

Delegated Report

Planning Ref: 24/00785/HOU
Applicant: Mr Robert Harding
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 73 Elmesthorpe Lane Earl Shilton Leicestershire

Proposal: Single 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 the construction of a single storey rear extension to replace an existing conservatory to a dwelling, 73 Elmesthorpe Lane, Earl Shilton.
- 2.2. The proposed single storey rear extension would extend 3.4 metres from the rear elevation and for a width of 3.9 metres. It would have a lean-to pitched roof with an eaves height of 2.4 metres and a maximum height of 3.5 metres. The use of contrasting cream render to external walls to avoid mismatched brickwork is proposed along with matching roof tiles and uPVC window as the existing dwelling. It would be in the same position and of the same width and 1 metre deeper than the conservatory that it would replace.

3. Description of the site and surrounding area

- 3.1. The application dwelling is a semi-detached two storey house with hipped roof form located on the edge of a residential estate within the settlement boundary of Earl Shilton. It has two storey bay windows under a subordinate dual pitched gable fronted roof and an integrated enclosed porch with decorative white painted stone surround to the front elevation. It has a single storey flat roof side extension constructed with horizontal grey cladding and a white uPVC framed glazed conservatory with shallow pitched lean-to roof form to the rear elevation. The main dwelling is constructed with red facing bricks, small red/brown clay roof tiles and white uPVC windows and doors. The dwelling is set back over 20 metres from the highway with the site frontage being entirely hard surfaced in loose stone chippings and providing ample off-street parking space. The 35 metres long rear garden provides more than adequate private amenity space and is enclosed by solid timber fencing of varying heights.

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. One response has been received as a result of public consultation from the adjoining dwelling that supports the proposal.

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 dwellings 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. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of various forms of house extensions and 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.'

- 8.3 The proposed single storey rear extension would be located in the same position and only 1 metre deeper than the conservatory that it would replace. It would extend for an appropriate depth of only 3.4 metres from the rear elevation and for an appropriate width of only 3.9 metres part way across the rear elevation. It would have appropriately proportioned fenestration and an appropriate lean-to pitched roof with an eaves height of only 2.4 metres and a clearly subordinate maximum height of 3.5 metres. The use of contrasting cream render to external walls to avoid mismatched brickwork is proposed along with matching roof tiles and uPVC window as the existing dwelling to ensure a satisfactory and unified appearance. By virtue

of its single storey scale and siting entirely to the rear, the proposal would have no adverse impacts on the street scene or surrounding area.

- 8.4 By virtue of its siting, scale, design and subject to the proposed use of appropriate contrasting and matching external materials in its construction, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and would have no adverse visual impacts on the street scene or surrounding area. The proposal would therefore 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

- 8.5 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.
- 8.6 The proposal would replace an existing conservatory and extend for 3.4 metres in depth just inside the common south side boundary with No. 75 but only 0.4 metres in depth beyond the rear elevation of the neighbouring conservatory. It would be set 4 metres inside the north side boundary with No. 71 which has a similar single storey rear extension with blank near side elevation.
- 8.7 By virtue of its siting, single storey scale, lean-to roof design and relative depth and separation distance to the existing single storey extensions on the rear elevations of the neighbouring dwellings either side, the proposal would not result in any significant adverse overbearing or overshadowing impacts on the amenity of any neighbouring occupiers or result in any loss of privacy to the neighbouring occupiers from direct overlooking. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections to the proposal have been received from the occupiers of any neighbouring properties.

Impact upon parking provision

- 8.8 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.9 The proposal does not result in the creation of any additional bedroom space or affect the existing ample off-street parking provision within the 20 metres deep and 8 metres wide loose stone surfaced site frontage. The level of provision would remain adequate to serve the existing/resulting dwelling and the proposal would therefore be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guidance standards.

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 proposal is for an extension and alteration 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 its siting, scale, design and subject to the proposed use of appropriate contrasting cream render and matching roof tiles and windows in its construction, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse impacts on the surrounding area or the residential amenity or privacy of the occupiers of any neighbouring properties. Adequate off-street parking for a minimum of five cars and adequate private amenity space of approximately 280 square metres would be retained within the site. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the adopted Good Design Guide and the local highway authority 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 development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Location Plan and Proposed Site Plan Drawing No. 5838/RB/24/002 Rev P1 and Proposed Floor Plans, Roof Plan and Proposed Elevations Drawing No. 5838/RB/24/004 Rev P1 received by the local planning authority on 14 August 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 extension and alteration hereby permitted shall be cream coloured render to external walls and matching roof tiles and uPVC windows as the existing dwelling as detailed within the submitted Planning Application form and on the approved Proposed Elevations Drawing No. 5838/RB/24/004 Rev P1 received by the local planning authority on 14 August 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).

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.