

Delegated Report

Planning Ref: 24/00864/HOU
Applicant: Michelle McGuffog
Ward: Hinckley De Montfort



Hinckley & Bosworth
Borough Council

Site: 31 York Road Hinckley 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 a single storey rear extension to a dwelling, 31 York Road, Hinckley.
- 2.2. The proposed single storey rear extension would extend for a depth of 4.5 metres from the main rear elevation and along the common side boundary. It would extend for 4.27 metres in width part way across the rear elevation. It would have a flat roof design to a height of 3 metres and a central raised hipped glazed roof lantern. Matching corresponding external materials are proposed in its construction.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Hinckley towards the end of a cul-de-sac on a residential estate. It is a semi-detached two storey house with a dual pitched gable sided roof form. It has a flat roofed ground floor bay window to the front elevation and a shared central brick chimney. It has a detached garage with low profiled dual pitched gable fronted roof form set back to the side and rear of the dwelling. It is constructed of red/brown facing bricks, grey interlocking concrete roof tiles and dark grey uPVC windows. In addition to the garage there is ample off-street parking and turning within the large loose stone surfaced open site frontage. There is a long rear garden with 1.8 metres high close boarded timber fencing along the common side boundary.
- 3.2. There is a similar two storey semi-detached house adjoined to the southwest and a detached bungalow to the northeast.

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 other consultations necessary or undertaken.

7. Policy

- 7.1. Core Strategy (2009)
- No relevant policies

7.2. 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

7.3. 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)
- 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. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of various forms of house extensions which 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.' and,

'Flat roofs on extensions will not normally be considered appropriate where they do not form part of the original design of the house, however in some circumstances where they are not visible from the public realm and the use of a flat roof may result in a reduced visual impact, they may be considered acceptable, particularly if designed with a contemporary aesthetic style.'

8.3 The proposed single storey rear extension would extend for a depth of 4.5 metres from the main rear elevation and along the common side boundary. It would extend for an appropriate width of 4.27 metres part way across the rear elevation to retain access to the rear garden between it and the detached garage which is set back to the side and rear of the dwelling. Notwithstanding its more contemporary flat roof design, by virtue of its position to the rear within a long and well enclosed rear garden, its appropriate footprint and clearly subordinate single storey scale to a height of only 3 metres, the proposal would appear as a clearly subordinate addition to the existing dwelling and would not be visually prominent in any street scene or the surrounding area. The proposal is considered to be acceptable in design terms and, subject to the proposed use of appropriate matching external materials in its construction to ensure a satisfactory and unified appearance, it would respect and

complement the scale, character and appearance of the existing dwelling and surrounding area and 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

- 8.4 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.
- 8.5 The Council's 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.'*
- 8.6 The adjoining neighbouring dwelling to the southwest (No. 33) is a similarly designed two storey semi-detached house with gable sided main roof form constructed on the same building lines and has not been extended at the rear. As a result of its proposed 4.5 metres depth along the common boundary, the proposed rear extension would clearly extend beyond a 45 degree line drawn from the centre point of the neighbouring ground floor rear elevation habitable room window contrary to the adopted GDG. However, the proposal would be only single storey and have a low impact flat roof design to a height of only 3 metres. A 3 metres deep and 3 metres high extension and a 2 metres high boundary fence could be constructed along the common boundary under current householder permitted development rights. Therefore, the only additional impact on No. 33 from the proposed extension over and above what could be constructed under permitted development rights would be the furthest 1.5 metres depth and 1 metre higher side wall (above 2 metres) at the rearmost corner. The proposed extension would be located to the northeast of the approximately 2 metres wide neighbouring ground floor window where only early morning direct light could be affected. Therefore, on balance and notwithstanding its 4.5 metres depth, it is considered that the level of light to, and outlook from, the neighbouring window would not be adversely affected to a significant or unacceptable degree to warrant the application being refused on such grounds, particularly as there has been no objection from the neighbouring adjoining occupiers. The side elevation facing the adjoining dwelling is blank and therefore would not result in any significant loss of privacy to the neighbouring adjoining occupiers from potential overlooking.
- 8.7 The neighbouring dwelling to the northeast (No. 27) is a detached bungalow which is set off the side boundary and already extends further to the rear than the application dwelling. It would be further screened from the proposal by the applicants existing garage that is to be retained. By virtue of its siting, scale, design, separation distance and existing screening the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the neighbouring occupiers of No. 27.
- 8.8 Notwithstanding the degree of conflict identified with adopted Good Design Guide, for the reasons given above, by virtue of its siting, single storey scale and flat roof design, it is considered that the proposal would not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of any neighbouring properties. The proposal is therefore considered to be in accordance

with Policy DM10 of the adopted SADMP and the overall general principles of the adopted Good Design Guide. No objections have been received from any neighbouring properties.

Impact upon parking provision

- 8.9 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.10 The proposal does not create any additional bedroom space or impact on the existing ample off-street parking provision within the garage and on the large loose stone surfaced open site frontage. The existing/retained off-street parking provision would therefore remain adequate to serve the existing/resulting three bedroomed dwelling 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 proposal is for an extension and alteration to an existing dwelling within the urban settlement boundary of Hinckley 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 more contemporary flat roof design, by virtue of its siting to the rear, single storey scale and proposed matching appearance, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and would have no significant adverse visual impacts within the street scene or surrounding area. Notwithstanding the degree of conflict identified with adopted Good Design Guide, by virtue of the siting, single storey scale and flat roof design, it is considered that the proposal would not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of any

neighbouring properties. Adequate off-street parking and private amenity space would be retained within the site to serve the resulting dwelling. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the overall general principles of 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 development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Location Plan No. TQRQM24255174608194 and Proposed Site Plan, Proposed Floor Plans and Proposed Elevations Drawing No. MM-001 received by the local planning authority on 12 September 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 proposed extension and alteration hereby permitted shall match the corresponding materials of the existing dwelling.

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 building.control@blaby.gov.uk or call 0116 272 7533.