

Delegated Report

Planning Ref: 23/01151/HOU

Applicant: Mr Luke Pegley

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 28 Brockhurst Avenue Burbage Hinckley Leicestershire LE10 2HG

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 planning permission for a single storey rear extension to create dining and living area to dwelling, 28 Brockhurst Avenue, Burbage.

2.2. The proposed single storey rear extension extends 3.5 metres in depth and 6 metres width. It has eaves height of 2.47 metres and ridge height of 3.65 metres. The rear extension has a mono pitched roof with two rooflights, **render finish and** concrete roof tile to match existing. It also has new PCC Aluminium bi-fold door. The proposal includes the provision of decking area to the rear of the proposed extension.

2.3. The application is an amended version of a previous planning permission for a single storey rear extension (21/01239/HOU) granted permission in 2022.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Burbage in a residential area. It is a two storey semi-detached house with a hipped and flat roof character and a brick chimney stack. The dwelling is constructed with a mixed of render and brickwork, concrete roof tile, and uPVC windows. The dwelling is not listed, and the site is not within a conservation area. There dwelling has a hardstanding front driveway and a detached garage which is conditioned to remain incidental to the enjoyment of the dwellinghouse.

3.2. The surrounding street has similar built two storey semi-detached properties of similar scale, mixed of brick and render finish and design.

4. Relevant planning history

21/01239/HOU - Single storey at rear of house – Planning Permission – 18.03.2022

82/00293/4 – Erection of garage – Planning Permission – 17.05.1982.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

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

6. Consultation

6.1. **No objection has been received from Burbage Parish Council.**

7. Policy

- 7.1. Burbage Neighbourhood Development Plan (BNDP) 2015-2026 (2021)
- 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 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 (GDG) (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

- 8.1. Extensions and alterations 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 Development Plan (BNDP) contains no relevant policies for domestic extensions but refers to the materials, design and scale of extensions and alterations being compatible with the original building (Para. 15.3).
- 8.3 The Council's adopted Good Design Guide states:
- '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. Where there are no public views into a site, a fully integrated two storey extension may be acceptable.'*
- 8.4 The proposed single storey rear extension creates a dining and living space. It has a depth of 3.5 metres and width of 6 metres, to eaves height of 2.47 metres and ridge height of 3.65 metres. The extension has a mono pitched roof, rooflights, render finish, PCC Aluminium bi-fold door and concrete roof tiles. The proposed extension in terms of design, dimensions and external materials, clearly subordinate the main dwelling. It is not viewable from the public street scene and does not result

in any significant adverse visual impacts on the host dwelling and the street character.

- 8.5 By virtue of the siting, scale, appropriate dimension, and the proposed use of matching corresponding external materials, it is considered that the proposed extensions and alterations respect and complement the scale, character and appearance of the existing dwelling and have no significant adverse visual impacts on the wider street scene. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP, the general principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan.

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 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.'

- 8.8 The extension is just set in from the east boundary fence (No. 26). It extends approximately 0.5 metres further back from the single storey extension at 26 Brockhurst Avenue. The proposed extension looks a bit bigger than the one in the neighbouring property however does not have any adverse overbearing or overshadowing impacts 26 Brockhurst Avenue due its single storey scale and overall design. No significant impact on loss of privacy, loss of light and breach of the 45 degree rule. The west side facing of the proposed extension has a window. However, there is a distance of 9.5 metres from the extension to the west boundary of the site, intervening garage and fence that blocks the view into the garden of 30 Brockhurst Avenue.

- 8.9 The decking area to the rear of extension does not significantly affect the garden area in terms of overlooking or loss of privacy. The proposal does not result in any significant adverse impacts on the residential amenity or privacy of this neighbouring dwelling.

- 8.10 By virtue of the siting, scale, design, separation distances, it is considered that the proposals would not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposal is therefore in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections to the proposals have been received from the occupiers of any neighbouring properties.

Impact upon parking provision

- 8.11 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.

- 8.12 The site has a front driveway and a detached garage. The proposal does not result in the provision of additional bedroom. The existing parking spaces are retained, and dwelling is located in a highly sustainable urban setting with easy access to a

full range of services and facilities by alternative and more sustainable transport means. It is closed to the A5. The proposal is therefore considered to be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide.

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 proposals relate to extensions and alterations to an existing dwelling located 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 the siting, scale, design, appropriate dimension, and the proposed use of matching corresponding external materials to ensure a unified appearance, it is considered that the proposed extensions and alterations respect and complement the scale, character and appearance of the existing dwelling and have no significant adverse visual impacts on the wider street scene. It does not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Existing parking spaces and adequate private amenity spaces are retained. The proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan and are 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 and Block Plan Drawing Number 120 Rev B, Proposed Floor Plan Drawing Number 110 Rev E, Proposed 3D Visual Drawing Number 117 Rev E, received by the Local Planning Authority on 30 November 2023 and Proposed Elevation received by the local planning authority on 5 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 shall match the materials on the approved plans and elevation.

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.
2. The applicant is advised to ensure that, when being constructed, no part of the development hereby permitted exceeds the extent of their land ownership, for example through any overhanging rainwater goods etc., in order to avoid any potential legal disputes with the adjoining neighbouring land owner(s).