

Delegated Report

Planning Ref: 23/01188/HOU

Applicant: Mr S Hewitt

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: 104 Main Street Higham On The Hill Leicestershire

Proposal: Single storey rear and 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 a single storey rear and side extension to a dwelling, 104 Main Street, Higham on the Hill.

2.2. The proposed single storey rear extension would extend 4.3 metres from the rear elevation along the common side boundary and extend for a total width of 8.3 metres, 2 metres beyond the main side elevation of the dwelling and across the rear elevation of the existing flat roof garage attached to its side elevation. The proposed rear/side extension would have a part lean-to/part flat roof design in order to sit below the cills of the first floor rear elevation windows. It would have an eaves height of 2.5 metres and maximum height of 3.53 metres. The use of matching corresponding external materials is proposed in its construction.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Higham on the Hill in a residential area and within the Higham on the Hill Conservation Area. It is a late C20th two storey semi-detached house with gable sided main roof form, a floating ground floor bay window and recessed open porch to its front elevation and a flat roofed garage with up and over door attached to its side elevation. It is constructed with red facing bricks, grey interlocking concrete roof tiles and white uPVC windows. Additional off-street parking for three cars is available on the 6 metres deep and 10 metres wide site frontage which has a concrete driveway and loose stone surfaced remaining frontage. The rear garden is enclosed by a mix of brick walls, hedgerow and fencing and currently provides approximately 150 square metres of private amenity space. There is a much older detached outbuilding with dual pitched roof of red brick and plain clay tile construction within the rear garden. The dwelling is currently vacant and undergoing renovation.

3.2. The adjoining dwelling to the east is a similarly designed and styled two storey semi-detached house and has already been extended with a single storey extension with lean-to roof form across its rear elevation. The neighbouring dwelling to the west is a recently constructed detached two storey dwelling with gable fronted main roof form. Beyond this there is a range of much older two storey dwellings of varying scale, design and style within the wider street scene.

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 and a notice was displayed in the local press.
- 5.2. One neutral response has been received as a result of public consultation raising a concern that the size/width of the extension may further block a significant view (of trees) to be protected.

6. Consultation

- 6.1. No response has been received from Higham on the Hill Parish Council.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 12: Rural Villages
 - 7.2. Site Allocations and Development Management Policies (SADMP) 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
 - Policy DM18: Vehicle Parking Standards
 - 7.3. National Planning Policies and Guidance
 - Planning (Listed Buildings and Conservation Areas) Act 1990
 - National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - 7.4. Other relevant guidance
 - Higham on the Hill Conservation Area (HHCA) Appraisal and Map (2009)
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide
- ## **8. Appraisal**
- 8.1. Extensions and alterations to existing domestic properties 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 dwelling and the Higham on the Hill Conservation Area
 - Impact upon neighbouring residential amenity
 - Impact upon parking provision

Design and impact upon the character of the dwelling and the Higham on the Hill Conservation Area

- 8.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.3. Section 16 of the NPPF (2023) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great

weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

- 8.4 Policy 12 of the adopted Core Strategy seeks to ensure that new development would respect the character and appearance of the Higham on the Hill Conservation Area by incorporating locally distinctive features of the conservation area into the development.
- 8.5 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM12 states that development proposals should ensure the significance of a conservation area is preserved and enhanced. 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.
- 8.6 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.'*
- 8.7 The application dwelling is located within the Higham on the Hill Conservation Area but is a late-20th century two storey semi-detached house of no historical or architectural interest. Its form, design and appearance do not follow the traditional characteristics of many of the more historic dwellings within the HHCA and is considered to be a neutral presence in the conservation area and to make no contribution to its significance.
- 8.8 The proposed single storey rear extension would extend to an appropriate depth of 4.3 metres from the rear elevation along the common side boundary with the adjoining dwelling and notwithstanding that it would extend for a total width of 8.3 metres, 2 metres beyond the main side elevation, this would extend across the rear elevation of the existing garage. The proposal would have a part lean-to/part flat roof design with a clearly subordinate eaves height of 2.5 metres and maximum height of 3.53 metres in order to sit below the cills of the first floor rear elevation windows. The position and proportions of the proposed fenestration and roof lights are appropriate for the size of the extension and the modern dwelling to which it would be attached and it would be constructed in matching corresponding external materials to the existing dwelling to ensure a satisfactory and unified appearance.
- 8.9 Due to the height of the ridge of the extension a small section of wall would project above the back edge of the existing flat roofed garage and would be visible from the Main Street public highway. Notwithstanding this, by virtue of the siting of the proposal to the rear and its single storey scale, it is considered that the proposal would not be prominent and that any visual impact from the proposed extension upon the character and appearance of the wider area, including the conservation area, would be negligible. Therefore, the proposal would have a neutral impact on the character and appearance of the Higham on the Hill Conservation Area and would therefore preserve its significance.
- 8.10 Notwithstanding the comment received as a result of public consultation in relation to the 'view to be protected' to the west of the application dwelling identified on the

HHCA Appraisal Map, this has already been compromised to a significant degree by the construction of the adjacent detached two storey dwelling after adoption of the HHCA appraisal. It is considered that the small section of single storey roof visible over the flat roof of the existing garage would not result in any adverse impact on the remaining already very limited view of the distant trees around Orchard House.

- 8.11 Notwithstanding the comment received, by virtue of its siting, scale, design and the proposed use of matching corresponding external materials in its construction, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and would have a neutral visual impact on the Higham on the Hill Conservation Area and consequently would preserve its significance. The proposal is therefore considered to be in accordance with Policies DM10, DM11 and DM12 of the SADMP, the general principles of the adopted Good Design Guide, section 16 of the NPPF and the statutory duties of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.12 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.

- 8.13 The Council's 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.'

- 8.14 The proposed single storey rear extension would extend to a depth of 4.3 metres from the rear elevation along the common side boundary with the adjoining semi-detached dwelling (No. 106) but only 1.3 metres further than the existing single storey extension attached to the rear elevation of the neighbouring dwelling. As a result, the proposal would not extend beyond a 45 degree line drawn from the nearest ground floor habitable room patio doors/windows in its rear elevation or result in any significant adverse overbearing or overshadowing impacts on No. 106 or result in any loss of privacy to the neighbouring occupiers from direct overlooking.

- 8.15 The proposal would be only single storey in scale, set in from the 1.8 metres high brick wall along the side boundary with the neighbouring two storey dwelling to the west (No. 102a) and with a separation distance of approximately 5 metres from the side elevation of No. 102a. As a result, it would not result in any significant adverse overbearing or overshadowing impacts on No. 102a or result in any loss of privacy to the neighbouring occupiers from direct overlooking.

- 8.16 By virtue of its siting, scale, design, separation distances and existing screening, the proposal would have no significant adverse impacts on the residential amenity or privacy of any neighbouring properties. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections have been received from the occupiers of the neighbouring properties either side.

Impact upon parking provision

- 8.17 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.18 The proposal would not result in the provision of any additional bedroom space or have any impact upon the existing off-street parking provision of up to four spaces serving the existing/resulting three bedroomed dwelling in the garage and on the 6 metres deep and 10 metres wide concrete and loose stone surfaced site frontage. This level of provision would remain adequate to serve the existing/resulting dwelling and the proposal would therefore be in accordance with Policy DM18 of the adopted SADMP and current local highway design guide dimension standards.

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 is for an extension to an existing dwelling within the settlement boundary of Higham on the Hill 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. Notwithstanding the comment received, by virtue of its siting to the rear within a well enclosed rear garden, subordinate single storey scale, design and the proposed use of matching corresponding external materials to ensure a unified appearance, it is considered that the proposal would respect and complement the character and appearance of the existing dwelling and would have a neutral visual impact on the Higham on the Hill Conservation Area and consequently would preserve its significance. By virtue of its siting, scale, design, separation distances and existing screening, the proposal would have no significant adverse impacts on the residential amenity or privacy of any neighbouring properties. Adequate private amenity space of approximately 100 square metres and adequate off-street parking provision of up to four spaces would be retained within the site. The proposal is considered to be in

accordance with Policies DM1, DM10, DM11, DM12 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide, section 16 of the NPPF (2023) and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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, Proposed Site Plan, Proposed Ground Floor Plan and Proposed Elevations and section Drawing received by the local planning authority on 7 December 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10 and DM12 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 of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 and DM12 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 building.control@blaby.gov.uk or call 0116 272 7533.