

Delegated Report

Planning Ref: 23/01093/HOU

Applicant: Mr Chris Smythe

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 2 Forest Way, Desford, Leicester, Leicestershire, LE9 9GH

Proposal: Replace ground floor window with double door, new steps to the ground floor, reduce size of first floor window, additional window to rear elevation.

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 to replace a ground floor window with a double door, add new steps to the ground floor, reduce the size of first floor window and add a window to rear elevation at 2 Forest Way, Desford.
- 2.2. The proposed external materials include the use of cream render to the walls and painted white/cream timber to the windows to match the existing dwelling.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached dwelling, situated within the settlement boundary and conservation area of Desford. The dwelling comprises the use of cream render to the walls, grey slate tiles to the pitched roof and painted white/cream timber to the windows and doors. To the front (east) elevation the dwelling features a pitched roof canopy featuring the use of green timber cladding to match the green guttering on the dwelling.
- 3.2. The site is situated behind 54 High Street and can be accessed from a small access between 54 and 56 High Street.
- 3.3. The site is located within the vicinity of two listed buildings (Old Manor House, attached barn and service block, 32 High Street – grade II* listed, and the pigeoncote at 32 High Street – grade II), all located immediately west of the application site.

4. Relevant planning history

17/00339/TPOCA

- Works to Ash tree - fell all four stems to height of existing hedge
- TPOCAP
- 25.05.2017

81/00134/4

- ERECTION OF ENTRANCE GATE BUILDING
- REF
- 24.03.1981

76/00438/4

- ERECTION OF GARAGE DEMOLITION OF EXISTING BUILDINGS
- REF
- 26.05.1976

81/01023/4

- ERECTION OF ENTRANCE GATE BUILDING
- PER
- 22.12.1981

76/01246/4M

- ALTERATIONS AND IMPROVEMENTS TO DWELLING
- PER
- 30.09.1976

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. Two objections have been received summarising the below;
- Potential for overlooking into the garden of 54 High Street
 - Impact upon quality of living
 - Window could possibly be changed for a no opaque window in the future

6. Consultation

- 6.1. No objections have been received from Desford Parish Council
- 6.2. The HBBC Conservation Officer;

As commented by the HBBC Conservation Officer the extent of the changes are limited and all altered and new fenestration closely matches the appearance and style of the existing windows and doors of the property and would result in a negligible visual change. The proposal will therefore have a neutral visual impact and thus preserve the special interest and significance of the conservation area. Consequently, the proposal complies with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

7. Policy

- 7.1. Desford Neighbourhood Plan 2018-2036
- Policy H1: Settlement Boundary
 - Policy H7: Housing Design

7.2. Core Strategy (2009)

- Policy 8: Key Rural Centres Relating to Leicester

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

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- 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

Design and impact upon the character of the area and impact upon the character of the area and the Desford Conservation Area

8.2 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.3 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.4 Policy H1 of the Desford Neighbourhood Plan seeks to ensure that development proposals within the settlement boundary are supported where they respect the character of Desford.

8.5 Policy H7 of the Desford Neighbourhood Plan seeks to ensure that all development proposals should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area. Care should also be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views.

8.6 2 Forest Way is a single property that historically was likely to have been a small number of cottages in a linear plan perpendicular to Desford High Street. Despite some clear adaptations and modernisation over time the property is in general terms and positive presence within the Desford Conservation Area, although visibility of it from the wider High Street and conservation area street scene is limited due to its siting and the presence of surrounding built form.

8.7 On the front facing eastern elevation the proposal seeks to replace an existing window with a set of double doors with steps and reduce the width of a first floor

window, and on the rear facing western elevation install a single new window at first floor level. In my opinion the extent of the changes are limited and all altered and new fenestration closely matches the appearance and style of the existing windows and doors of the property and would result in a negligible visual change. The proposal will therefore have a neutral visual impact and thus preserve the special interest and significance of the conservation area. Consequently, the proposal complies with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework, the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and policies H1 and H7 of the Desford Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.8 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.9 An obscure glazed, non-openable window is proposed to the first floor of the western elevation. This window is to serve the landing of 2 Forest Way and by virtue will not host a primary window. To the western elevation of the dwelling sits the garden of, 54 High Street, Desford. Two objections have been received regarding the potential loss of privacy, however by virtue of the above it is not considered that the addition of the window would have any adverse effects in regards to the loss of privacy on the occupiers of 54 High Street. Should the application be approved, a planning condition should be used to ensure that the obscure glazed, non-openable window to the first floor west elevation is permanently maintained as such at all times thereafter.
- 8.10 To the front (northern) elevation the proposal seeks to replace an existing window with a set of double doors and reduce the width of a first floor window. Due to the proposals northern positioning there is not considered to be any impacts in terms of the loss of privacy. A garage also sits to the front of the dwelling along with a hedgerow screening the dwelling from a public vantage point.
- 8.11 No alterations are proposed to the northern or eastern (side) elevations.
- 8.12 Accordingly, the proposal would not result in any significant adverse impact on the privacy or amenities of any neighbouring properties and would therefore be in accordance with Policy DM10 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.

10. Conclusion

- 10.1. The proposal is located within the settlement boundary of Desford and seeks consent to replace a ground floor window with a double door, add new steps to the ground floor, reduce the size of first floor window and add a window to rear elevation at 2 Forest Way, Desford, therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.
- 10.1 For the reasons given in the report above, it is considered that the proposed scheme of extensions and alterations would respect the overall scale, character and appearance of the existing dwelling, street scene and Conservation Area. The proposals would not result in any significant adverse overbearing or overshadowing effects or result in any loss of privacy to the occupiers of any neighbouring properties. The proposals are considered to be in accordance with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework, the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, policies H1 and H7 of the Desford Neighbourhood Plan, and the adopted Good Design Guide, and 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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 17th November 2023.

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).

3. 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, Drg No. PL-6175_01, Proposed Ground Floor Plan, Drg No. PL-6175_07, Proposed First Floor Plan, Drg No. PL-6175_08,

Proposed Elevations, Drg No. PL-6175_09, Proposed Elevations, Drg No. PL-6175_10 and Proposed Site Plan, Drg No. PL-6175_11 as received by the Local Planning Authority on the 17th November 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).

4. The window to the first floor west elevation shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window shall be permanently maintained as such at all times thereafter.

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

11.3 Notes to applicant

- 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.
- The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside of their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.