

Delegated Report

Planning Ref: 23/01240/HOU

Applicant: Mr Mark Wood

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 32 Duport Road Burbage Hinckley Leicestershire LE10 2RW

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 full planning permission for a single storey rear extension, following the removal of an existing conservatory at 32 Duport Road, Burbage.

2.2. The proposed extension extends 1.49 metres in depth from one side of the rear elevation and 3 metres from the other side of the rear elevation. The extension enlarges the existing living room. It has a width of 7.64 metres, covering the full width of the main dwelling, a pitched roof design, ridge height of 5.15 metres and eaves of 2.43 metres. Blockwork with render is used for the walls, clay roof tiles to match the existing and grey uPVC for the windows.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the urban settlement boundary of Burbage within a row of similar semi-detached bungalows and two storey semi-detached dwellings. The dwelling is built with bricks and is joined by a canopy to the east side of the dwelling and a detached garage to the rear of the property. The dwelling is set back from the public highway, has a front grass area and a hardstanding driveway. It is not listed and not within a conservation area.

3.2. The surrounding street scene has predominantly residential properties with a mixed of brick and rendered bungalow and two storey houses.

4. Relevant planning history

82/00880/4 – Single storey rear extension to form lounge and bedroom – Planning Permission – 16.11.1982.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents and site notice was posted within the vicinity.

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

6. Consultation

6.1. Burbage Parish Council has no objection to the application.

7. Policy

- Burbage Neighbourhood Development Plan (BNDP) 2015-2026 (2021)

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 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 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. Burbage Neighbourhood Plan (BNDP) contains no relevant policies for domestic extensions but refers to the materials, design and scale of extension and alterations being compatible with the original building. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and 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.'

- 8.3 The proposed rear extension measures 1.49 metres in depth from one side of the rear elevation and 3 metres on the other side of the rear elevation. The extension has a full width of 7.64 metres and enlarges the existing living room. The extension is designed to have a dual pitched roof with a ridge height of 5.15 metres and an eaves height of 2.43 metres. The ridge height is slightly set down from the main ridge of the host dwelling. The rear extension is considered to have appropriate dimensions and design. The extension has a limited view from the public highway. The proposed external materials match the existing dwelling. The street scene has a mix of brick and rendered properties. The height, depth, scale and materials are considered appropriate and clearly subordinate the existing dwelling.
- 8.4 By virtue of the above, the proposed development does not have any significant adverse visual impact on the existing dwelling or wider street scene. The proposal

is considered to be acceptable in design terms and respect the scale and character of the area. The proposed development is in accordance with Policy DM10 of the adopted SADMP, the Burbage Neighbourhood Plan and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.5 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:

'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 extension is single storey scale, slightly set down from the ridge of the main dwelling. The roof is pitched away from both neighbouring properties (No. 30 and 34). To the west boundary, the extension is just set in from the existing 1.8 metre high fence and the roof pitches away from the fence, reducing the overbearing impact on 30 Duport Road. The neighbouring 30 Duport Road also has a rear conservatory which is just set in from the boundary. Both rear projections at Nos. 30 and 32 line up at the rear. The extension at 32 Duport Road is higher than the height of the rear extension at 30 Duport Road. A separation distance of 2.26 metres between the extension and the east boundary (No. 34) and 2 metres distance between the extension and the detached garage.
- 8.7 The single storey scale of the extension, separation distance, set down of the ridge height of the extension, and existing boundary fence result in a less significant impact on the adjoining properties. There are no side facing windows. The extension is considered to have a modest scale and therefore result in no significant overlooking, overbearing impact and loss of privacy. As a result of the orientation of the site, sun path and lining up of the rear projections at No. 30 and 32 Duport Road, there is limited impact on the loss of light and the extension does not conflict the 45 degree rule.
- 8.8 By virtue of the above, the proposal is in accordance with Policy DM10 of the adopted SADMP, the Burbage Neighbourhood Plan and the Good Design Guide. No objection to the proposal has been received from the adjoining occupiers.

Impact upon highway safety

- 8.9 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.10 The proposed extension does not impact on the existing parking provision. There is no additional bedroom as a result of the proposal and the existing front driveway is sufficient to serve the resultant two bedroom bungalow. The application dwelling is located in a highly sustainable urban location with a considerable access to public transport. The proposal is therefore in accordance with Policy DM18 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 The equality implications arising from this application relate to the protected characteristics of a family member of the applicant who has health impairment, and the accommodation needs of the occupiers have been taken into consideration in the assessment of this application in relation to Policy DM10 of the adopted SADMP and the design guidance within the National Planning Policy Framework (2021).

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 Burbage 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 its siting to the rear, single storey scale, separation distance, pitching away of roof, appropriate height, width and depth, subject to the proposed use of matching external materials, the proposal is considered to respect and complement the scale, character and appearance of the existing dwelling and does not significantly impact on the visual impacts on the dwelling or the residential amenity or privacy of any neighbouring properties. Adequate private amenity space and off-street parking spaces are retained to serve the dwelling. The proposal is in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the Burbage Neighbourhood Plan 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: Site Location and Block Plan Drawing No. 2023-35-01 (submitted to the LPA on 02.01.2024) and Proposed Floor Plan and Elevation Drawing No. 2023-35-03, Parking Provision 2023-35-04 received by the local planning authority on 22 December 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 hereby permitted shall match the corresponding materials on the approved plans and elevations.

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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.