

Delegated Report

Planning Ref: 23/00427/HOU

Applicant: Mr S Woodward

Ward: Ratby Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Site: 13 The Square Bagworth Leicestershire

Proposal: Two storey rear extension and garage conversion

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 the construction of a two storey rear extension to a dwelling, 13 The Square, Bagworth and the conversion of the integral garage to living accommodation.
- 2.2. The proposed two storey rear extension would extend to a depth of 4.4 metres from the main original rear elevation across the full 7.5 metres width of the dwelling incorporating an existing single storey rear extension and replacing a conservatory. It would have a dual pitched roof design forming a rear facing gable with matching 3.9 metres eaves height as the existing main roof and a very marginally subordinate ridge height of 5.9 metres to that of the existing main roof. External materials to match those of the existing dwelling are proposed in its construction. The existing garage door to the front elevation would be replaced with a window of matching size, style, materials and soldier brick header detailing to the existing windows on the elevation.
- 2.3. An amended plan has been submitted to detail the provision of two off-street parking spaces within the residential curtilage to serve the resulting dwelling.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within, but on the edge of, the settlement boundary of Bagworth such that the rearmost part of the rear garden is outside the settlement boundary and therefore in the countryside. It is located at the end of a no through road and is a two storey end terraced cottage (of three) that has previously been extended to the side (two storey including integral garage) and rear (single storey). It is constructed of red facing bricks to the front elevation, rough cast light brown render with red brick quoins to the side and rear elevations, slate roof and white uPVC windows.
- 3.2. There is no longer any uniformity to the terrace. The two other dwellings having been rendered, extended in various forms to the rear at both two storey and single storey (No. 14) and single storey (No. 15) and having a variety of replacement windows. The wider street scene is more varied still.
- 3.3. There are residential gardens to the east of the site and open fields to the north and west. There is a public right of way/footpath (R57) that runs from west to east across the front of the proposed site access and into The Square.

4. Relevant planning history

83/00070/4

- Extension to dwelling to form bedroom garage and kitchen

- Permitted
- 18.04.1983

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One response has been received as a result of public consultation on the grounds of overlooking and footpath/highway safety.

6. Consultation

- 6.1. No response has been received from Bagworth and Thornton Parish Council.

7. Policy

- 7.1. Core Strategy (2009)
 - No relevant policies
- 7.2. Site Allocations and Development Management Policies (SADMP) 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
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. 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 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
 - Impact upon highway safety/adjacent public right of way

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.
- 8.3. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and states:

'Rear extensions should be designed to be clearly subordinate to the main dwelling. They should be an appropriate height, width, depth and reflect or complement the

detailing. Where there are no public views into a site, a fully integrated two storey rear extension may be acceptable unless there is a detrimental impact on the adjacent properties.'

- 8.4 The proposed two storey rear extension would extend to a depth of 4.4 metres from the main original rear elevation across the full 7.5 metres width of the dwelling incorporating an existing single storey rear extension of the same depth and replacing a conservatory. As a result, the proposal would not significantly extend the ground floor footprint of the dwelling but would almost double the floor space at first floor. Notwithstanding that the proposal would not be clearly subordinate to the existing dwelling and would be fully integrated in this case, it would be located entirely to the rear and the 5.9 metres high roof ridge would be marginally subordinate to the existing main roof such that it would not be viewed within the public highway. Although it would be visible along the adjacent public right of way to the west, it would be viewed against the existing structures, including a two storey rear extension of only marginally less depth on the adjoining dwelling against which it would be constructed and therefore would not appear overly prominent.
- 8.5 Matching external materials are proposed in the construction of the extension along with the inclusion of red brick quoin detailing and brick corbelled eaves to ensure a unified appearance. The design includes the provision of a large full height window at first floor which does not reflect the characteristic proportions of the existing cottage windows, however, this would be to the rear elevation overlooking open fields and therefore is not considered to be unacceptable in design terms in this case. The existing garage door to the front elevation would be replaced with a window of matching size, style, materials and soldier brick header detailing to the existing cottage style windows on the front elevation resulting in a unified appearance.
- 8.6 By virtue of the siting, to the rear, appropriate scale, design and the proposed use of matching external materials and detailing to create a unified appearance, the proposals are considered to respect and complement the scale, character and appearance of the existing dwelling and varied wider street scene. Over 300 square metres of private amenity space would be retained within the rear garden and would be adequate to serve the resulting three bedroomed dwelling. Notwithstanding the objection received, the proposals are 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
- 8.7 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.8 An objection has been received on the grounds that the proposed extension would overlook the adjacent property.
- 8.9 The proposal would extend 4.4 metres in depth from the main original rear elevation and only approximately 0.5 metres at ground floor and 1 metre at first floor level beyond the rear elevation of the two storey extension on the adjoining dwelling against which it would be constructed. As a result of its only marginally greater depth, the proposal would not result in any significant adverse overbearing or overshadowing impacts on the rear elevation windows or garden of the adjoining dwelling. The only windows proposed in the rear elevation face directly towards the applicant's own garden rather than towards neighbouring gardens and the nearest first floor window in the proposal is to an en-suite, the larger bedroom window being 4 metres in from the side boundary.

- 8.10 Notwithstanding the objection received, by virtue of the siting, scale and design, it is considered that the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the adjoining dwelling or any other neighbouring properties and that the proposals would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon parking provision

- 8.11 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design to serve resulting development.
- 8.12 The existing two bedroomed dwelling currently has one notional off-street parking space within the existing integral garage which is substandard in terms of its internal dimensions to meet current highway authority design guidance. The proposals would result in a three bedroomed dwelling and loss of the garage to additional living accommodation. However, an amended plan has been received to detail the provision of two off-street parking spaces to the side of the dwelling and these would be able to be provided at a length and width to meet the current local highway design guidance standards. A condition to ensure their provision before first occupation of the proposed extension and alteration works together with appropriate hard-surfacing would be reasonable and necessary to ensure satisfactory development. This level of provision would be adequate to serve the resulting three bedroomed dwelling and therefore be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

Impact upon highway safety/adjacent public right of way

- 8.13 Policy DM17 of the adopted SADMP supports development where there would be no significant adverse impact on highway safety.
- 8.14 An objection has been received on the grounds that the proposed parking provision would entail crossing the adjacent public right of way raising concerns in respect of user safety.
- 8.15 Access to the proposed parking spaces would involve crossing a public right of way (R57). The local highway authority has not been consulted on this application however, no objections were raised to the provision of a larger garage on the site (under a separate subsequently withdrawn application) subject to a pre-commencement condition to require the submission of a public right of way construction management scheme and associated additional details for prior approval to ensure the safety of users of the right of way and its integrity. This is also considered to be reasonable and necessary in this case to ensure safe development of the site in the interests of highway and pedestrian safety to accord with Policy DM17 of the adopted SADMP.

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 an extension and alterations to an existing dwelling within the settlement boundary of Bagworth 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 the proposed use of matching external materials and detailing in the construction, the proposals would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the wider street scene or the rural character or open appearance of the neighbouring surrounding countryside. By virtue of its siting, scale and design the proposed extension would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. The proposals would provide adequate off-street parking and retain adequate private amenity space of over 300 square metres to serve the resulting three bedroomed dwelling. The proposals are considered to be in accordance with Policies DM1, DM10, DM17 and DM18 of the adopted SADMP and the general principles of the adopted Good Design Guide 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, Proposed Site Plan, Proposed Floor Plans, Elevations and Section Drawing No. 3850-04 Rev F received by the local planning authority on 31 May 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 alteration hereby permitted 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. The development hereby permitted shall not be occupied until such time as a minimum of two off-street parking spaces each with a minimum length of 5.5 metres and minimum width of 2.4 metres have been provided in accordance with the approved Site Plan on Drawing No. 3850-04 Rev F received by the local planning authority on 31 May 2023 and hard surfaced in permeable hard-bound materials (not loose aggregates) for a distance of at least 5 metres behind the public highway. Once so provided the parking spaces shall be maintained as such at all times thereafter.

Reason: To ensure that adequate off-street parking provision is made to serve the resulting dwelling to reduce the possibility of the proposed development leading to on-street parking problems locally and to prevent deleterious materials (loose stones etc.) being deposited in the highway in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall take place until a scheme for the treatment of the public right of way has been submitted to and approved in writing by the local planning authority. Such a scheme shall include management during construction, and any changes to boundaries, surfacing, structures, signage or landscaping that may affect it. The development shall then be carried out in accordance with the approved management scheme and timetable.

Reason: To protect the use of the public right of way and access in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 100 of the National Planning Policy Framework (2021).

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. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

3. In relation to Condition 5 above, the applicants attention is drawn to Leicestershire County Council's Guidance on Development and Public Rights of Way:

<https://resources.leicestershire.gov.uk/sites/resouce/files/field/pdf/faq/2018/6/5/rights-of-way-guide.pdf>

4. The applicant is advised that Public Right of Way (R57) runs across the front of the site access.

a) Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works, including vehicle movements and parking on the street called 'The Square'.

b) The Public Right of Way must not be re-routed, encroached upon or obstructed in any way. To do so may constitute an offence under the Highways Act 1980.

c) The Public Right of Way should not be further enclosed in any way without undertaking discussions with the Highway Authority (Tel: 0116 305 0001).

d) If the developer requires the Public Right of Way to be temporarily diverted, for a period of up to six months to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

e) Any damage to the surface of the Public Right of Way which is directly attributable to the works associated with the development will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

f) No new gates, stiles, fences or other structures affecting the Public Right of Way, of either a temporary or permanent nature should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.