

Delegated Report

Planning Ref: 24/00375/HOU
Applicant: Mr A. and Mrs L. Lucas
Ward: Barwell



Hinchley & Bosworth
Borough Council

Site: 7 St Marys Mews Barwell Leicestershire

Proposal: Conversion of and extension to existing garage to create ancillary annexe accommodation

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 conversion and extension of a garage to create a small, 23 square metre, self-contained ancillary residential annexe to a dwelling, 7 St Marys Mews, Barwell.
- 2.2. The proposed side extension to the existing garage would have a width of 2.15 metres and a depth of 6 metres to be flush with the existing front and rear elevations of the garage. It would also be flush with the existing dual pitched gable sided roof, having the same 2.53 metres eaves height and 5.62 metres ridge height. It would have windows to the side and rear elevations along with a rear roof light. The existing garage door to the front elevation would be retained and a new window would be inserted in the rear elevation of the existing garage. Matching corresponding external materials are proposed in the construction along with matching brick detailing to the eaves and roof verge.
- 2.3. An amended plan has been submitted to include the raising of the existing close boarded timber fence along the southwest boundary of the site by 0.5 metres to achieve a height of 1.8 metres above the height of the finished floor level of the proposed annexe to mitigate potential overlooking and loss of privacy issues raised during public consultation. A bat brick box has also been added to the side gable elevation following comments from LCC (Ecology). Re-consultation on the amended plans has been undertaken.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Barwell and at the far corner of a small cul-de-sac of similarly designed dwellings arranged around the central shared access drive. It is a detached two storey house with both gabled and hipped main roof form, a 1½ storey forward projection and dual pitched roof gable fronted dormer windows to the front elevation. There is an open lean-to canopy roof porch to the front corner of the dwelling. The garage serving the dwelling is located to the front and side of the dwelling at the end of a continuous row of four garages with dual pitched gable sided roof form and is perpendicular to the front elevation of the application dwelling. The dwelling and garage are constructed with red/brown multi rough textured rustic facing bricks, arched brick headers and brick eaves and roof verge detailing. The roof has small grey plain concrete roof tiles and the dwelling has white uPVC windows. In addition to the single garage serving the dwelling the site provides three additional off-street parking spaces on the existing concrete block paved double width garage forecourt and site frontage. The rear and side garden areas are enclosed by 1.8 metres high close boarded timber fencing.

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. Objections have been received from one address on the following grounds:

- 1) Overbearing and loss of light
- 2) Loss of privacy from overlooking
- 3) Additional noise from use of the annexe

6. Consultation

6.1. Leicestershire County Council raise no objections and refer to the consideration of standing highway design guidance/advice.

6.2. No objection has been received from Leicestershire County Council (Ecology) subject to a condition to secure the installation of the proposed brick bat box and its permanent retention thereafter.

6.3. No objection has been received from Barwell Parish 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 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. Extensions and alterations to existing domestic properties within 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
- Impact on biodiversity

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 house extensions.
- 8.3 This is a householder application which cannot seek planning permission for a new dwelling or the sub-division of the existing planning unit. Instead, the application seeks approval for the modest extension to and conversion of an existing garage to be used as a small self-contained ancillary residential annexe to the main dwelling.
- 8.4 The proposed garage side extension would be discreetly located in the far corner of the cul-de-sac and to the far side of, and between, the row of garages and the application dwelling where it would not be visually prominent within the street scene. It would have a width of only 2.15 metres and an appropriate depth of 6 metres to be flush with the existing front and rear elevations of the garage. It would also be only single storey in height and flush with the existing dual pitched gable sided roof, having the same 2.53 metres eaves height and 5.62 metres ridge height. It would have appropriately proportioned windows to the side and rear elevations along with a high level rear elevation roof light. The proposed retention of the existing garage door to the front elevation would ensure that the proposal would maintain the character and appearance of the garage within the street scene. The proposed use of matching corresponding external materials and brick eaves and roof verge detailing in the construction would ensure a satisfactory and unified appearance. The proposed ancillary residential use of the resulting structure would complement the residential uses of the surrounding area and would not be inappropriate. A condition can be imposed to ensure that the proposed residential annexe would remain ancillary to the residential occupation of the application dwelling at all times in the future. Adequate private amenity space of over 200 square metres would be retained within the site to serve the existing dwelling and the proposed annexe.
- 8.5 The proposed annexe would be clearly subordinate in scale to the application dwelling and whilst detached from it would be in close proximity and not remote from it. Notwithstanding that it would contain all the facilities required to meet the day to day needs of the intended occupier, it would have no separate services and no subdivision of the existing garden/amenity/parking areas is proposed. By virtue of the unobtrusive siting, small single storey scale, appropriate design, ancillary residential use and subject to the proposed use of matching corresponding external materials and detailing, it is considered that the proposed extension would respect the scale, character and appearance of the existing dwelling and would have no significant adverse impacts on the character or appearance of the street scene or surrounding area. The proposal is therefore considered to be acceptable in principal and design terms and in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.6 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.

- 8.7 Objections have been received from one address on the grounds that the proposal would result in an unacceptable expanse of brick work, loss of privacy from overlooking and potential additional noise from the future use of the annexe.
- 8.8 The proposed garage extension would be only 2 metres in width and single storey in scale and would be set inside the southwest garden boundary of the application site by approximately 1.5 metres at its nearest point. The nearest corner of the proposed extension would also be approximately 11 metres from the nearest directly facing habitable room patio doors in the rear elevation of 8 Ivens Close and offset from the direct outlook of the rear patio doors/windows of the similar two storey terraced dwellings either side (Nos. 7 and 9 Ivens Close) which all lie to the south of the site. By virtue of its small single storey scale and separation distances, it is considered that the proposed extension would not result in any significant adverse overbearing impacts on any neighbouring properties and being located to the north would have no adverse impacts on light levels to any neighbouring properties.
- 8.9 The Council's adopted Good Design Guide suggests that the back to back separation distance between principal windows to habitable rooms of neighbouring properties should not be less than 21 metres apart. Both the garage extension and the converted garage would have windows in the rear elevation of the proposed annexe. These would face towards Nos. 8 and 7 Ivens Close at a separation distance of only 2 metres and 3.5 metres respectively to the rear garden boundary fence and at separation distances of only 11 metres and 14 metres respectively to the principal habitable room patio doors/windows in the rear elevations of Nos. 8 and 7 Ivens Close.
- 8.10 The separation distances between habitable room windows would be well below the minimum 21 metres suggested within the adopted Good Design Guide and in addition, by virtue of the slightly lower ground level of the boundary in relation to the finished floor level of the proposed annexe, the current boundary fence would not be effective in protecting the neighbours privacy from potential overlooking. However, notwithstanding this, the proposed annexe windows would only be at single storey ground floor level and would be at an offset angle to the windows of the neighbouring dwellings. In addition, the amended proposal includes the provision of a new 0.5 metres higher close boarded timber fence along the southwest boundary of the site which forms the rear garden boundary of Nos 8 and 7 Ivens Close. Subject to the proposed increase in the height of the close boarded timber boundary fence to ensure an effective height of 1.8 metres above the finished floor level of the proposed annexe, notwithstanding the reduced separation distance, it is considered that the proposed new boundary screening would be effective in protecting the privacy and amenity of the neighbouring occupiers from overlooking and mitigating any significant adverse impacts on privacy in this case.
- 8.11 The proposed annexe would be used only for residential purposes ancillary to the residential occupation of the application dwelling and therefore noise levels would be commensurate with such uses and are unlikely to result in any significant adverse noise impacts on the occupiers of any neighbouring dwellings. Noise pollution is in any case controlled by separate environmental legislation that protects residential amenity.
- 8.12 Notwithstanding the objections received, by virtue of the ancillary residential use, siting, single storey scale, design, separation distances and subject to the installation of the proposed additional higher screening, it is considered that the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring dwellings. The proposal

would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.13 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.14 The site currently provides four off-street parking spaces to serve the application dwelling, one in the garage and three on the existing concrete block paved double width garage forecourt and site frontage.
- 8.15 The proposed annexe would result in the loss of the existing garage parking space and an additional bedsit room. Notwithstanding this, the three existing external off-street spaces which each measure 2.4 metres in width and 5 metres in length would be retained to serve the application dwelling and the ancillary annexe. Whilst these spaces are marginally short in length (0.5 metres) in respect of the current highway design guide parking space dimension standard, they are considered to remain adequate and acceptable to serve the resulting development, particularly given their location at the far corner of a residential cul-de-sac where they would have no significant adverse impacts on highway safety. The local highway authority refers only to current standing advice and has raised no objections to the proposal. The proposal is therefore considered to be in accordance with Policy DM18 of the adopted SADMP.

Impact on biodiversity

- 8.16 Policy DM6 of the adopted SADMP requires that development proposals demonstrate how they conserve and enhance features of nature conservation.
- 8.17 By virtue of the garage having a modern construction and an open internal vaulted roof, there is no requirement in this particular case additional information to be submitted in respect of bats. However, by virtue of the site being adjacent to open land and the proposals including works to the existing roof structure, Leicestershire County Council (Ecology) require the provision of a bat box as part of the development to enhance the biodiversity value of the site. Amended plans have been submitted that include a suitable bat box within the proposed development and this can be secured and retained through the use of a standard condition to accord with 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. The proposal is for a modest extension to and conversion and alteration of an existing garage to form an ancillary residential annexe within the residential curtilage of an existing dwelling within the urban settlement boundary of Barwell 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 the siting, scale, design, ancillary residential use and the of matching corresponding external materials and detailing, it is considered that the proposal would respect the scale, character and appearance of the existing dwelling and wider street scene and surrounding area. Notwithstanding the objections received, by virtue of the ancillary residential use, siting, scale, design, separation distances and subject to the installation of the proposed additional screening, it is considered that the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring dwellings. Adequate off-street parking of three spaces and adequate private rear amenity space of over 200 square metres would be retained to serve the application dwelling and proposed annexe. The proposal would enhance the biodiversity value of the site. The proposal is considered to be in accordance with Policies DM1, 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 and full accordance with the submitted application details, as follows: Location and Proposed Block Plan and Proposed Ground Floor Plan and Proposed Elevations Drawing No. 9145-03-01 Rev B received by the local planning authority on 24 May 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 conversion, extension and alterations hereby permitted 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. The development hereby permitted shall be implemented in full accordance with the bat box details submitted on the approved Proposed Elevations Drawing No. 9145-03-01 Rev B received by the local planning authority on 24 May 2024 and once so installed the bat box shall be permanently retained and maintained as such at all times thereafter.

Reason: In order to protect wildlife species and enhance their habitat in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

5. Prior to the first occupation of the ancillary residential annexe hereby permitted, the close boarded timber boundary fence along the southwest boundary of the site shall first have been raised to an effective height of a minimum of 1.8 metres above the finished floor level of the annexe in accordance with the details submitted on the approved Proposed Block Plan and Proposed Elevations Drawing No. 9145-03-01 Rev B received by the local planning authority on 24 May 2024 and once so constructed the boundary fencing shall be permanently retained and maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of the occupiers of the neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The ancillary residential annexe hereby permitted shall only be used for purposes ancillary to the residential occupation of 7 St Marys Mews, Barwell and shall not be occupied, sold or separately leased or let as an independent unit of residential accommodation at any time.

Reason: To ensure compatible use and that the ancillary residential annexe hereby permitted is not occupied as an independent unit of accommodation which may have additional impacts in accordance with Policies DM1, DM10, DM17 and DM18 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.
2. The garage may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached, and therefore may need to consult with a licenced bat ecologist

prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.