

Delegated Report

Planning Ref: 26/00459/HOU

Applicant: Mr Andrew Burton

Ward: Burbage St Catherines & Lash Hill

Site: 74A Church Street Burbage Hinckley



Hinckley & Bosworth
Borough Council

Proposal: Erection of a 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. The application seeks full planning permission for the erection of a single-storey rear extension at 74A Church Street, Burbage.
- 2.2. The proposed extension would project outwards from the existing rear elevation serving the dining area by 3.39 metres for a width of 5.06 metres. It would have a flat roof form measuring 2.85 metres in height, with an accompanying roof lantern to the middle. A set of three bi-fold doors would also sit to the rear.
- 2.3. The proposed external materials would correspond to those of the existing dwelling with the exception of fibreglass/single-ply membrane to a 1:80 gradient to the roof.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached dwelling located within the settlement boundary and Conservation Area of Burbage. The site is located on the junction of Church Street and Grove Road.
- 3.2. Planning permission was granted for the construction of the dwelling in 2017 (Reference: 16/00441/FUL) alongside the conversion of no.76 from offices (B1a) to 5 flats (C3), and the conversion of no.74 to a dwelling and the erection of 2 bungalows, no.74B and 74C.
- 3.3. The application dwelling has an 'L' shaped layout with a dual-pitched form. The front elevation is relatively blank, with the only openings being a single personal door and three conservation style roof lights above of. The majority of the openings are focused towards the rear of the dwelling. The dwelling is characterised by red facing brickwork and vertical timber cladding to the walls, slate to the roof and timber to the openings with brick arched headers to the top of. The new dwellings within the rear of the site sit well with each other, providing a courtyard aspect.
- 3.4. To the north-east of the site sits 66-72 Church Street Grade II listed residential properties alongside St Catherines C of E Parish Church.

4. Relevant planning history

16/00441/FUL

- Conversion of offices (B1a) to 5 flats (C3) including demolition of single storey rear extension, conversion of outbuilding to 1 dwelling and erection of 3 new dwellings
- Planning Permission
- 02.03.2017

17/00543/CONDIT

- Removal of condition 17 of planning permission 16/00441/FUL to remove the requirement for a brick wall to be constructed between plot 1 and the rear of gardens 66-72 Church Street
- Refused
- 27.07.2017

17/01242/CONDIT

- Variation of condition 2 of planning permission 16/00441/FUL to add a single storey side extension to plot 2
- Planning Permission
- 07.03.2018

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 and a notice was displayed in the local press.

5.2. Following the publications one objection has been received which has been summarised below:

- Concerns about disruption of delivery's, lorries and mess this will create, as the is a secure gated complex and parking is very limited;
- Concerns about highway safety;
- Concerns that a business is being run from the site
(Officer comment – A site visit has been carried out during the course of this application. At the time of the visit there was no evidence to suggest that there is a business being ran from the property. Should any evidence be gathered to suggest otherwise it is suggested that the breach is reported directly to the Council's enforcement team to investigate.)

6. Consultation

6.1. The below consultees have raised no objection:

- Burbage Parish Council;
- HBBC Conservation Officer;
- LCC Ecology.

6.2. No representations have been received from the below consultee:

- HBBC Arboricultural Officer.

7. Policy

7.1. Burbage Neighbourhood Plan 2015-2026

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout

7.2. Core Strategy (2009)

- Policy 4: Development in Burbage

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation

- Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
- Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon parking provision and highway safety

Design and impact upon the character of the area

- 8.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.3 Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.4 Policy DM10 of the adopted SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5 Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building.
- 8.6 Policy 2 of the BNP requires new development within the Parish of Burbage to respect its surroundings and, where appropriate, should follow the existing pattern of development and should retain existing important natural features on the site, such as trees, hedgerows and streams.
- 8.7 The Councils GDG states that 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.
- 8.8 The Councils GDG states that 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.

- 8.9 The extension would be positioned in the space to the rear formed by the current L-shaped plan of the building and would not extend beyond the existing building lines as to appear subordinate. It would be constructed of a brick to match the facing walls of the existing building with a flat fibreglass roof. The fenestration is limited to the south-east elevation only, consisting of a set of doors to match those on the existing building.
- 8.10 The proposed extension would have a flat roof form, which is not usually supported as it is not a common design feature within the borough, nonetheless as aforementioned the extension would be sited to the rear of the dwelling it would be screened from view. As a result the proposed flat roof addition considered to be acceptable in these site specific circumstances.
- 8.11 Overall, the extension is sited appropriately and is of a scale, appearance and construction details that would ensure it would sit comfortably on the existing property, thus resulting in a neutral impact upon the wider Conservation Area and the setting of the listed building. Due to its siting and form it would be a negligible visual presence when entering the site from the conservation area street scene, allowing the existing traditional gable of the building on the north-east elevation to remain the dominant presence and the designed courtyard layout of the original redevelopment scheme at Cedar Lawns to be unaffected. Consequently, the proposed development would preserve the significance of the Burbage Conservation Area and is compatible with the significance of the grade II listed building Cedar Lawns, and it therefore complies with Policies DM10, DM11 and DM12 the adopted SADMP, Section 16 of the NPPF, the Statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the Council's GDG.

Impact upon neighbouring residential amenity

- 8.12 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.13 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.14 The proposed extension would only be single-storey and would not extend past the application dwellings existing building line, being situated an acceptable 3.39 metres away from the boundary of no.74, by way of a shared access being situated between the plots. During the site visit, it was observed that both properties also benefit from a 2.00 metre high brick wall with railing atop of to their rear boundary which creates some relief from the proposal. Overall, the proposal is not considered to be over dominant and would not result in the loss of light to the occupiers. In addition, no openings are proposed to the immediate side elevation bearing no impact in regard to loss of privacy.
- 8.15 The proposal would be entirely screened by the existing dwelling to the north-west not bearing any adverse impacts upon no.74B or 74C. Furthermore, there would be no harm created to the rear of the site due to the sit backing onto Burbage Bowling Green and being set back a substantial 12.54 metres from the shared boundary.
- 8.16 In light of the above, the proposed scheme would comply with Policy DM10 of the adopted SADMP and Paragraph 135(f) of the NPPF.

Impact upon parking provision and highway safety

- 8.17 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.18 To support this, Policy DM17 of the adopted SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.19 Policy DM18 of the adopted SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.20 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority. Currently this is the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.21 Concerns have been raised in regard to impacts upon the existing parking provision, highway safety and the intensification of traffic to the address due to the delivery of materials.
- 8.22 The parking provision at the site would remain unaffected as the proposed extension would not result in the loss of any existing parking provision or the addition of further bedrooms. Furthermore, by virtue of its minor nature the proposal would not result in the intensification of traffic at the site. In light of the above, the Council are confident that condition 9 imposed as imposed on the most recent permission at the site (17/01242/CONDIT) could remain to be adhered to.
9. Prior to first occupation of any dwelling hereby approved, parking and turning facilities, as shown on approved drawing Block Plan Drg. No. 16/20/05 Rev. H (scale 1:200) and Site Plan Drg. No. 16/20/14 Rev. E (scale 1:200) received by the Local Planning Authority on 4 December 2017 shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter, park, and leave in a forward direction. The parking spaces and turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.
- Reason:** To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users and to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.
- 9.2 Delivery's for this type of development would be infrequent and short-term and as so a condition is not considered necessary or a reason to refuse the proposed development alone.
- 9.3 In light of the above, the proposed scheme would comply with Policies DM17 and DM18 of the adopted SADMP, Paragraph 115(b) and 166 of the NPPF and the LHDG.

10. Equality implications

10.1 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.

10.2 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.

10.3 There are no known equality implications arising directly from this development.

11. Conclusion

11.1 It is considered that the proposed development would be in accordance with Policies DM1, DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP, Policies 1 and 2 of the BNP, the LHDG, the Planning (Listed Buildings and Conservation Areas) Act 1990, the GDG, and the overarching principles of the NPPF. The proposal is therefore recommended approval subject to the below conditions.

12. 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 20th May 2026.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12, of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies 1 and 2 of the Burbage Neighbourhood Plan (2015-2026), Section 16 of the NPPF, the Statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, and the Councils Good Design Guide (2020).

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

- General Arrangement, Drg No. 4897/01 Rev A as received by the Local

Planning Authority on the 29th May 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM10, DM11, DM12, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policies 1 and 2 of the Burbage Neighbourhood Plan (2015-2026), Section 16 of the NPPF, the Statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the Councils Good Design Guide (2020), and the Leicestershire Highways Design Guide (2024).

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.