Delegated Report

Planning Ref: 23/00715/HOU
Applicant: Mr and Mrs Richardson
Ward: Burbage Sketchley & Stretton

Hinckley & Bosworth Borough Council

Site: 15 Brockhurst Avenue Burbage Hinckley Leicestershire LE10 2HG

Proposal: Single storey rear extension

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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 full planning permission for a single storey rear extension, following the removal of existing conservatory at 15 Brockhurst Avenue.

2.2. The proposed extension extends 3.68 metres in depth from the rear elevation with a width of 6.21 metres. It has a pitched roof with an eaves height of 2.47 metres and a ridge height of 4.16 metres. The extension has 4 rooflights, create living room and kitchen at the rear. White smooth render and concrete interlocking to match the existing corresponding external materials are proposed.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the urban settlement boundary of Burbage within a row of similar two storey semi-detached dwellings and single storey bungalows. The dwelling is a semi-detached two storey house with hipped pitched roof form, constructed with brick and white render to upper half of the dwelling, plain roof tiles and white uPVC windows. The dwelling has an attached garage, a front hardstanding driveway, an existing conservatory to the rear. The site is not within a conservation area and the dwelling is not listed.

4. Relevant planning history

None.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. No responses have been received as a result of public consultation.

6. Consultation

6.1. Burbage Parish Council has no objection to the application.

7. Policy

- Burbage Neighbourhood Development Plan (BNDP) 2015-2026 (2021)

7.2. Core Strategy (2009)

- No relevant policies

7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development

- Policy DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF 2021)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Local Highway Authority Design Guide

8. Appraisal

8.1. Extensions to existing domestic properties within urban 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 area
- Impact upon neighbouring residential amenity
- Impact upon parking provision

Design and impact upon the character of the area

8.2 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. Burbage Neighbourhood Plan (BNDP) contains no relevant policies for domestic extensions but refers to the materials, design and scale of extension and alterations being compatible with the original building. 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.'

8.3 The proposed rear extension measures 3.68 metres in depth from the rear elevation with a width of 6.21 metres, just inside the side boundary of the site. The extension has a pitched roof with an eaves height of 2.47 metres and a ridge height of 4.16 metres below the window sill at the rear elevation. The roof design reflects the existing roof of the main dwelling. The height, depth and scale are considered appropriate and as a result, the proposal is clearly subordinate the existing dwelling. The extension has 4 rooflights, white smooth render and concrete interlocking tiles to match the existing corresponding external materials.

8.4 By virtue of its position to the rear and single storey scale, the design, and appearance, the proposed work does not have any significant adverse visual impact on the existing dwelling or wider street scene. The proposal is considered to be acceptable in design terms and respect the scale and character of the area. Therefore, the proposed development is in accordance with Policy DM10 of the adopted SADMP, the Burbage Neighbourhood Plan and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

8.5 Policy DM10 of the adopted SADMP and the adopted Good 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. The 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.'

8.6 The adjoining semi-detached dwelling to the northeast (No. 13) has a single storey rear extension just set in from the boundary. The proposed extension does not impact on the neighbouring extension as it has lower eaves and pitches away from the existing 2 metres high fence that separates the gardens of 13 and 15 Brockhurst Avenue. The extension has no side facing windows, it is single storey in scale and set to the rear. The extension has no significant impact on the adjoining properties in terms of overlooking, overbearing impact and loss of privacy. It does not impact on the amenity space and has no conflict in terms of the 45 degree rule.

8.7 By virtue of its modest scale, lower eaves height and roof form that pitches away from the side boundary, there is no significant impact on neighbouring properties or unacceptable adverse overbearing or overshadowing impact on adjoining properties. No objection to the proposal has been received from the adjoining occupiers.

8.8 Therefore, the proposal is in accordance with Policy DM10 of the adopted SADMP, the Burbage Neighbourhood Plan and the Good Design Guide.

Impact upon highway safety

8.9 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.

8.10 The dwelling has a garage, and two off-street car parking spaces to the front serving the existing three bedroomed dwelling. There is no additional bedroom as a result of the proposal and the existing provision is adequate to meet the off-street parking standard requirements of the local highway authority design guide which requires two parking spaces for dwellings of three bedrooms or less. The application dwelling is located in a highly sustainable urban location with a considerable access to public transport. The existing provision is not affected by the proposal and retained and therefore is in accordance with Policy DM18 of the adopted SADMP.

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 The equality implications arising from this application relate to the protected characteristics of a family member of the applicant who has health impairment, and the accommodation needs of the occupiers have been taken into consideration in the assessment of this application in relation to Policy DM10 of the adopted SADMP and the design guidance within the National Planning Policy Framework (2021).

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 and alteration to an existing dwelling within the urban settlement boundary of Burbage 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. By virtue of its siting to the rear, single storey scale, roof design and pitching roof, lower eaves, and not impacting on amenity space, and subject to the proposed use of matching external materials, the proposal is considered to respect and complement the scale, character and appearance of the existing dwelling and does not significantly impact on the visual impacts on the dwelling or the residential amenity or privacy of any neighbouring properties. Adequate private amenity space and off-street parking spaces are retained to serve the dwelling. The proposal is in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the Burbage Neighbourhood Plan and the general principles of the adopted Good Design Guide 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: Site

Location and Block Plan Drawing No. 05 and Proposed Floor Plan and Elevation Drawing No. 02B received by the local planning authority on 20 July 2023.

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).

3. The materials to be used on the external elevations of the proposed extension and alteration hereby permitted shall match the corresponding materials on the approved plans and elevation.

   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).

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.