

Delegated Report

Planning Ref: 24/00254/HOU
Applicant: Mr Murphy and Miss Lister
Ward: Ratby Bagworth and Thornton



Hincley & Bosworth
Borough Council

Site: Brooklyn 49 Main Street Thornton Leicestershire

Proposal: Two storey rear extension and extensions to existing detached workshop

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 and extensions and alterations to a detached workshop within its rear garden at Brooklyn, 49 Main Street, Thornton.
- 2.2. The proposed two storey rear extension would extend to a depth of 4 metres from the rear elevation flush with the northwest side elevation of the dwelling and for a width of 6.5 metres across the rear elevation. It would have a dual pitched roof forming a rear gable with matching 5.4 metres eaves height as the main roof and a lower ridge height of 7.75 metres. It would have glazed bi-fold doors to the ground floor and a full height window at first floor on the rear elevation. A number of small side elevation windows are proposed at first floor. A single storey rear extension with a depth of 1.85 metres and width of 1.7 metres and a lean-to roof would sit adjacent to the extensions southeast side elevation. Matching corresponding materials of rendered walls and slate roof are proposed in its construction.
- 2.3. The proposed garage/workshop extensions would be to the front and rear of an existing detached outbuilding located to the side and rear of the dwelling within the rear garden. The front extension would extend 1.2 metres forward for its full 4.7 metres width and have bi-fold garage doors to the front elevation. It would have a dual pitched gable fronted roof design with an eaves height of 2.3 metres and ridge height of 3.7 metres to match the roof of the existing building. The amended rear extension would extend 6.2 metres in depth from the rear elevation of the existing building and for a width of 6.4 metres. It would have a dual pitched roof form with matching eaves height of 2.3 metres but a higher ridge height of 4.2 metres and with a perpendicular ridge to that of the exiting building with a gable to the northwest side elevation and hip to the southeast side elevation along the boundary of the site. The extension and existing building would be constructed with rendered walls and slate roof to match the application dwelling.
- 2.4. Amended plans have been submitted to provide a hipped roof to the entire southeast side elevation of the detached garage/workshop. Given the nature of the amendment, no re-consultation has been undertaken.

3. Description of the site and surrounding area

- 3.1. The application dwelling lies within the settlement boundary of Thornton in a large plot on the northeast side of Main Street. It is a two storey detached house with gable sided main roof form. It has a central glazed porch with hipped roof form to the front elevation and a shallow depth glazed lean-to across its rear elevation. It is constructed of off-white rendered walls, slate roof with a red brick chimney stack and brown uPVC windows.

3.2. To the side and rear of the dwelling there is a detached outbuilding that extends 8.2 metres along and just inside the southeast boundary. It has a dual pitched roof with gable fronted roof form and is constructed of white painted facing bricks, slate roof, white painted vertical plank garage style doors to the inside elevation and a brown painted window to the front elevation. There is a loose stone surfaced driveway to the southeast side of the dwelling with tandem parking for at least three vehicles. There is a large garden to the rear providing extensive private amenity space.

3.3. The neighbouring dwellings either side and opposite are predominantly detached two storey houses of varying age, size, design and appearance.

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. As a result of public consultation, a response has been received from one neighbouring address objecting to the proposals on the following grounds:

- 1) Due to its height, width and scale, the proposed rear extension will create a cramped/over-dense development which will adversely affect the amenity of adjoining properties from overshadowing/loss of light.
- 2) Loss of privacy - the proposed 2nd floor window facing to the south-east will look directly into the adjoining property's downstairs toilet.
- 3) Workshop extensions are back-land development of a scale that would result in an obtrusive building that would detract from, rather than enhance, the character of the surrounding area and result in over-densification of the plot.
- 4) Workshop extensions would result in loss of light to neighbouring windows.
- 5) Inaccuracies within the submitted planning application form relating to trees/hedges, parking arrangements and the vehicular access.

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 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 and alterations to existing dwellings 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
- Other issues

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.

8.3 In respect of rear extensions, the Council's adopted Good Design Guide 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 and materials of the original building.'

8.4 An objection to the proposals has been received on the grounds that due to its height, width and scale, the proposed rear extension will create a cramped/over-dense development.

8.5 The proposed two storey rear extension would extend to an appropriate depth of 4 metres from the rear elevation flush with the northwest side elevation of the dwelling and for a subordinate width of 6.5 metres across the rear elevation. It would have a dual pitched roof forming a rear gable with matching 5.4 metres eaves height as the main roof and a subordinate ridge height of 7.75 metres. By virtue of its depth, width and height the proposal would appear as a clearly subordinate addition to the existing dwelling. Notwithstanding the objection received, by virtue of its subordinate scale and position to the rear, it would not be overly prominent or have any significant adverse visual impacts on the varied wider street scene or surrounding area. It would have contemporary style full height glazed bi-fold doors to the ground floor and a full height window at first floor on the rear elevation which would contrast with the more traditional style of the existing dwelling but by virtue of their position to the rear it is considered that these would be acceptable in design terms. A small single storey rear extension with a depth of 1.85 metres and width of 1.7 metres and a lean-to roof would sit adjacent to the extensions southeast side elevation where it would have no significant visual impacts. Matching corresponding materials of rendered walls and slate roof are proposed in the construction to ensure an appropriate and uniform appearance.

8.6 In respect of garages the Council's adopted Good Design Guide states:

'Garages and car ports should generally be set back from the existing dwelling so as not to dominate the street scene.'

8.7 An objection to the proposals has been received on the grounds that the workshop extensions are back-land development of a scale that would result in an obtrusive building that would detract from, rather than enhance, the character of the surrounding area and result in over-densification of the plot.

- 8.8 The existing workshop building is located to the side and rear of the dwelling and set back 23 metres from the public highway within the rear garden where it is not a visually prominent structure within the street scene. The proposed front extension would extend only 1.2 metres forward of its front elevation for its full 4.7 metres width with appropriately designed bi-fold garage doors. It would have the same dual pitched gable fronted roof design with matching eaves height of 2.3 metres and matching ridge height of 3.7 metres as the roof of the existing outbuilding and would therefore be appropriate in terms of its depth, width, height and design.
- 8.9 Notwithstanding the objection received, the Council's adopted Good Design Guide seeks to ensure that garaging is located to the side or rear of the dwelling that it serves. The rear workshop extension that would provide a double garage is therefore appropriately located. It would extend 6.2 metres in depth from the rear elevation of the existing building and for a width of 6.4 metres. The amended design would have a dual pitched roof form with matching eaves height of 2.3 metres but a marginally (0.5 metres) higher ridge height of 4.2 metres and with a perpendicular ridge to that of the existing building with a gable to the northwest side elevation and an appropriate hip to the southeast side elevation along the boundary of the site. Whilst the extension would almost double the footprint of the outbuilding, by virtue of its single storey scale and position to the rear it would not be visually obtrusive or overly prominent within the street scene. It was also noted on the site visit that there are single storey pitched roof outbuildings extending much further to the rear in close proximity to the northwest of the site. Notwithstanding the objection received, it is therefore considered that the proposal would not result in any significant adverse visual impacts on the character or appearance of the surrounding area. The resulting outbuilding would remain as a clearly subordinate structure to the existing dwelling and would not result in any overdevelopment of this substantial plot. The existing outbuilding and extension would be constructed with rendered walls and slate roof to match the application dwelling and ensure an appropriate and uniform appearance.
- 8.10 The objection received also suggests that the extended building would be for a new dwelling. However, this is a householder application that seeks extensions to the existing dwelling and cannot be used to create a new dwelling or subdivide the planning unit. The building is proposed to be used for purposes ancillary to the residential occupation of the application dwelling including garaging and a workshop. However, by virtue of its size, the imposition of a condition to restrict the use of the building to being solely ancillary to the residential occupation of the application dwelling would not be unreasonable.
- 8.11 Notwithstanding the objections received the resulting dwelling and ancillary detached garage/workshop building would be compatible with the size of the substantial plot in which it is located and not out of scale with neighbouring dwellings and therefore would not result in any overdevelopment of the site. By virtue of their siting, scale, design and appearance 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 upon the character or appearance of the varied street scene or surrounding area. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.
- Impact upon neighbouring residential amenity
- 8.12 Policy DM10 of the adopted SADMP and the adopted Good 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.
- 8.13 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.'

- 8.14 An objection has been received that the proposals would result in adverse impacts on the amenity of adjoining properties from overshadowing/loss of light and loss of privacy from a proposed upper floor side elevation window.
- 8.15 The neighbouring dwelling to the southeast of the site (No. 53) is a substantial two storey house the main body of which is set off the side boundary of the application site by approximately 6 metres. It has a subordinate single storey addition set back on its near side elevation that extends to within 2.5 metres of the boundary and beyond its main rear elevation. This has a blank front elevation and two small near side elevation windows facing directly into the application site forward of the existing workshop building. The proposed two storey rear extension would be constructed 6 metres inside the side boundary and 12.5 metres from, and to the northwest of, the blank main side elevation of No. 53 where it would have no significant adverse overbearing or overshadowing impacts on No. 53. The proposed new first floor window would face towards the blank main side elevation of No. 53 rather than directly towards any neighbouring windows, the downstairs toilet window referred to in the objection being set further back. The proposed front extension to the workshop would extend only 1.2 metres forward of the existing workshop at single storey height and would remain off set from and to the northwest of the small neighbouring windows at a separation distance of 2.5 metres. Therefore, it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on these neighbouring windows which in any case are not principal habitable room windows.
- 8.16 The proposed rear garage/workshop extension would extend a further 6.2 metres in depth along the side boundary with No. 53 and therefore extend for a total of approximately 10 metres beyond the rear elevation of the single storey side addition to No. 53 and beyond any 45 degree line drawn from any rear elevation window in this structure. However, notwithstanding this, the proposal would be constructed to the northwest of, and off set from, the main rear elevation of No. 53, would be only single storey in scale to a maximum height of 4.2 metres with a roof design that slopes away from the side boundary. As a result of its siting, scale and amended design, it is considered that the proposed rear garage extension would not result in any significant adverse overbearing or overshadowing impacts on No. 53 and there are no windows proposed that would result in any loss of privacy.
- 8.17 The proposed two storey rear extension would be constructed adjacent to the blank side elevation of the neighbouring dwelling to the northwest (No. 47) and would not extend beyond its rear elevation. The proposed garage/workshop extension would be only single storey and located 8 metres inside the boundary with, and offset 15 metres from, the rear elevation of No. 47. It is therefore considered that by virtue of their respective siting, scale and design that the proposals would not result in any significant adverse overbearing or overshadowing impacts on the residential amenity of, or result in any loss of privacy to, the neighbouring occupiers of No. 47.
- 8.18 Notwithstanding the objections received, by virtue of their relative siting, scale, design and separation distances, it is considered that the proposals would have no significant adverse impacts on the residential amenity or privacy of the occupiers of

any neighbouring properties. The proposals would therefore be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon parking provision

- 8.19 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.20 One response has been received pointing out that the submitted application form is inaccurate as parking arrangements are proposed to be changed.
- 8.21 The site currently provides a minimum of three off-street tandem parking spaces on the loose stone surfaced driveway and as stated in the application form this would not be affected. The proposals would result in the addition of a fourth bedroom but also the provision of additional parking spaces within the extended garage/workshop building along with the existing parking provision on the driveway which would remain unaffected by the proposals. Whilst changes are proposed, this level of proposed additional and existing/retained provision would remain more than adequate to serve the resulting four bedroomed dwelling and be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

Other issues

- 8.22 One response has been received from a neighbouring property raising concerns in respect of inaccuracies within the submitted application form relating to the previous removal of conifer trees and mature bushes and the previous removal of a (very) small section of low level wall to the front boundary to widen the existing access point. The items raised do not require planning consent and are not material to the determination of the planning application.

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 extensions and alterations of an existing dwelling located within the settlement boundary of Thornton 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. Notwithstanding the objections received, by virtue of their siting, scale, design and subject to the proposed use of matching corresponding external materials in their construction to ensure a satisfactory external appearance, the proposals would respect and complement the scale, character and appearance of the existing dwelling, would not overdevelop this substantial plot or result in any significant adverse visual impacts upon the character or appearance of the varied street scene or surrounding area. Notwithstanding the objections received, by virtue of their relative siting, scale, design and separation distances, it is considered that the proposals would have no significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposals would retain more than adequate private rear amenity space and off-street parking provision of at least four spaces to serve the resulting four bedroomed dwelling. The proposals are considered to be in accordance with Policies DM1, DM10 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 Drawing No. 3272/3 received by the local planning authority on 15 March 2024 and Proposed Floor Plans and Elevations Drawing No. 3272/2 Rev A received by the local planning authority on 24 April 2024.

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 extensions and alterations hereby permitted shall match the corresponding materials of the existing dwelling and shall be in accordance with the external materials details submitted on the approved Proposed Elevations Drawing No. 3272/2 Rev A received by the local planning authority on 24 April 2024.

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 enlarged detached building hereby permitted shall not be used other than for garaging and other purposes ancillary to the residential occupation of Brooklyn, 49 Main Street Thornton and shall not be used for any commercial or business purposes at any time.

Reason: To ensure the use remains compatible with the locality and to protect the residential amenities of neighbouring occupiers 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 building.control@blaby.gov.uk or call 0116 272 7533.