

Delegated Report

Planning Ref: 25/00583/CONDIT
Applicant: Mr D Singh
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 40C Ratby Lane Markfield Leicestershire

Proposal: Application to vary condition 3 on planning permission 25/00379/HOU. To increase the depth of the extension due to regulation and requirements of Severn Trent Water.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission. In this case, planning permission reference 25/00379/HOU granted full planning permission for extensions and alterations at 40C Ratby Lane, Markfield which included a single storey rear extension and alterations. Condition 3 of the planning permission required that the development shall be implemented in accordance with the approved plans submitted with that application.
- 2.2. This application seeks planning permission for the variation of condition 2 (Plans) of that planning permission. This application proposes to increase the depth of the single storey rear extension by 0.79 metres.

3. Description of the site and surrounding area

- 3.1. The application site comprises a two-storey detached residential dwelling situated within the settlement boundary of Markfield and within the constraints of the National and Charnwood Forest.
- 3.2. The application dwelling comprises a pitched roof form with red brick to the walls, red interlocking tiles to the roof and grey uPVC to the openings. It forms part of a small residential development of four dwellings constructed in the early 90's and is located on a private drive behind the main row of houses on Ratby Lane. Each of the four properties is large, brick built and detached and share many of the same design characteristics.

4. Relevant planning history

91/00591/4

- Change of use from temporary office to ground floor surgery and first floor residential and creation of new access
- Planning Permission
- 30.07.1991

21/00810/HOU

- Single storey side and rear extensions
- Planning Permission
- 27.09.2021

25/00379/HOU

- Single storey rear extension and alterations
- Planning Permission
- 04.06.2025

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Following the publication no comments have been received.

6. Consultation

- 6.1. Markfield Parish Council;
 - No comments have been received.

7. Policy

- 7.1. Markfield Neighbourhood Plan 2020-2039
 - Policy M10: Design
- 7.2. Core Strategy (2009)
 - Policy 7: Key Rural Centres
 - Policy 8: Key Rural Centres Relating to Leicester
 - Policy 21: National Forest
- 7.3. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - 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
 - Conditions

Design and impact upon the character of the area

- 8.2 Policy DM10 of the Site Allocations and Development Management Policies DPD 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.
- 8.3 Policy M10 of the Markfield Neighbourhood Plan (MNP) seeks to ensure that development is in keeping with the scale, form and character of its surroundings.
- 8.4 This application proposes to increase the depth of the single storey rear extension by a modest 0.79 metres. As the proposal would be single storey and situated to the rear being entirely screened from a public vantage point, whilst proposing no further amendments in relations to the overall extensions the increase in depth is not considered to bear any additional detrimental impacts upon the character of the area and would therefore comply with Policy DM10 of the SADMP and Policy M10 of the MNP.

Impact upon neighbouring residential amenity

- 8.5 Policy DM10 of the 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.
- 8.6 Policy M10 of the MNP seeks to ensure that the amenities of residents in the area are not significantly adversely affected including by loss of daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.7 The Councils Good Design Guide seeks to ensure that *“The 45 degree rule is applied for planning applications for new buildings and extensions to existing properties which might affect the outlook from or daylight to a neighbouring property. This rule ensures consistency and fairness between applicants and their neighbours.”*
- 8.8 Whilst the extension would be increased in depth the proposal would remain to sit comfortably within the 45 degree line when measured from the nearest habitable window of 40B Ratby Lane, bearing no impacts in terms of loss of light. No additional openings are proposed and the previously imposed obscure glazing condition to the window hosting the existing utility remains extant bearing no impacts in terms of loss of privacy.
- 8.9 The proposed extension would remain to be screened by the existing conservatory at the site and would therefore bear no impacts upon the owners/occupiers of 40D Ratby Lane in regard to loss of light or loss of privacy.
- 8.10 By virtue of the above, the proposal would not result in any significant adverse overbearing or overshadowing impacts on any neighbouring properties or result in any significant adverse impacts from overlooking or loss of privacy to the occupiers of any neighbouring properties. The proposal is therefore considered to be in accordance with Policies DM1 and DM10 of the SADMP, Policy M10 of the MNP and the general principles of the Councils Good Design Guide.

Conditions

- 8.11 The previously approved planning permission 25/00379/HOU was subject to 4 conditions. The development has not been implemented and therefore Condition 1 (Time) remains necessary, however, the applicant would need to refer to the original 3 year time scale for implementation of the development, implementing the

permission on or before 4th June 2028. Condition 2 (Materials) would remain necessary to ensure a satisfactory form of development. Condition 3 (Plans) would need to be amended to refer to the plans submitted and approved under this application to define the new permission. Condition 4 (Obscure Glazing) would remain necessary to safeguard the privacy and amenity of neighbouring dwellings from potential overlooking.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Site Plan, Drg No. 2025/06/140
 - Proposed Side and Rear Elevation, Drg No. 2025/06/140
 - Existing and Proposed Roof Plan, Drg No. 2025/06/140
 - Proposed Ground Floor Plan, Drg No. 2025/06/140
- All as received on the 17th June 2025.

Reason: To ensure a satisfactory form of development in accordance with Policy DM1 and DM10 of the Site Allocations and Development Management Policies DPD, Policy M10 of the Markfield Neighbourhood Plan and the general principles of the Councils Good Design Guide.

8.12 No other conditions are considered to be necessary to ensure satisfactory development.

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 proposals are for variations to a previously approved planning permission for an extension to an existing dwelling within the settlement boundary of Markfield where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted Site Allocations and Development Management Policies and the overarching principles of the NPPF.

10.2. The variations to the previously approved extension are considered to continue to respect and complement the scale, character and appearance of the existing dwelling and wider street scene and do not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties

or impact the parking provision at the site. The development is therefore considered to remain in accordance with the existing dwelling and the wider countryside. The proposal would adhere to Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies, Policy M10 of the Markfield Neighbourhood Plan, the general principles of the Councils Good Design Guide and is recommended for approval subject to amended condition 3 (Plans) to define the new planning permission.

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 planning permission 25/00379/HOU (04/06/2025).

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 8th April 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM1 and DM10 of the Site Allocations and Development Management Policies DPD, Policy M10 of the Markfield Neighbourhood Plan and the general principles of the Councils Good Design Guide.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Site Plan, Drg No. 2025/06/140
 - Proposed Side and Rear Elevation, Drg No. 2025/06/140
 - Proposed Roof Plan, Drg No. 2025/06/140
 - Proposed Ground Floor Plan, Drg No. 2025/06/140
- All as received on the 17th June 2025.

Reason: To ensure a satisfactory form of development in accordance with Policy DM1 and DM10 of the Site Allocations and Development Management Policies DPD, Policy M10 of the Markfield Neighbourhood Plan and the general principles of the Councils Good Design Guide.

4. The window to the ground floor side elevation hosting the utility 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 DM1 and DM10 of the

Site Allocations and Development Management Policies DPD, Policy M10 of the Markfield Neighbourhood Plan and the general principles of the Councils Good Design Guide.

11.3 Notes to applicant

- a) 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.