

Delegated Report

Planning Ref: 25/00519/CONDIT
Applicant: Mrs E Clark
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: The Upside 27 Lindridge Lane Desford

**Proposal: Application to vary condition 3 on planning permission 24/00771/HOU.
Amendments to approved plans**

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 24/00771/HOU granted full planning permission for the demolition of the existing garage and erection of a two storey rear/side extension at The Upside, 27 Lindridge Lane, Desford. 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 3 of that planning permission. The application proposes an increase to the width of the two-storey extension by 0.10 metres, the depth by 0.03 metres, the eaves by 0.42 metres and the ridge by 0.50 metres. A 3.05 metre garage door is to replace the existing dual garage door/store door to the front ground floor elevation, a half glazed door is to replace the existing window and the existing half glazed door is to be set forward by 0.54 metres to the south-east side ground floor elevation, the Juliette balcony to the first floor rear elevation is to be reduced by 0.14 metres in height along with the removal of the arch detailing to the door hosting the ground floor, the set of bi-fold doors to the north-west ground floor elevation are to be removed, the number of roof lights to the north-west of the roof pitch is to be reduced from six to two and a number of solar panels are to be installed to the south-east roof pitch.
- 2.3. The footprint of the single-storey garden room is to be increased to sit 0.13 metres behind the rear elevation of the kitchen, featuring a flat roof measuring 3.50 metres in height (including the proposed roof lantern. Additional alterations include the addition of a set of sliding doors.
- 2.4. The original external materials are to remain unchanged.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two storey detached dwelling situated within, but to the edge of the settlement boundary of Desford. The application dwelling comprises an 'L' shaped footprint, with the use Oakthorpe red multi blend brick to the walls, Spanish slate to the roof and timber to the windows.

- 3.2. The site can be accessed to the west of Lindridge Lane via an existing driveway situated between 25 and 34 Lindridge Lane. The access hosts the application dwelling along with 29 and 33 Lindridge Lane.
- 3.3. The construction of the dwelling was permitted in 2018 under application 18/00195/FUL along with the erection of three carports to serve the application dwelling, 29 and 33 Lindridge Lane.
- 3.4. Surrounding properties are detached, and occupy substantial plots and vary in style, design and age. The site is surrounded by a vast amount of open countryside to the rear. To the south-east of the site sits public footpath (R75 - From the Merrylees - Newbold Heath Road (opposite Heath Road)).

4. Relevant planning history

17/00576/OUT

- Erection of 1 dwelling and 3 carport structures (Outline - access, layout and scale only)
- Outline Planning Permission
- 03.11.2017

18/00195/FUL

- Erection of new dwelling and three carport structures and associated landscaping
- Planning Permission
- 18.04.2018

19/00296/DISCON

- Application to discharge conditions 3, 4 and 7 attached to planning permission 18/00195/FUL
- Discharged
- 14.05.2019

24/00771/HOU

- Demolition of existing garage and erection two storey rear/side extension
- Planning Permission
- 17.10.2024

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. Desford Parish Council;

- No comments have been received.

7. Policy

7.1. Desford Neighbourhood Plan 2018-2036

- Policy H1: Settlement Boundary
- Policy H7: Housing Design

7.2. Core Strategy (2009)

- Policy 7: Key Rural Centres
- 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 DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

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)
- Leicestershire Highways Design Guide (2024)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon parking provision
- Conditions

Assessment against strategic planning policies

8.2 Notwithstanding that a section of the application site is located in the countryside; the NPPF and Policy DM1 of the adopted Site Allocations and Development Management Policies provide a presumption in favour of sustainable development.

8.3 Policy DM4 of the adopted Site Allocations and Development Management Policies sets out the circumstances in which development would be considered sustainable within the countryside, such as a householder application which leads to the enhancement of the immediate setting and does not impact upon the intrinsic value of the open character of the countryside.

8.4 This application seeks to vary condition 3 (plans) of planning permission 24/00771/HOU which granted consent for the demolition of the existing garage and erection of a two storey rear/side extension and therefore is a sustainable development within the countryside and acceptable in principle. Compliance with the relevant sections of Policy DM4 of the adopted Site Allocations and Development Management Policies will be assessed further in the following section.

Design and impact upon the character of the area

- 8.5 Policy DM4 of the adopted Site Allocations and Development Management Policies allows for sustainable development in the countryside where it meets specific criteria. Criterion b) allows for development where it is for the extension of the existing buildings which lead to the enhancement of the immediate setting and therefore the proposal is acceptable subject to 5 sub-criteria that must be also met. Criterion i) is most relevant and requires that the development represents no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location.
- 8.6 Policy DM10 of the adopted Site Allocations and Development Management Policies seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7 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.
- 8.8 Policy H7 of the Desford Neighbourhood Plan seeks to ensure that all new development proposals enhance and reinforce the local distinctiveness of the character of the area in which it is situated. Care should be taken to ensure that development does not disrupt the visual amenities of the street scene and impact negatively on significant wider landscape views.
- 8.9 The Council's Good Design Guide states that *'Two storey side extensions appear smaller in massing in order to be subordinate to the main building. Any proposal for a two storey side extension should be set down from the ridge of the existing house and set back from the front elevation (the minimum distance for this should be 0.5 metres in both directions).'*
- 8.10 The proposed amendments to the originally approved scheme include an increase to the width of the two-storey extension by 0.10 metres, the depth by 0.03 metres, the eaves by 0.42 metres and the ridge by 0.50 metres. The revised ridge would mirror that of the pre-existing rear facing gable, with the revised eaves being set down appropriately remaining to be a subordinate addition. The proposed increase to the depth and width would be insignificant ensuring appropriate set back distances remains bearing no further significant impacts upon the character of the area.
- 8.11 The Council's Good Design Guide states that *'Fenestration, including the scale, rhythm, proportions and elements of detail used for window and door openings plays a critical role in the success of housing design. In the case of residential extensions, care should be taken to ensure that the existing horizontal and vertical rhythm together with the proportion of openings is either reflected or complemented.'*
- 8.12 A 3.05 metre garage door is to replace the existing dual garage door/store door to the front ground floor elevation, a half glazed door is to replace the existing window and the existing half glazed door is to be set forward by 0.54 metres to the south-east side ground floor elevation, the Juliette balcony to the first floor rear elevation is to be reduced by 0.14 metres in height along with the removal of the arch detailing to the door hosting the ground floor, the set of bi-fold doors to the north-west ground floor elevation are to be removed, the number of roof lights to the north-west of the roof pitch is to be reduced from six to two, a number of solar panels are to be installed to the south-east roof pitch and a set of sliding doors are to be installed to the garden room. The proposed revisions to the fenestration would be insignificant and the openings would remain to respect the existing design, scale and finish of the existing.

- 8.13 The Council's Good Design Guide states that '*Rear extensions should be designed to be clearly subordinate to the main dwelling. They should also be an appropriate height, width, depth and reflect or complement the detailing and materials of the original building.*'
- 8.14 The footprint of the single-storey garden room is to be increased to sit 0.13 metres behind the rear elevation of the kitchen, featuring a flat roof measuring 3.50 metres in height (including the proposed roof lantern). A significant increase to the originally approved scheme, although not inappropriate. It would be screened by both rear projecting gables and would remain to be clearly subordinate to the main dwelling whilst respecting its detailing and materials.
- 8.15 It is considered that the variations to the fenestration along with the footprint, eaves and ridge heights eaves and ridge heights would continue to respect and complement the scale, character and appearance of the existing dwelling and the wider countryside. The proposal would adhere to Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies and Policies H1 and H7 of the Desford Neighborhood Plan and the Councils Good Design Guide in this aspect.

Impact upon neighbouring residential amenity

- 8.16 Policy DM10 of the adopted Site Allocations and Development Management Policies states that proposals should not adversely affect the occupiers of the neighboring properties.
- 8.17 By virtue of the siting, scale, design and separation distances, relatively minor amendments to fenestration, footprint, eaves and ridge heights are not considered to result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposal as amended is therefore considered to remain in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies and the adopted Good Design Guide. No objections to the as-built development have been received through the public consultation process.

Impact upon parking provision

- 8.18 Policy DM18 of the adopted Site Allocations and Development Management Policies seeks to ensure that development would provide an appropriate level of parking provision, and that there would not be a significant adverse impact upon highway safety
- 8.19 Policy H7 of the Desford Neighbourhood Plan seeks to ensure that adequate off-road parking is provided.
- 8.20 Section 116 of the National Planning Policy Framework (NPPF) (2024) states that "*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*"
- 8.21 Part 4 of the Leicestershire Highways Design Guide seeks to ensure that dwellings with four or more bedrooms host a minimum of three off-street parking spaces.
- 8.22 Part 3, Section 3.200 of the Leicestershire Highways Design Guide seeks to ensure that garages host the following minimum internal measurements 6.00 metres x 3.00 metres, with minimum door width of 2.30 metres.
- 8.23 The proposed extensions would include the addition of a bedroom, increasing the dwelling from a four to a five bedroom requiring three off-street parking spaces to

be provided. The proposed garage would host the following internal measurements, 5.36 metres x 2.86 metres, with a door width of 2.70 metres, not complying with the recommended measurements set out within the Leicestershire Highways Design Guide and not being able to be accounted towards the sites parking provision. Notwithstanding this, the front of the site would remain to host a generous area of gravelled hardstanding suitable to host three off-street parking spaces as demonstrated by the Parking Provision as submitted to the Local Planning Authority on the 10th July, leaving a suitable parking provision.

- 8.24 By virtue of the above the proposal would therefore have no adverse impacts upon highway safety and would therefore be in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies, Policy H7 of the Desford Neighbourhood Plan, Section 116 of the National Planning Policy Framework (NPPF) (2024) and the Leicestershire Highways Design Guide standards.

Conditions

- 8.25 The previously approved planning permission 24/00771/HOU was subject to 3 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. The materials are unchanged and therefore Condition 2 (external materials) remains necessary. Condition 3 (plans) would need to be amended to refer to the plans submitted and approved under this application to define the new permission. 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 Desford 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 fenestration, footprint, eaves and ridge heights of the previously approved extension are considered to continue to respect and complement the scale, character and appearance of the existing dwelling and wider street countryside 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, DM4, DM10 and DM18 of the adopted Site Allocations and Development Management Policies and Policies H1 and H7 of the Desford Neighborhood Plan, Section 116 of the National Planning Policy Framework (NPPF) (2024), the Councils Good Design Guide and the Leicestershire Highways 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 17th October 2024, the date of the original permission (reference; 24/00771/HOU).

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 originally approved application form (reference; 24/00771/HOU), as received by the Local Planning Authority on the 8th August 2024.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM1, DM4, DM10 and DM18 of the adopted SADMP, Policies H1 and H7 of the Desford Neighborhood Plan, the adopted Good Design Guide, Section 116 of the National Planning Policy Framework (NPPF) (2024) and the Leicestershire Highways 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 Floor Plans, Drg No. 24_4412_13 C; and
- Proposed Elevations, Drg No. 24_4412_14 C;
As received by the Local Planning Authority on the 23rd May 2025.
- Parking Plan as received by the Local Planning Authority on the 10th July 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM10 and DM18 of the adopted SADMP, Policies H1 and H7 of the Desford Neighborhood Plan, the adopted Good Design Guide, Section 116 of the National Planning Policy Framework (NPPF) (2024) and the Leicestershire Highways Design Guide standards.

8.1. 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.
- b) This proposal does not grant consent for the change of use of any land to residential garden; such proposals will need full planning permission.