

Delegated Report

Planning Ref: 23/00834/HOU

Applicant: Mr Cartwright

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: 5 Hornsey Rise Wellsborough Sheepy Magna Leicestershire

Proposal: Single storey rear extension to garage

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 extension to an existing double garage serving a dwelling, 5 Hornsey Rise, Wellsborough.
- 2.2. The proposed extension would infill the gap between the rear elevation of the garage and the side and rear garden boundary fencing and provide a hobby room. It would have a maximum width of approximately 9.5 metres and maximum depth of 5 metres. It would have a flat roof design to a height of just under 3 metres to match that of the existing double garage to which it would be attached. It would be constructed with rendered walls and roof to match the corresponding materials of the existing garage.
- 2.3. An Arboricultural Impact Assessment including foundation detail, slab construction and Tree Protection Plan has been submitted to support the application following pre-application advice provided.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located outside of any settlement boundary but within a residential development of large, detached two storey dwellings constructed on a former care home site. The application dwelling comprises a (former) small chapel conversion together with contemporary extensions to provide additional living accommodation and a double garage. The main dwelling (former chapel) is constructed of stone walls with eaves detailing, dual pitched gable fronted roof and similar front porch with grey slate covering and dark grey aluminium framed arched windows and door. The contemporary extensions and double garage are constructed with smooth white rendered walls, grey asymmetric and flat roof forms and dark grey aluminium windows and doors.
- 3.2. In addition to the double garage there is additional off-street parking on the concrete block paved double width garage forecourt and long driveway within the site frontage. The large rear garden is well enclosed by 2 metres high solid close boarded timber fencing. The southwest side and northwest rear garden boundaries face a public walkway leading to and facing the Bosworth Road public highway. There are three trees adjacent to the site, the trunks of which are located approximately 0.5 metre outside the rear garden boundary.

4. Relevant planning history

None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One neutral response has been received as a result of public consultation asking for details which are freely available on the Council's public access system as previously advised in the consultation letter.

6. Consultation

- 6.1. Sheepy Magna Parish Council has provided a neutral response pointing out the initial site address error and seeking to ensure that the development, if approved, is implemented in accordance with the submitted Arboricultural Impact Assessment and monitored to protect the adjacent trees.

7. Policy

- 7.1. Sheepy Parish Neighbourhood Plan (SPNP) 2018-2036 (2022)
 - Policy S1: Countryside
 - Policy S5: Ecology and Biodiversity
 - Policy S8: Design
 - Policy S13: Hornsey Rise Memorial Home Land
- 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 DM6: Enhancement of Biodiversity and Geological Interest
 - 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. Notwithstanding the countryside location outside of any settlement boundary, extensions and alterations to existing domestic properties within established residential curtilages 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 neighbouring residential amenity
 - Impact upon parking provision
 - Impact on trees

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

- 8.2 Policy S13 of the 'made' SPNP relates directly to the wider residential development of the site and required that the former chapel should be retained and converted to residential use.
- 8.3 Policy S1 of the 'made' SPNP identifies householder development as being sustainable and acceptable in principle in countryside locations, subject to the caveats within Policy DM4 of the adopted SADMP. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside. These include proposals for the extension and alteration of existing buildings which lead to an enhancement of the immediate setting and where, amongst other matters, the proposal does not have a significant adverse effect on the appearance and open character of the countryside.
- 8.4 Policy S8 of the 'made' SPNP seeks to ensure that the design of development proposals respond positively to the character of the area in which they are located and the features of its setting, and work with the scale, form and character of the location and make a positive contribution. 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.
- 8.5 The proposed garage extension would be sited to the rear of the existing contemporary double garage and have a maximum width of approximately 9.5 metres and maximum depth of 5 metres. It would have a flat roof design to a height of just under 3 metres to match that of the existing double garage to which it would be attached and be constructed with matching corresponding external materials as the existing garage to ensure a satisfactory and uniform appearance. Whilst it would extend the double garage building considerably it would nevertheless remain clearly subordinate in terms of its overall footprint and height to the main dwelling and therefore respect and complement its scale, character and appearance.
- 8.6 Notwithstanding that the topmost metre would be visible above the retained 2 metres high close boarded timber fencing enclosing the rear garden when viewed from Bosworth Road, by virtue of its position within an established and well enclosed residential garden and within a cluster of residential dwellings, together with its single storey scale and flat roof design, the proposal would not be overly visually prominent within, or result in any significant adverse visual impacts on, the character or appearance of the wider street scene or the open character and rural appearance of the wider countryside.
- 8.7 By virtue of its siting, subordinate scale, sympathetic design and matching appearance, the proposal is considered to respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the street scene or surrounding countryside. The proposal is therefore considered to be in accordance with Policies S1 and S8 of the 'made' SPNP, Policies DM4 and DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.8 Policy S8 of the 'made' SPNP requires that development show appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air

quality, noise and light pollution. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.

- 8.9 By virtue of its siting, single storey scale, flat roof design, separation distance of over 20 metres to the nearest neighbouring dwelling and existing/retained screening by 2 metres high solid close boarded garden boundary fencing with a public walkway between, it is considered that the proposed extension and alteration would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposal is therefore considered to be in accordance with Policy S8 of the 'made' SPNP, Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide. No objections have been received from any neighbouring properties.

Impact upon parking provision

- 8.10 Policy S8 of the 'made' SPNP requires that development provides safe and suitable access with appropriate on-site parking provision. Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.11 No additional bedrooms are proposed. The site currently provides ample off-street parking and turning space within the double garage and concrete block paved double width garage forecourt and long driveway within the site frontage to serve the existing/resulting dwelling and this provision would be unaffected by the proposed garage extension. This level of provision would remain more than adequate to serve the resulting dwelling and therefore would remain in accordance with Policy S8 of the 'made' SPNP, Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

Impact on trees

- 8.12 Policies S5 and S8 of the 'made' SPNP seek to ensure that proposals have appropriate regard for local ecological features and habitats and protect important local features such as hedgerows and trees. New development which impacts on existing ecological corridors and landscape features (such as watercourses, hedgerows and tree-lines) will be expected to maintain and extend them for reasons of biodiversity. Policy S13 of the 'made' SPNP relates directly to the wider residential development of the site and required that a landscaping scheme be implemented to provide for an improvement in biodiversity and include the retention and enhancement of trees and hedgerows along the boundaries of the site. Policy DM6 of the adopted SADMP seeks to preserve and enhance features of nature conservation. It requires that such features should be retained, buffered and managed favourably to maintain their ecological value.
- 8.13 Sheepy Parish Council seek to ensure that the development, if approved, is implemented in accordance with the submitted Arboricultural Impact Assessment (AIA) and monitored to protect the adjacent trees as substantial hedgerow and tree screening was removed from the highway boundary during the initial redevelopment of the site.
- 8.14 In order to mitigate any significant adverse impacts on the adjacent trees located approximately 0.5 metres outside the boundary fencing, the submitted AIA proposes the use of a screw pile foundation system and construction of the extension with a beam and above ground floor slab. It further suggests that the exact locations of piles should be determined following further on site investigation and placed to avoid any significant roots, full details of which could be provided as part of an Arboricultural Method Statement should planning permission be granted.

- 8.15 The Council's Arboricultural Officer questions the level of pruning required to the existing trees but this appears to have been based on old satellite images rather than with the benefit of a site visit from which it is clear that the crowns have already been raised and their spread reduced. As such there is likely to be no significant above ground impacts to the adjacent trees.
- 8.16 In terms of below ground impacts, subject to further on-site investigation to determine the positions of the screw piles and further technical structural engineering details being submitted in respect of the design of the screw pile and beam/slab foundation, these proposals within the submitted AIA are considered to be likely to be reasonable to mitigate any significant impacts of the development on the future viability of the trees. The Council's Arboricultural Officer confirms that this additional information is necessary. The details can be secured by a pre-commencement planning condition to require the submission of an additional Arboricultural Method Statement as recommended within the submitted AIA. This would ensure adequate protection of the adjacent trees and retention of their biodiversity and amenity value in accordance with Policies S5 and S8 of the 'made' SPNP and Policy DM6 of the adopted 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.
- 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 location outside of any formal settlement boundary and therefore within designated countryside, the proposal is an extension and alteration to an existing dwelling within its residential curtilage and within a wider development of residential properties and therefore there is a general presumption in favour of sustainable development as set out in Policy S1 of the 'made' SPNP, Policies DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. By virtue of its siting, scale, design and proposed use of matching external materials to ensure a satisfactory and uniform appearance, the proposal is considered to

respect and complement the scale, character and appearance of the existing dwelling. By virtue of its position within an established and well enclosed residential garden and within a cluster of residential dwellings where it is well screened, together with its subordinate scale, the proposal would not be overly prominent within, or result in any significant adverse visual impacts on, the character or appearance of the wider street scene or the open character and rural appearance of the wider countryside. By virtue of its siting, scale, design, separation distances and screening the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Subject to being constructed and implemented in accordance with recommendations and protection measures within the submitted Arboricultural Impact Assessment and Tree Protection Plan the proposal would not result in the loss of, or significant adverse impacts on the biodiversity value or visual amenity value of any of the adjacent trees. The proposal would retain adequate off-street parking and adequate private rear amenity space to serve the existing/resulting dwelling. The proposal is considered to be in accordance with Policies S1, S5, S8 and S13 of the 'made' SPNP, Policies DM1, DM4, DM6, DM10 and DM18 of the adopted SADMP and the 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 and Block Plan Drawing No. PG NO 5 (Design 2A), Proposed Floor Plan Drawing No. PG NO 02 (Design 4A) and Proposed Elevations Drawing No. PG NO 04 (Design 4A) received by the local planning authority on 25 August 2023.

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 shall match the corresponding materials of the existing garage.

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).

4. Before any development commences on the site, including site works of any description, an Arboricultural Method Statement prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the

local planning authority. The statement shall include full details of the technical structural engineering design and specification of the proposed screw pile and above ground beam/slab foundation and the positions of the proposed screw piles in relation to critical roots of the adjacent trees. The development shall then be implemented in strict accordance with the approved Arboricultural Method Statement.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall be implemented in full accordance with the recommendations and Tree Protection Plan Drawing No. 1584-TTP-003-A contained within the submitted Arboricultural Impact Assessment by Castle Surveys Limited (ref: 1584-AIA-V1-A) dated 22 August 2023.

Reason: To ensure that the trees adjacent to the site are retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 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.