

Delegated Report

Planning Ref: 23/00782/HOU
Applicant: Samantha Gibbons
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 51 Desford Road Newbold Verdon Leicester

Proposal: Part single storey and two storey rear extension and front canopy

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning consent for a part single storey and two-storey rear extension and front canopy at 51 Desford Road, Newbold Verdon.
- 2.2. The proposed front canopy would feature a width of 8.65 metres and a depth of 1.10 metres. It would feature a mono-pitched roof measuring 3.30 metres to the ridge and 2.50 metres to the eaves.
- 2.3. The proposed rear extension would project outwards from the existing rear elevation by 4.00 metres and would feature a width of 8.65 metres. The single storey element of the extension would feature a flat roof measuring 3.22 metres in height and the two-storey element would feature a hipped to gable roof measuring 4.83 metres to the eaves and 6.94 metres to the ridge.
- 2.4. The rear extensions would replace the existing single storey rear conservatory.
- 2.5. The proposed external materials would match those of the existing dwelling.

3. Description of the site and surrounding area

- 3.1. The application site relates to a detached two-storey dwelling situated within the settlement boundary of Newbold Verdon. The application dwelling comprises the use of red brick and cream render to the walls, brown interlocking tiles to the roof and white uPVC to the windows and doors. The north (front) elevation hosts a mono-pitched porch canopy measuring approximately 5.00 metres in width and approximately 1.10 metres in depth.
- 3.2. The dwelling is set back from the highway, Desford Road by approximately 9.00 metres and features a generous tarmac hardstanding to north (front) suitable for up to three off-street parking spaces. The hardstanding is bordered by a strong 1.00 metre hedgerow line.
- 3.3. The street scene is relatively uniform in scale and design, however varied in finish. Desford Road is predominantly residential in nature, surrounded by a vast percentage of Greenland to the north.

4. Relevant planning history

77/00550/4M

- EXTENSION TO DWELLING

- PER
- 12.05.1977

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. Two objections have been received which are summarised below;

- The 4.00 metre extension is excessive
- The rear extension will result in the loss of light
- Increase in our electricity bills because we will have to have our kitchen light on all day long, which will not only be costly but also will be detrimental to the environment.
- Currently both properties benefit from 180 degrees of light and views as the rear elevations (south facing walls) are almost flush. If the plans were to go ahead, the above property will still retain their light/views whereas it will greatly impact ours, leading to an overwhelming feeling of claustrophobia and a feeling of being blocked in
- The proposed extension will seriously block our view of the sky, the sunset and the surrounding natural environment which is very important to us.
- The proposed extension may be in breach of both the 45 and 25 degree rules.
- The proposed extension make our property much less desirable and significantly devalue our property.
- My Partner and I both work from home and the noise and disturbance will be extremely detrimental to our ability to run each of our individual businesses, especially when taking phone calls and conducting meetings, which would in turn have an impact on our livelihood and lifestyle.
- Dirt, dust and debris whilst the building is in progress will infiltrate the house, the garden and the garden pond. We will not be able to have the windows open to ventilate the house, providing us with clean breathable air which will be very problematic as my partner has breathing difficulties.
- In order for the property at 51 Desford Road to extend further to the rear, the east facing wall that sits directly on our boundary line (as previously mentioned) would also have to be extended. To do this, groundworks and foundations for the extended east facing wall would need to be dug, partially on our property, requiring access to our property and requiring the recently paved walkway down the side of our house to be removed. We will also not be able to use the side entry to our property whilst building is in progress. Our gardener requires this access at all times to enable him to bring supplies and garden maintenance equipment into the garden at the rear and also to remove the green waste etc from the garden. Additionally, the side passageway is our fire exit way to safely evacuate the property in case of emergency e.g. fire or gas safety issues.
- Further to the above point, we have gone to great lengths and expense to ensure that our property boundary is secure and is also safe for our dog to run freely in the garden. As our adjoining boundary wall would have to be removed to make way for the extension, it would leave the rear of our property unsecure and could be potentially hazardous to our dog's safety while the building is in progress.

6. Consultation

6.1. Newbold Verdon Parish Council;

- No objections have been received.

6.2. LCC Ecology;

04.09.2023 -

"I am writing in respect of ecological matters for the above application advice request regarding the proposed Part single storey and two storey rear extension and front canopy.

I have reviewed the following documents on the Hinkley & Bosworth Borough Council's online planning portal.

- *Site Location Plan, Block Plan, Existing Elevations, Proposed Elevations*

I have also consulted Leicestershire and Rutland Environmental Records Centre (LRERC) for existing protected species data and designated sites within the locality, which may incur potential impacts depending on the proposals. The search identified the records of common pipistrelle bat and hedgehog at the southern boundary.

Due to the proposed extension of the existing structure, additional information is required in relation to roosting bats. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017.

For any planning application triggering the need for a bat survey, the following documents should be submitted to allow determination of the application:

1. *A Preliminary Roost Assessment and any further surveys recommended by the licensed ecologist (e.g. Presence/Absence Survey and Roost Characterisation Survey).*
2. *A site plan showing any mitigation and enhancements being offered for bats (e.g. bat box locations, bat loft locations with measurements and internal details).*
3. *A lighting plan showing location and specification for any proposed lights on the site. The lighting plan should reflect the Bat Conservation Trust's Bats and Lighting in the U.K. guidance.*

*All bat surveys should be carried out by an experienced, licensed ecologist and in accordance with the Good Practice Guidelines. Mitigation should be designed in line with Natural England's Bat Mitigation **RED KITE NETWORK LIMITED** The Old Church, Park Avenue, Madeley, Telford, TF7 5AB t 01952 582111 e info@redkitenetwork.co.uk w www.redkitenetwork.co.uk Registered in England & Wales No: 8169295*

Guidelines. Any deviation from the methods, level or timing of surveys set out in the Good Practice Guidelines should be accompanied by a reasoned evidence statement from the licensed ecologist carrying out the survey clarifying how the sub-optimal survey is ecologically valid.

A list of consultants able to do this work is available on via the CIEEM website here: <https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx>.

The applicant should always check or request that the ecologist they select has the relevant protected species survey licences issued by Natural England. Without a valid survey licence, the report provided by an ecologist will not be considered adequate by the Local Planning Authority."

29.02.2024 -

"I am writing in respect of ecological matters for the above application advice request regarding the proposed part single storey and two storey rear extension and front canopy.

Thank you for reconsulting me following my comments in September 2023 requesting additional supporting information in relation to roosting bats and breeding birds. I have reviewed the most recently uploaded documents on Hinckley & Bosworth Borough Council's online planning portal as follows;

- *45 Degree Angle, Amended Proposed Elevations, and Amended Floor Plans.*

None of the above additional documents address my original concerns and therefore my holding objections stands."

20.03.2024 -

"I am writing in respect of ecological matters for the above application advice request regarding the proposed part single storey and two storey rear extension and front canopy.

Thank you for reconsulting me following my comments in September 2023 and February 2024 requesting additional supporting information in relation to roosting bats and breeding birds. I have reviewed the most recently uploaded documents on Hinckley & Bosworth Borough Council's online planning portal as follows;

- *Preliminary Roost Assessment.*

The 'Preliminary Roost Assessment' report dated November 2023 completed by Midland Ecology is acceptable. The assessment identified that the structure to be extended was of low bat roost potential and therefore impacts upon roosting bats cannot be fully understood until a single additional bat presence/likely absence survey is undertaken in accordance with the recommendations set out within Section 4.2 of the report.

I therefore have a holding objection until the outstanding information is provided, please reconsult with me once this has been made available."

08.04.2024 -

"In this instance because the building has been assessed as having low potential for bats (which I agree with) I wouldn't insist on the one activity survey being carried

out prior to determination. If it had higher potential or if evidence of bats had been found, that would be different.”

Planning Officer Note – Following being made aware of a damp issue at the site contact was made with LCC Ecology. The request for a further survey has since been withdrawn by LCC Ecology.

7. Policy

7.1. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- 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 the parking provision
- Other matters

Design and impact upon the character of the area

8.2 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.3 An existing front canopy sits to the north (front) elevation of the dwelling measuring 5.10 metres in width. The proposed front canopy would feature a width of 8.65 metres and therefore the existing front canopy would feature an increase in width by 3.55 metres. The depth, eaves and ridge height would replicate the existing and therefore would remain subordinate to the existing dwelling.

8.4 The front entrance would be re-located from the west elevation to the north elevation of the dwelling to replace the existing bay window. A window would be situated to the position of the existing front door, and the single pane window to the north elevation would be replaced with a full-length window.

8.5 The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and 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.' and,

'Flat roofs on extensions will not normally be considered appropriate where they do not form part of the original design of the house, however in some circumstances where they are not visible from the public realm and the use of a flat roof may result in a reduced visual impact, they may be considered acceptable, particularly if designed with a contemporary aesthetic style.'

- 8.6 The extension element of the proposal would be sited to the rear of the dwelling and would replace the existing single storey conservatory at the site. The single storey element of the proposal would measure 2.85 in width and the two storey element of the proposal would measure 5.80 metres in width hosting a combined width of 8.65 metres. The extension as a whole would project outwards from the existing rear elevation by 4.00 metres, 1.55 metres larger than the existing rear extension.
- 8.7 The single storey element of the extension would feature a flat roof measuring 3.22 metres in height, 0.12 metres larger than the existing extension. The existing dwelling does not host a flat roof design at current, however by virtue that the extension is not viewable from a public realm and would result in a reduced visual impact upon the neighbouring dwelling to the east it is considered to be an acceptable addition. It would be constructed adjacent to a similarly sized/scaled single storey conservatory extension attached to the rear of 53 Desford Road. By virtue of its siting to the rear, modest depth, appropriate width and clearly subordinate flat roof design and the proposed use of matching external materials to ensure a unified appearance, the proposed single storey rear extension is considered to respect and complement the scale, character and appearance of the existing dwelling and the similar extension on the adjoining neighbouring dwelling.
- 8.8 The two-storey element would feature a hipped to gable roof with a matching eaves height of 4.83 metres and a ridge height of 6.94 metres forming a subordinate roof design. By virtue of its siting to the rear, modest depth, appropriate width and clearly subordinate roof design with matching eaves and subordinate ridge height together with appropriate window style and proportions and the proposed use of matching external materials to ensure a unified appearance, the proposed two storey rear extension would respect and complement the scale, character and appearance of the existing dwelling.
- 8.9 Two additional windows are proposed to the western side elevation. One would be situated to the first floor elevation of the existing dwelling and the other would be situated to the ground floor of the proposed extension.
- 8.10 The southern elevation would feature two additional windows and a set of French doors along with full length windows. One existing window is to remain.
- 8.11 By virtue of their siting, scale, design and appearance the proposals are considered to be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.12 Policy DM10 of the adopted SADMP and the adopted 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.
- 8.13 The Council's adopted Good Design Guide provides advice in respect of the 45 degree wall:

“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.”

“If the neighbouring property has already been extended, the 45 degree line is drawn from the nearest habitable room window of that extension, provided it is the window most likely to be affected.

*When **both properties have been extended**, any further extensions will be looked at on their merits as long as they leave enough garden area.”*

- 8.14 A 45° plan has been submitted measuring 45 degrees from the adjacent first floor window of the property to the east. The single storey element would not protrude beyond the neighbours conservatory at ground floor. The two-storey element would sit 2.80 metres in from the single storey element and would therefore would not breach the 45 degree rule.
- 8.15 No additional windows are proposed to the eastern elevation.
- 8.16 The proposed extension would project 4.00 metres further than the existing rear elevation of the application dwelling, 49 Desford Road would, however would still sit approximately 4.10 metres forward of the proposed rear extension. The extension would leave an approximate 4.55 metre separation distance between the application dwelling and the neighbouring dwelling to the west, 49 Desford Road. Concerns have been raised in regards to the loss of light to the side kitchen/utility room windows to the west. The windows in question would not be classed as principal windows. The window to the side kitchen is not the main window that the kitchen hosts and the utility space is not a principal space by virtue of this there is not considered to be a detrimental impact upon the occupiers of 49 Desford Road.
- 8.17 Two additional windows are proposed to the western elevation. To the first floor of the existing dwelling a two pane window is proposed and to the ground floor of the proposed extension a four pane high level window. A condition has, however been imposed requiring the windows to be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale, non-openable and maintained in perpetuity to ensure that there would not be any adverse overlooking or impacts from the proposed development.
- 8.18 Concerns have also been raised in regards to the disruption to neighbouring dwellings during construction. Due to the application being a minor householder application it is not considered to be necessary to implement a condition in regards to construction times. It is, however a matter that the Local Planning Authority advise the applicant and neighbours mediate between each other.
- 8.19 The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Design Guide.

Impact upon the parking provision

- 8.20 Policy DM18 requires the provision of adequate parking provision to serve development.
- 8.21 The proposed front canopy would reduce the hardstanding to the front of the dwelling by 1.70 square metres and would therefore not have a significant impact upon the parking provision at the site.
- 8.22 No additional bedrooms are proposed to the dwelling. The site currently provides ample off-street parking and turning space on hard standing within the extensive

plot to serve the existing/resulting four bedroomed dwelling and this provision would be unaffected by the proposed rear extension.

- 8.23 The proposed development would therefore satisfy Policy DM18 of the SADMP and the Leicestershire Highways Design Guide in this regard.

Other matters

- 8.24 Further objections have been received in regards to the increase in the use of electricity at the dwelling, the loss of surrounding views and the devaluing of neighbouring dwellings. Please note that the above points raised would not be classed as material planning considerations. The relevant points raised by the two objections have been summarised above.

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 proposed development is for a property located within the settlement boundary of Newbold Verdon. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, as long as the proposal is in accordance with the relevant policies of the SADMP.
- 10.2. The proposed development would complement the character and appearance of the host dwelling, and would not cause any adverse impacts upon the visual amenity of the surrounding area or the neighbouring amenity of occupants surrounding the application site. The proposal would neither cause any adverse impacts upon the parking provision at the site. On this basis, the proposal is therefore considered to be in accordance with Policy DM1, DM10 and DM18 of the SADMP. The proposal 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 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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 10th August 2023.

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).

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

- Site Location Plan
- Block Plan
as received by the Local Planning Authority on the 10th August 2023.
- Plan showing 45 degree angle
as received by the Local Planning Authority on the 17th September 2023.
- Amended Proposed Elevations
- Amended Proposed Floor Plans
as received by the Local Planning Authority on the 21st February 2024.

Reason: To ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The windows to the ground floor and first floor west elevation 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 DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.