

Delegated Report

Planning Ref: 23/00813/HOU

Applicant: Mr Nitesh Devji

Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: The Homestead Thornton Lane Markfield Leicestershire

Proposal: Two storey side and rear extensions, detached triple garage, re-location of vehicular access and new front boundary wall

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 planning application seeks planning permission for two storey side and rear extensions, a detached triple garage, the re-location of the vehicular access and a new front boundary wall to a dwelling known as The Homestead, Thornton Lane, Markfield. It is a re-submission of an approved scheme granted planning permission under 23/00035/HOU but with a reduced footprint and amended design.

2.2. The proposals include the re-modelling and extension and alteration of the existing dwelling to provide a focal front gable elevation with two storey side extensions to each side. These would extend 3.85 metres in width and 5.5 metres in depth either side of the existing dwelling gable and be set back by 1.5 metres from the front elevation. They would have ground floor bay windows to the front elevation and subordinate gable sided roof forms. The proposed two storey rear extension would be set in 0.5 metres from both new side elevations and extend 5.4 metres in depth with a width of 13.9 metres. The design includes two subordinate projecting rear gables to the rear elevation with the existing rear gable remaining the dominant element. The design of the rear elevation includes full height glazing to both the ground and first floors with Juliette balconies. The overall design includes the provision of brick slip chimneys, decorative brick string course, brick corbels, eaves and verge detailing and stone effect headers and cills.

2.3. The proposed single storey triple garage would be sited to the front and side of the dwelling and would have a footprint of 9.5 metres in width and 6.6 metres in depth with a gable sided roof form with an eaves height of 2.1 metres and a ridge height of 4.8 metres. The existing vehicular access would be re-located to a more central location within the site frontage with a 7 metres long, 3.5 metres wide permeable block paved access driveway leading to a large hard-surfaced garage forecourt. The proposed replacement front boundary wall would be set back slightly to enable the planting of a hedgerow to its highway side and would be constructed of facing bricks to match those used on the dwelling and infill timber panels.

3. Description of the site and surrounding area

3.1. The application dwelling is located in the countryside to the south of Markfield and to the northwest side of Thornton Lane. It is a two storey detached house with gabled roof form and with single storey flat roof additions to three sides. The highway facing elevation is a blank gable. It is constructed with off-white rendered walls, red/brown small plain clay roof tiles and white uPVC windows. It occupies a substantial plot and is set back by approximately 21 metres from the highway.

- 3.2. The highway boundary is defined by a 1.5 metres high wall/fence comprising grey blockwork plinth, off-white rendered columns and timber infill panels. The other boundaries are defined by 2 metres high hedgerows. The vehicular access is currently to the west side of the frontage. The plot is mainly grassed with an area of landscaping to the rear east side and hardstanding to the west side of the dwelling.
- 3.3. There are grassed fields to the northwest, northeast and southeast of the site and the M1 motorway cutting the southwest with a public footpath between. There are no immediate neighbouring dwellings.

4. Relevant planning history

23/00035/HOU

- Two storey side and rear extensions, detached triple garage, re-location of vehicular access and new front boundary wall
- Permitted
- 15.03.2023

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. One response has been received as a result of public consultation objecting to the proposal on the grounds that by virtue of its size, height and closer proximity to the highway the dwelling would dominate the street scene and suggesting that a hawthorn hedge would be a more appropriate boundary in a village edge location rather than a walled and fenced boundary with a privet hedgerow.

6. Consultation

- 6.1. No objection subject to a number of standard highway related conditions has been received from Leicestershire County Council (Highways).
- 6.2. No objection has been received from Markfield Parish Council.

7. Policy

- 7.1. Markfield Neighbourhood Plan (MNP) 2020-2039 (2021)
- Policy M1: Countryside
 - Policy M10: Design
- 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 DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - 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. Notwithstanding its countryside location, extensions and alterations to existing domestic properties 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 and surrounding countryside
- Impact upon highway safety/parking provision
- Impact upon neighbouring residential amenity

Design and impact upon the character of the area and surrounding countryside

8.2 Policy M1 of the 'made' Markfield Neighbourhood Plan (MNP) seeks to protect the character and appearance of the countryside. Whilst not specifically supporting the extension of existing dwellings, the policy does support *'Development that is otherwise in accordance with: national policies; or strategic planning policies or allocations; or with the other policies of the Neighbourhood Plan.'* Policy M10 of the 'made' MNP states that to be supported development must be sympathetic to local character and be in keeping with the scale, form and character of its surroundings.

8.3 Policy DM4 of the adopted SADMP allows the extension of existing buildings in the countryside which lead to an enhancement of the immediate setting and where it does not have a significant adverse effect on the appearance and open character of the countryside. 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:

'Two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for a two storey side extension should be set down from the ridge of the existing house and set back from the front elevation (the minimum distance for this should be 0.5 metres in both directions) unless in design terms this in itself would create an imbalance in the overall design of the property.' 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.'

8.4 As a result of public consultation, one objection has been received on the grounds that by virtue of its size, height and closer proximity to the highway the dwelling would dominate the street scene.

8.5 The proposals include the re-modelling of the existing dwelling and its extension to enhance the overall character and appearance of the front highway facing elevation with focal point fenestration of good quality design and architectural features (which it currently lacks). Notwithstanding the objection received, the dwelling would not extend closer to the highway boundary other than for a shallow 0.65 metres depth front entrance porch. The proposed two storey side extensions would extend 3.85 metres in width and 5.5 metres in depth either side of the existing dwelling gable

and be set back by 1.5 metres from the existing front elevation. They would have clearly subordinate gable sided roof forms with the same 5.2 metres eaves heights and subordinate ridge heights of 8.4 metres which retain the existing dwelling gable as the dominant element and also provide balance and symmetry to the front elevation. The proposed two storey rear extension would be set in 0.5 metres from both side elevations and extend 5.4 metres in depth with a width of 13.9 metres. The design includes two clearly subordinate projecting rear gables with the same eaves heights of 5.2 metres and subordinate ridge heights of 7.7 metres which retain the existing dwelling gable as the dominant element and also provide balance and symmetry to the rear elevation. The design of the rear elevation includes full height glazing to both the ground and first floors with Juliette balconies of appropriate proportions. The overall design includes the provision of additional architectural features including two brick slip chimneys, decorative brick string course, brick corbels, eaves and verge detailing and stone effect headers and cills which, notwithstanding the objection received, would serve to significantly enhance the overall design and appearance of the existing dwelling and its visual contribution to the surrounding area. The proposed use of appropriate red facing bricks to the ground floor and off-white render to the first floor would result in a satisfactory and unified overall appearance.

- 8.6 The proposed triple garage would be sited to the front and side of the dwelling and would have a footprint of 9.5 metres in width and 6.6 metres in depth with a gable sided roof form with an eaves height of 2.1 metres and a ridge height of 4.8 metres. The garage would be constructed in off-white rendered walls and roof tiles to match those of the dwelling. Notwithstanding its position to the fore, the proposal would still be set back 9 metres from the highway boundary and despite the objection received, it is considered that it would not appear overly prominent within the street scene or result in any significant adverse visual impacts on the rural and open character and appearance of the surrounding countryside. It would be well screened from the west by the existing boundary hedgerow and higher landscaping within the adjacent motorway cutting embankment.
- 8.7 The objection received suggests that a hawthorn hedge would be a more appropriate boundary in a village edge location rather than a walled and fenced boundary with a privet hedgerow.
- 8.8 Notwithstanding the objection received, there is an existing brick and fenced front boundary wall and therefore the proposal would not be out of character with the site. In addition, there is an extant planning permission for the replacement wall/fence and hedgerow planting as proposed within this application. The proposed replacement front boundary wall would be set back slightly to enable the planting of a hedgerow to its highway side to soften its visual appearance along this rural lane. The wall would be constructed of red facing bricks to match those used on the dwelling and infill timber panels, similar to the existing situation. It is considered that the removal of the existing dilapidated boundary wall/fence and its replacement with a new structure of not inappropriate design and appearance would again enhance the overall appearance of the site and its visual contribution to the wider surrounding area.
- 8.9 Notwithstanding the objection received, it is considered that the resulting dwelling would not be out of scale with the substantial plot that it occupies or be out of scale with the size and scale of the substantial dwellings that occupy both sides of Thornton Lane further to the northeast. The existing dwelling would remain the dominant central section of the resulting dwelling and with an enhanced active front elevation. By virtue of the scale, design and the proposed use of appropriate and sympathetic external materials, it is considered that the proposed remodelling and extensions and alterations would significantly enhance the character and

appearance of the existing dwelling and site and its visual contribution to the surrounding area and would not result in any significant adverse impacts on the rural or open character or appearance of the surrounding countryside. The proposals are therefore considered to be in accordance with Policy M10, and therefore Policy M1, of the 'made' MNP, Policies DM4 and DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon highway safety and parking provision

- 8.10 Policy M10 of the 'made' MNP seeks that development provides safe and suitable access and adequate external space for vehicles. Policy DM17 of the adopted SADMP supports development where there would be no significant adverse impact on highway safety. Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design. The Local Highway Authority Design Guide provides further advice on highway related matters.
- 8.11 Thornton Lane is an adopted, classified C road subject to a 50mph speed limit. The proposal includes the re-location of the existing vehicular access from the west side to a more central location within the site frontage. The submitted plans propose a 7 metres long 3.5 metres wide permeable block paved access driveway with improved visibility across the existing grassed verge in comparison to the existing access by virtue of being located further from the curvature in the road alignment. The proposal includes the provision of a triple garage and a large hard-surfaced garage forecourt that would provide more than adequate off-street parking spaces to serve the resulting five bedroomed dwelling. The existing vehicular access would be closed and the highway verge re-instated.
- 8.12 Leicestershire County Council (Highways) have assessed the scheme and raise no objections to the proposal or re-location of the vehicular access to the site subject to a number of highway related conditions. Conditions to secure satisfactory access width, hard-bound access surfacing and appropriate forward visibility splays of 2.4 metres x 160 metres in both directions from the new access together with appropriate 5 metres access gate set back and provision of the proposed off-street parking and turning facilities would all be reasonable and necessary in the interests of highway safety. A condition to require the closure of the existing access and re-instatement of the grassed highway verge within a reasonable time frame would also be reasonable and necessary in the interests of visual amenity and highway safety.
- 8.13 Subject to the imposition of the above conditions, the proposals would provide a safe and satisfactory access and adequate off-street parking and turning facilities and would therefore be in accordance with Policy M10 of the 'made' MNP and Policies DM17 and DM18 of the adopted SADMP and the local highway authority design guide.

Impact upon neighbouring residential amenity

- 8.14 Policy M10 of the 'made' MNP seeks to ensure that the amenities of residents in the area are not significantly adversely affected including by loss of daylight/sunlight, privacy, air quality, noise and light pollution. Policy DM10 of the adopted SADMP and the adopted 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.
- 8.15 By virtue of the separation distance of approximately 50 metres to the nearest neighbouring dwelling and across a public highway, the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any nearby neighbouring dwellings. The proposals are therefore considered to be in accordance with Policy M10 of the 'made' MNP, Policy DM10 of

the adopted SADMP and the adopted Good Design Guide. No objections have been received from any nearby neighbouring properties or public consultation.

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. Notwithstanding its countryside location outside the settlement boundary of Markfield, the proposals are extensions and alterations to an existing dwelling for which there is a general presumption in favour of sustainable development as set out in Policy DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. The proposed extensions represent a significant increase in the size of the dwelling however, notwithstanding the objection received, it is considered that the resulting dwelling would not be out of scale with the substantial plot that it occupies or be out of scale with the size and scale of the substantial dwellings that occupy both sides of Thornton Lane further to the northeast. The existing dwelling would remain the dominant central section of the resulting dwelling and with an active front elevation. By virtue of the scale, design and the proposed use of appropriate and sympathetic external materials, the proposed remodelling and extensions and alterations are considered to enhance the character and appearance of the existing dwelling and its visual contribution to the surrounding area and would not result in any significant adverse impacts on the rural or open character or appearance of the surrounding countryside. By virtue of the separation distances the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any nearby neighbouring dwellings. Subject to a number of highway related conditions, safe and satisfactory access and off-street parking and turning would be provided to serve the dwelling along with the retention of substantial private amenity space. The proposals are considered to be in accordance with Policies M1 and M10 of the 'made' MNP, Policies DM1, DM4, DM10 and DM18 of

the adopted SADMP and the general principles of the Council's 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 Plan, Proposed Site Plan, Proposed Garage Floor Plans and Elevations and Access Plan Drawing No. BTH[20]003 Rev E, Proposed Ground Floor Plan and Proposed Elevations Drawing No. BTH[20]001 Rev E and Proposed First Floor Plan Drawing No. BTH[20]002 Rev D received by the local planning authority on 16 August 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 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 and detached triple garage hereby permitted shall be in accordance with the details within the submitted Planning Application form and on the approved Proposed Elevations Drawing No. BTH[20]001 Rev E and Proposed Garage Elevations Drawing No. BTH[20]003 Rev E received by the local planning authority on 16 August 2023.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Notwithstanding the submitted details, prior to first use of the new vehicular access hereby permitted, vehicular visibility splays of 2.4 metres by 160 metres shall have been provided on both sides of the access. These shall thereafter be permanently so maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

5. Notwithstanding the submitted details, prior to the first use of the new vehicular access hereby permitted, it shall have been constructed with a width of a minimum of 2.75 metres and shall have been surfaced in a hard-bound permeable material (not loose aggregate) for a minimum of 5 metres behind the highway boundary with a dropped crossing of 7 dropped kerbs, measuring 6.4 metres. The access once so provided shall be permanently maintained as such at all times thereafter.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway in a slow and controlled manner and to reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

6. Notwithstanding the provisions of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) any vehicular access gates, barriers, bollards, chains or other such obstructions shall only be erected a minimum distance of 5 metres behind the highway boundary and shall only be hung so as to open away from the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

7. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on Thornton Lane that has become redundant as a result of this proposal has been closed permanently and reinstated to grassed highway verge.

Reason: In the interests of highway and pedestrian safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

8. The extensions hereby permitted shall not be occupied until such time as off-street parking and turning facilities have been provided and hard surfaced in permeable materials in accordance with the approved Proposed Site Plan and Access Plan Drawing No. BTH[20] 003 Rev E received by the local planning authority on 16 August 2023. Once so provided, the on-site parking and turning facilities shall then be permanently so maintained as such 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 and to enable vehicles to enter and leave the site in a forward direction 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) and the National Planning Policy Framework (2021).

9. The approved soft landscaping scheme (hedgerow) shall be planted in accordance with the approved Access/Landscaping Plan Drawing No. BTH[20]003 Rev E received by the local planning authority on 16 August 2023 in the first planting season following the completion of the new vehicular access. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any hedgerow plants which die or are damaged, removed, or seriously diseased shall be replaced by plants of a similar size and species to those originally planted.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in the interests of visual amenity in accordance with Policies DM4 and 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 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. The applicant/developer is advised that Public Right of Way R29 runs along the western boundary of the site.
 - 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.
 - b) The Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
 - c) The Public Right of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (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 caused 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.