bedroom window on the proposed extension and the first floor bedroom window on the rear elevation of the rear neighbouring dwelling (no. 184) is approximately 19 metres. It is noted this distance falls 6 metres short of the recommended 25 metres as advised in the SPG. Nevertheless, the existing distance between the bedroom windows on the main house is 20 metres and therefore a substandard separation distance already exists. Bearing in mind the proposal will only be 1 metre closer to the neighbour's habitable room window than the current case, the impact will be minimal and not materially significant to harm the amenities currently enjoyed by the occupiers of No. 184 in terms of loss of privacy.

Whilst there is a slight slope down the site towards no. 184 the land level difference between the two properties is relatively small and therefore any increase in overlooking resulting from the land level difference is considered to be minimal. Wooden fencing 1.8 metres in height runs along the side and rear boundary with no. 184. Given the presence of windows in the rear elevation of the existing dwelling, the additional overlooking would not result in any material loss of privacy.

Whilst there will be some overlooking of the rear garden from the proposed bedroom window, the issue of some overlooking is not unexpected in a suburban location and the degree of overlooking will not be materially detrimental in planning terms to have an adverse impact on neighbours amenities. It is noted the position of the neighbours rear garden at no. 184 extends beyond the rear boundary of the applicants site. It should be noted that the proposed first floor window closest to this section of their rear garden serves an en-suite which are typically obscure glazed where any views into the side section of the neighbour's rear garden will be oblique.

With regards to loss of light and overshadowing the development is due north of no. 184. Given the suns orientation and the separation distance, the extension is not considered to result in any loss of light or overshadowing to No. 184 Roston Drive. To avoid being visually oppressive the SPG recommends that the window of a habitable room should not be less than 14 metres to a blank wall for a two storey development. The extension will be 19 metres to the rear elevation of No. 184 and will therefore not have a visually oppressive or overbearing impact on that property or rear garden.

No 10 Kinross Way is to the east of the application site and adjoins the applicants property as a semi-

detached pair. Since the proposal does not extend beyond the front or rear elevations of the main dwelling, no material impact on residential amenities will arise.

Highways

A fourth bedroom will be added as a result of development. Local Plan Policy T5 requires three car parking spaces for a four bedroom dwelling house. The Director of Environment and Transport (Highways) considered parking to be acceptable, but requested a parking plan from the applicant that shows two parking spaces can be provided on the drive. It should be noted the Block Plan (drawing - 11355.4) already shows two off-street car parking spaces can be provided. Given its urban location in close proximity to surrounding amenities and local transport links the provision of at least two car parking spaces is considered acceptable.

Conclusion

The proposal would respect the scale and character of the existing dwelling and would not adversely affect either the street scene or the amenities of the occupiers of neighbouring properties. The application is considered to be in accordance with Policy BE1 of the Local Plan and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of the scale, mass and design of the proposed extension would not detrimentally impact on the amenities of neighbouring residents or the character and appearance of the existing dwelling and street scene and would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1 & T5

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

3 The first floor window to be inserted in the western elevation of the side extension shall be non-opening and obscure glazed and retained as such at all times thereafter.

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

Drawing - 1135.51 - Received on 30/08/2011
Drawing - 11355.3 A - Received on 26/09/2011
Drawing - 11355.4 - Received on 30/08/2011
Site Location Plan - Received on 30/08/2011

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

3 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Kevin Roeton Ext 5919