

Delegated Report

Planning Ref: 24/00073/HOU

Applicant: Mr Mark Goodrich

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 1 Charity Close Desford Leicester

Proposal: Erection of an external chimney to side elevation

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks consent for the erection of an external chimney to the side elevation of 1 Charity Close, Desford.
- 2.2. The proposed external chimney flue would measure approximately 6.71 metres in height (including the chimney pot), 0.90 - 1.50 metres in width, 0.55 metres in depth to the ground and first floor and 0.88 metres in height to the top of the stack.
- 2.3. The proposed external materials include the use of red brick, and a chimney pot.

3. Description of the site and surrounding area

- 3.1. The application property is a two-storey detached dwelling situated within a cul-de-sac, outside of the settlement boundary of Desford. No.1 is situated on a corner plot to the southern side of Charity Close. The dwelling is characterised by the use of a mixture of red brick to the walls, grey tiles to the roof and uPVC white windows and doors. The dwelling features a canopy porch to the front elevation. To the east of the dwelling sits a tarmac hardstanding and a semi-detached garage set back significantly from the principle elevation. Charity Close sits to the north of Leicester Lane.
- 3.2. The application dwelling, 1 Charity Close, lies within a recent residential development of 80 dwellings. The application (19/00149/OUT) was approved in October 2019.
- 3.3. The street scene consists of two-storey town house, semi-detached and detached dwellings, all which are uniform in design, scale and finish.

4. Relevant planning history

- None relevant

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. No objections have been received.

6. Consultation

6.1. Desford Parish Council;

No objections have been received.

6.2. HBBC Environmental Services Pollution;

No objection.

7. Policy

7.1. Desford Neighbourhood Plan 2018-2036

- Policy H7: Design

7.2. Core Strategy (2009)

6. Policy 8: Key Rural Centres Relating to Leicester

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7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design

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)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity

Assessment against strategic planning policies

8.2 Notwithstanding that 1 Charity Close is technically located in the countryside; the NPPF and Policy DM1 of the Site Allocations and Development Management Policies (SADMP) provide a presumption in favour of sustainable development.

8.3 Policy DM4 of the SADMP sets out the circumstances in which development would be considered sustainable within the countryside. Criterion b) allows for development where it is for the extension of the existing buildings. The proposal as submitted in this pre-application would therefore considered sustainable, subject to 5 sub-criteria that must also be met. Criterion i) is most relevant, and requires that the development represents no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location.

- 8.4 This application proposes an external chimney flue to an existing dwelling and therefore is a sustainable development within the countryside and acceptable in principle. Compliance with the relevant sections of Policy DM4 of the SADMP will be assessed further in the following section.

Design and impact upon the character of the area

- 8.5 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.6 Policy H7 of the Desford Neighbourhood Plan seeks to ensure that any new development in Desford enhances and reinforces the local distinctiveness and character of the area in which it is situated.
- 8.7 The proposed external chimney flue would measure approximately 6.71 metres in height (including the chimney pot), 0.90 - 1.50 metres in width, 0.55 metres in depth to the ground and first floor and 0.88 metres in height to the top of the stack. It would be situated to the western side elevation of the application dwelling and would therefore sit within a prominent position on Archers Way, Desford. By virtue of its single storey subordinate scale and design the extension and chimney would not result in any adverse impact on the character of the existing dwelling. The external side elevation and proposed chimney would be constructed in matching external materials to provide a unified appearance.
- 8.8 At present there are no examples of chimney flues within the residential development, however the addition is considered to positively add character to both the application dwelling and surrounding area.
- 8.9 Overall it is considered that the proposed chimney breast as indicated would be an acceptable addition to the host dwelling, and would adhere to Policy DM10 of the adopted SADMP and Policy H7 of the Desford Neighborhood Plan.

Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.11 By the nature of development, the proposed chimney breast would not have any adverse impacts upon neighbouring residential amenity, in accordance with Policy DM10 of the SADMP.

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.

10. Conclusion

- 10.1. Notwithstanding that 1 Charity Close is technically located in the countryside; the NPPF and Policy DM1 of the Site Allocations and Development Management Policies (SADMP) provide a presumption in favour of sustainable development.
- 10.2. For the reasons given in the report above, it is considered that the proposed scheme of extensions and alterations would respect the overall scale, character and appearance of the existing dwelling and street scene. The proposal would not result in any significant adverse overbearing or overshadowing effects or result in any loss of privacy to the occupiers of any neighbouring properties. The proposal is considered to be in accordance with Policies DM1, DM4 and DM10 of the adopted SADMP, Policy H7 of the Desford Neighbourhood Plan and the adopted Good Design Guide and is 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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 22nd January 2024.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy H7 of the Desford Neighbourhood Plan.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan as received by the Local Planning Authority on the 22nd January 2024.

Proposed Ground Floor Plan, Proposed Side Elevation and Flue Dimensions as received by the Local Planning Authority on the 16th February 2024.

Reason: To ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management

Policies Development Plan Document (2016) and Policy H7 of the Desford Neighbourhood Plan.

11.3 Notes to applicant

- a.) 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.