

Delegated Report

Planning Ref: 23/00778/HOU

Applicant: - c/o agent

Ward: Burbage St Catherines & Lash Hill

Site: 38 Forresters Road Burbage Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: First floor extension to dwelling and two storey rear extension

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 a first floor extension to convert a detached hipped roof bungalow to a detached hipped roof two storey house and for a two storey rear extension at 38 Forresters Road, Burbage.
- 2.2. The first floor extension would extend over almost the entire 10.2 metres wide and 8 metres deep footprint of the existing bungalow and would raise the eaves height from 2.6 metres to 5 metres (an increase of 2.4 metres) and the overall roof ridge height from 5.4 metres to 7 metres (an increase of 1.6 metres) and with a lower 23 degree pitched hipped roof. The front elevation would have a subordinate two storey hipped roof projection with a lean-to roof extending across the entrance porch and integral garage front. The amended proposed two storey rear extension would be set in from either side elevation by 0.6 metres and would have a width of 9 metres and depth of 4 metres and a slightly subordinate hipped pitched roof. Proposed external materials include the use of new off-white render to external walls, new grey concrete roof tiles and new anthracite uPVC windows throughout. Three off-street car parking spaces are proposed within the site frontage.
- 2.3. Amended plans have been submitted to reduce the width of the proposed rear extension to break up the overall mass of the dwelling following case officer comments and to reduce the pitch of the main roof. As a result of the amendments being a reduction and there being no objections received, no further re-consultations have been undertaken in this case.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Burbage in a residential area. It is a detached bungalow with a hipped main roof form, a subordinate hipped roof forward projection and infill flat roof porch and integral garage front to the side. There is a small flat roof dormer window to the rear roof elevation. The application dwelling is constructed of light red/brown facing bricks, red/brown interlocking concrete roof tiles and white uPVC windows. There is a large overgrown rear garden enclosed in part by 2 metres high solid close boarded timber fence panels and otherwise unmanaged vegetation. There are two off-street parking spaces within the integral garage and on the hard surfaced tarmac driveway within the site frontage, the remainder currently being un-useable.
- 3.2. This section of Forresters Road has a variety of designs and styles and dwellings of various scale. In this case, there are two storey dwellings either side of the site both with hipped roof form. One being constructed with similar facing bricks to the application dwelling and one with similar facing bricks at ground floor and off-white/cream render to the first floor walls.

4. Relevant planning history

None.

5. Publicity

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

5.2. No responses have been received as a result of public consultation.

6. Consultation

6.1. No objection has been received from Burbage Parish Council.

7. Policy

7.1. Burbage Neighbourhood Development Plan (BNDP) 2015-2026 (2021)

- 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) (2021)
- 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. Burbage Neighbourhood Development Plan (BNDP) contains no relevant policies for domestic extensions but refers to the materials, design and scale of extensions and alterations being compatible with the original building (Para. 15.3).

8.3. The Council's adopted Good Design Guide states:

'Roofscape is a key character forming feature of detail in residential design. This includes the shape and pitch of roofs, as well as the materiality.' and,

'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. Where there are no public views into a site, a fully integrated two storey extension may be acceptable unless there is a detrimental impact on the adjacent properties as assessed by the 45 degree rule.'

- 8.4 The proposed first floor extension would extend over almost the entire 10.2 metres wide and 8 metres deep footprint of the existing bungalow and would raise the eaves height from 2.6 metres to 5 metres and the overall roof ridge height from 5.4 metres to 7 metres. This extension and conversion of the bungalow to a two storey dwelling would clearly change its scale and character. However, notwithstanding this, the addition of a first floor and new low pitched hipped roof would not result in the dwelling being out of scale or character with the neighbouring two storey dwellings either side, one having a low pitched gable sided roof form and the other a hipped roof form, and both with similar eaves and ridge heights as demonstrated on the submitted street scene. The front elevation would have a subordinate and shallow depth two storey hipped roof projection with a lean-to roof extending across the entrance porch and integral garage front which would add interest to the design and together with the appropriate fenestration proportions proposed would result in a dwelling that would sit comfortably within the street scene. The proposed external materials include the use of new off-white render to external walls, new grey concrete roof tiles and new anthracite uPVC windows throughout which would enhance the appearance of the existing dwelling, ensure a satisfactory and unified appearance to the resulting dwelling and complement the varied appearance of neighbouring dwellings within the wider street scene.
- 8.5 The amended proposed two storey rear extension would be set in from either side elevation by 0.6 metres and would have an appropriate width of 9 metres, depth of 4 metres and same main eaves height but with a slightly subordinate low pitched hipped roof. By virtue of the set in, the proportions of the original dwelling would be defined and the overall mass of the dwelling reduced to a more appropriate scale. Notwithstanding that the two storey extension to the footprint would be substantial, it would not result in a dwelling that would overdevelop the generous plot and a distance of over 12 metres would be retained to the rear garden boundary. In addition, by virtue of the extension being entirely to the rear where it would be predominantly screened by the two storey dwellings either side, the rear extension would not be overly prominent in the street scene or result in any adverse impacts on the character or visual appearance of the surrounding area.
- 8.6 Notwithstanding the proposed increase in the height of the dwelling, and two storey rear extension, by virtue of the siting between two storey dwellings of similar height either side, the scale, design and the proposed use of appropriate complementary external materials throughout to ensure a satisfactory and unified appearance, it is considered that the proposed extensions and alterations would be compatible with the size of the plot and would respect and complement the scale, character and appearance of neighbouring dwellings and the varied wider street scene. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP, the general principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan.
- 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 proposed first floor extension over the existing bungalow and new main roof would not result in any significant adverse overbearing or overshadowing impacts on the neighbouring dwellings by virtue of the application dwelling being constructed on a similar building line to both neighbouring two storey dwellings and there being no principal habitable room windows facing the site in their side elevations.

8.10 The adjacent dwelling to the southwest (No. 40) is a detached two storey house that has a similar near side rear building line to the existing application bungalow by virtue of a single storey lean-to rear extension. By virtue of the side elevation of No. 40 being set off the side boundary by approximately 2.5 metres and the nearest ground floor and first floor habitable room windows being set in by a further 1.5 – 2 metres, the 4 metres depth of the proposed rear extension would not extend beyond a 45 degree line drawn from the relevant point of these windows or therefore result in any significant adverse overbearing or overshadowing impacts on them. There are no principal habitable room windows in the main side elevation of No. 40 facing the site, only small secondary ground floor windows. There are windows/doors in the side elevation of a dual pitched roof single storey rear extension extending from the far side of No. 40 that would face the blank side elevation of the proposed rear extension but these would be at a separation distance of approximately 6.5 metres from the side boundary and therefore this relationship is considered to be acceptable. The outlook of these windows/doors is already compromised to a degree by the neighbouring dual pitched roof garage that is set back to the near side and rear of No. 40. Two first floor side elevation windows are proposed in the first floor extension but these would be a landing window facing the blank first floor side elevation of No. 40 rather than any sensitive private areas, and a bathroom window which could be conditioned to be obscurely glazed and with only a top opening light to protect the privacy and rear amenity area of the neighbouring occupiers.

8.11 The neighbouring dwelling to the northeast (No. 36) is a semi-detached two storey house that has a similar near side rear building line to the existing application bungalow. The main side elevation of No. 36 is set off the near side boundary by approximately 5 metres with a garage with a shallow pitched lean-to roof between. By virtue of this separation distance and additional set in from the boundary of any rear elevation windows, the proposed 4 metres deep rear extension would not extend beyond a 45 degree line drawn from the relevant point of these rear windows or therefore result in any significant adverse overbearing or overshadowing impacts on them. No. 36 has a first floor window in its near side elevation facing the site but this is not thought to be a principal habitable room window and in any case is set in 5 metres from the side boundary. Two first floor side elevation windows are proposed in the first floor extension but these would both be to en-suite facilities and could be conditioned to be obscurely glazed and with only a top opening light to protect the privacy and rear amenity area of the neighbouring occupiers.

- 8.12 The new first floor rear elevation bedroom windows would be set in by an appropriate distance of over 12 metres to the rear garden boundary. Notwithstanding the close proximity to the boundary of the neighbouring dwelling to the north, its rear elevation has only utility/toilet ground floor windows and bathroom/en-suite first floor windows in its rear elevation facing the site. Therefore, the proposals would not result in any adverse impacts on the residential amenity or privacy of the occupiers of this dwelling.
- 8.13 By virtue of the siting, scale and amended design of the proposed extensions and alterations together with separation distances to both neighbouring properties, subject to the use of obscure and non-openable glazing where necessary, it is considered that the amended proposals would not result in any 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 adopted Good Design Guide. No objections to the proposals have been received from the occupiers of any neighbouring properties.

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 site currently provides two off-street parking spaces within the integral garage and on the tarmacadam front driveway. The proposal would increase the number of bedrooms within the dwelling to four. The local highway authority design guide would therefore seek three off-street car parking spaces to serve the resulting dwelling. The proposal includes the retention of an undersized integral garage but the retention of the driveway space and the provision of two additional off-street car parking spaces which could be provided with appropriate dimensions within the site frontage. A condition to require their provision and appropriate permeable hard-bound surfacing would be reasonable and necessary to ensure that satisfactory replacement off-street parking would be provided to serve the resulting four bedroomed dwelling. Subject to their satisfactory provision in this highly sustainable urban setting with easy access to a full range of services and facilities by alternative and more sustainable transport means, the proposals are considered to be 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 extensions and alterations to an existing dwelling located within the urban settlement boundary of Burbage 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 increase in the height and footprint of the dwelling, by virtue of their scale, amended design and the proposed use of complementary external materials throughout to ensure a unified appearance, it is considered that the proposed extensions and alterations would be compatible with the size of the plot and would respect and complement the scale, character and appearance of neighbouring dwellings and the varied wider street scene. By virtue of their siting, scale and amended design, together with separation distances to all neighbouring properties, subject to the use of obscure and non-openable glazing where necessary, it is considered that the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposals would retain adequate private rear amenity space of over 120 square metres and satisfactory off-street parking provision of three spaces to serve the resulting four bedroom dwelling in this sustainable urban setting. The proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan 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 and Location Plans Drawing No. Planning 02 Rev A and Proposed Floor Plans, Roof Plan and Elevations Drawing No. Planning 01 Rev A received by the local planning authority on 20 September 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 extensions and alterations hereby permitted shall be in accordance with the approved Proposed Elevations Drawing No. Planning 01 Rev A received by the local planning authority on 20 September 2023 including off-white render to the external surfaces of all external walls, Marley grey plain concrete roof tiles and anthracite uPVC windows.

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 first floor windows serving a bathroom and two en-suite rooms in the side elevations shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below a height of 1.7 metres above the floor level of the room that they serve. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be occupied until such time as a minimum of three off street car parking spaces each of a minimum of 5.5 metres in length and 2.4 metres in width have been provided and hard surfaced in permeable hard bound material (not loose aggregate) within the site. Thereafter the onsite parking provision shall be permanently so maintained at all times thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM18 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 or call 01455 238141.