

## Delegated Report

**Planning Ref: 23/00841/HOU**

**Applicant: Mr Christopher Morris**

**Ward: Earl Shilton**



Hinckley & Bosworth  
Borough Council

**Site: 85 Belle Vue Road Earl Shilton Leicestershire LE9 8AA**

**Proposal: Single storey rear extension and roof alteration to existing extension**

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### **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 full planning permission for the construction of a single storey rear extension and roof alteration to existing rear extension, 85 Belle Vue, Earl Shilton.
- 2.2. The proposed single storey rear extension extends 3.94 metres from the rear elevation to a width of 6.18 metres and set in by 0.15 metres from both sides of the extension. The extension has a dual pitched roof of 3.75 metres ridge height, 2.39 metres and 2.87 metres eaves height to the north and south side of the extension respectively. The proposal includes the removal of the existing mono-pitched roof to a dual pitched roof with roof lights.
- 2.3. External materials for the extension are orange/red brickwork, white uPVC windows frames to match existing and Redland mini stonewold concrete roof tiles.
- 2.4. An amendment to the block plan was requested to show how far the extension goes in relation to the extension at the adjoining neighbouring properties which resulted in additional consultation.

### **3. Description of the site and surrounding area**

- 3.1. The application dwelling is located within the settlement boundary of Earl Shilton on Belle Vue Road and in a residential area. It is a two storey semi-detached house set back from the public highway, hipped roof form, a mix of brick and render wall, white uPVC windows and plain clay tiles and interlocking concrete tiles.
- 3.2. The dwelling has a loose stone front driveway. The surrounding streetscene has similar render and brick built semi-detached dwellings. The site is not within a conservation area and the dwelling is not listed.

### **4. Relevant planning history**

None.

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Objections have been received by neighbours and comments include:
  - Loss of light
  - High and vast roof
  - Big extension and too close to the boundaries of both adjoining properties
  - Overlooking into neighbouring properties

- Out of character

## **6. Consultation**

6.1. No response has been received from Earl Shilton Town Council.

## **7. Policy**

7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) 2006-2026 (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.

8.3. 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. The proposed single storey rear extension extends 3.94 metres from the rear elevation to a full width of 6.18 metres and set in by 0.15 metres from both sides of the extension. The proposed extension joins an existing single storey kitchen to the rear of the main dwelling. The extension has a dual pitched roof of 3.75 metres ridge height, 2.39 metres and 2.87 metres eaves height to the north and south side

of the extension respectively. The proposal includes the removal of the existing mono-pitched roof and replacing it with a dual pitched roof and roof lights. The scale and dimension of the extension is considered appropriate to the main dwelling in relation to surrounding context. The rear projection at property 83 Belle Vue Road goes further back than the proposed development at 85 Belle Vue Road and likewise the proposed extension goes further than the existing conservatory at 87 Belle Vue Road.

- 8.5 The pitched roof design and the overall design of the extension is not harmful to the street scene. It remains a character to the existing dwelling and not viewable from the street scene. The extension is considered to have an appropriate height, width depth and design to fit the rear elevation of the mains dwelling. The extension is constructed with orange/red brick, uPVC windows to match existing and concrete roof tile. The use of matching corresponding external materials in its construction ensures a uniform appearance with the existing dwelling. The velux rooflight does not protrude more than 0.2 metres and considered acceptable.
- 8.6 By virtue of their siting to the rear, single storey scale, lower eaves, appropriate design, dimension and the proposed use of matching corresponding external materials and new roof materials to ensure a unified appearance, it is considered that the proposed extension and alterations respects and complement the scale, character and appearance of the existing dwelling and surrounding area. In terms of design, the proposal is 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**

- 8.7 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.
- 8.8 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.'*
- 8.9 The application site relates to a semi-detached property with a long rear amenity space. The proposal creates a dual pitched roof extension that slopes away from both neighbouring properties, keeping to the height of existing rear projection. It has a 3.75 metres ridge height, lower eaves of 2.39 metres to the north side of the extension and 2.87 metres eaves height to the south side of the extension. The extension is considered to have appropriate dimensions and the eaves height, roof design, separating distance from the boundaries and pitching away of the roof reduces the level of overbearing or overshadowing impact on adjoining properties such that there would be no significant detrimental effect on either neighbouring property.
- 8.10 Number 83 is set away from the boundary by 1.3 metres, reducing the level of overbearing or overshadowing impact while 87 Belle Vue's rear conservatory covers the full width of the main property. 87 Belle Vue has a window to the side of the rear extension which serves the bathroom (not a habitable room) and therefore the 45 degree rule does not apply to the bathroom window. The proposed extension

has a higher ridge height as compared to the conservatory at 87 Belle Vue Road, however due to the lower eaves at both ends of the extension, the level of overbearing impact is reduced. Both adjoining neighbours (No. 87 and 83 Belle Vue Road) have approximately 2 metre high fence that separates their gardens. The proposed extension goes further out than the extension at 87 Belle Vue Road, however due to its lower eaves, there is no significant overbearing or overshadowing impact on 87 Belle Vue Road. The extension at 83 Belle Vue Road goes further out than the proposed extension at 85 Belle Vue. The proposed extension also goes further out than the existing extension at 87 Belle Vue Road at approximately 1.2 metres. Due to the design, scale and dimension of the proposed extension, there is no significant adverse impact as a result of the proposed work.

- 8.11 No side window is proposed to the extension to cause overlooking into neighbours gardens. The sun movement is from the east (front) through to the west (rear) and therefore 83 and 87 Belle Vue Road receive light through the full glazing to their rear extensions.
- 8.12 Notwithstanding the objections, the extension is not considered to have any significant detrimental impact on adjoining properties, considering the single storey scale, appropriate ridge and eaves height, roof pitching away from the neighbouring properties and 0.15 metres distance between the extension and the fence, the boundary fence reducing the level of loss of privacy and separating the garden of the adjoining properties.
- 8.13 By virtue of the above, the proposed extension is considered to have no significant adverse impact on adjoining neighbours in terms of overlooking, loss of privacy, breach of 45 degree rule, overbearing or overshadowing impact and therefore in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

#### **Impact upon parking provision**

- 8.14 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.15 The proposal does not result in the addition of any further bedroom space to the dwelling and the existing off-street remain unaffected. The site is within an urban settlement with good connection and walking distance to Belle Vue Road Bus Stop. The proposal is therefore in accordance with Policy DM18 of the adopted SADMP and the local highway authority 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 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 located within the urban settlement boundary of Earl Shilton 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 to the rear, single storey scale, appropriate design, separation distance, roof pitch, lower eaves, existing fences, and the proposed use of matching external materials to ensure a unified appearance, the proposed extension and alteration respect and complement the scale, character and appearance of the existing dwelling and surrounding area. The proposal does not result in any significant adverse overbearing or overshadowing impacts or loss of privacy to the occupiers of any neighbouring properties. The proposals retain adequate private rear amenity space and off-street parking provision. The proposal is 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: Site Location and Block Plan Drawing Number B22/21/S01A (submitted to the LPA on 24/10/2023), Proposed Floor Plan and Elevation Drawing Number B22/21/P01 received by the local planning authority on 29 August 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 hereby permitted shall match the corresponding materials on the approved plans and elevation.

**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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.