

Delegated Report

Planning Ref: 24/00647/HOU
Applicant: Mr Stewart Muscutt
Ward: Hinckley



Hinckley & Bosworth
Borough Council

Site: 132 Stanley Road Hinckley Leicestershire LE10 0HT

Proposal: Two storey rear extension

1. Recommendations

1.1. Refusal of planning permission.

2. Planning application description

2.1. This householder application seeks full planning permission for a two storey rear extension to a dwelling, 132 Stanley Road, Hinckley.

2.2. The proposed rear extension measures 4 metres from the rear of the main dwelling to a full width of 6.5 metres. The extension has a pitched roof form to a ridge height of 7.45 metres and eaves height of 4.8 metres. The ridge of the proposed extension is set down from the main dwelling. Other alteration includes the insertion of a new window to side elevation of bedroom 2. Materials for the extension includes white uPVC windows, slate roof and red facing bricks to match the existing dwelling.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the urban settlement boundary of Hinckley. It is a detached two storey house with dual pitched roof form, constructed with red brick at ground floor level and render to the upper half, white uPVC windows and doors. The front hardstanding area has the capacity to hold three off-street cars. The property is not listed and not in a conservation area.

3.2. Surrounding properties are a mixed of semi-detached, detached, brick and rendered houses of varied form and scales.

4. Relevant planning history

88/00900/4 - Extension to existing house for additional living accommodation- Planning permission – 19.09.1988.

12/00390/HOU - Extensions and alterations to dwellings- Planning Permission – 23.07.2012.

12/00138/CLUP - Certificate of proposed development for extensions and alterations to dwelling Refusal of Certificate of Lawful Proposed Use – 27.04.2012.

23/00422/HOU – Single storey rear extension – Refused Planning Permission – 06.09.2023.

5. Publicity

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

5.2. One objection has been received as a result of the public consultation. The grounds for objection are as follows:

- Loss of light and overshadowing
- Loss of outlook
- Increased risk of flooding
- Effect on wildlife due to the loss of hedging
- Questioning of the boundary and party wall issues

6. Consultation

6.1. None required.

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 DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF 2023)
- 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 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 that:

'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 and materials of the original building.'

8.3. The proposed rear extension measures 4 metres from the rear of the main dwelling to a full width of 6.5 metres. It has a pitched roof form to a ridge height of 7.45 metres and eaves height of 4.8 metres. The ridge height is slightly set down from the ridge of the main dwelling. Matching materials are proposed for the extension. The proposed extension is considered to be clearly subordinate to the existing dwelling. It covers an appropriate size of the rear garden and not easily viewable from the street scene. By virtue of its scale, mass and overall design, the proposal does not result in a significant adverse visual impact on the existing dwelling or wider character of the area. The proposal is not considered to be unacceptable in design terms. It is therefore considered to accord with Policy DM10 of the adopted

SADMP and the general principles of the adopted Good Design Guide with regard to its impact on the character of the site and surrounding area.

Impact upon neighbouring residential amenity

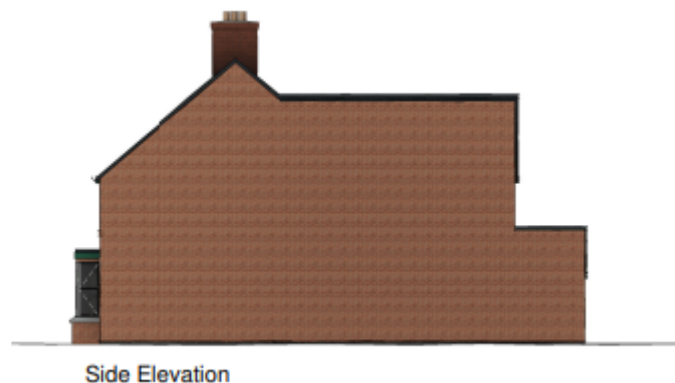
- 8.4 Policy DM10 of the adopted SADMP and the adopted Good Design Guide require that development should not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings. The adopted Good Design Guide states:

'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.'

- 8.5 Paragraph 31 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and helps make development acceptable to communities.
- 8.6 Paragraph 135 of the NPPF states that decisions should ensure that developments are visually attractive, are sympathetic to the surrounding built environment, and create places that promote health and well-being with a high standard of amenity for existing and future users.
- 8.7 Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and guidance on design.
- 8.8 Page 44 of the Council's Good Design Guide sets out that gardens are an important part of the quality of life afforded by a house.
- 8.9 The Applicant recently sought permission for a single storey rear extension that projected some 8.2 metres from the rear wall alongside the boundary with 130 Stanley Road. The extension had a monopitch roof falling towards the interior of the site. As a result the roof ridge was some 3.9 metres high at the boundary. That application, 23/00422/HOU dated 29 April 2023, was refused due to the detrimental effect on the amenity of the occupiers of the neighbouring property and a subsequent appeal, APP/K2420/D/23/3330070, was dismissed.
- 8.10 In dismissing the appeal the Inspector stated at paragraph 5 of the decision that the extension would result in a structure of imposing size and bulk on the boundary. At paragraph 6 the Inspector stated that the combined height and depth would demonstrably restrict outlook to the west and would have an enclosing effect on the rear ground floor windows and doors which serve a living and dining area, and the adjacent patio area.
- 8.11 At paragraph 7 the Inspector states that as the extension would be located to the west of the rear elevation and patio of 130 Stanley Road, it would limit evening sun and increase shadowing to these parts of the neighbouring dwelling and that taken together, the proposal would result in loss of outlook and sunlight, and an increased sense of enclosure and overshadowing. The Inspector concluded that this would be detrimental to the living conditions of neighbouring occupants
- 8.12 The proposed extension projects out of the rear elevation of 132 Stanley Road by 4 metres and to an overall ridge height of 7.45 metres and matching eaves height of 4.8 metres. The extension is 0.2 metres away from the 1.8 metres high fence at the north east boundary of the site with a 2.3 metres separation distance from the south

west site boundary. The extension is slightly set down from the ridge of the main roof. The side boundaries of the site are marked with fencing and hedging. These give the dwelling some form of screening.

- 8.13 The rear elevation of no.132 sits marginally behind the rear elevation of no.130. However, as a result of its siting on the common boundary, its two storey massing and its overall design the proposed extension is considered to have a significant detrimental effect upon the residential amenity of the occupiers of 130 Stanley Road both in terms of having a significant overbearing effect on that part of their garden closest to the house which is a raised patio area that features a table and seating and in terms of the loss of light to the neighbours' habitable room closest to the proposed extension.
- 8.14 Officers have pointed out their concerns regarding the impact of this revised scheme on the neighbours. It is noted that having just last year sought just a ground floor extension to their home the Applicant now seeks a first floor extension which simply makes the two bedrooms at the rear of the property larger.
- 8.15 It is clear from conversations with both parties that the occupiers of no.132 and the occupiers of no.130 do not get on. In response to officers concerns the Applicant stated that his property was overshadowed by a rear extension that was approved at 134 Stanley Road in August 2022 by application 22/00538/HOU. Below is an extract of the plans submitted for that application that shows the existing side elevation that faced no.132. The permission resulted in a first floor extension that squared off the extension but did not result in any rear extension beyond the existing ground floor extension. No.134 was built as a comparatively narrow property with the large two storey outrigger on the common boundary with no.132 and the relationship between no.132 and no.134 will have existed for many years.



- 8.16 Officers explained that the circumstances were different with regard to the impact of the proposed 4 metre two storey extension along the common boundary with 130 Stanley Road than the relationship between no.132 and no.134. Officers also set out to the Applicant that a reduction in the depth of the first floor extension by 2 metres would be considered acceptable. The Applicant rejected the suggestion.
- 8.17 By virtue of the above, it is considered that the proposal results in a significant adverse impact on the amenity of the occupiers of the adjoining residential property 130 Stanley Road and therefore is not in accordance with Policy DM10 of the adopted SADMP or the requirements of the NPPF.

Impact upon highway safety

- 8.18 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.

- 8.19 There are currently three off-street car parking spaces to the front of the dwellinghouse. The proposal does not add additional bedrooms and there is no impact on the existing parking provision. The application dwelling is located in a highly sustainable urban location with easy access to a full range of services and facilities by alternative and more sustainable transport means. The proposal is in accordance with Policy DM18 of the adopted SADMP and the Leicestershire Highway Design Guide.

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 The equality implications arising from this application relate to the protected characteristics of a family member of the applicant who has health impairment, and the accommodation needs of the occupiers have been taken into consideration in the assessment of this application in relation to Policy DM10 of the adopted SADMP and the design guidance within the National Planning Policy Framework (2021).
- 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 proposal is for an extension and alteration to an existing dwelling within the urban settlement boundary of Hinckley 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. Officers have expressed their concerns regarding the effect of the proposed development and have sought amendments. The Applicant has declined to make any amendments to the size or detailed design of the proposed extension.
- 10.3. As a result it is considered that by virtue of its siting, mass, and overall design, the proposal results in significant adverse impacts on the residential amenity of the neighbouring property at 130 Stanley Road. The proposal is not in accordance with Policy DM10 of the adopted SADMP, the general principles of the adopted Good Design Guide or the requirements of the National Planning Policy Framework (Dec 2023).

11. Recommendation

11.1 Refusal of planning permission for the following reason:

By virtue of its siting, mass, and overall design the proposal would result in significant adverse impacts on the residential amenity of the occupiers of 130 Stanley Road as a result of the overbearing effect on their outdoor amenity space and as a result of loss of light to the first floor bedroom closest to the common boundary. The proposal is therefore considered be contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the adopted Good Design Guide Supplementary Planning Document (2020) and the overarching principles of the National Planning Policy Framework (Dec 2023) with particular reference to Section 12 and paragraphs 131, 135 and 139.

11.2 Notes to applicant

1. The application has been determined in accordance with the following submitted details:

- Block Plan – Drg No.2 (submitted 18.08.2023)
- Site Location Plan (submitted 06.06.2023)
- Floor Plan, Elevations (submitted 06.06.2023)
- Proposed Floor Plan (submitted 06.06.2023)