

Delegated Report

Planning Ref: 24/00510/HOU
Applicant: Mr Aaron Vadhia
Ward: Ratby Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Site: 164 Markfield Road Ratby Leicestershire

Proposal: Two storey side 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 two storey side extension to a dwelling, 164 Markfield Road, Ratby.
- 2.2. The proposal would extend 3.1 metres in width from the main side elevation set back 0.5 metres from the front elevation and 5.85 metres in depth to be flush with the rear elevation. It would have a matching eaves height of 5 metres as the main roof, a slightly lower ridge height of 7.3 metres and a hipped roof form with pitch to match that of the main roof. It would replace a flat roof former garage/store of similar width and depth and extend up to the side boundary of the site but with a box gutter along the side elevation. It is proposed that it would be constructed with matching corresponding external materials.
- 2.3. An amended plan has been received to detail a box gutter along the side elevation of the extension. By virtue of the minor nature of the amendment and lack of objections received, no re-consultations are considered to be necessary or have been undertaken in this case.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Ratby in a ribbon development of residential dwellings served by a shared service road along the north side of Markfield Road. It is a two storey semi-detached house with hipped roof form with central brick chimney stack and a flat roof garage/store attached to the east side elevation. The application dwelling is constructed with red facing bricks other than for cream render with red brick quoins to the first floor front elevation, small red plain clay roof tiles and white uPVC windows. The site provides two off-street parking spaces on the 7 metres deep tarmac driveway and loose stone hardstanding within the site frontage. There are currently two gazebo type structures within the rear garden which backs onto a large area of woodland (Martinshaw Wood).
- 3.2. The application dwelling is located within a row of similarly designed and styled two storey semi-detached dwellings with hipped roof form. Many of these have been similarly extended to the side at two storey scale with a small set back and slightly lower ridge heights. The dwellings are predominantly constructed with red facing bricks at ground floor and rendered at first floor in various colours although some have been fully rendered, including the adjacent dwelling (No. 162).

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. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. Leicestershire County Council (Ecology) raise no objection subject to the imposition of a condition to ensure the development is carried out in accordance with the recommendations within the submitted Preliminary Bat Roost Assessment and Emergence Activity Survey Report.
- 6.2. No responses have been received from the Forestry Commission, Woodland Trust or Ratby Parish Council.

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 DM6: Enhancement of Biodiversity and Geological Interest
 - 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 dwellings 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 application dwelling and the surrounding area
 - Impact upon neighbouring residential amenity
 - Impact upon parking provision
 - Impact upon bats

Design and impact upon the character of the application dwelling and the surrounding 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 and states:

‘Two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for a two storey side extension should be set down from the ridge of the existing house and set back from the front elevation (the minimum distance for this should be 0.5 metres in both directions) unless in design terms this in itself would create an imbalance in the overall design of the property.’ and, ‘In assessing the merit of the planning application, consideration will be given to the impact on local character created by reducing the space between buildings.’

- 8.3 The proposal would extend for an appropriate width of 3.1 metres from the main side elevation, half the 6.2 metres width of the existing dwelling, and be constructed with a setback of 0.5 metres from the front elevation in accordance with the adopted Good Design Guide. It would extend for an appropriate depth of 5.85 metres to be flush with the rear elevation. It would have matching eaves height of 5 metres as the main roof, a slightly lower (0.25 metres) ridge height of 7.3 metres and an appropriate hipped roof form with pitch to match that of the main roof. By virtue of its width, depth, setback and slightly lower ridge height with the leading hipped front edge of the main roof being maintained, it is considered that the amended proposal would appear as a subordinate addition to the existing dwelling in terms of its scale and mass.
- 8.4 Notwithstanding that the proposal would extend up to the side boundary of the site this would be characteristic of other similar two storey side extensions within the street scene. By virtue of the significant setback of approximately 3 metres of the application dwelling from the neighbouring dwelling to the east (No. 162), the proposed set back from the front elevation, its slightly lower roof height and the hipped roof form of the extension, it is considered that no significant terracing effect would result in this case and the semi-detached character of this row of dwellings would be maintained. The proposal would have a box gutter along the side elevation to prevent any overhang of any rainwater goods etc. Access to the rear garden would be maintained through the proposed car port at ground floor.
- 8.5 The proposal would have appropriately proportioned fenestration which would be acceptable in design terms. It is proposed that it would be constructed in matching corresponding external materials which would ensure an acceptable and uniform appearance and would be characteristic of other dwellings within the street scene.
- 8.6 By virtue of the siting, scale, design and subject to the proposed use of appropriate matching external materials to ensure a unified appearance, it is considered that the proposed extension and alteration would respect and complement the scale, character and appearance of the existing dwelling and the surrounding area. The proposal is therefore considered to be acceptable in 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

- 8.7 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. The adopted Good Design Guide states:
- 8.8 *‘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.'

- 8.9 The neighbouring dwelling to the east (No. 162) is a similar two storey semi-detached house with hipped roof form. The main two storey side elevation is set off the side boundary by approximately 2.7 metres. There are single storey lean-to and flat roof structures providing additional living accommodation extending almost to the side boundary and across its rear elevation. These extend at single storey to the same approximate depth as the main rear elevation of the application dwelling. It has only a first floor landing window in its near side elevation facing over the single storey additions. Notwithstanding that the proposal would extend up to the side boundary of the site, by virtue of its similar depth to the ground floor rear elevation of No. 162 it would have no adverse overbearing or overshadowing impacts on any rear ground floor windows of No. 162. Whilst it would extend approximately 3 metres beyond the first floor rear elevation of No. 162 this would be at a similar separation distance and therefore would not extend to any significant degree beyond a 45 degree line drawn from the nearest first floor neighbouring window or result in any significant adverse overbearing or overshadowing impacts on No. 162. No side elevation windows are proposed in the proposal that would result in any significant loss of privacy to the occupiers of No. 162 from any direct overlooking.
- 8.10 The proposed two storey side extension would have no significant adverse impacts on the residential amenity or privacy of the occupiers of the adjoining semi-detached dwelling to the west (No. 166) by virtue of being located entirely to the far side elevation of the application dwelling.
- 8.11 By virtue of the siting, scale, design, screening and separation distance 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 and would therefore be in accordance with 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

- 8.12 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.13 The proposal would result in a four bedroomed dwelling for which the local highway authority design guide would require the provision of three off-street car parking spaces within the site. The site currently provides two off-street parking spaces on the 7 metres deep tarmac driveway and loose stone surfaced hard standing within the site frontage and these would be unaffected by the proposals. A third space would also be provided within the car port on the ground floor of the proposed extension. This level of provision would be adequate to serve the resulting four bedroomed dwelling and therefore the proposals are considered to be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guidance.

Impact upon bats

- 8.14 Policy DM6 of the adopted SADMP requires that development proposals demonstrate how they conserve and enhance features of nature conservation.
- 8.15 By virtue of the site being adjacent to woodland and the proposals including works to the existing roof space, Leicestershire County Council (Ecology) required the submission of a bat survey report prior to determination of the application to inform

the potential for the proposed development to impact on bats and their habitat. The submitted Preliminary Bat Roost Assessment and Emergence Activity Report found low potential for roosting bats and no bat activity within the structure.

- 8.16 The submitted report does however recommend the fitting of a bat brick within the extension wall and bird boxes within the rear garden. Leicestershire County Council (Ecology) therefore recommend that these are secured by a condition to enhance the biodiversity potential of the application site and that the construction works are carried out in accordance with the other mitigation measures outlined within the submitted report. Subject to the implementation of the recommended mitigation measures the proposal would 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 relates to an extension and alteration to an existing dwelling located within the settlement boundary of Ratby 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 and subject to the proposed use of appropriate matching external materials to ensure a unified appearance, it is considered that the proposed extension and alteration would respect and complement the scale, character and appearance of the existing dwelling and the surrounding area. By virtue of the siting, scale, design, screening and separation distances 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 properties. Adequate off-street parking of three spaces and private amenity space of 160 square metres would be retained within the site to serve the resulting four bedroomed dwelling. The proposal would have no significant adverse impact on bats, birds or their habitat. 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 accordance with the submitted application details, as follows: Location Plan at scale 1:1250, Proposed Block/Site Plan at scale 1:500 and Proposed Floor Plans Drawing Sheet No. 1 received by the local planning authority on 20 May 2024 and Proposed Elevations Drawing Sheet No. 3 Version 2 received by the local planning authority on 7 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 and detailing to be used on the external elevations of the proposed extension and alteration hereby permitted shall match the corresponding materials and detailing of the existing dwelling in accordance with the approved Proposed Elevations Drawing Sheet No. 3 Version 2 received by the local planning authority on 7 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).

4. The development hereby permitted shall be carried out in full and strict accordance with the recommendations within Section 5 of the submitted Preliminary Bat Roost Assessment and Emergence Activity Survey Report by Clayton Ecology (report reference: 200_28 Version 1) dated August 2024.

Reason: In order to protect the protected wildlife species and to enhance their habitats 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).

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.