

Delegated Report

Planning Ref: 24/00821/HOU
Applicant: Mr Mark Orton
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 122 Heath Lane Earl Shilton Leicester

Proposal: Single storey garage adjoining side of dwelling (retrospective). Proposed tool shed (under duo pitch roof) to be sited in rear garden space.

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 application seeks (retrospective) permission for the erection of a single storey brick built extension to the side (east) of the host dwelling which provides a new garage space. The extension is under a flat roof with an eaves height of approx. 2.5 metres depth and its footprint measures 3 metres width by 5 metres depth. The side extension protrudes beyond the rear of the host dwelling by approx. 2 metres and its side (east) elevation sits upon the common boundary shared with the adjoining dwelling (No 120 Heath Lane)

2.2. This application also proposes the erection of a garden shed to be sited within the proposal site's rear amenity space and sited adjacent to the proposed side extensions rear (north) elevation. The shed's base measures approximately 1.5 metre in depth and 2.5 metres in width, and will be under a duo pitch roof, with a ridge height of approx. 2 metres (eaves height approx. 1.5 metre)

3. Description of the site and surrounding area

3.1. 122 Heath Lane is a modern (Early 21C) detached bungalow (single storey) type dwelling, under a concrete tiled duo pitch roof. The property is located within a linear which is flanked by modern dwellings, with a mix of both two storey houses, chalet type dwellings (1.5 storey) and bungalows, of which most were built in the mid-late 20th Century and are predominantly of a similar style and typical of the era they were constructed (modern suburban). A football/sports field belonging to the nearby school adjoins the proposal site's rear (north) boundary.

4. Relevant planning history

05/00520/FUL

- ERECTION OF ONE NEW BUNGALOW
- PER
- 30.06.2005

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One letter response received from neighbouring dwelling, comments summarised as following:
 - The length of the garage and its placement next to 120 Heath Lane no longer allows for a view of the fields which are directly behind Heath Lane.
 - Due to the placement of the garage, the light that comes through the windows on the 1st floor of 120 Heath Lane is now limited as the window is blocked by the garage.
 - If a roof is placed on the current garage structure it will be even higher and further limiting the view and incoming light.
 - A drainage system is not shown on the plan, and therefore there is concern that standing water around the garage will cause damage to the foundation of 120 Heath Lane. A flat or sloped roof will cause rain to overflow on to 120 Heath Lane and lead to flooding on 120 Heath Lane as there is not adequate drainage on the side of the property to manage incoming water from 122 Heath Lane.
 - There appears to be no space for drainage in the ground around the garage, hence concern for damages to the foundation and fence of 120 Heath Lane are possible from standing water.
 - There is no confirmation on the build quality/durability of the garage walls, if it were to collapse it would immediately damage the fence as well as the conservatory of 120 Heath Lane.

6. Consultation

- 6.1. Earl Shilton Town Council
- 6.2. ESTC are concerned that the works have already started with no permission and that the online documents are very vague and inadequate.

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.2. Earl Shilton and Barwell Area Action Plan
 - Policy 22 Design and Development.
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. 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
- Impact upon highway safety

Design and impact upon the character of the area

- 8.2 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features, and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.3 The Good Design Guide outlines that, not unless an unbalanced feature is created, extensions should be subordinate to the main dwelling and be an appropriate height, width, depth and complement the detailing and materials of the existing building.
- 8.4 The proposed (part-retrospective) side extension's (garage) front elevation can be viewed from the nearby highway. Furthermore, the proposal will be under a flat roof, which, contrary to design guidance, does not mirror the roof type (tiled duo-pitch) above the host dwelling. However, given that the front elevation is set back by approximately 4.5 metres from the main dwelling's front elevation and approximately 9 metres from the back of the pedestrian highway, the proposal will not introduce an incongruous or visually harmful feature within the surrounding streetscene. Moreover, the extension's external walls are constructed from bricks that match the host dwelling, and given its height and scale, the extension is subservient in scale to the main dwelling.
- 8.5 Given its siting and dimensions, the proposed shed/outbuilding (to be sited to the rear the proposed side extension) would ordinarily be considered as permitted development (GPDO (2015) (amended) schedule 2, Class E), however a condition attached to the approval of the main dwelling removes householder permitted development rights (Schedule 2 Class A-E). Nevertheless, given its scale and siting, the proposed shed cannot be viewed from the nearby highway or surrounding streetscene and therefore will not introduce an incongruous or harmful feature.
- 8.6 Overall, given their design, siting and scale, both proposals (extension and garden shed) are sympathetic to the scale and design of the host dwelling and neighbouring properties. The proposal therefore accords with SADMP policy DM10, the relevant criteria set out in the Earl Shilton & Barwell AAP (Policy 22 Design) and the associated recommendations set out in the Good Design Guide.

Impact upon neighbouring residential amenity

- 8.7 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.
- 8.8 The proposed side extension protrudes beyond the host dwelling's rear elevation by approximately 2 metres, however its mass will not intersect a 45 degree line drawn

from the centre neighbour's closest sited living space window sited within its ground floor rear elevation and therefore will not introduce any undue overshadowing to the neighbours closest sited living space windows.

- 8.9 Comments received concerning the perceived harmful impact on outlook and light afforded to the neighbouring dwelling (No 120) are noted. The proposal's (blank) side elevation (east) is located upon the shared eastern boundary and will be sited opposite a window which serves a ground floor habitable room belonging to No.120. However, the facing window serves as a secondary light source to the habitable room, and moreover, a relatively large window, which is sited within the neighbour's rear (north) ground floor elevation serves as a principle light source to the adjoining room. Furthermore, given the proposed side elevation (north) is under a flat roof and a 2 metre boundary treatment can be erected under permitted development rights by the applicant. The siting and scale of the proposed (blank) elevation does not introduce any significant harm afforded to the neighbouring dwelling's windows (serving habitable rooms) and areas of rear amenity space most enjoyed by its occupants beyond that which is already experienced.
- 8.10 Given the siting, height/scale of both the proposed extension and garden shed, the proposed development will not otherwise significantly harm the amenity afforded to neighbouring properties and will not introduce any significant overbearing effects upon the rear amenity spaces most enjoyed by their occupants. Furthermore, the proposal does not contain window opening's that will harm the privacy afforded to adjoining dwellings living space windows or rear amenity spaces. Nevertheless , a condition has been attached to the approval of this application that restrict further window openings to be sited within the proposed side extension's side elevation (east) without permission from the local planning authority.
- 8.11 Otherwise, given its design and siting the proposed outbuilding will not harm the amenity afforded to neighbouring dwellings and therefore accords with SADPM policy DM10 and the associated recommendations of the Good Design Guide.

Impact upon highway safety

- 8.12 Policy DM18 of the SADMP requires new development to provide an appropriate level of parking provision to serve the development proposed. However, in this case no further bedroom spaces are proposed. The Leicestershire Highways Design Guide requires there is sufficient accommodation for vehicles and recommends that at least three off-street parking spaces are retained for dwellings with four or more bedrooms. The host dwelling at present provides four-five parking spaces, and moreover the proposal will not result in the loss of existing of street parking space.
- 8.13 The proposal will not otherwise compromise the access arrangements from the host dwelling to the adjoining highway and will not introduce any features that will harm the safety of highway of users of the adjoining highway network. Therefore, the application complies with Policies DM17 and DM18 of the SADMP.

Drainage and construction detail

- 8.14 Comments received from the neighbouring property (No.120) regarding concerns about site drainage/provision of rain water collection are noted.
- 8.15 The proposed plans and drawings do not identify the provision or location of rainwater collection goods or site drainage. However, such provision would not be a material planning consideration and matters of provision of adequate surface water drainage from the proposed structure would be subject to relevant building

regulations. Moreover, issues regarding potential damage/disturbance/flooding to neighbouring properties as a result of the proposed development would be a civil matter, and if necessary, any agreements or compensation regarding construction of development on or adjacent to boundary/property belonging to the adjoining landowner(s) would need to be sought via relevant legislation i.e Party Wall Act.

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 proposed development would respect the scale and character of the existing dwelling and street scene, retain adequate private amenity within the curtilage and would not adversely affect the amenities of the occupiers of neighbouring properties. In addition sufficient off-street parking provision would be available on the site. On this basis, the proposal is therefore considered to be in accordance with Policies DM10, DM17 and DM18 of the SADMP and the relevant criteria from Policy 22 (Development & Design) of the Earl Shilton Area AAP and is 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Location Plan
- Parking Plan
- Proposed Front Elevation (view from public highway)
- Proposed Rear Elevation (view from college football field)
- Proposed site plan.

All received by the local planning authority 30th August 2024

- Proposed side elevation, left hand (view from No.124)
 - Proposed side elevation, right hand (view from No.120)
- Both received 21st November 2024.

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).

2. The materials to be used on the external elevations of the proposed extension and outbuilding (shed) shall accord with the proposed materials schedule found within the planning application form submitted as part of this approved application

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. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no window(s) other than those approved under this permission shall be inserted into the side (east) elevation of the proposed extension unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties 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. Development (above or beneath ground level) that is located upon or adjacent to a common boundary or property belonging to the adjoining landowner may be subject to the Party Wall Act (1996). The Act provides a framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls and excavations near neighbouring buildings. Anyone intending to carry out work (anywhere in England and Wales) of the kinds described in the Act must give Adjoining Owners notice of their intentions.

